

# NOTICE OF MEETING

www.rbwm.gov.uk



## MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

will meet on

**WEDNESDAY, 13TH FEBRUARY, 2019**

at

**7.00 pm**

in the

### **COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD**

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

COUNCILLOR DEREK WILSON (CHAIRMAN)  
COUNCILLOR LEO WALTERS (VICE-CHAIRMAN)  
COUNCILLORS MAUREEN HUNT, RICHARD KELLAWAY, PHILIP LOVE,  
DEREK SHARP, ADAM SMITH AND CLAIRE STRETTON

SUBSTITUTE MEMBERS

COUNCILLORS GERRY CLARK, CARWYN COX, JUDITH DIMENT, GEOFF HILL,  
MOHAMMED ILYAS, MARION MILLS, MJ SAUNDERS AND LISA TARGOWSKA

Karen Shepherd – Service Lead - Governance  
Democratic Services

Issued: Tuesday, 5 February 2019

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](http://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](mailto:democratic.services@rbwm.gov.uk)

**Accessibility** - Members of the public wishing to attend this meeting are requested to notify the clerk in advance of any accessibility issues

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

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

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

## **AGENDA**

### **PART 1**

ITEM	SUBJECT	WARD	PAGE NO
1.	<b><u>APOLOGIES FOR ABSENCE</u></b> To receive any apologies for absence.		
2.	<b><u>DECLARATIONS OF INTEREST</u></b> To receive any declarations of interest.		3 - 4
3.	<b><u>MINUTES</u></b> To confirm the part I minutes of the meeting of 16 January and 23 January 2019.		5 - 12
4.	<b><u>PLANNING APPLICATIONS (DECISION)</u></b> 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 at <a href="http://www.rbwm.gov.uk/pam/search.jsp">http://www.rbwm.gov.uk/pam/search.jsp</a> .		13 - 108
5.	<b><u>ESSENTIAL MONITORING REPORTS (MONITORING)</u></b> To consider the Appeals Decision Report and Planning Appeals Received.		109 - 110

## **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.***

# Public Document Pack Agenda Item 3

## MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

16.01.19

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

Officers: Mary Severin (Monitoring Officer), Daniel Bayles, Chris Duncan, Jenifer Jackson (Head of Planning), Shilpa Manek, Sean O'Connor (Solicitor - Shared Legal Solutions), Gordon Oliver (Principal Transport Policy Officer) and Ashley Smith (Deputy Head of Planning)

Also Present:

5 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Walters, Councillor Clark attended as a substitute.

6 DECLARATIONS OF INTEREST

Declarations of interest were received from Councillors Kellaway, Love and Wilson for items 4 and 5 as they were all members of the Maidenhead Town Partnership Board. They all had a personal interest and were all attending the meeting with an open mind.

7 MINUTES

**Resolved unanimously: That the minutes of the meeting on 17 December 2018 and 19 December 2018 were agreed as a true and accurate record.**

8 TO CONSIDER A REPORT FROM THE HEAD OF PLANNING

Jenifer Jackson, Head of Planning, introduced the report.

Councillors Hill and Majeed addressed the Panel for up to three minutes each.

Councillor Derek Wilson read out a personal statement.

The Legal Officer, Sean O'Connor, advised the Panel that they would either be voting for the officer recommendations, if they felt a mistake had been made by Councillor Derek Wilson whilst the Panel had voting at the previous meeting on 17 December 2018 for the refusal of application 18/02105/FULL, Land To The South of Stafferton Way And East of Vicus Way Maidenhead, or they would be voting to reject the officer recommendations or they could abstain. If the Panel agreed with the officer recommendations and voted that a mistake had been made, the previous resolution would be rescinded and the Panel would consider Item 5 on the Agenda. If the Panel did not agree with the officer recommendation, the previous decision would stand and Item 5 would not be heard.

Councillor Stretton proposed to refuse to rescind the previous resolution on application 18/02105/FULL contrary to the Officers recommendation.

Councillor Kellaway proposed to accept the Officers recommendation. This was seconded by Councillor Love.

Councillor Hunt seconded the first proposal to refuse to rescind the previous resolution contrary to the Officers recommendation that had been proposed by Councillor Stretton.

A named vote was carried on the motion that had been proposed and seconded, to accept the Officers recommendation, to rescind the previous resolution of the Panel on application 18/02105/FULL.

Six Councillors, Bullock, Clark, Kellaway, Love, Smith and Wilson voted for the motion. Three Councillors, Hunt, Sharp and Stretton voted against the motion.

**Resolved: That the Panel Agreed officer's recommendation be ACCEPTED and the previous resolution be rescind. The Panel would now move to Item 5 on the Agenda.**

As a result of the named vote result, the second motion fell.

## 9 PLANNING APPLICATIONS (DECISION)

The Panel considered the Head of Planning report on planning applications and received a panel update, following the publication of the agenda.

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

**\*18/02105/FULL**

### **Land To The South of Stafferton Way And East of Vicus Way Maidenhead**

Erection of five storey split-deck multi-storey car park with access and associated landscaping following removal of existing slab and hardstanding (Regulation 3 application).

Councillor Stretton proposed a motion to REFUSE the application for the following eight reasons:

- Loss of employment site and further loss would undermine the employment strategy set out in the BLPSV contrary to emerging policy ED2.
- Another site is allocated in policy OA6 of the AAP for a car park and no evidence has been submitted to support the construction of a car park on this site, it is therefore contrary to policy.
- The bulk, mass and scale, is incongruous in the context of nearby dwellings contrary to Local Plan policy DG1, AAP policies MTC1 and MTC4 and policies SP1 and SP2 of BLPSV which indicate high quality development compatible with their location and contribute to community integration. The proposal is poor design contrary to Section 12 NPPF. The proposal would result in an overbearing impact as a result of height and location resulting in loss of sunlight and adversely affecting amenity and quality of life of those nearby occupiers. Contrary to SP3 BLPSV.
- History of antisocial behaviour (ASB) in nearby car parks and the proposal is likely to attract ASB and the possibility of crime, including fear of crime. The location is unsuitable due to proximity to nearby dwellings. Whilst the operation of car park is unlikely to have observable impact on the local communities the application clearly did not take account of ASB contrary to para 127 of the NPPF.
- There is another site available and therefore the proposal has not passed the sequential test contrary to para 158 of the NPPF.

- RBWM is in the process of producing a strategy to deal with tall buildings and parking in the town centre and therefore this application is premature.
- Air Quality results on page 55 of report which are contrary to policy NAP3 of the adopted Local Plan and paragraphs 103 and 181 of the NPPF (2018).
- The points raised by the Access Advisory Forum about the difficulty to cross on Stafferton Way, especially for disabled people.

A second motion was proposed by Councillor Love to PERMIT the application as per Officers recommendation. This was seconded by Councillor Kellaway.

Councillor Hunt seconded the first motion proposed by Councillor Stretton to Refuse the application.

A named vote was carried out on the proposal made by Councillor Kellaway as that was seconded first by Councillor Love.

Six Councillors voted for the motion to permit the application, Councillors Bullock, Clark, Kellaway, Love, Smith and Wilson. Three Councillors voted against, Councillors Hunt, Sharp and Stretton.

**Resolved that: The Panel voted that the application be PERMITTED as per the Officers recommendation.**

As a result of the named vote, the second motion fell.

(The Panel were addressed by Non Konig, Stephen and Alexander Konig, Derek Philip-Xu, Sarah Storey, Mathilde Rossignol, Peter Lerner and Andrew Hill, Objectors. Matthew Blythin, Agent, Gurch Singh, resident, Councillors Hill and Majeed, Ward Councillors).

The meeting, which began at 7.00 pm, ended at 9.28 pm

Chairman.....

Date.....

This page is intentionally left blank



## MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

23.01.19

PRESENT: Councillors Derek Wilson (Chairman), Paul Brimacombe, Clive Bullock, Maureen Hunt, Richard Kellaway, Philip Love, Marion Mills, Derek Sharp and Adam Smith.

Officers: Tony Franklin (Planning), Jenifer Jackson (Head of Planning), Shilpa Manek and Sean O'Connor (Solicitor - Shared Legal Solutions)

Also Present: Councillor David Coppinger

### 10 APOLOGIES FOR ABSENCE

Apologies for absence received from Councillors Stretton and Walters. Councillors Brimacombe and Mills substituted at the meeting.

### 11 DECLARATIONS OF INTEREST

Declarations of Interest were received from the following Members:

Councillor Bullock declared a prejudicial interest in Item 5 as he had taken part in meetings with the applicants. Councillor Bullock left the Chamber and took no part in the discussions and the decision.

Councillor Hunt, who declared a Disclosable Pecuniary Interest in Item 3 as she owned a property in Maidenhead. Councillor Hunt left the Chamber and took no part in the discussions and the decision.

Councillors Love, Kellaway and Wilson declared a personal interest in Item 3 as they were all Members of the Maidenhead Town Partnership Board.

Councillor Wilson declared a personal interest in Items 4 and 6 as he was a Bray Parish Councillor but had attended the Panel with an open mind.

### 12 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.

**RESOLVED UNANIMOUSLY: That the order of business as detailed in the agenda, be amended.**

<b>*Item 2</b>  <b>18/02770/OUT</b>  <b>Field Adjacent To North West Corner of Grove Business Park Waltham Road Maidenhead</b>	<b>Erection of a single storey agricultural barn.</b>  Councillor Hunt proposed to move Officers recommendation to PERMIT the application subject to the two additional conditions referred to in the Panel Update. This was seconded by Councillor Love.  <b>It was Unanimously Agreed to</b>
--	---

	<p><b>PERMIT the application.</b></p> <p>(The Panel was addressed by Kevin Scott, Objector and Tom McCardle, Applicant's agent).</p>
<p><b>Item 4</b></p> <p><b>18/03098/FULL</b></p> <p><b>Sherringham</b>  <b>Moneyrow Green</b>  <b>Holyport</b>  <b>Maidenhead</b>  <b>SL6 2ND</b></p>	<p><b>Raising of main ridge to enable accommodation at first floor level with hip to half hip additions, front and rear dormers, first floor front and single storey rear extensions, enlargement of existing garage alterations and new cladding to external walls.</b></p> <p>Councillor Love proposed to move APPROVAL, against Officers recommendation as the application was not disproportionate to other neighbouring properties, had no significant effect on the character of the Green Belt and brought the dwelling up to functional size. These were considered to be Very Special Circumstances in these particular surroundings. This was seconded by Councillor Sharp. Councillors Love and Sharp agreed to delegate to the Head of Planning to include all planning conditions after confirming them with them first.</p> <p>A second motion was made by Councillor Smith and seconded by Councillor Wilson to move Officers recommendation but this motion fell.</p> <p>A named vote was carried out. Seven Councillors (Bullock, Brimacombe, Hunt, Kellaway, Love, Sharp and Mills) voted for the first motion to Approve the motion. Councillors Smith and Wilson voted against the motion.</p> <p><b>It was Voted to APPROVE the application.</b></p> <p>(The Panel was addressed by David Robertson and Sophie Gaskell, Applicants and Councillor David Coppinger, Ward Councillor).</p>
<p><b>Item 5</b></p> <p><b>18/03171/FULL</b></p> <p><b>46 Barn Drive</b>  <b>Maidenhead</b>  <b>SL6 3PR</b></p>	<p><b>Alterations to existing bay window, new front canopy, part single part two storey side extension, first floor rear extension with Juliette balcony and alterations to fenestration.</b></p> <p>Councillor Kellaway proposed to move Officers recommendation to PERMIT the application. This was seconded by</p>

	<p>Councillor Love.</p> <p><b>It was Agreed to PERMIT the application. Councillor Bullock was not present for the discussion and the vote. All Members except Councillor Smith voted for the motion. Councillor Smith was Against the motion.</b></p> <p>(The Panel were addressed by John Bowie. Objector and Adrian Collett, Applicants Agent).</p>
<p><b>Item 1</b></p> <p>17/03739/FULL</p> <p>Europa House Denmark Street Maidenhead SL6 7BN</p>	<p><b>Replacement industrial building (Class B).</b></p> <p>Councillor Hunt proposed to move Officers recommendation to PERMIT the application. This was seconded by Councillor Kellaway.</p> <p><b>It was Unanimously Agreed to PERMIT the application.</b></p>
<p><b>Item 3</b></p> <p>18/02873/FULL</p> <p>Zip Yard 98 High Street Maidenhead SL6 1PT</p>	<p><b>Enlargement and conversion of the first floor, construction of a new second and third(s) to provide 2 x 2 bedroom and 1 x 1 bedroom flats.</b></p> <p>Councillor Love proposed to move Officers recommendation to PERMIT the application. This was seconded by Councillor Wilson. Councillor Hunt was not present for the discussion and the vote.</p> <p><b>It was Unanimously Agreed to PERMIT the application</b></p>
<p><b>Item 6</b></p> <p>18/03294/OUT</p> <p><b>Land between The Lodge And Garden Cottage Fifield Road Fifield Maidenhead</b></p>	<p><b>Outline application for two dwellings with all matters reserved.</b></p> <p>Councillor Love proposed to move Officers recommendation to PERMIT the application. This was seconded by Councillor Kellaway.</p> <p><b>It was Unanimously Agreed to PERMIT the application</b></p>

### 13 ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel noted the appeal decisions.

The meeting, which began at 7.00 pm, ended at 8.47 pm

Royal Borough of Windsor and Maidenhead

Document Title: Minutes of the Maidenhead Development Management Panel – Wednesday, 23 January 2019

Author: Shilpa Manek

Chairman.....

Date.....

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

### Maidenhead Panel

13th February 2019

#### INDEX

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

<b>Item No.</b>	1	<b>Application No.</b>	18/02425/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	15
<b>Location:</b>	BCD Meetings & Incentives Ltd Bell Tower House Bell Street Maidenhead SL6 1BU						
<b>Proposal:</b>	New commercial development comprising x4 storey's with basement following demolition of the existing building.						
<b>Applicant:</b>		<b>Member Call-in:</b>	Not applicable		<b>Expiry Date:</b>	23 November 2018	
<b>Item No.</b>	2	<b>Application No.</b>	18/02677/FULL	<b>Recommendation</b>	REF	<b>Page No.</b>	29
<b>Location:</b>	Riders Country House Hotel Bath Road Littlewick Green Maidenhead SL6 3QR						
<b>Proposal:</b>	Change of use from C1 (Hotel) to (C2) Residential Care Home and alterations to fenestration						
<b>Applicant:</b>	Riders Carehome Ltd	<b>Member Call-in:</b>		<b>Expiry Date:</b>	13 November 2018		
<b>Item No.</b>	3	<b>Application No.</b>	18/03097/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	43
<b>Location:</b>	Unit 1 And 3 To 6 And 13 Lower Mount Farm Long Lane Cookham Maidenhead						
<b>Proposal:</b>	Continued use of units 1 and 3 to 6 and 13 (inclusive) for storage, business and industrial purposes						
<b>Applicant:</b>	Copas Farm Limited	<b>Member Call-in:</b>	Cllr M J Saunders		<b>Expiry Date:</b>	27 December 2018	
<b>Item No.</b>	4	<b>Application No.</b>	18/03253/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	52
<b>Location:</b>	Beenhams Farm Beenhams Heath Shurlock Row Reading						
<b>Proposal:</b>	Change of use from agriculture to mixed agriculture and D2 (Equestrian) use (polo) with associated parking and altered vehicular access from Cannon's Lane.						
<b>Applicant:</b>	Mr Fall	<b>Member Call-in:</b>		<b>Expiry Date:</b>	26 February 2019		

<b>Item No.</b>	5	<b>Application No.</b>	18/03373/FULL	<b>Recommendation</b>	REF	<b>Page No.</b>	63
<b>Location:</b>	Land To The South of Pool Farm Pool Lane Waltham St Lawrence Reading						
<b>Proposal:</b>	Importation of soil/dirt to help with drainage.						
<b>Applicant:</b>	Mr Fuller	<b>Member Call-in:</b>			<b>Expiry Date:</b>	12 March 2019	
<hr/>							
<b>Item No.</b>	6	<b>Application No.</b>	18/03451/FULL	<b>Recommendation</b>	REF	<b>Page No.</b>	72
<b>Location:</b>	Milley Nursery Milley Road Waltham St Lawrence Reading RG10 0JP						
<b>Proposal:</b>	Construction of x4 detached dwellings with detached carports, new access on to Milley Road and closure of existing site access, following demolition of existing buildings and hard standing areas.						
<b>Applicant:</b>	Westbourne Homes Ltd	<b>Member Call-in:</b>			<b>Expiry Date:</b>	15 February 2019	
<hr/>							
<b>Item No.</b>	7	<b>Application No.</b>	18/03730/VAR	<b>Recommendation</b>	PERM	<b>Page No.</b>	93
<b>Location:</b>	Straw Barn Mount Farm Choke Lane Maidenhead						
<b>Proposal:</b>	Variation of Condition 11 (under Section 73) to substitute amended plans for the approved plans for construction of a B1 Office building following demolition of the existing barns, approved under 18/01169/FULL.						
<b>Applicant:</b>	Mr Copas	<b>Member Call-in:</b>			<b>Expiry Date:</b>	22 March 2019	

Planning Appeals Received

Page No. 109

# ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

## PLANNING COMMITTEE

### MAIDENHEAD DEVELOPMENT CONTROL PANEL

13 February 2019

Item: 1

<b>Application No.:</b>	18/02425/FULL
<b>Location:</b>	BCD Meetings & Incentives Ltd Bell Tower House Bell Street Maidenhead SL6 1BU
<b>Proposal:</b>	New commercial development comprising x4 storey's with basement following demolition of the existing building.
<b>Applicant:</b>	
<b>Agent:</b>	Mr Grant Corton
<b>Parish/Ward:</b>	Maidenhead Unparished/Oldfield Ward
<b>If you have a question about this report, please contact:</b> Susan Sharman on 01628 685320 or at <a href="mailto:susan.sharman@rbwm.gov.uk">susan.sharman@rbwm.gov.uk</a>	

#### 1. SUMMARY

- 1.1 The application site is located in a highly sustainable location within the Commercial Boundary of Maidenhead Town Centre. The principle of the proposed development is therefore acceptable.
- 1.2 Bell Street is characterised by two distinct forms of development, (employment and residential), at opposite ends of the road with the application site positioned between them. The proposed development has been sympathetically designed to ensure a successful transition between the existing built forms and uses will be achieved without harming the character and appearance of the area.
- 1.3 In addition, due to the separation distances involved and the design of the building, the development will not harm the living conditions of any neighbours. The proposal would provide sufficient parking on site in-line with the Council's adopted standards and will not generate significant traffic movements detrimental to the highway network.
- 1.4 The proposal will make more efficient use of the site and complies with adopted development plan policies.

**It is recommended the Panel DEFERS AND DELEGATES to the Head of Planning to grant planning permission subject to:**  
**i. the Lead Local Flood Authority confirming the revised/further information is acceptable and recommending any appropriate condition to be included; and**  
**ii. with the conditions listed in Section 13 of this report.**

#### 2. REASON FOR PANEL DETERMINATION

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

#### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Bell Tower House is a "T" shaped, two storey, red brick office building, located on the north side of Bell Street in the centre of Maidenhead. The application site comprises the office building and three areas of car parking. There is a small amount of box hedging along the site frontage and the site is bounded by a low brick wall. Bell Tower House sits between a three storey modern office building and a row of two storey Victorian terraced houses.

- 3.2 The application site is bounded to the north by development within York Road, including Aston House (offices), Maidenhead Christadelphians Church Hall and Keats Mews. A yard associated with York Cottages lies adjacent to part of the eastern site boundary.
- 3.3 Bell Street is a no-through road with parking restrictions that leads to Maidenhead United Football Ground. The west end is characterised by office buildings that vary in height between two and four storeys, while the eastern end is predominantly terraced houses. Most of the buildings on Bell Street either directly address or sit very close to the pavement edge.

#### **4. KEY CONSTRAINTS**

- 4.1 The site is located within the Maidenhead Town Centre Area Action Plan (MTCAAP) area, and in an Air Quality Management Area (AQMA).

#### **5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 5.1 The proposal involves demolition of the existing two-storey office building and construction of a four-storey office block. The floor space of office use provided at the site would increase from 1550 sq.m to 3631 sq.m.
- 5.2 The new building would have a roughly square footprint measuring approximately 29.5m wide by 31.5m deep. A key feature of the development is its pronounced staggered frontage. The first two-storey front elevation would sit back from the edge of the footway by approximately 1.7m, rising to 7m with a flat roof. Part of the 2<sup>nd</sup> storey flat roof would provide a small terrace area to the third floor. The third storey would be set back by a further 2m and extend back for approximately 8.8m. Part of the flat roof over the third floor will be used to form a roof terrace accessed from the fourth floor. The fourth floor would be set back approximately 11m from the front of the building, extending back by approximately 25.4m. The maximum height of the building would be 16.6m.
- 5.3 The building would have a contemporary grid structure design comprised of brick and glazed façades. The ground and first floors would be constructed of red brick with the third and fourth floors being a mixture of a lighter coloured buff and grey brickwork. Floor to ceiling windows would be installed across all elevations of the building, interspersed with solid, recessed 'bricked-up' panels. A small basement is proposed which would house a shower room and utilities.
- 5.4 Vehicular access to the site would be to the east side of the proposed building, where 30 car parking spaces would be provided along the side and adjacent to the rear boundary.
- 5.5 Relevant planning history

<b>Reference</b>	<b>Description</b>	<b>Decision</b>
418260 (OUT)	Hi-tech development of 1609sq.m with associated car parking	Approved 21.07.1986
87/00471/REM	Mixed use development comprising light industry, research and development and ancillary offices	Approved 21.08.1987
89/00702/FULL	Office development (B1)	Approved 12.05.1989

#### **6. DEVELOPMENT PLAN**

##### **Adopted Royal Borough Local Plan (2003)**

- 6.1 The main Development Plan policies applying to the site are:

<b>Issue</b>	<b>Adopted Local Plan Policy</b>
Economy – sites in business and industrial uses	E6, E10
Highways	P4 AND T5



These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### **Maidenhead Town Centre Area Action Plan (2011)**

Issue	Policy
Offices	MTC 10
Design	MTC 4
Streets and spaces	MTC 1

## **7. MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2018)**

Section 4- Decision-making

Section 6 – Building a strong and competitive economy

Section 7 – Ensuring the vitality of town centres

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Employment	ED3

- 7.1 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 prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for examination in January 2018, with the first examination stage taking place in June 2018.
- 7.2 The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy.
- 7.3 In this case, policies SP2 and SP3 are given significant weight, while policies IF2, IF7 and ED3 are given limited weight.

This Submission Version of the Borough Local Plan can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Other Local Strategies or Publications**

- 7.4 Other Strategies or publications relevant to the proposal are:
- RBWM Townscape Assessment
  - RBWM Parking Strategy

More information on these documents can be found at:

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

38 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 30<sup>th</sup> August 2018 and the application was advertised in the Local Press on 6<sup>th</sup> September 2018.

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

Comment	Where in the report this is considered
1. We live directly opposite and wish to express how deeply unhappy and upset we are with the disregard that the proposed build has on the residents of Bell Street, particularly those in the terrace opposite.	Noted.
2. The current building is bearable because it is set back from the road with the car park acting as a buffer between us and the main body of the building, which is currently two storeys. The proposal will engulf our home with its four storeys.	9.10
3. The proposal would leave us with very little privacy as our bedroom overlooks the street. We would have to keep our curtains closed all day to prevent workers having a front row seat into our home.	9.11
4. Loss of natural light from the sheer size of the build.	9.10
5. We already have a problem with light pollution from the Regus building as it leaves its lights on all night, every night and the proposal could do this too.	Noted.
6. The terrace on the third floor would result in serious loss of our privacy.	9.11
7. With a larger office space the foot and road traffic will increase – I worry that the road cannot remain a safe place to live for residents given the adverse effect on road safety.	
8. Bell Street has a wealth of history given that it is part of Maidenhead FC and I do not wish to see these lovely houses, which have stood here for over 100 years dwarfed by any more soulless office space.	Noted.

### Consultee responses

Consultee	Comment	Where in the report this is considered
Highway Authority	If the Planning Authority is minded to approve the application it is recommended that conditions in relation to a construction management plan, car parking, cycle parking, refuse provision and stopping up of one of the existing accesses be imposed.	9.14 – 9.18
Lead Local Flood Authority	From the information submitted it is unclear whether the proposed sustainable urban drainage will be effective. Holding objection.	9.19
Trees	No objections subject to a landscaping scheme.	Noted.
Thames Water	No objections in relation to waste water.	Noted.

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of the development;
- ii The impact on the character and appearance of the area;
- iii The impact on the amenities of neighbouring residents;
- iv Parking provision and highway safety;
- v Surface water;
- vi Air quality.

**i. The principle of development**

9.2 The application site is located within Maidenhead Town Centre and, as such, is covered by the Area Action Plan (AAP). The site is not within an identified Opportunity Area, but is within the Town Centre Commercial Boundary. Policy MTC10 of the AAP states *“Proposals for new office development will be focused within the Opportunity Areas. Proposals for office development elsewhere within the Town Centre Commercial Boundary will be acceptable.”*

9.3 Policy E6 of the Local Plan advises that proposals for development or redevelopment for business use outside the Green Belt will be acceptable on sites already in such use, subject to normal development control criteria.

9.4 The proposal complies with policy MTC10 of the AAP and policy E6 of the Local Plan and therefore the principle of the proposed development is acceptable.

**ii. The impact on the character and appearance of the area**

9.5 Adopted Local Plan policy E10, (The Economy: Design and Development Guidelines) requires, inter alia, the design and scale of new buildings for business use to be appropriate for the area in which they are located and not result in an unneighbourly development. The NPPF stresses that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities”*, (paragraph 124). Paragraph 127 further advises that planning decisions should ensure that developments *“function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).”*

9.6 Bell Street is a road of two different forms and scale of development. Its western ‘half’, towards the railway station is occupied by commercial blocks, ranging from 5 storeys where it adjoins Kings Street, to 2 storeys at Bell Tower House. In contrast, the eastern ‘half’ of the road is characterised by two-storey Victorian terraced housing. The existing T-shaped office of Bell Tower House, located on the north side of the road, roughly marks the transition between the two types of development, being adjacent to offices to the west, and opposite and next to housing (to the east).

9.7 The existing building at Bell Tower House is noticeably different in terms of scale and design to other commercial buildings in the road, appearing to have been specifically designed and laid out to be sympathetic to the surrounding residential development. Likewise, the proposed replacement office has been designed to respond to the distinctly different forms of development it would sit between in the road, while maximising use of the land.

9.8 As set out in the description of the development in section 5 above, a key feature of the building is its pronounced staggered frontage. The front elevation of the first two-storeys would sit back

from the edge of the footway by approximately 1.7m, rising to 7m with a flat roof. This would result in the new building appearing similar in scale in the street scene to the existing building. The third storey would be set back by a further 2m from the front elevation, i.e. 3.7m from the edge of the footpath, with the fourth floor being set an additional 11m back from the front of the building, i.e. 14.7 metres back from the edge of the footpath. As a result, although the new building would have four-storeys and extend further into the site than the existing development, the staggered frontage would ensure that the new development will not appear dominant and overbearing in the street scene when viewed against the neighbouring development and within the wider context. Further visual relief to the building would also be achieved from the use of lighter brickwork on the third and fourth floors and the full length windows and recessed bricked panels across the elevations.

- 9.9 The proposed development has been carefully designed to fit in with its surroundings, while making a more efficient use of the land. It is considered to be a high-quality design that will be visually attractive and add to the overall quality of the area. Accordingly, and subject to conditions 2, 3, 9 and 10 in Section 13 of this report, the proposal complies with policy E10 of the Local Plan, Policy SP3 of the Borough Local Plan Submission Version, and paragraph 127 of the NPPF.

### **iii. The impact on the amenities of neighbouring residents**

- 9.10 Opposite the proposed development is a row of two-storey Victorian terraced houses. At its closest point, the proposed development would be approximately 13.8m away from the front of these dwellings. The third storey would be approximately 15.8m back from the dwellings opposite. While the outlook from the front of the dwellings would change as a result of the proposal, sufficient front to front separation distances between the buildings would be retained to ensure the development would not have an unacceptable overbearing impact on the residents. This separation, and the orientation of the sun, also means that the proposal will not result in an unacceptable loss of daylight or sunlight to the properties opposite.
- 9.11 The proposal includes floor to ceiling windows along the front of the building, together with balconies on the third and fourth floors. However, these have been specifically placed to ensure that no direct loss of privacy of the neighbours through inter-looking (window opposite window) will occur. Having regard to the separation distances involved and the operating hours of the proposed offices secured by recommended condition 4, as well its design, the proposal would not unacceptably harm the living conditions of residents living opposite the site. The external lighting is recommended to be controlled by condition 11, including the hours of illumination.
- 9.12 Residential properties to the east of the development would be sufficiently far (a minimum of 14m), and orientated away from the new building that it would not harm the amenities of occupiers of these dwellings. The residential properties to the rear (north, in Keats Mews), have blank southern elevations, i.e. there are no windows facing the proposed office, and the building would be at least 12m away. As such, the proposal will not cause any loss of light, loss of privacy or appear overbearing to the occupiers of the properties to the rear.
- 9.13 Subject to condition 4 and 11 in Section 13 of this report, the proposal complies with Policies E6 and E10 of the Local Plan, Policy SP3 of the BLP: SV and paragraph 127 of the NPPF.

### **iv. Parking provision and highway safety**

- 9.14 Based on the Borough's Parking Strategy (2004), the development attracts a maximum demand for 29 spaces (1 space per 100m<sup>2</sup>). As the proposed office space would be provided with 30 car parking spaces it complies with the current parking standards. In addition, 2 motorcycle parking spaces would be provided which also complies with the Council's standards. 6 electric car charging bays would be included in the total number of spaces which, although not a policy requirement, are a benefit. Parking would be secured by recommended condition 6.
- 9.15 40 long-stay cycle parking spaces and 6 short-stay spaces are proposed. The cycle storage has been amended from that originally submitted to ensure cyclists will not have to lift and secure cycles into the racks (see condition 7).

- 9.16 The site is currently served by two vehicular accesses which the proposal would reduce to a single access. Notwithstanding the reduction in car parking spaces and compared to the current situation, traffic generated from the development would result in a net increase of 36 trips during the am peak period and 27 trips during the pm peak period – This calculation is based on the increase in floor area and deliveries, visits etc. arising from this. Given the accessible nature of the site, the traffic generated is unlikely to have a significant impact on the traffic levels in the immediate area or to those that reside or commute in the area.
- 9.17 The application is supported by a Transport Assessment which refers to the use of a Travel Plan (although no details are provided on this). As the Highway Authority has advised that the proposal would not generate a significant amount of movements, and having regard to the highly accessible location of the site, it is not considered necessary or reasonable to require a Travel Plan in this case.
- 9.18 Subject to conditions in respect of a construction management plan, parking as approved, refuse and recycling and cycle provisions, as covered by conditions 5 to 8 in Section 13 of this report, the proposal would comply with Policies T5 and P4 of the Local Plan and Policy IF2 of the BLP: SV.

#### **v. Surface water**

- 9.19 A Flood Risk Assessment and Surface Water Drainage Strategy have been submitted with the application along with details of the proposed infiltration tanks. Having reviewed this information, the Lead Local Flood Authority (LLFA) has sought further clarification on the proposed drainage system. The applicant has submitted additional information to address these which is currently being considered by the LLFA. Further advice on this will be provided in the update report.

#### **vi. Air quality**

- 9.20 The application site is located in an Air Quality Management Area, however as the proposal would not generate significant amounts of traffic movements its impact on air quality would be negligible. The proposal complies with Policy EP1 of the BLP: SV and paragraph 181 of the NPPF.

### **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 10.1 The development is not CIL liable.

### **11. CONCLUSION**

- 11.1 The proposal would provide additional employment space within the Commercial Boundary of Maidenhead Town Centre, making more efficient use of the site in a sustainable location without harming the character of the area or the living conditions of local residents. Overall, the proposal complies with adopted development plan policies and is acceptable when considered against all other material planning considerations and should therefore be approved.

### **12. APPENDICES TO THIS REPORT**

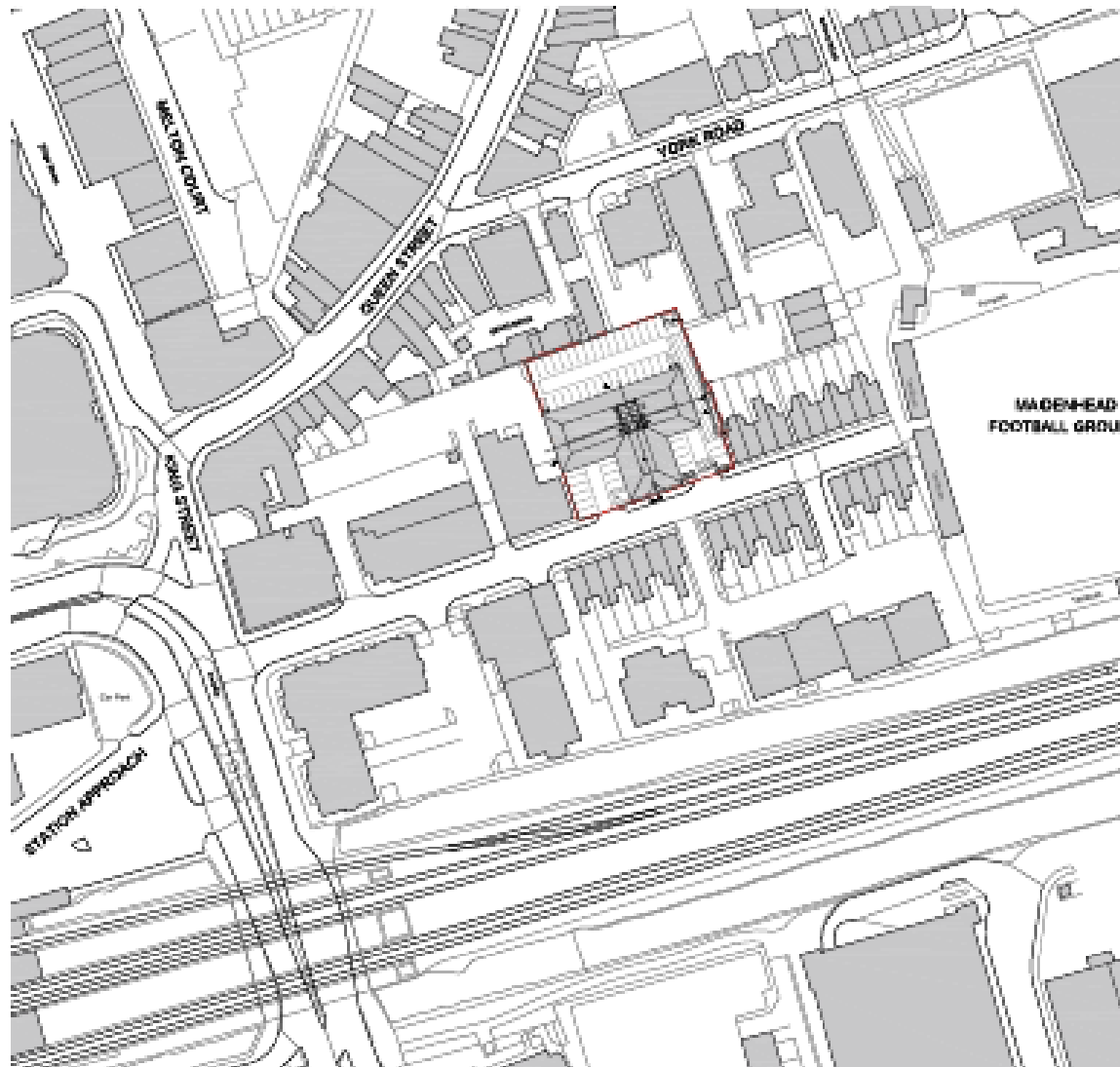
- Appendix A - Site location plan
- Appendix B – Site layout
- Appendix C – Proposed elevations (south & west)
- Appendix D – Proposed elevation (north & east)
- Appendix E – Proposed section

### **13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first 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 Policies: Local Plan E10 and BLPSV SP3.
- 3 No development shall take place above slab level until a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.  
Reason: In the interests of the visual amenities of the area. Relevant Policies: Local Plan DG1, BLPSV SP3.
- 4 The use hereby permitted shall only operate between the hours of 07:00 to 20:00 on Mondays to Saturdays and at no time on Sundays, Bank or Public Holidays.  
Reason: To protect the amenities of adjoining occupiers. Relevant Policies - Local Plan NAP3.
- 5 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 6 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.  
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 7 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.  
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 8 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.  
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 9 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.

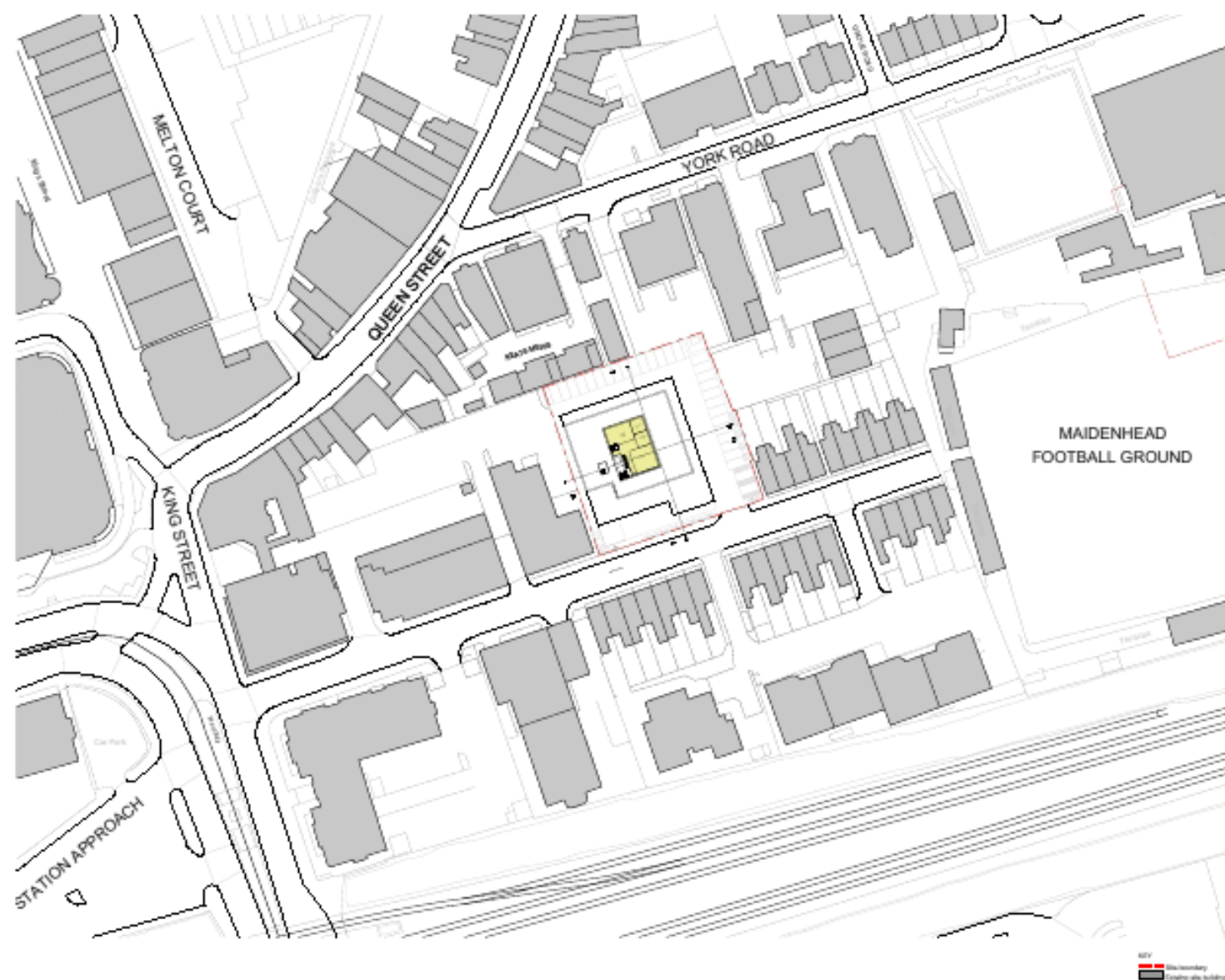
- 10 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.  
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 11 Prior to occupation an external lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented before any of the external lighting is brought into use and thereafter the lighting shall be operated in accordance with the approved scheme and maintained as operational. The scheme shall include the following: i) The proposed design level of maintained average horizontal illuminance for the site. ii) The proposed vertical illumination that will be caused by lighting when measured at windows of any properties in the vicinity. iii) The proposals to minimise or eliminate glare from the use of the lighting installation. iv) The proposed hours of operation of the light. There shall be no other external lighting other than that approved.  
Reason: In the interest of the amenities of the area. Relevant policies Local Plan DG1.
- 12 The development hereby permitted shall be carried out in accordance with the approved plans listed below.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Appendix A



Site Location Plan CrownCopyright and database rights 2017 OS 100019980  
1:1250 @ A1







SCALE 1/100  
PROPOSED\_WEST\_ELEVATION



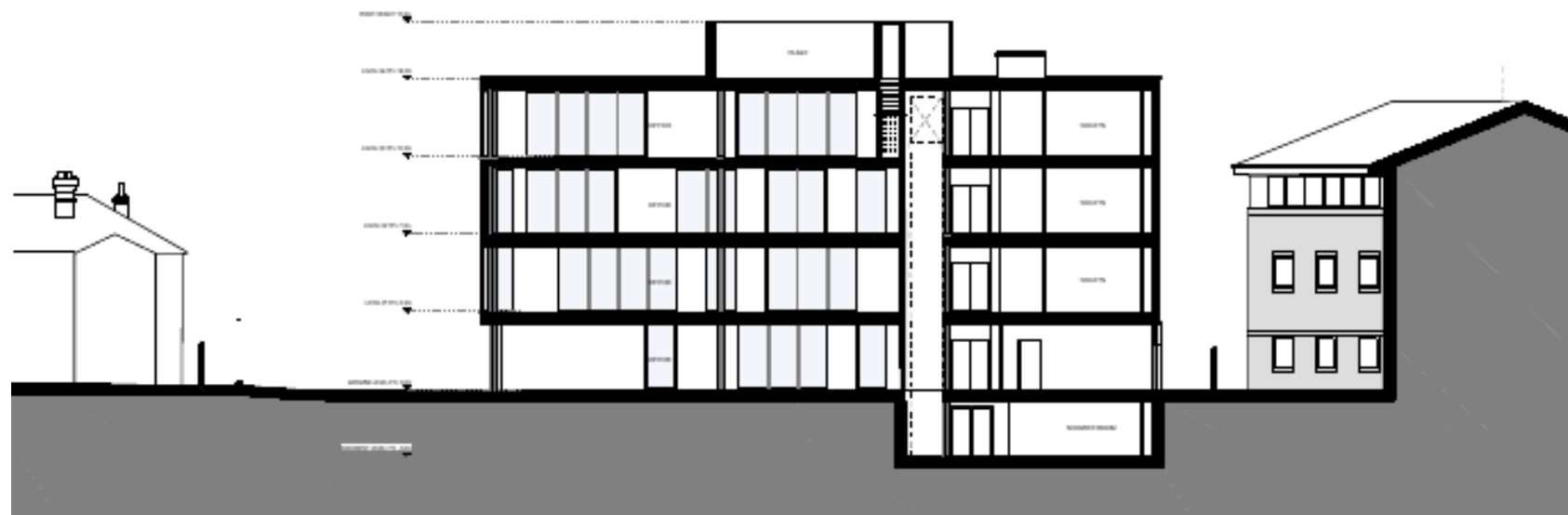
SCALE 1/100  
PROPOSED\_SOUTH\_ELEVATION



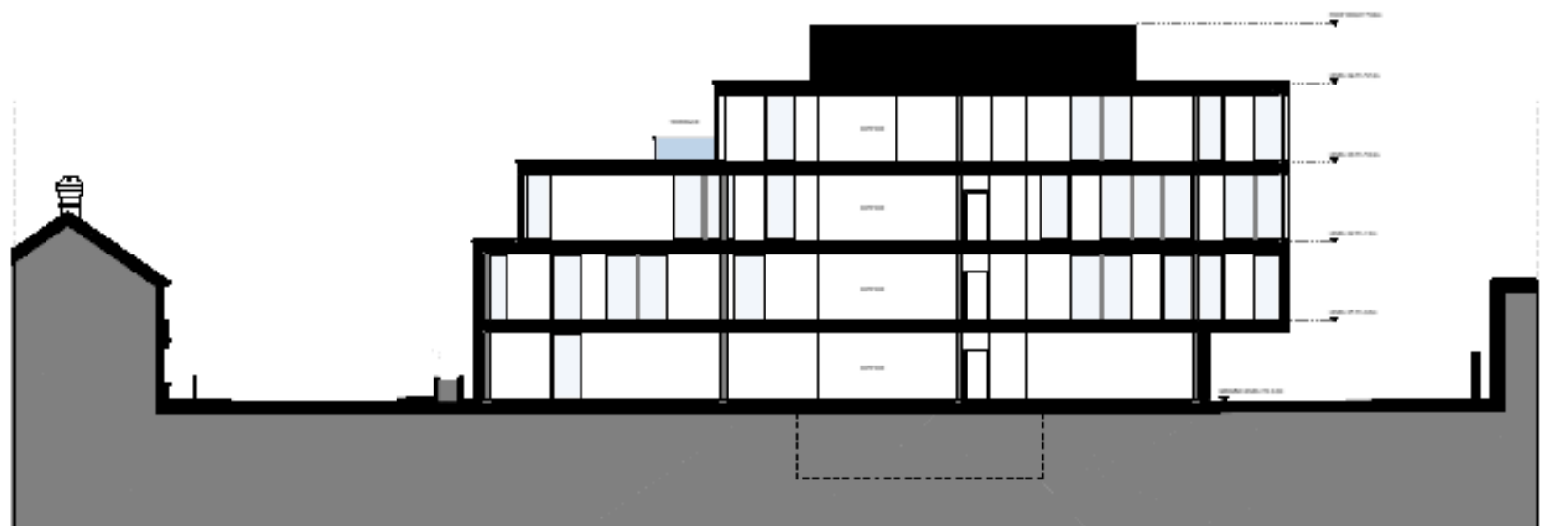
SCALE 1/100  
PROPOSED\_NORTH\_ELEVATION



SCALE 1/100  
PROPOSED\_EAST\_ELEVATION



SCALE 1/100  
PROPOSED\_SECTION\_A



SCALE 1/100  
PROPOSED\_SECTION\_B



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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

13 February 2019

Item: 2

<b>Application No.:</b>	18/02677/FULL
<b>Location:</b>	Riders Country House Hotel Bath Road Littlewick Green Maidenhead SL6 3QR
<b>Proposal:</b>	Change of use from C1 (Hotel) to (C2) Residential Care Home and alterations to fenestration
<b>Applicant:</b>	Riders Carehome Ltd
<b>Agent:</b>	Mr John Stockill
<b>Parish/Ward:</b>	Hurley Parish/Hurley And Walthams Ward
<b>If you have a question about this report, please contact:</b> Susan Sharman on 01628 685320 or at <a href="mailto:susan.sharman@rbwm.gov.uk">susan.sharman@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The application is a resubmission of an identical proposal following refusal under delegated powers. Despite this, officers remain unconvinced that the proposed use would not lead to harm to the Green Belt and/or the Littlewick Green Conservation Area in which the site is located. In addition, the proposal adds nothing to improving the character and quality of the area, and there is a lack of sufficient amenity space for future residents and lack of appropriate facilities for refuse and recycling provision.
- 1.2 In summary, the proposal is of a poor standard and not sustainable development. It is contrary to national and local planning policies and should be refused.

<b>It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):</b>	
<b>1.</b>	<b>Due to insufficient information it has not been demonstrated that the proposed use would not require further development without causing harm to the Green Belt and/or the Littlewick Green Conservation Area.</b>
<b>2.</b>	<b>Failure to improve the character and quality of the area.</b>
<b>3.</b>	<b>Lack of sufficient amenity space for future residents.</b>
<b>4.</b>	<b>Lack of appropriate refuse and recycling provision.</b>

**2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor M. Hunt due to concerns regarding the very limited information that has been submitted; Compliance with Policy HO 2 point 2 of the Borough Local Plan: Submission Version; Lack of information for disabled facilities and lifts for care residents to access upper floors.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site is located on the south side of Bath Road, close to its junction with Jubilee Road in Littlewick Green. The existing two-storey hotel building is set back from the highway and fills the majority of the width of the site. The remainder of the site is predominantly hardsurfaced.
- 3.2 The site is located in the Green Belt and Littlewick Green Conservation Area. Residential properties lie to the south, east and west with open fields opposite on the other side of Bath Road.

#### 4. KEY CONSTRAINTS

- 4.1 The key planning policy constraints for the application site relate to its location within the Green Belt and a Conservation Area, quality of design issues and parking provision.

#### 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks to change the use of the site from a hotel (Use Class C1) to a residential care home (Use Class C2), with associated parking. The proposed development would provide 21 single bedrooms each with en-suite bathrooms, and 16 parking spaces. There would be no changes to the external appearance of the building apart from the insertion of a door to the rear.
- 5.2 An identical proposal was recently refused planning permission under application 18/01438. The reasons for refusal, as summarised, were i) Due to insufficient information it had not been demonstrated that the use would not require further changes and alterations to the building that may be considered normal requirements for that use without causing harm to the Green Belt and/or the Littlewick Green Conservation Area in which the site is located; ii) In the absence of an appropriate landscaping scheme, the proposal failed to improve the character and quality of the area; iii) Having regard to the nature of the proposed use as a residential care home, there was a lack of sufficient amenity space for future residents; and iv) It had not demonstrated that the proposal complies with the adopted Parking Strategy and would not result in on-street parking detrimental to road and pedestrian safety.

Reference	Description	Decision
18/01438/FULL	Change of use from C1 (Hotel) to C2 (Residential Care Home) with associated parking.	Refused 24.07.18.
12/03457/FULL	Two-storey rear extension (renewal of permission 09/02454)	Approved 07.03.13.
09/02454/FULL	Two-storey rear extension (renewal of permission 04/01449)	Approved 22.01.10.
04/01449/FULL	Renewal of consent 99/34017, two-storey rear extension allowed on appeal.	Approved 12.01.05.
99/34017/FULL	Two-storey rear extension to hotel.	Refused 20.08.99. Allowed on appeal.

#### 6. DEVELOPMENT PLAN

##### Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design quality	DG1, H10
Impact on Green Belt	GB1, GB2(A), GB8
Impact on Conservation Area	CA2
Parking and highway issues	P4, T5

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

##### Adopted Hurley and the Waltham's Neighbourhood Plan (2015-2030)

Issue	Neighbourhood Plan Policy
Sustainable development	Env. 1
Quality design	Gen. 2



These policies can be found at  
[https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2)

## **7. MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2018)**

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 16- Conserving and enhancing the historic environment

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Development in the Green Belt	SP5
Housing mix and type	HO2

- 7.1 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 prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for examination in January 2018 and the 1<sup>st</sup> stage hearings took place in June 2018.

The Submission Version of the Borough Local Plan (BLPSV) does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy.

In this case significant weight is attributed to policies SP2, SP3 and SP5 of the BLPSV, while policy HO2 is given limited weight.

- 7.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Other Local Strategies or Publications**

- 7.3 Other Strategies or publications relevant to the proposal are:
- RBWM Parking Strategy
  - Littlewick Green Conservation Area Appraisal

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## **8. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

16 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 14<sup>th</sup> September 2018 and the application was advertised in the Local Press on 27<sup>th</sup> September 2018.

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

Comment		Where in the report this is considered
1.	It is not appropriate to change the use of the hotel as there are no other accommodation options in the vicinity and consequently this would deprive the local community of a valuable asset.	9.3
2.	It is not appropriate to change the use to a C2 Residential Care Home, due to the location of the property. There is a risk that residents could exit the site in a distressed, confused or otherwise vulnerable state and be hit by a car or cause a road accident on the busy Bath Road.	9.5
3.	The plans are inadequate to make a proper assessment of the scheme's merits.	9.10
4.	The parking arrangements are not sufficient. Double the number of parking spaces for staff will need to be provided to take account of the changeover of shifts. Littlewick Green village will be used for overflow parking increasing traffic and danger to pedestrians.	9.21
5.	A residential care home with high dependency occupants will lead to an undesirable intensification of activities in the conservation area – resulting from staffing, deliveries, visits from friends and family.	9.16 Need to have regard to the existing hotel use.
6.	There is no specific parking for the disabled and ambulances.	9.22
7.	The 20 room hotel requires 29 parking bays and a large turning area at the rear for waste collection and deliveries. The proposal retains the 20 rooms, is increasing staffing, will increase the need for waste collection, and involve regular ambulance arrivals and departures. Sufficient parking provision is not achievable. Cars will therefore park in the surrounding area	9.21, 9.22
8.	The access is dangerous particularly for larger vehicles and will create a highway hazard.	No objection to the access from the Highway Authority, and need to be mindful of the existing hotel use.
9.	The present drawings do not illustrate the type of facilities needed for a care home.	Agree. 9.4, 9.5.
10.	The care home would be right next to the Bath Road and would therefore need to be self-contained without causing risks to neighbouring residents, visitors or pedestrians.	9.5
11.	Riders was previously a successful hotel, but it has been allowed to fall into disrepair. This area is desperately short of visitor accommodation. Is the change of use necessary?	Hotels are not considered to be community facilities in planning terms, and there is no planning policy that prohibits the loss of hotels.
12.	The forecourt to the hotel is Common Land.	Not a planning matter.
13.	The proposed garden is not enough for any residents of any care	9.17 & 9.19



	home. It is also cheap and artificial.	
14.	The removal of the post box from the forecourt, without any consultation with the villagers, has annoyed many of us and does not bode well for future relationships.	Noted.
15.	It is unclear what type of care home this is intended to be.	Agree.
16.	How can a decision be made on how fit for purpose the care home would be? Is there sufficient amenity space? What facilities would be required?	Agree – covered in paragraphs 9.4 to 9.20.
17.	Littlewick Green has very limited facilities and public transport.	Agree. 9.18.
18.	Works appears to have already commenced on the change of use of the building before permission has been approved.	Noted.
19.	The proposed use is unsuitable for this village location due to poor public transport, lack of shops and other amenities.	Agree. 9.18.
20.	It is difficult to see how the property can be made secure in line with the proposed use and conservation requirements without significantly affecting the external appearance, in particular for secure fencing and gates.	9.4, 9.5.
21.	It is an unsuitable location for “residents with challenging and offending behaviour” as stated in the applicant’s existing residential home website.	Noted.
22.	Government advice for the elderly and those needing care is that the long-term aim is to provide assistance in the home.	Noted
23.	No facilities for the disabled have been provided.	9.4 & 9.22
24.	Where will hazardous waste be stored?	9.26
25.	There is a greater need for affordable housing in this area.	Noted.

### Consultee responses

Consultee	Comment	Where in the report this is considered
Hurley Parish Council	Objects to the proposal. There is insufficient parking for staff changeovers, visiting health practitioners and other professions such as chiropody and hairdressers. The Parish Councils shares the concerns of the Littlewick Green Society and would therefore ask RBWM to ensure it obtains full information on the proposed use of the site as certain healthcare provision may be unsuited to a small rural location adjacent to a busy/fast road. If permission is granted, access of common land matters need to be addressed at the front of the property, and the Parish is concerned that space for patient welfare to the rear appears to be very restricted.	Comments and concerns noted. Parking provision is covered in paragraphs 9.21 and 9.22. Detailed information has not been submitted – 9.10. Common land issue is not a planning matter. Amenity space to the rear is covered in paragraphs 9.17 and 9.19.
Littlewick Green Society	Our members have expressed serious apprehension regarding the intended use of such a care home, and we are advised that the applicant is not required to specify this as part of the application. If this is the case there would be no restriction on the categories of residential or day patients who could be treated or cared for here and this is a matter for serious concern. The Society concluded the previous application was for a residential care home for the elderly. However, there appears to be a possible link between the	Comments noted. The lack of detailed information and potential harm, in planning terms, is addressed throughout the

	applicant and a company that offers rehabilitation for people with substance abuse addiction and mental health issues. Many of our members have young children and have expressed very strongly that they would not want the safety of the village compromised by the possibility of patients with very difficult personal problems being brought into the vicinity. The uncertainty of this application introduces an unacceptable risk to the future character and possibly the security of Littlewick Green.	report.
Conservation Officer	The Riders Hotel is noted in the current conservation area appraisal as being an Important Non Listed Building. As per the previous application, there are limited details with the submission and it is not clear what type of home is proposed, the level of care to be provided and if the residents will have any special requirements in terms of the layout of the building and its external space. There would, however, be no objection in principle in conservation terms to the change of use provided the external appearance of the building is not altered in a manner that would detract from its appearance, or that of its wider setting.	Noted, 9.11 and 9.12.
Highway Authority	No objections subject to conditions in relation to parking and turning as approved, cycle parking as approved, refuse bin and recycling details to be submitted.	Noted. Disagree that refuse and recycling can be covered by a planning condition – see paragraph 9.26.
Environmental Protection	Recommends conditions in respect to plant noise, kitchen extraction systems, plant maintenance, construction working hours and hours of collections and deliveries.	Advice noted.

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of development – Green Belt Policy;
- ii The impact on the character and appearance of the area, including the Littlewick Green Conservation Area;
- iii The impact on the amenities of neighbours and future occupiers of the proposed development;
- iv Parking provision and highway safety.

### i. The principle of development – Green Belt Policy

9.2 The application site is located in the Green Belt. Paragraph 146 of the National Planning Policy Framework (NPPF) states that the re-use of buildings, provided that the buildings are of permanent and substantial construction, are not inappropriate in Green Belt provided they preserve its openness and do not conflict with the purposes of including the land within it.

9.3 Having visited the application site, officers are satisfied that the building is of a permanent and substantial construction capable of conversion. As there is also no planning policy specifically

prohibiting the loss of the hotel, the principle of converting the building to a care home is acceptable.

- 9.4 Notwithstanding the in-principle acceptance of the proposal, one of the reasons for refusal on the previous application was that, due to insufficient information, it had not been demonstrated that the proposal would not require further changes or alterations to the building that may be considered normal or necessary requirements for that use, without causing harm to the Green Belt. The application now shows a lift will be installed into the building, however officers remain unsatisfied from the information submitted (or lack of it) that the need for further extensions, additional buildings or work within the site will not be necessary at a later date. The Council has previously approved care homes (or similar uses) where it has later been argued that other facilities (required under non-planning legislation) are necessary for the use to function properly. Further development, which may not originally have been considered acceptable in planning terms, is then difficult to resist and may lead to a poor standard of development. In this case, if permission is granted as submitted, an application to replace the 21 bed care home with a new larger building on site, which may have a greater impact on, for example, the openness of the Green Belt, may be forthcoming. Officers consider it essential, given the sensitivity of the site, that all necessary information, such as evidence of compliance with other legislation, policies and/or guidelines relevant to care homes are met by the current proposal.
- 9.5 Having regard to the proposed use of the building as a 21 bedroom care home, no explanation has been given for the lack of a kitchen or staff room. As this may be the permanent residence for a number of people, there also appears to be a lack of communal living space. The nature of the proposed use suggests residents will be vulnerable, and therefore it may be necessary to install a suitable means of enclosure, at the front of the site for example, but no information is provided on why this is not required.
- 9.6 Policy HO2 (2) of the BLPSV advises "Development proposals for residential care will be permitted only where they meet local commissioning priorities or a demonstrable local community need has been established." As the Borough Local Plan is an emerging document with outstanding objections to the housing policies, only limited weight can be given to this Policy. However, it is normal practice for applicants of these types of planning applications to provide evidence of need in support of their application, but in this case no information has been provided on this issue.
- 9.7 Although the principle of converting the building to a C2 use is acceptable, due to insufficient information, it has not been demonstrated that the use will not require further development necessary to its function, without causing harm to the Green Belt in which the site is located. It has therefore not been sufficiently demonstrated that the proposal would not be inappropriate in the Green Belt and preserve its openness. Accordingly, the proposal is contrary to Policies GB1, GB2 (A) and GB8 of the Local Plan and Policy SP5 of the BLPSV.

## **ii. The impact on the character and appearance of the area, including the Littlewick Green Conservation Area**

- 9.8 As required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 9.9 For the same reasons concerns are raised in regard to the potential impact of the proposal on the Green Belt, as set out in paragraphs 9.4, 9.5 and 9.10 above, officers remain to be satisfied that the proposal would not harm the Littlewick Conservation Area in which the site is also located. Accordingly, it is recommended that this is included with the Green Belt reason for refusal recommended in paragraph 9.10 above, with Policies CA2 of the Local Plan and HE2 of the BLPSV added.
- 9.10 Paragraph 124 of the NPPF states "*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps*

*make development acceptable to communities.” Furthermore, paragraph 127 adds “Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development”.*

- 9.11 The application site is located within a rural area where boundary hedges, mature trees and shrubs are key features. The application provides an opportunity to enhance the frontage of the site, which is currently dominated by hardstanding in stark contrast to its surroundings. However, despite this being a previous reason for refusal under application 18/01438, the current application has failed to address this with no changes to the front of the site proposed. Having regard to the current parking layout, this is not a matter that could be sufficiently covered by planning conditions.
- 9.12 Paragraph 130 of the NPPF states *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*. This being the case and in addition to paragraph 130 of the NPPF, the proposal is contrary to Policy DG1 of the Local Plan and Policies SP2 and SP3 of the BLPSV.

### **iii. The impact on the amenities of neighbours and future occupiers of the proposed development**

- 9.13 Having regard to the existing hotel use and the apparent straight forward conversion of the building to residential care home with no proposed external changes, it is not considered that the proposal would harm the living conditions of any neighbours in terms of loss of privacy, loss of day/sunlight, from having an overbearing appearance or from noise and disturbance. Even if the scheme required work at a later date, any material development would likely require planning permission which the Local Planning Authority, in terms of any impact on neighbours, would have more control over, (as opposed to development required under separate legislation/guidelines that may potentially harm the Green Belt and/or Conservation Area).
- 9.14 The applicant has advised that the proposal is for a residential care home, i.e. the use for the provision of residential accommodation and care for people in need of care. Irrespective of the type of care to be provided, (no details are provided on this), an attractive environment and meaningful amenity space is important to the wellbeing of all people, whatever their age or circumstances. This is considered particularly to be the case where residents require round the clock care and where open space is not easily accessible, as is the case with this application. Even if residents have limited mobility or are bed-ridden, the outlook from their rooms should be of the highest quality possible.
- 9.15 Although there is a bus stop close to the application site it offers a limited bus service to and from Maidenhead Town Centre, and there is no train service within the locality. The application site is therefore in a fairly inaccessible location, making it difficult for people to visit future residents without access to a car. Likewise, it makes it difficult for residents themselves to go out, and there is very little in the way of shops, services and open space within walking distance of the site. The result of its unsustainable and inaccessible location could potentially isolate residents whose wellbeing, having regard to their need for full-time care, could be further harmed.
- 9.16 The applicant has explained the care home “will provide affordable care within the area and offers the Borough an increased mixed range of privately funded care facilities.” ‘Affordable care’ does not justify poor amenity. Although the proposal has included some outdoor space, this is a relatively small area for 21 residents, of poor quality largely comprising artificial turf and hard surfacing.
- 9.17 Paragraph 127 of the NPPF states that planning decisions should ensure that developments: *“f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”* For

the reasons outlined above, the proposal does not achieve this and in addition to being contrary to the NPPF, is contrary to Policy SP3 (k) of the BLPSV.

#### **iv. Parking provision and highway safety**

- 9.18 The Highway Authority has advised that in order to comply with the Council's adopted parking Strategy, the proposal requires 15 car parking spaces. The proposal involves 10 spaces to the front (including 1 disabled space) and 6 spaces to the rear. A turning area measuring 10m x 15m is provided to the rear to enable a vehicle to enter and exit the site in a forward gear.
- 9.19 A designated area measuring 4.0m x 6.0m is provided to the front to accommodate an ambulance or mini bus, and the disabled parking bay is also provided to the front of the site. These are acceptable to the Highway Authority.
- 9.20 The applicant has shown that a designated refuse storage facility will be provided to the rear of the site. However, the store would be 37m from the adopted highway, which does not comply with the Council's current carry distance requirements which are set at 30m for residents and 25m for operatives. The Highway Authority has advised that a collection facility should be provided to the front of the site.
- 9.21 The cycle provision to the rear of the site is acceptable, however the pedestrian pathway in front of the main access to the care home should be enclosed (by way of low-level planting or bollards for example) to prevent vehicles driving or parking within this area.
- 9.22 The Highway Authority has raised no objection to the proposal subject to conditions in respect of parking and turning as per submitted drawing, cycle parking as per submitted drawing and details of refuse bin and recycling provision to be submitted for approval prior to occupation.
- 9.23 Notwithstanding the no objection advice from the Highway Authority, it does not appear from the submitted layout that the bin storage area could be sufficiently accommodated to the front of the site without comprising the parking and turning areas, access and/or pedestrian areas. As such, it has not been demonstrated that the proposal would provide adequate refuse and recycling facilities which is contrary to paragraph 8 of the National Planning Policy for Waste (October 2014), paragraph 127 a) of the NPPF, Policy DG1 of the Local Plan and Policy SP3 (n) of the BLPSV.

#### **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 10.1 The development is CIL liable.

#### **11. CONCLUSION**

- 11.1 Although this is a resubmission of an identical proposal, the current application does not sufficiently address the previous reasons for refusal. Specifically, due to insufficient information, it has not been demonstrated that the use will not require further development necessary to its function, without causing harm to the Green Belt and/or the Littlewick Green Conservation Area. In addition, the proposal fails to improve the character and quality of the area and lacks sufficient amenity space for future residents of the development, and the proposal has not demonstrated that adequate refuse and recycling facilities can be provided within the site. The proposal is therefore unsustainable development contrary to national and development plan policies and should be refused.

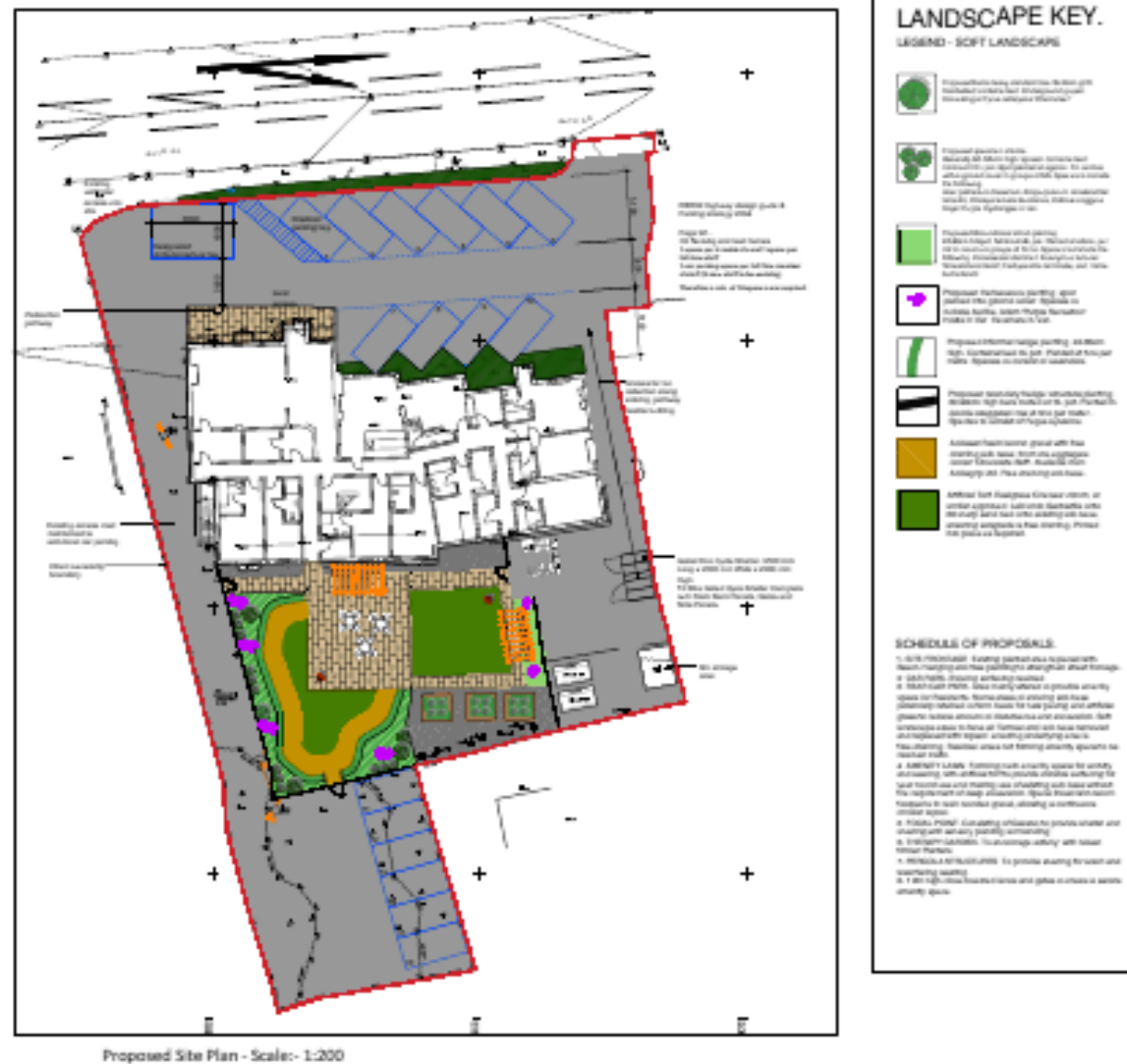
#### **12. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – Site layout
- Appendix C – Proposed floor plans
- Appendix D – Existing and proposed elevations

#### **13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

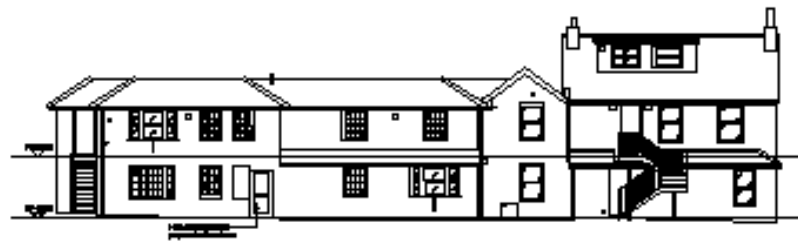
- 1 Due to insufficient information, it has not been demonstrated to the satisfaction of the Local Planning Authority that the use will not require further development necessary to its function, without causing harm to the Green Belt and/or the Littlewick Green Conservation Area in which the site is located. It has therefore not been sufficiently demonstrated that the proposal would not be inappropriate in the Green Belt, preserve its openness nor conflict with the purposes of including the site within the Green Belt., nor that the proposal would preserve and enhance the Conservation Area. Accordingly, the proposal is contrary to Policies GB1, GB2 (A) GB8 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (including Adopted Alterations), emerging Policies SP5 and HE2 of the Borough Local Plan: Submission Version, 2018 and paragraphs 43, 146 and 189 of the National Planning Policy Framework 2018.
- 2 In the absence of an appropriate landscaping scheme, the proposal fails to improve the character and quality of the area in which it is located and the way it functions. The proposal is therefore poor design contrary to paragraph 130 of the NPPF, Policy DG1 of the Local Plan and Policies SP2 and SP3 of the BLPSV.
- 3 Having regard to the nature of the proposed use as a residential care home, there is a lack of sufficient and good quality amenity space for future residents of the development. This is poor design and contrary to paragraph 127 of the NPPF and Policy SP3 (k) of the BLPSV.
- 4 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal would provide adequate on-site refuse and recycling facilities. Accordingly, the proposal is contrary to paragraph 8 of the National Planning Policy for Waste (October 2014), paragraph 127 a) of the NPPF, Policy DG1 of the Local Plan and Policy SP3 (n) of the BLPSV.



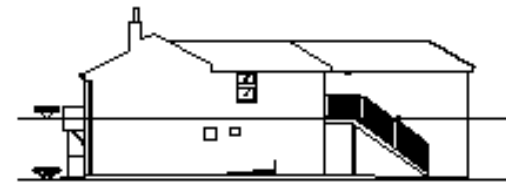




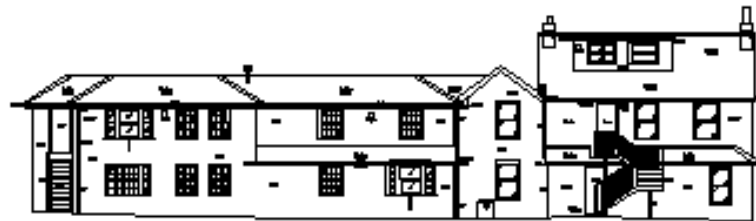




**Proposed Elevation 1**  
Scale 1/8" = 1'-0"



**Proposed Elevation 2**  
Scale 1/8" = 1'-0"



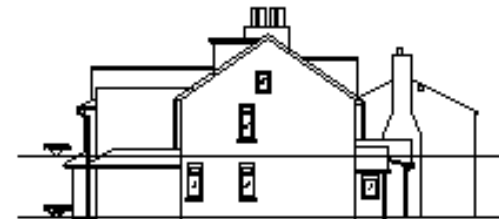
**Existing Elevation 1**  
Scale 1/8" = 1'-0"



**Existing Elevation 2**  
Scale 1/8" = 1'-0"



**Proposed Elevation 3**  
Scale 1/8" = 1'-0"



**Proposed Elevation 4**  
Scale 1/8" = 1'-0"



**Existing Elevation 3**  
Scale 1/8" = 1'-0"



**Existing Elevation 4**  
Scale 1/8" = 1'-0"

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

13 February 2019

Item: 3

<b>Application No.:</b>	18/03097/FULL
<b>Location:</b>	Unit 1 And 3 To 6 And 13 Lower Mount Farm Long Lane Cookham Maidenhead
<b>Proposal:</b>	Continued use of units 1 and 3 to 6 and 13 (inclusive) for storage, business and industrial purposes
<b>Applicant:</b>	Copas Farm Limited
<b>Agent:</b>	Mr Duncan Gibson
<b>Parish/Ward:</b>	Cookham Parish/Bisham And Cookham Ward
<b>If you have a question about this report, please contact:</b> Claire Pugh on 01628 685739 or at <a href="mailto:claire.pugh@rbwm.gov.uk">claire.pugh@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The application relates to a number of buildings within a wider site that is predominantly used for employment purposes. The lawful use of the buildings subject to this application is agricultural, however, over the past 20 years, a series of temporary planning permissions for these buildings to be used for employment purposes have been granted. The latest temporary permission expired in 2015.
- 1.2 The proposal is considered to be an appropriate form of development in the Green Belt, when assessed against the National Planning Policy Framework 2018.
- 1.3 The scheme is considered to be acceptable on transport grounds, and is considered to have an acceptable impact upon residential amenity. The application is recommended for approval.

<b>It is recommended the Panel grants planning permission with the conditions listed in Section 12 of this report.</b>
--

**2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor Saunders for the reason that there are significant concerns and objections from the Parish Council and Cookham Society.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site relates to seven units which sit within a wider site that is in predominantly employment use. The lawful planning use of the buildings subject to this application is agricultural. The buildings the subject of this application have been used for employment use in excess of 20 years through the granting of temporary planning permissions for employment uses. The latest temporary permission expired in 2015.
- 3.2 The application site measures circa 0.9 hectares. The buildings subject to this application are occupied by the following businesses:
  - Unit 1a- online retail unit (B8)
  - Unit 1b- Food wholesale (B8)
  - Unit 3- storage of carpets (B8)
  - Unit 13- B1 office space (B1)
  - Unit 4- engineering company – primarily engineering workshop, with ancillary office space (B2)
  - Unit 5A- stone masons (B2)
  - Unit 5b- engineering company (B2)
  - Unit 6- Printing business (B2)

#### 4. KEY CONSTRAINTS

##### 4.1 Green Belt

#### 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 This application seeks planning permission for the continued use of units 1, 3-6 and 13 (inclusive) for storage, business and industrial uses.

Reference	Description	Decision
426801	Change of use of farm buildings to light industry, business and storage uses (building 13) (outside of this application site, but adjacent to it).	Permitted 04.03.94
426802	Change of use of farm buildings to B1 and B8	Permitted 23.01.98
99/34010/TEMP	Continued use of units 1, 1A and 3 to 7 (inclusive) for storage business and industrial purposes	Permitted 21.09.01
05/00582/TEMP	Temporary consent for continued use of units 1 and 3-7 (inclusive) for storage, business and industrial purposes	Permitted 15 <sup>th</sup> September 2005.  The consent gave permission for use of these buildings until April 2015.

#### 6. DEVELOPMENT PLAN

##### Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design	DG1
Highways	P4 AND T5
Green Belt	GB1, GB2 (part A) and GB8.
Employment	E10
Pollution	NAP3

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

#### 7. MATERIAL PLANNING CONSIDERATIONS

##### National Planning Policy Framework Sections (NPPF) (2018)

Section 4- Decision-making  
Section 6- Building a Strong, competitive economy  
Section 9- Promoting Sustainable Transport  
Section 12- Achieving well-designed places  
Section 13- Protecting Green Belt land

##### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Green Belt	SP5
Employment site	ED2
Noise pollution	EP4

7.1 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 prepared a report summarising the issues raised in the representations and setting 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. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

7.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Supplementary Planning Documents**

- Cookham Village Design Statement

### **Other Local Strategies or Publications**

7.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy

More information on these documents can be found at:  
[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## **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 the 16<sup>th</sup> November 2018.

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

Comment		Where in the report this is considered
1.	We request a full farm management review in advance of any approvals to this application	10.2
2.	Lower Mount Farm is only a short distance over open fields from a substantial residential development. In particular houses on Whyteladys	9.16

	Lane, Arthur Close, Southwood Gardens and Southwood Road which are currently impacted by noise, unsightly industrial flood lights and views of Lorry trailers	
3.	We feel the current usage may have exceeded the originally agreed usage from applications 99/34010 & 05/00582, diversifying increasingly towards industrial use without proper management, consideration or consultation with local residents. Based on continued use of this site for business, storage and industrial use we would therefore like consideration to be taken for relevant screening from activities on Lower Mount Farm such as the large greenhouses, lorry trailers, increased noise affecting families and flood lighting directed towards adjacent residential properties. Whilst it appears this application has been renewed over 25 years, isn't it time that the borough council take the opportunity in light of these outstanding issues raised by local residents to have a full farm management review at Lower Mount Farm before routinely approving this application extension?	Addressed within the report.
4.	The farm management strategy needs to be reviewed.	10.2
5.	Business uses adversely impact on residential properties which are not far away.	9.16
6	Believe that other units on Lower Mount farm (outside the application site) are breaking planning rules.	These units are not subject to this planning application.

### Consultees

Consultee	Comment	Where in the report this is considered
Cookham Parish Council	Object on the grounds it is inappropriate development in the Green Belt.	9.6-9.11
Highways	As the above mentioned scheme is solely a continuation of its current use with no other changes proposed, the application raises no Highway concerns and we therefore offer no objection.	9.14-9.15
Environmental Protection	Raises no objection, subject to conditions being imposed to control the hours for plant/machinery operation, further control if spray painting use takes place, and insulation to plant.	9.16

### Others

Group	Comment	Where in the report this is considered
Cookham Society	<p>The previous planning permission lapsed in 2015. It was the latest in a series of temporary permissions which were granted in order to fulfil the National policy of encouraging farm diversification, notwithstanding Policy GB8 of the Local Plan and the location of the site in the open countryside.</p> <p>A key factor in the decision making process was the signing of a S106 agreement to secure the Farm Management Strategy and making Marsh Meadow in Cookham available to the public.</p> <p>In contrast this application seeks an open ended permission without the benefits to the local community which the</p>	Addressed in report

	<p>previous consent gained.</p> <p>A permission would allow an industrial and commercial site at an isolated property in a manner which is contrary to local plan policy. The scheme would result in urbanisation of part of the Green Belt which separates Cookham and Maidenhead.</p> <p>There may be a case for a further temporary permission if the following can be agreed:</p> <ul style="list-style-type: none"> <li>• A S106 to secure the same benefits as previous consents.</li> <li>• The owners agree not to erect any more farm buildings on their holding during the continuation of this permission</li> <li>• A planning condition is imposed to restrict activity and nuisance.</li> </ul>	
--	---	--

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Planning history
- ii Green Belt
- iii Character of the area
- iv Parking/Highways
- v Residential Amenity

### i. Planning History

9.2 A series of temporary planning permissions have been granted for use of the units for storage, business, and industrial uses.

9.3 The 2005 permission (the most recent temporary consent granted) was allowed on the basis that the scheme complied with Policy GB8 of the Adopted Local Plan (re-use of buildings in the Green Belt), as although the change of use to business and industrial floorspace exceeded 300 square metres specified in the policy, there were considered to be benefits of diversification. These benefits were considered to be the farm management strategy which covered:

- The use of Marsh Meadow as public open space managed by a local management committee
- Maintenance and improvement of the public footpath and bridleway network
- Making land available or specific facilities as appropriate to the local community; and
- Maintenance of hedgerows and woodland to an acceptable standard.

9.4 The farm management strategy was secured by a S106 agreement under this temporary permission.

9.5 Under the 2005 temporary consent, it was concluded that the use of the units for employment purposes did not have an unacceptable impact on the openness of the Green Belt.

### ii. Green Belt

9.6 The Adopted Development Plan in 2005 (when the temporary permission was granted) remains to be the adopted Development Plan at the current time.

9.7 Since 2005, the National Planning Policy Framework (2018) has been published, which is the most up to date National Planning Guidance, and is a material consideration of significant weight.

Development within the Green Belt is prima facie inappropriate. The NPPF sets out the exceptions to inappropriate development; one of the exceptions is the re-use of buildings provided that the buildings are of permanent and substantial construction, and that the scheme preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.

- 9.8 Adopted Local Plan Policies GB1, GB2, and GB8 of the Adopted Local Plan are the relevant policies to this proposal. Policy GB1 sets out the exceptions to inappropriate development in the Green Belt, policy GB2 sets out the tests on the impact on openness of the Green Belt, and Policy GB8 covers the reuse and conversion of buildings in the Green Belt. Each of these policies is not fully consistent with the National Planning Policy Framework, and so are not given full weight in the determination of this application. Specifically Policy GB8 is not consistent with paragraph 146 of the NPPF in relation to the re-use of buildings and so is given limited weight.
- 9.9 Policy SP5 of the Borough Local Plan Submission Version, is a material consideration. This policy is not fully consistent with the NPPF, and so is given moderate weight.
- 9.10 Given the weight attributed to the Green Belt policies in the Adopted Development Plan, this scheme has therefore been assessed against the NPPF in respect of its acceptability in Green Belt terms.
- 9.11 In this instance, the application seeks permission to use the buildings for storage, business and industrial uses. The application proposes no extensions to the buildings. The land around the buildings is covered in hardstanding, which would have been used to park vehicles in association with the agricultural use of the buildings in the past. The business uses would attract car parking from staff and deliveries to the businesses. Given that it was concluded under the permission in 2005 that the development would not have an unacceptable impact on the openness of the Green Belt, it is considered reasonable to conclude that the use of the buildings for employment uses would preserve the openness of the Green Belt under this application. In respect of the development not conflicting with the purposes of the Green Belt, the buildings subject to this application are in existence, and as such it is not considered this scheme would result in encroachment into the countryside or would result in the merging of towns.

### **iii. Character of the area**

- 9.12 The site the subject of this application sits within a wider site that is used for employment purposes. Although the units adjacent to the application site do not benefit from express planning permission for employment use, these employment uses have been in operation for a considerable period of time and it is likely that their use is lawful. These adjacent employment uses form part of the character of the area.
- 9.13 There are residential properties to the south of this application site, which would have once been dwellings used in connection with the farm, but the local area cannot be described as primarily residential. It is not considered that the continued use of these buildings for employment purposes would cause harm to the character of the area. The scheme is considered to comply with Policies DG1 and E10 of the Adopted Local Plan.

### **iv. Parking/Highways**

- 9.14 The application form states that there are 30 car parking spaces on the application site. With regard to parking requirements for the proposed development, according to the Council's parking strategy and based on the amount of employment floorspace, the parking required in association with the employment use would exceed the amount that is/can be provided on the site. However, there are no known parking problems along Long Lane, and the employment use has been in operation for a considerable period of time.
- 9.15 The Highway Authority do not raise any concerns over the permanent use of the buildings for employment use. The use of the buildings for these purposes (compared to their use for agricultural purposes) is not considered to generate highway safety concerns, or result in a severe impact on the highway network.



## **v. Residential Amenity**

- 9.16 There are residential properties in close proximity to the site, which are likely to be impacted by the proposed use, however, it is considered that subject to appropriate mitigation, impacts arising from noise and disturbance from the employment uses can be adequately mitigated so as not to cause unacceptable levels of harm to residential properties. The measures to mitigate harm would be to require insulation to plant to ensure it complies with the British Standard for industrial and commercial sound, a condition limiting the hours of use of plant, machinery and power tools, and a condition relating to details of ventilation and filtration if paint spraying operations take place in the future.

### **Other Material Considerations**

#### Proposed allocation of the site in the Borough Local Plan Submission Version

- 9.17 Within the Borough Local Plan Submission version, the application site falls within an area of land which is allocated as an Established Employment Site in the Green Belt and is allocated for Industrial uses. Policy ED2 of the Borough Local Plan states such sites allocated for employment as shown on the proposals map will be retained for employment use. The Borough Local Plan Submission Version is not part of the adopted development plan, but is a material consideration in the determination of the application and shows the Council's intentions for the site.

#### Cookham Village Design Statement

- 9.18 The Cookham Village Design Statement is a material consideration to the determination of the application. The Village Design Statement references Lower Mount Farm, however, there is nothing specified within this part of the VDS which is considered to be of particular relevance to this application.
- 9.19 Guidance G4.4 of the VDS relates to the protection of the narrow strip of land between Maidenhead and Cookham, and the Statement sets out that it should not be compromised, and this is in relation to the Green Belt. The assessment of this scheme against Green Belt planning policy is addressed at Section 9.1-9.11 of this report.

#### The granting of temporary planning permissions

- 9.20 A number of temporary planning permissions have been granted in the past for this site, however, it would not be justifiable to condition this current application only for a temporary period. The assessment of this application needs to consider whether a permanent planning permission is acceptable or not in planning terms.
- 9.21 The National Planning Practice Guidance (NPPG) explains that a condition limiting use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity.
- 9.22 The NPPG explains that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. The NPPG goes on further to explain that it will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission should be granted permanently.

## **10. CONCLUSION**

- 10.1 It is important to note that the 2005 temporary planning permission was assessed against Policy GB8 of the Local Plan which was given full weight at that time. This application has been

assessed against the NPPF in respect of Green Belt, as Policy GB8 is now only given limited weight. The assessment of the proposal against Green Belt Policy differs now from when the scheme was assessed in 2005. In 2005, when assessed against Policy GB8 of the Local Plan, it was deemed necessary to secure a farm management strategy by way of a legal agreement in order for the development to be considered in compliance with this policy. When assessed against the NPPF, it is not considered necessary to secure a farm management strategy through legal agreement to make the development acceptable within the Green Belt.

- 10.2 The proposed development is considered to fall under the exception to inappropriate development in the Green Belt under the NPPF, and is considered to be appropriate development in the Green Belt which preserves the openness of the Green Belt. In addition, the proposed use is considered to be acceptable within the context of this area. The scheme is considered to have an acceptable impact on transport and upon residential amenity (subject to certain planning conditions being imposed).

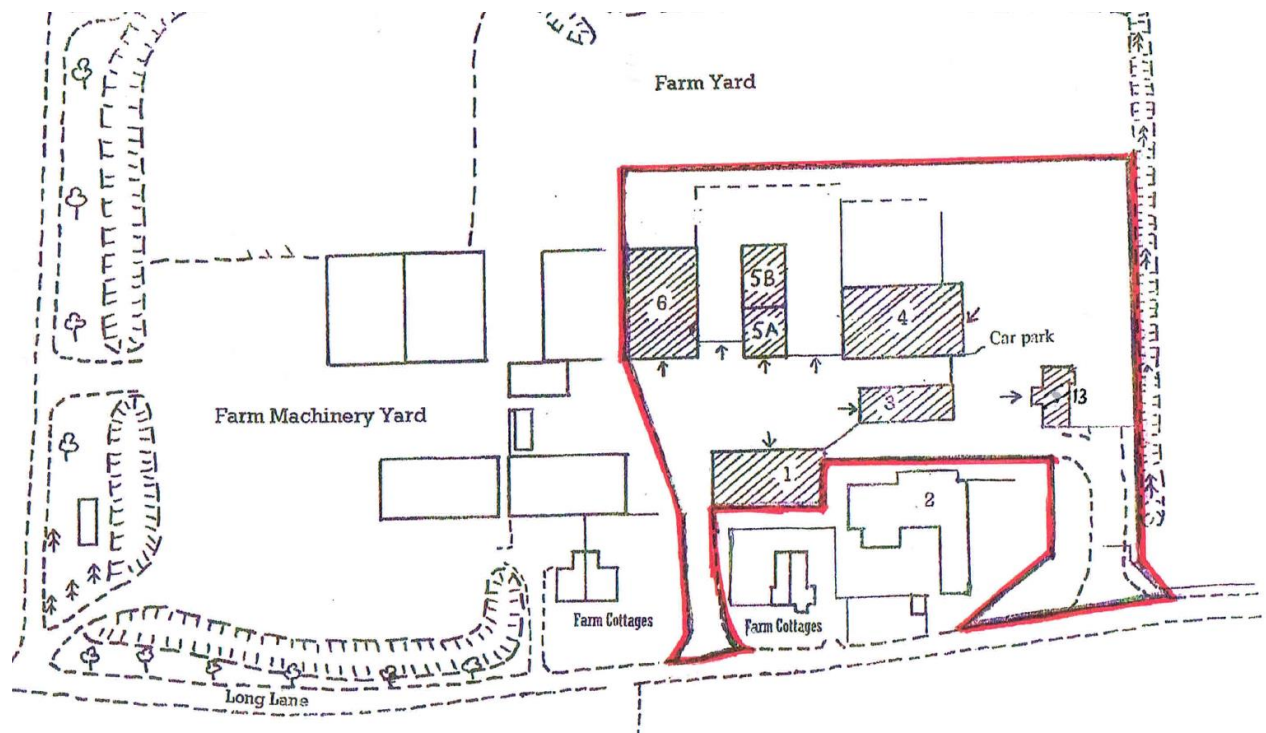
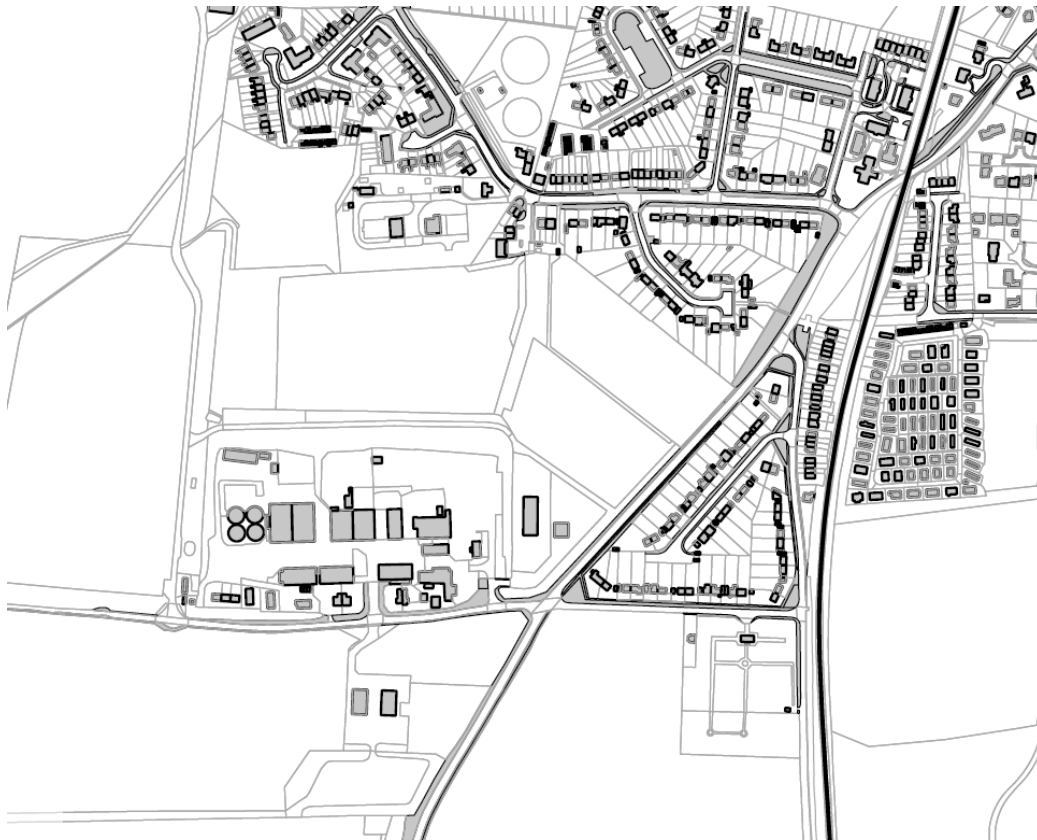
## **11 APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and site layout

## **12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The open areas outside of the buildings shall be used for the parking of vehicles, access, manoeuvring, loading and unloading purposes only. No industrial or other business uses shall take place outside of the buildings, including any storage, unless first agreed in writing by the Local Planning Authority.  
Reason: To protect the amenities and character of this area of Green Belt and to accord with the Local Plan Policies NAP3, GB1 and GB2.
- 2 In the event that paint spraying operations are to be carried out in any of the units within this application site, details of plant and equipment to be installed for the filtration and ventilation of paint spraying and fumes from the building(s) shall be submitted to the Local Planning Authority and approved in writing before paint spraying operations commence. Such details as may be approved shall be implemented prior to the commencement of any paint spraying, and shall be retained thereafter and maintained in good working order at all times.  
Reason: To protect the amenity of the area and to prevent any nuisance from odours and to accord with the Local Plan Policy NAP3.
- 3 No plant, machinery or power tools shall be used or operated outside the hours of 0730 to 1800 hrs on Mondays to Fridays, 0730 and 1400 hrs on Saturdays, and shall not be used or operated at all on Sundays or Bank or Public Holidays.  
Reason: To protect the residential amenity of the area. Relevant Policies - Local Plan NAP3
- 5 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 and site layout



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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

13 February 2019

Item: 4

<b>Application No.:</b>	18/03253/FULL
<b>Location:</b>	Beenhams Farm Beenhams Heath Shurlock Row Reading
<b>Proposal:</b>	Change of use from agriculture to mixed agriculture and D2 (Equestrian) use (polo) with associated parking and altered vehicular access from Cannon's Lane.
<b>Applicant:</b>	Mr Fall
<b>Agent:</b>	Mr Paul Dickinson
<b>Parish/Ward:</b>	Waltham St Lawrence Parish/Hurley And Walthams Ward

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

**1. SUMMARY**

- 1.1 The proposed change of use is appropriate development in the Green Belt and of a scale and nature that will not, with the recommended planning conditions set out in this report, harm the character or appearance of the area, amenities of local residents, increase flood risk or be detrimental to highway safety.

**It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.**

**2. REASON FOR PANEL DETERMINATION**

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

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site is approximately 33.9 hectares located on the north side of Cannons Lane, Beenhams Heath. The land is largely flat and open and there is an existing exercise track in the centre of the site.
- 3.2 The site is located in the Green Belt and partly within Flood Zone 3.

**4. KEY CONSTRAINTS**

- 4.1 The main planning policy constraints are the site's location within the Green Belt and within an area liable to flood.

**5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 5.1 The proposal is for the use of the land for keeping, training and riding of polo ponies during the polo season, (from the beginning of April to the end of September each year). The application involves the change of use of the land only. No physical works are proposed to create the polo fields. The land is naturally flat. Low posts would be used to define the extent of the 3 polo pitches and there would be moveable goal posts. There would be no permanent structures, stands, removable seating structures, floodlighting or loudspeaker systems. The application includes associated minor improvements to the existing access from Cannons Lane.

## 5.2

Application	Description	Decision
12/00141/FULL	Part change of use from agriculture to equestrian use (polo) together with improved access to Cannons Lane.	Refused 18.01.12 Appeal dismissed 16.09.14.
12/00140/FULL	Retention of 3 stable blocks providing 47 stables and 3 tack rooms together with related hardstanding and improved access to Cannons Lane.	Refused 18.01.12 Appeal against enforcement notice served in relation to the proposal dismissed 16.09.14
11/03227/Full	3 replacement gates.	Approved 17.01.12
11/02164/Full	Retention of 5 cabins to provide groom's accommodation in association with equestrian use (polo), retention of 2 associated waste tanks.	Refused 22.09.11
11/00768/Full & 11/00771/LBC	Change of use of existing barn to form a three bedroom dwelling (amendment to permissions 09/01070 & 09/01071.	Approved 09.05.11.
09/01070/Full & 09/01071/LBC	Change of use of existing farm building to form a two-bedroom dwelling to include internal and external alterations.	Approved 29.07.09.
08/00231/Full	Retention of a horse exercise track.	Approved 17.07.08.
07/01587/Full	Erection of a replacement barn.	Approved 19.11.07.

## 6. DEVELOPMENT PLAN

**Adopted Royal Borough Local Plan (2003)**

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

Issue	Adopted Local Plan Policy
Impact on the Green Belt	GB1, GB2 (A), GB6
Highways	P4, T5
Flooding	F1

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

**Adopted Hurley and the Waltham's Neighbourhood Plan (2015-2030)**

Issue	Neighbourhood Plan Policy
Sustainable Development	Env 1
Climate Change, Flood and Water Management	Env 2
Accessibility and Highway Safety	T1

7. **MATERIAL PLANNING CONSIDERATIONS****National Planning Policy Framework Sections (NPPF) (2018)**

Section 13- Protecting Green Belt land

**Borough Local Plan: Submission Version (BLPSV)**

Issue	Local Plan Policy
Development in the Green Belt	SP5
Managing Flood Risk and Waterways	NR1

- 7.1 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 prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for examination in January 2018, with the first stage examination taking place in June 2018.
- 7.2 The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. In this case, significant weight is given to Policy SP5 and limited weight to Policy NR1.
- 7.3 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

**Supplementary Planning Documents**

- RBWM Interpretation of Policy F1

**Other Local Strategies or Publications**

- 7.4 Other Strategies or publications relevant to the proposal are:
- RBWM Landscape Assessment
  - RBWM Parking Strategy

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

**8. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

9 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 03.12.18 and the application was advertised in the Local Press on 06.12.18.

No letters of representation have been received either supporting or objecting to the proposal.

## Consultee responses

Consultee	Comment	Where in the report this is considered
Waltham St. Lawrence Parish Council	The Parish Council finds the application acceptable only if the following conditions are added: <ul style="list-style-type: none"> <li>i. Limit the number of HGV/Horsebox Transporters per day on all the narrow surroundings roads</li> <li>ii. Restrict use of pitches to one tournament per day to control numbers.</li> <li>iii. No helicopter landings (noise) or overnight parking (harm) or temporary accommodation.</li> </ul>	Suggested condition 1 is not enforceable and not considered necessary given other recommendations. Condition 2 is covered in terms of limiting the total number of matches and hours of activities. Condition 3 is not necessary given the nature and level of activities proposed covered by other conditions.
Highway Authority	No objections subject to conditions in relation to access as per submitted drawings, swept path analysis details to be submitted and approved prior to commencement, parking provided as per submitted drawing, visibility splays as per submitted drawing, gates from the highway, details of estimated traffic generation and refuse and recycling storage details to be submitted and approved.	Agree conditions are necessary and reasonable in terms of the access, parking, visibility and gates as per approved details. A swept path analysis is not required as there is ample space within the site. Details of estimated traffic generation is also not necessary given submitted details and other conditions. Details of refuse and recycling and cycle provision are also not necessary given the nature of the use, size of the site and scale of activities.
Lead Local Flood Authority	No objections. There will be no increase to surface water or ground water flood risk as a result of the development.	Noted.
Environment Agency	No objections, subject to a condition that the development is implemented in accordance with the submitted Flood Risk Assessment and mitigation measures: <ul style="list-style-type: none"> <li>• No raising of existing ground levels on the site;</li> <li>• No buildings or structures constructed or modified as part of this application.</li> </ul>	Condition added as per recommendation – condition 12.

## 9. EXPLANATION OF RECOMMENDATION

### 9.1 The key issues for consideration are:

- i The impact of the proposal on the Green Belt;

- ii Parking provision and highway safety;
- iii Flood risk;
- iv The impact on the amenities of local residents;
- v Other material considerations.

#### **i. The impact of the proposal on the Green Belt**

- 9.2 The planning history for the site (set out in Table 5.2 above) notes that an identical proposal (12/00141) was previously considered by the Local Planning Authority in 2012 and, having been refused, was also dismissed on appeal in 2014. At the time the appeal was considered National Planning Policy (NPPF) 2012 was relevant, but crucially to the determination of the proposal the then NPPF did not identify material changes in the use of land that preserved the Green Belt's openness and did not conflict with the purposes of including the site within the Green Belt, to be not inappropriate development. This was a significant departure from previous National Planning Policy and meant that the proposal was inappropriate development in principle. As the Inspector found there were no very special circumstances to justify allowing the proposal, the appeal was dismissed.
- 9.3 National Planning Policy was revised in July 2018 and now advises, under paragraph 146 e), that material changes of the use of the land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including the land within it.
- 9.4 The proposal involves the change of use of land from agriculture to three polo pitches for the keeping, training and riding of polo ponies during the polo season, (from the beginning of April to the end of September each year), and would involve no physical works to create these. Any impact on the openness of the Green Belt would be temporary, (from parked vehicles for example, see condition 10), and are acceptable given their association with the use of the land, (although it is recommended that limitations by way of planning conditions be put on any approval to ensure this).
- 9.5 The proposal includes works to improve the existing access to the site from Cannons Lane and involves slightly widening the drive to 6m, creating a 1m path to each side of the driveway, setting new gates back from the highway by 12.5m and, moving the fencing back by a maximum of 2.8m to provide adequate visibility splays. These works were proposed under the previous application and considered acceptable in Green Belt terms, as they are now.
- 9.6 The proposal would maintain the openness of the Green Belt. Subject to conditions 2, 3, 5 and 6 in Section 13 of this report, the proposal is appropriate development in the Green Belt and complies with policies GB1 and GB2 (A) of the Local Plan, Policy SP5 of the BLPSV and Env.1 of the Neighbourhood Plan.

#### **ii. Parking provision and highway safety**

- 9.7 Areas for car parking and parking for horse boxes and lorries are shown on the submitted drawings. In the case of car parking, these are two relatively small areas next to two of the proposed pitches, while the horse boxes and lorries would be parked in one area of the site on an existing area of hardstanding, close to the access and behind an existing and established row of trees. A total number of 15 parking spaces is specified on the application form and the submitted parking strategy sets out how parking will be managed. The submitted planning statement also clarifies the scale of polo activity proposed, which is the main factor in determining the likely numbers of people and vehicles generated from the use. Essentially, there will be no "high goal" tournaments or matches played at the site, which involve professional players and corporate sponsored events, and which attract significant interest. Instead the main aim is to facilitate the exercising of polo ponies and playing of practice chukkas and "low/medium goal" matches, which generally do not attract any spectators. The applicant has set out a number planning conditions



in their planning statement, which they are happy to be imposed if permission were granted to ensure the number and types of matches are limited (see conditions 3,4 and 5).

- 9.8 There is a single point of access to the south of the site which is currently approximately 4m wide with no footpaths on either side. There are also high bushes/shrubbery, verge and fencing to the east of the access and wooden fencing and verge to the west. The proposal involves cutting back the existing hedge and verge on both sides of the access to increase the width of the drive to 6m and provide the required visibility splays of 2.4m x 43m, together with provision of 1m wide footpaths either side of the drive. The Highway Authority has advised these works are acceptable.
- 9.9 The proposal will not generate significant levels of traffic, parking off-site or have be detrimental to highway safety. Subject to conditions 9, 10 and 11 in Section 13 of this report, the proposal complies with policies P4 and T5 of the Local Plan and Policy T1 of the Neighbourhood Plan.

#### **Flood risk**

- 9.10 The majority of the site is in Flood Zone 3 where there is a high probability of flooding. However, the applicant has submitted a Flood Risk Assessment, and both the Lead Local Flood Authority and Environment Agency have advised that the proposal would not increase flood risk at the site or in the area.
- 9.11 Subject to condition 12 in Section 13 of this report, the proposal complies with Policy F1 of the Local Plan and Policy Env. 2 of the Neighbourhood Plan.

#### **iv. The impact on the amenities of local residents**

- 9.12 The proposed polo pitches would be at least 250m away from the closest residential property. Subject to conditions 2, 3, 6, 7 and 8 as set out in Section 13 of this report, there should be no harm to the living conditions of any local residents in terms of noise and disturbance.

#### **v. Other Material Considerations**

- 9.13 As the proposed equestrian use is appropriate to the Green Belt and for “low/medium goal” polo activities, it will not harm the character and appearance of the area. There is an existing manager’s cottage on the farm to which the proposal relates and therefore, when taken together with the other considerations outlined above, the proposal complies with Policy GB6 of the Local Plan and Env.1 of the Neighbourhood Plan.

### **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 10.1 The development is not CIL liable.

### **11. CONCLUSION**

- 11.1 The proposal is appropriate development in the Green Belt and, subject to the conditions outlined in Section 13 below, will not be detrimental to highway safety or increase flood risk, not harm the character of the area or the amenities of local residents. The proposal therefore complies with National Planning Policy and Development Plan policies.

### **12. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – Proposed site layout
- Appendix C – Proposed access improvements

### **13. 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.

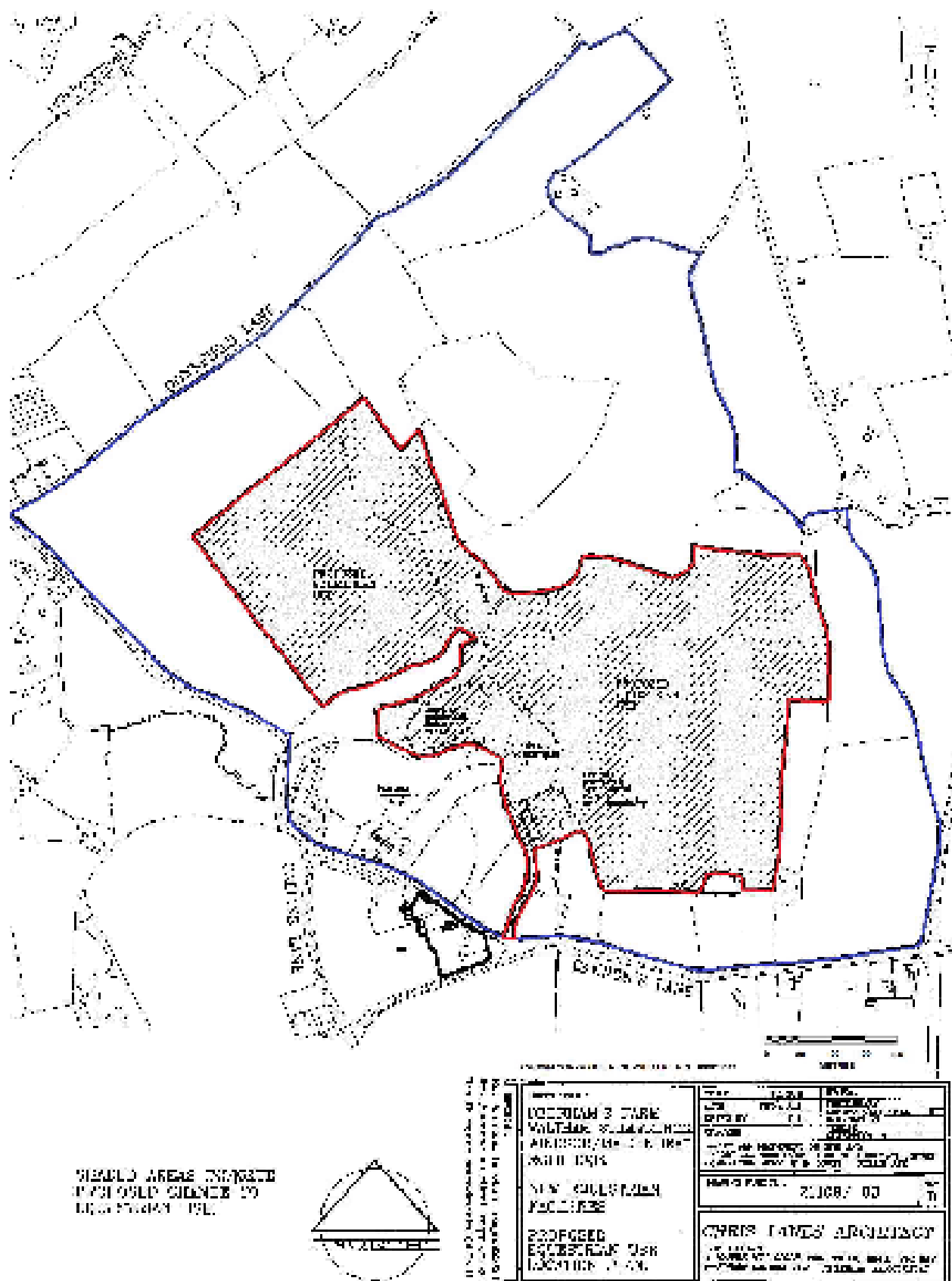
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

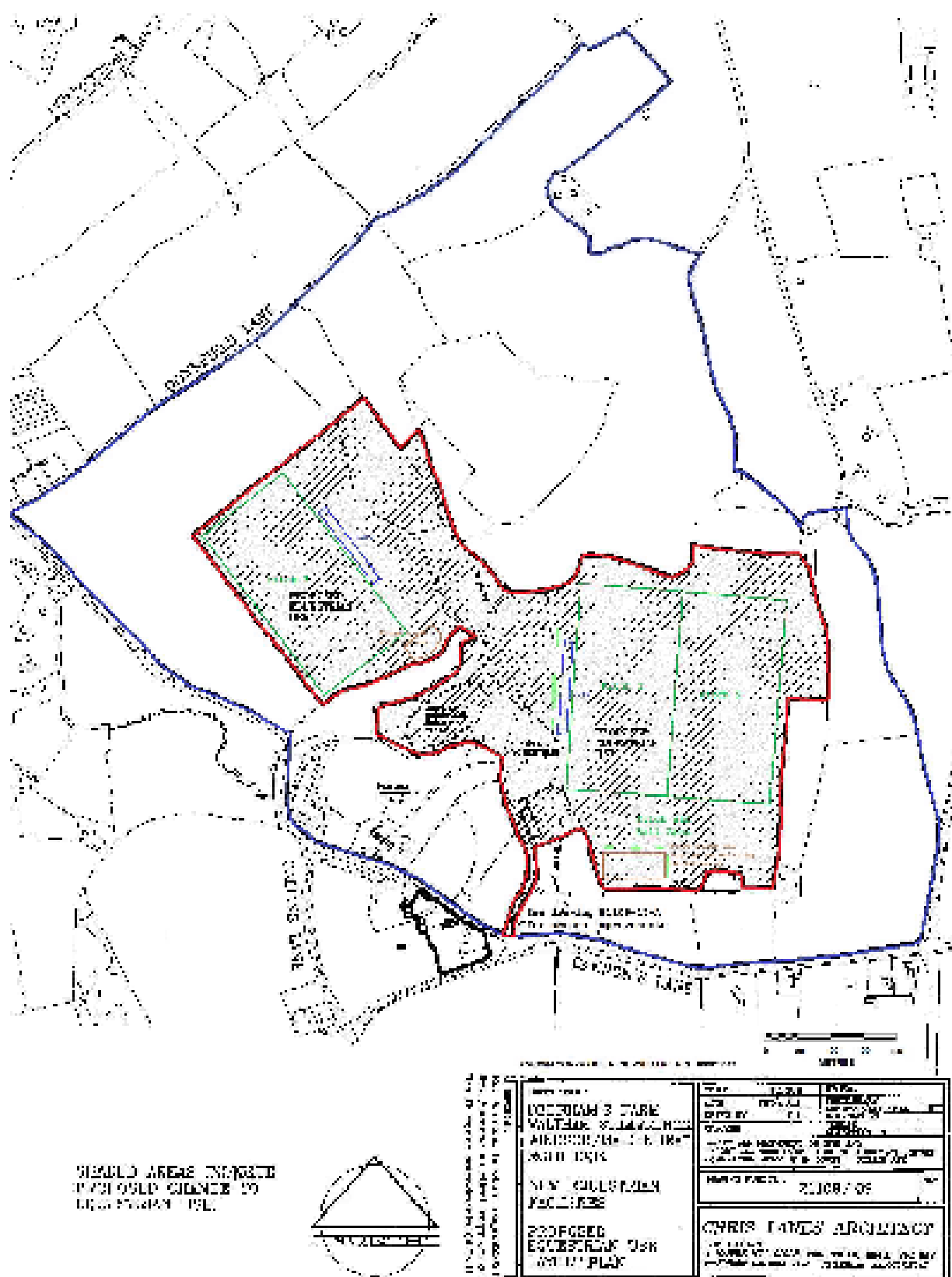
- 2 The playing of polo shall take place on the land only between April and September each year.  
Reason: To protect the rural character of the area and the amenities of adjoining occupiers .  
Relevant Policies - Local Plan Policy GB2 (A) and paragraph 127 of the NPPF.
- 3 There shall be no high goal matches or tournaments (17 to 24 goals) at any time and no more than 40 medium goal matches (12 to 15 goals) in any calendar year.  
Reason: To protect the rural character of the area and the amenities of adjoining occupiers .  
Relevant Policies - Local Plan Policy GB2 (A) and paragraph 127 of the NPPF.
- 4 The applicant shall maintain a register of all medium goal matches that have taken place stating the date and hours of play. A copy of the register shall be made available to the local planning authority within 48 hours of request.  
Reason: To enable the activities on site to be monitored in the interests of the amenities of the area, living conditions of adjoining neighbours and highway safety. Relevant Policies - Local Plan GB2 (A), P4, T5 and Policy T1 of the Hurley and the WalthamsNeighbourhood Plan.
- 5 There shall be no permanent structures, stands or movable seating structures on the site.  
Reason: To protect the openness of the Green Belt and to prevent encroachment in the countryside. Relevant Policies - Local Plan GB1 and GB2(A) and Policy SP5 of the BLPSV.
- 6 There shall be no floodlights or other forms of external lighting on the site.  
Reason: To protect the rural character of the area and the amenities of adjoining occupiers .  
Relevant Policies - Local Plan Policy GB2 (A) and paragraph 127 of the NPPF.
- 7 There shall be no public address, tannoy or sound amplification system on the site.  
Reason: To protect the rural character of the area and the amenities of adjoining occupiers .  
Relevant Policies - Local Plan Policy GB2 (A) and paragraph 127 of the NPPF.
- 8 The playing of polo matches shall take place only between the hours of 10:00 and 19:00 on any day and no more than two matches shall be played on any day.  
Reason: To protect the rural character of the area and the amenities of adjoining occupiers .  
Relevant Policies - Local Plan Policy GB2 (A) and paragraph 127 of the NPPF.
- 9 No other part of the development shall commence until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained as approved.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1
- 10 No part of the development shall be take place until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.  
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 11 No part of the development shall take place until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.  
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.
- 12 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment, prepared by PDA: Paul Dickinson and Associates, dated October 2018, and the following mitigation measures detailed within the FRA: 1. There shall be no raising of existing ground levels on the site as outlined in section 3.5 of the FRA; 2. There shall be no buildings or structures constructed or modified as part of this application as outlined in section 3.5 of the FRA.  
Reason: This condition is sought in accordance with paragraph 163 of the National Planning

Policy Framework to reduce the risk of flooding on-site and elsewhere. In particular to: To prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage.

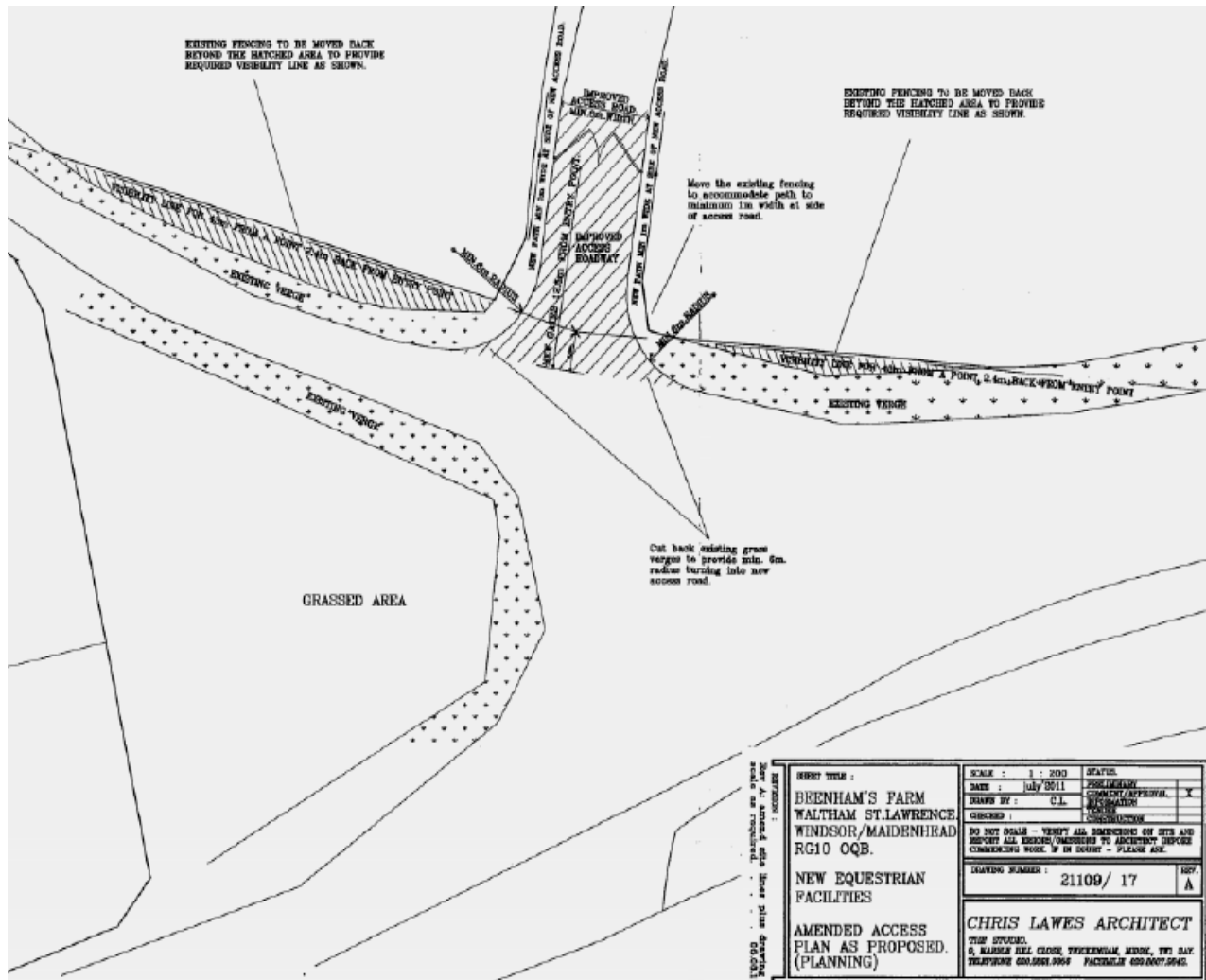
- 13 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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





## Appendix C



# ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

## PLANNING COMMITTEE

### MAIDENHEAD DEVELOPMENT CONTROL PANEL

13 February 2019

Item: 5

<b>Application No.:</b>	18/03373/FULL
<b>Location:</b>	Land To The South of Pool Farm Pool Lane Waltham St Lawrence Reading
<b>Proposal:</b>	Importation of soil/dirt to help with drainage.
<b>Applicant:</b>	Mr Fuller
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Waltham St Lawrence Parish/Hurley And Walthams Ward
<b>If you have a question about this report, please contact:</b> Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

## 1. SUMMARY

- 1.1 The application is for the importation of soil / dirt to allegedly help with drainage at land to the south of Pool Farm in Waltham St Lawrence. An application for the importation of soil / dirt to help with drainage at the site was previously refused on grounds of flood risk and biodiversity, ref: 15/02405/FULL. To support this application an application form and location plan has been submitted. No other supporting information has been provided. It is considered that the current application fails to demonstrate the flood risk resulting from the proposal, and fails to demonstrate that the proposal would not adversely affect the biodiversity of the area. The proposal is also considered to constitute inappropriate development in the Green Belt and fails to demonstrate that the proposal would not be detrimental to highway safety, the local highway infrastructure network and amenity.

1.2

<b>It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 12 of this report):</b>	
<b>1.</b>	Due to the absence of information on the amount of soil to be imported and the resultant changes in land levels within the site the proposal fails to demonstrate that the proposal would not result in any undue erosion of openness of the Green Belt nor conflict with the purposes of including land within it. The proposal therefore represents inappropriate development in the Green Belt, which is by definition harmful. No Very Special Circumstances have been demonstrated that would clearly outweigh the harm to the Green Belt and any other harm.
<b>2.</b>	Due to the absence of a site specific flood risk assessment the flood risk resulting from the proposal for the site and elsewhere is unknown and fails to demonstrate that the proposal would be safe for its lifetime.
<b>3.</b>	The site forms part of a local wildlife site, which includes a priority habitat and is in an area where protected species have been noted. No ecology information has been submitted with the application to demonstrate that the proposal would not adversely affect the biodiversity of the area and if there is significant harm to biodiversity resulting from the development whether it can be adequately mitigated or compensated for.
<b>4.</b>	The proposal fails to demonstrate that the existing access would be safe and suitable, including for users of Footpath 31 which is a public right of way, to the detriment of highway safety. Furthermore, due to the absence of information the proposal fails to demonstrate that the number of vehicular trips and any resultant noise and dust from HGVs or LGVs would not result in an adverse impact on the local highway infrastructure network and amenity.

## 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 of 2.6 ha of open grassland land to the south of Pool Lane Farm. The site lies entirely within the Metropolitan Green Belt and is identified as a 'wet meadow' Local Wildlife Site (LWS). The site lies within Flood Zone 3a with the exception of the northwest and southeast corners of the site which lie in Flood Zone 2. A public right of way lies along footpath 31 Waltham St Lawrence which runs along the eastern boundary and along Byway 24 Waltham St Lawrence which runs along the northern boundary of the site. There is also an article 4 Direction which removes permitted development rights for motor cross racing for more than 14 days in any given year.

### **4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 4.1 The proposal is for the importation of soil / dirt to help with drainage. No information has been submitted to confirm the amount of soil / dirt, how it will be imported, where it is to be deposited nor proposed levels.
- 4.2 A previous application, ref: 15/02405/FULL, for the importation of soil / dirt to help with drainage at the site was previously refused on the following grounds:
- The application site lies within an area liable to flood. The submitted flood risk assessment does not demonstrate that the proposed development would not impede the flow of flood water; reduce the capacity of the flood plain to store flood water or increase the number of people or properties at risk from flooding. As such the proposal is contrary to Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999(Incorporating Alterations adopted June 2003) and paragraph 103 of the National Planning Policy Framework, March 2012.
  - The site forms part of a local wildlife site and is in an area where protected species have been noted. No information has been submitted with the application to demonstrate that the proposal would not harm the biodiversity of the area and, as such, the proposal is contrary to paragraph 118 of the NPPF.

### **5. DEVELOPMENT PLAN**

#### **Adopted Royal Borough Local Plan (2003)**

- 5.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Green Belt	GB1, GB2
Flood Risk	F1
Highways	T5
Trees	N6

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

#### **Adopted Hurley and the Waltham's Neighbourhood Plan (HWNP) (2015-2030)**

Issue	Neighbourhood Plan Policy
Climate Change, Flood and Water Management	Env2
Accessibility, Highway Safety and Parking	T1
Goods Vehicle Traffic	T2



These policies can be found at  
[https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2)

## 6. **MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2018)**

Section 2 – Achieving Sustainable Development

Section 4 – Decision Making

Section 9 – Promoting Sustainable Transport

Section 12 – Achieving Well-Designed Places

Section 13 – Protecting Green Belt Land

Section 14 – Meeting the Challenges of Climate Change, Flooding and Coastal Change

Section 15 – Conserving the Natural Environment

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Green Belt	SP1, SP5
Flood Risk	NR1
Trees	NR2
Nature Conservation	NR3
Contaminated Land and Water	EP5
Sustainable Transport	IF2
Rights of Way and Access to Countryside	IF5

6.1 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 prepared a report summarising the issues raised in the representations and setting 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. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

6.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Supplementary Planning Documents**

- RBWM Interpretation of Policy F1

### **Other Local Strategies or Publications**

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 7. **CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

10 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 12 December 2018, and the application was advertised in the local paper distributed on the 20 December 2018. No representations were received.

## Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Objects to the proposal as no site specific flood risk assessment has been submitted which demonstrates that the development is safe without increasing risk elsewhere and where possible reduces flood risk overall.	Para. 8.5 – 8.12
Ecology	Insufficient information has been submitted to determine the impact of the proposal on protected wildlife.	Para. 8.12 – 8.13
Parks and Countryside Manager	Insufficient information has been submitted in respect of the vehicular access to the site, which may result in conflict with walkers and removal of hedgerow; and in relation to flood risk to demonstrate that ground raising will not have an adverse impact on drainage of the adjacent public rights of way.	Para. 8.15
Lead Local Flood Authority	Insufficient information has been submitted to determine that impact of the proposal in respect of drainage and flood risk.	Para. 8.12
Arboriculture Officer	Insufficient information has been submitted to support the application, it is therefore not possible to accurately determine the impact of the proposal upon trees growing within and adjacent to the site.	Para. 8.16 – 8.17
Highways Officer	The access appear to be substandard to accommodate HGVs, and no details have been provided on how many deliveries are required therefore traffic generation is unknown.	Para. 8.14 – 8.15
Waltham St Lawrence Parish Council	Objects to the proposal as there is no information on the amount of soil to be raised, no definition of the area of land to be raised, no access statement, no FRA, and had not been demonstrated that the proposal would not increase flood risk elsewhere.	Para. 8.2 – 8.15

## 8. EXPLANATION OF RECOMMENDATION

8.1 The key issues for consideration are:

- i Green Belt
- ii Flood Risk
- iii Ecology
- iv Highways Safety and Public Rights of Way
- v Trees

### Green Belt

8.2 The site lies within the Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 146 of the NPPF (2018) states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including engineering operations. Local Plan policy GB1 and BLPSV policy SP5 also set out appropriate development

in the Green Belt, while Local Plan policy GB2(a) states that permission will not be granted for new development within the Green Belt if it would have a greater impact on the openness of the Green Belt or the purposes of including land in it, which generally reflects the provisions within the NPPF. The Local Plan was prepared in accordance with the cancelled PPG2 Green Belts while the BLPSV was prepared in accordance with the NPPF (2012), and therefore while broadly in line with the NPPF (2018) differs in emphasis. As such, Local Plan policies GB1 and GB2(a) and BLPSV SP5 are given weight, but not full weight in the consideration of this proposal and the NPPF is considered to be a more up-to-date expression of Government intent.

- 8.3 It is considered that a material change in land levels would comprise an engineering operation, and therefore the test on whether it is appropriate development in the Green Belt falls to whether it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. No details have been provided on the amount of soil to be imported and the resultant changes in land levels, and therefore it is not possible to ascertain with certainty that the proposal would not result in any undue erosion of openness nor conflict with the purposes of including land within the Green Belt. As such, in accordance with paragraph 146 of the NPPF, the proposal is considered to be inappropriate development in the Green Belt.
- 8.4 Paragraph 143 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 (VSC). Paragraph 144 goes on to state that VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations. The case for VSC is assessed below.

### **Flood Risk and Sustainable Drainage**

- 8.5 The application site lies within Flood Zone 2 and 3a. Local Plan policy F1 advises that development will not be permitted within such areas unless it can be demonstrated that it would not in itself or cumulatively in conjunction with other development impede the flow of flood water; reduce the capacity of the flood plain to store flood water; or increase the number of people or properties at risk from flooding. Policy F1 broadly reflects the more recent advice contained in paragraph 155 of the NPPF which seeks to step development away from areas at highest risk and where development is necessary in such areas that the development is safe for its lifetime without increasing flood risk elsewhere. HWNP policy Env2 states that development must not increase flood risk elsewhere, and that the inclusion of sustainable drainage systems as part of a new development will be supported, which is also considered in accordance with the NPPF. BLPSV policy NR1 states that within designated flood zones development proposals will only be supported where an appropriate flood risk assessment has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms. However, given the extent of unresolved objections BLPSV policy NR1 is allocated limited weight.

#### Sequential Test

- 8.6 The aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding. In considering a planning application for the importation of soil / dirt to help with drainage, resulting in a change in land levels, it is considered impractical to suggest there are more suitable alternative locations for that development elsewhere. Therefore taking a pragmatic approach it is considered that the proposal passes the Sequential Test 'de facto'.

#### Exception Test

- 8.7 Only when the Sequential Test has been passed will the Exception Test apply. To pass the Exception Test development must be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall, and provide wider sustainability benefits to the community that outweigh flood risk. The need for the Exception Test will depend on the potential vulnerability of the site and of the development proposed in line with the Flood Risk Vulnerability Classification set out in the NPPG.
- 8.8 Engineering works as proposed is not listed in the Flood Risk Vulnerability Classification but it is considered to fall under 'less vulnerable' on the basis of similar development listed. In

accordance with Table 3: Flood Risk Vulnerability and Flood Zone Compatibility 'less vulnerable' development is appropriate in Flood Zone 3a, and therefore the Exception Test is not required.

#### Paragraph 163 of the NPPF

- 8.9 In addition to the above, paragraph 163 of the NPPF states that when determining any planning applications local planning authorities should ensure flood risk is not increased elsewhere. Where appropriate applications should be supported by a site-specific flood risk assessment (FRA), and development should only be allowed in areas at risk of flooding where it can be demonstrated that the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; the development is appropriately flood resistant and resilient; it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate; any residual risk can be safely managed; and safe access and escape routes are included where appropriate as part of an agreed emergency plan.
- 8.10 In accordance with the criteria outlined in footnote 50 of paragraph 163 of the NPPF a site specific FRA is required in this case, but FRA has not been submitted to support the application. A FRA is considered necessary to make an informed decision and in the absence of the FRA it is considered that the flood risk resulting from the proposed development for the site and elsewhere is unknown. The absence of a FRA is sufficient reason to warrant refusal in itself. Furthermore, with the absence of a FRA the proposal fails to demonstrate that the development would comply with the requirements listed in bullet points (a)-(e) of paragraph 163. The proposal is therefore considered to conflict with paragraph 163 of the NPPF and Local Plan policy F1 and HWNP policy Env2.

#### Sustainable Drainage

- 8.11 As the proposal falls into the category of major development, a sustainable drainage system should be incorporated unless there is clear evidence that this would be inappropriate to accord with paragraph 165 of the NPPF. The intention of the proposal is to improve drainage at the site, but no information in respect of drainage has been submitted such as a topographical survey; plans, drawings and specification of SUDS proposed, calculations of discharge and run-off water rates, water storage capacity of the proposal to demonstrate that the proposed SUDS meet the requirements of the site; and management and maintenance plan.

#### **Ecology**

- 8.12 The site is an area of grassland within a 'Wet Meadow' LWS. The LWS citation states that the LWS includes a low-land meadow sward to the north, which is a Priority Habitat. The citation also indicates that sections of the LWS comprise of marshy grassland, and depending on the type, condition and extent of the marshy grassland present, implementing measures to improve drainage may be harmful to biodiversity. No information, such as an Extended Phase 1 Habitat Survey and further surveys or mitigation strategy where necessary, has been submitted with the application to demonstrate that the proposed development would not adversely affect the biodiversity of the area, including protected species which have been identified in the area including water voles, house sparrow, quaking grass, yellowhammer and whitethroat.
- 8.13 Paragraph 99 of Circular 06/05: Biodiversity and Geological Conservation Statutory Obligation and Their Impact Within the Planning System, which has not been revoked by the NPPF, states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development is established before planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision. Paragraph 175 of the NPPF goes on to state that that when determining planning application if significant harm to biodiversity resulting from the development cannot be avoided or adequately mitigated, or as a last resort, compensated for then planning permission should be refused.

#### **Highway Safety and Public Rights of Way**

- 8.14 Local Plan policy T5 requires new development to comply with the Council's adopted highway design standards. HWNP policy T1 requires development proposals to demonstrate safe and suitable access and ensure that they would not have a severe residual cumulative impact on

highway safety, while policy T2 requires that harm arising from noise and dust from additional HGV/LGV traffic movements generated as a result of a development is satisfactorily mitigated. In this case there is an existing access to/from the site via Pool Lane, which is a single lane accessible via the B3024. No information has been provided on the amount of soil/dirt required or how it will be transported to the site but the access appears to be substandard to accommodate HGVs while the likely number of vehicular trips and any mitigation for noise and dust as a result of any HGVs or LGVs is unknown. Therefore, due to insufficient information submitted with the application the proposal fails to demonstrate that the proposal is acceptable in relation to highway safety and impact on local highway infrastructure and amenity, contrary to Local Plan policy T5 and HWNP policy T1 and T2.

#### Public Rights of Way

- 8.15 There are two public rights of way that run adjacent to the site including Footpath 31 leading from Downfield Lane to Pool Lane which runs along the eastern boundary of the site. From the information provided it is unclear if the importation of soil / dirt would be via the existing vehicular access to the site and how this would be managed to avoid any conflict with walkers using Footpath 31.

#### **Trees**

- 8.16 Local Plan policy N6 states that applicants should submit a detailed tree survey as part of an application where trees are a feature of the site, and new development should allow for the retention of existing suitable trees wherever practicable. Furthermore Local Plan policy N6 states that proposals should include protection measures considered necessary to protect trees during the development. BLPSV policy NR2, which should be given significant weight, states that development proposals should carefully consider the individual and cumulative impact of proposed development on existing trees including those that make a particular contribution to the appearance of local character, and an application should be accompanied by an appropriate tree survey, constraints plan and tree protection plan. Where the amenity value of the trees outweighs the justification for development, planning permission may be refused.
- 8.17 It is noted that there are existing mature trees lining the sites boundaries to the north, south, east and west that contribute to the verdant character of the locality and which could be impacted by the proposal. However, due to the lack of supporting arboricultural information submitted with the application it is not possible to accurately determine the impact of the proposal on the existing trees. Given that the proposal fails to secure the protection of existing trees which contribute to the character and appearance of the area, the proposal is contrary to Local Plan policy N6.

#### **9. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 9.1 In accordance with the Council's adopted charging schedule the development is not CIL liable.

#### **10. CONCLUSION**

##### Planning Balance and the Case for Very Special Circumstances

- 10.1 Paragraph 144 of the NPPF states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. In terms of any other harm, as there is no evidence to indicate otherwise, significant weight is given against the development in relation to harm to the ecology, highway safety and flood risk. No case has been put forward for VSC and there are no apparent benefits as a result of the scheme. As such, it is considered that the harm to the Green Belt and other harm would not be outweighed by any events, and VSC has not been demonstrated.

#### **11. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan

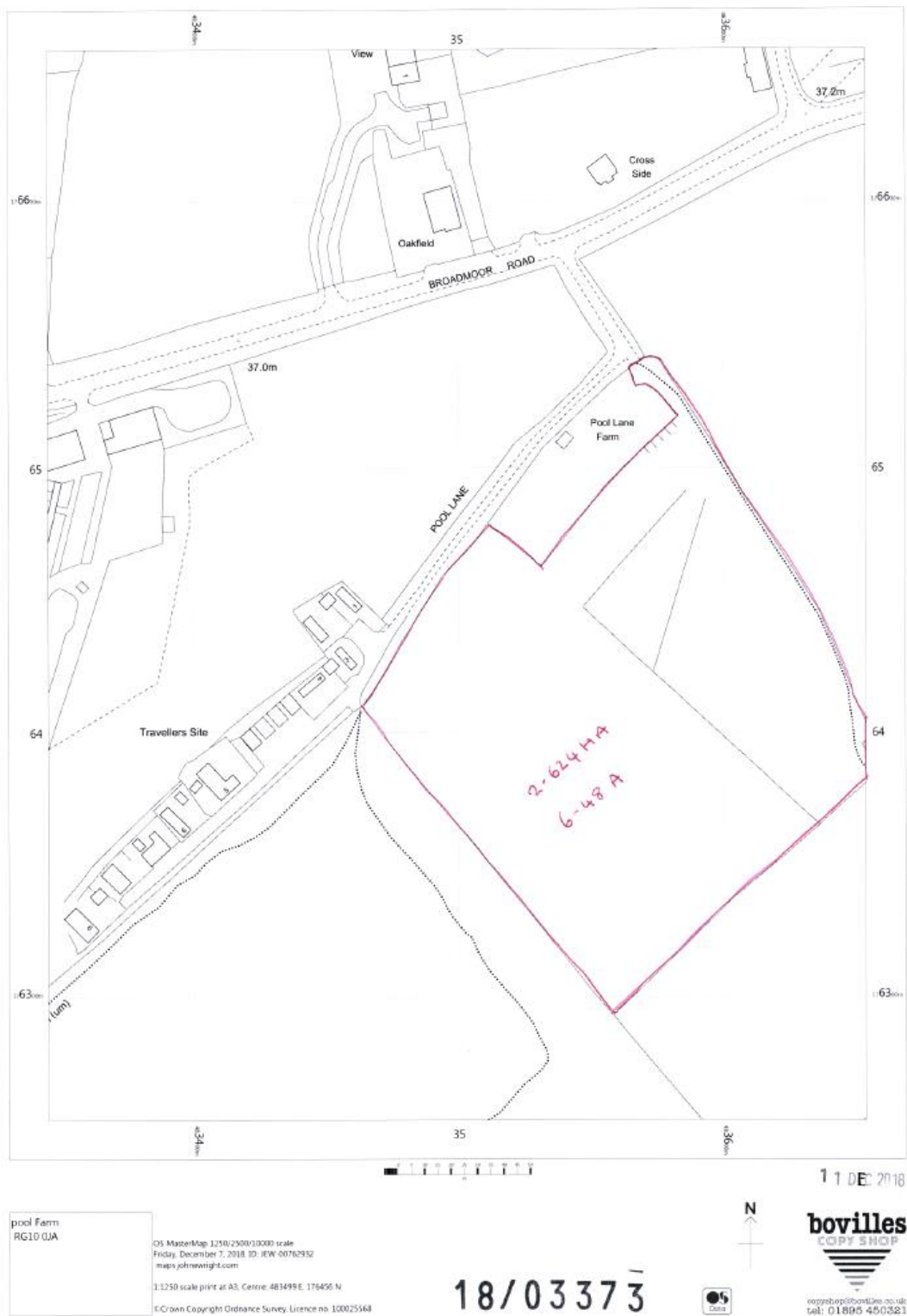
#### **12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 Due to the absence of information on the amount of soil to be imported and the resultant changes

in land levels within the site the proposal fails to demonstrate that it would not result in any undue erosion of openness to the Green Belt nor conflict with the purposes of including land within it. The proposal therefore represents inappropriate development in the Green Belt, which is by definition harmful. No Very Special Circumstances have been demonstrated that would clearly outweigh the harm to the Green Belt and any other harm. The proposal is therefore contrary to policies GB1 and GB2(a) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003), policy SP5 of the Borough Local Plan: Submission Version and paragraphs 133, 134, 143, 144 and 146 of the National Planning Policy Framework 2018.

- 2 In the absence of a site specific flood risk assessment the flood risk resulting from the proposal for the site and elsewhere is unknown and the application fails to demonstrate that the proposal would be safe for its lifetime. The proposal is therefore contrary to policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003), policy Env2 of the Hurley and Waltham Neighbourhood Plan 2017 and paragraph 163 of the NPPF 2018.
- 3 The site forms part of a local wildlife site, which includes a priority habitat. and is in an area where protected species have been noted. No ecological information has been submitted with the application to demonstrate that the proposal would not adversely affect the biodiversity of the area and if there is significant harm to biodiversity resulting from the development whether it can be adequately mitigated or compensated for. The proposal is therefore contrary to paragraph 174 of the National Planning Policy Framework 2018.
- 4 The proposal fails to demonstrate that the existing access would be safe and suitable, including for users of Footpath 31 which is a public right of way, to the detriment of highway safety and recreational amenity. Furthermore, due to the absence of information the proposal fails to demonstrate that the number of vehicular trips and any resultant noise and dust from HGVs or LGVs would not result in an adverse impact on the local highway infrastructure network and amenity. The proposal is therefore contrary to policies T5 and R14 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and policies T1 and T2 of the Hurley and Waltham Neighbourhood Plan 2017.
- 5 There are existing mature trees lining the sites boundaries to the north, south, east and west that contribute to the verdant character of the locality and which could be impacted by the proposal. However, due to the lack of supporting arboricultural information submitted with the application it is not possible to accurately determine the impact of the proposal on the existing trees. Given that the proposal fails to secure the protection of existing trees which contribute to the character and appearance of the area, the proposal is contrary to policy N6 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and policy NR2 of the Borough Local Plan: Submission Version.

## Appendix A – Location Plan



# ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

## MAIDENHEAD DEVELOPMENT CONTROL PANEL

13 February 2019

Item: 6

<b>Application No.:</b>	18/03451/FULL
<b>Location:</b>	Milley Nursery Milley Road Waltham St Lawrence Reading RG10 0JP
<b>Proposal:</b>	Construction of x4 detached dwellings with detached carports, new access on to Milley Road and closure of existing site access, following demolition of existing buildings and hard standing areas.
<b>Applicant:</b>	Westbourne Homes Ltd
<b>Agent:</b>	Mr Paul Dickinson
<b>Parish/Ward:</b>	Waltham St Lawrence Parish/Hurley And Walthams Ward
<b>If you have a question about this report, please contact:</b> Briony Franklin on 01628 796007 or at <a href="mailto:briony.franklin@rbwm.gov.uk">briony.franklin@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The proposal involves the redevelopment of a former plant nursery site situated within the Green Belt with 4 detached dwellings. It is not considered that the site is 'previously developed land' and the proposal would constitute inappropriate development in the Green Belt. No very special circumstances have been demonstrated to outweigh the harm in this case.

<b>It is recommended the Panel REFUSES planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):</b>	
1.	<b>The lawful use of the land is for agriculture, it does not constitute previously developed land. Therefore the proposal represents inappropriate development in the Green Belt which is, by definition, harmful. No very special circumstances have been demonstrated that clearly outweigh the substantial harm caused to the Green Belt and the other harm caused to the openness of the Green Belt, and by failure to provide affordable housing or infrastructure capacity to support the development. This weighs against the scheme. The proposal is contrary to saved policies GB1, GB2 and GB3, emerging Borough Local Plan policies SP1 and SP5 and guidance set out in Section 13 of the NPPF.</b>
2.	<b>Vacant Building Credit cannot be applied in this instance as the site does not constitute previously developed land. Policy requires the proposal to provide 30% of the units as Affordable homes. The proposal fails to deliver any Affordable Housing and is therefore contrary to the development plan policy H3, the NPPF and emerging policy HO3.</b>
3.	<b>Inadequate information has been supplied to demonstrate that adequate water supply and sewerage infrastructure capacity exists both on and off site to serve the development and that the development would not lead to problems for existing users in accordance with emerging policy IF8.</b>

### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor D Evans, irrespective of the recommendation, due to the size of this previously developed site in the Green Belt it provides a great opportunity to provide a number of properties which are affordable to help young people and their families to live in the village.



### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site measures 0.98 hectares and lies behind existing residential properties on the northern side of Milley Road. The site is currently accessed from a shared access adjacent to Aubretia House. To the north of the site lies Burdons Farm which comprises some substantial former agricultural buildings which now appear to be in Class B2 (General Industrial) and B8 (storage and distribution) uses. Residential development comprising semi-detached and terraced dwellings lies to the east of the site in Adkins Road. To the west are paddocks. Ribbon development comprising mainly detached dwellings front onto Milley Road. The site lies outside the settlement boundary of Waltham St Lawrence.
- 3.2 The site comprises a range of buildings and structures including glass houses, open fronted buildings, sheds and a workshop/storage building which have been used in connection with a former plant nursery. Most of the buildings are now in a very dilapidated state. There are some remnants of raised beds and areas of hardstanding. Overall the site is quite overgrown and is well screened behind tall conifer trees and a close boarded fence and is not readily visible from the public realm.

### 4. KEY CONSTRAINTS

- 4.1 The site lies within the designated Green Belt.

### 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 Planning permission is sought to demolish all the former nursery buildings, structures and remove areas of hardstanding and erect 4 x 4 bed detached, 2 storey dwellings and detached open car ports. A new vehicular access is proposed to be created onto Milley Road to the west of 'West Winds' and would serve the proposed dwellings as well as two existing residential properties, 'West Winds' and 'Greenways'.
- 5.2 The proposed dwellings would have a traditional appearance and vary slightly in design. The design features include cat slide roofs, oak framing with rendered panel infill and dormer windows. The materials include red facing brick and plain clay tiles, render and timber cladding. The dwellings have been designed with lowered eaves and an overall ridge height of 7.9m. Each dwelling would have an open sided double car port and would be set within spacious plots informally arranged around a new access/driveway.
- 5.3 It is proposed to retain existing trees and planting on the site boundaries and provide new tree and hedge planting. The provision of the requisite vision splay at the junction of the new access onto Milley Lane will necessitate the removal of an existing hedge and wall fronting the road and replacement hedge planting and a wall is proposed to be set back further from the road.
- 5.4 There were a number of planning applications relating to the nursery use of the site in the 1950's through to the 1980's. The most recent planning history is set out as follows:

Reference	Description	Decision
15/03164/FULL	Construction of workshop and office following demolition of existing buildings.	Permitted 21.12.15. Not implemented and no longer extant.

### 6. DEVELOPMENT PLAN

#### Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Impact on Green Belt	GB1, GB2, GB3
Design in keeping with character and appearance of area	DG1, H10,H11
Affordable Housing	H3
Highways	P4 AND T5
Trees	N6 & N7

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### **Adopted Hurley and the Waltham's Neighbourhood Plan (2015-2030)**

Issue	Neighbourhood Plan Policy
Sustainable Development & Quality Design	Env 1 & Gen 2
Accessibility and highways safety	T1

These policies can be found at

[https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2)

## **7. MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2018)**

Section 4- Decision-making

Section 5- Delivering a sufficient supply of homes

Section 9- Promoting Sustainable Transport

Section 11- Making effective use of land

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 15 – Conserving and enhancing the natural environment.

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Development in the Green Belt	SP1 & SP5
Design in keeping with character and appearance of area	SP2, SP3
Housing Density	HO5
Affordable Housing	HO3
Sustainable Transport	IF2
Trees, Woodlands and Hedgerows	NR2
Nature Conservation	NR3
Environmental Protection	EP1
Infrastructure and developer contributions	IF1
Utilities	IF8

- 7.1 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 prepared a report summarising the issues raised in the representations and setting 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. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has

formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

- 7.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### Other Local Strategies or Publications

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

- RBWM Parking Strategy
- Affordable Housing Planning Guidance
- Vacant Building Credit Guidance

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

13 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on the 4<sup>th</sup> December 2018.

1 letter was received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	Pleased to see derelict nursery building replaced by high quality development.	See paragraphs 9.2.-9.9
2.	More sympathetic use of land than existing unsightly mess.	9.2 – 9.8
3.	Worried that nursery might be taken over by undesirable commercial activities such as external storage or car repairs.	9.7
4.	Pleased to see closure of existing shared, dangerous access.	9.11

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

Comment		Where in the report this is considered
1.	Worried that this would set a precedent in the parish for converting Green Belt land to housing.	See paragraphs 9.2-9.8
2.	Thames Valley Water & South East Water should be consulted. Existing issues with sewage capacity and water pressure. Concern that 4 new dwellings would make situation worse.	9.30
3.	Speed limit should be reduced from 40mph to 30mph.	9.11-9.15
4.	Street view of planned fencing and shrubs should be provided.	9.9
5.	Would be nice to see some affordable housing	9.22-9.24
6.	Visibility splays will need to be properly maintained.	9.11–9.15
7.	New access and associated vision splays need to be fully completed before lorries start moving on and off the site to safeguard pedestrian safety.	9.11-9.15

8.	Traffic survey information was taken over 6 days at end of August beginning of September and does not accurately reflect normal traffic volumes and speeds in Milley Road.	9.11-9.15
9.	Many vehicles exceed the 40mph limit.	9.11-9.15
10	Traffic movement and speed data should be collected over a longer period to provide a more realistic representation of traffic activity.	9.11-9.15

## Consultees

Consultee	Comment	Where in the report this is considered
Ecology Officer	The site is likely to be of some value to commuting and foraging bats, nesting birds, invertebrates and other wildlife. The ensure that the site remains suitable for use by these species and in line with Paragraph 175 of the NPPF, details of biodiversity enhancements and habitat management should be included within the Landscape Ecological Management Plan (LEMP). In addition any external lighting should be designed to avoid adversely affecting the ecologically-sensitive areas of the site (e.g. hedgerow). Overall subject to suitable conditions there are no objections to this application on ecological grounds.	See paragraphs 9.25-9.29
Highway Authority	In principle the development generates no highway concerns subject to suitable conditions/informatives.	9.11-9.15
Tree Officer	No objection subject to suitable conditions relating to tree protection, landscaping and a landscape management plan.	9.16-9.21
Environmental Protection	Suggested condition - Site Specific Construction Environmental Management Plan and Asbestos informative	9.31
Thames Water Utilities	No comments received.	9.30
Waltham St Lawrence Parish Council	No objection	Noted.

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Impact on the character and appearance of the site itself and the locality in general
- iii Impact on the living conditions of the neighbouring properties.
- iv Highways and Parking
- v Trees and Landscaping
- vi Affordable Housing
- vii Impact on ecology
- viii Other material considerations

## i. Green Belt

- 9.2 The site lies within the designated Metropolitan Green Belt; the Government attaches great importance to Green Belts. 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 (2018) states in paragraphs 143 & 144:

*'Inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*

*'When considering any planning application, local planning authorities should ensure that substantial weight is 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 resulting from the proposal, is clearly outweighed by other considerations.'*

- 9.3 A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and a list of exceptions are included in NPPF (2018) paragraph 145. One of the exceptions is 'g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- i. Not have a greater impact on the openness of the Green Belt than the existing development; or*
  - ii. Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. '*
- 9.4 Previously developed land (PDL) is defined in Annex 2 of the NPPF as '*land which is or was occupied by a permanent structure including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for mineral extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'*
- 9.5 The Planning Statement submitted with the application asserts that the site has a mixed use for a nursery and for the repair and maintenance of garden machinery. It is alleged that the repair and maintenance of garden machinery is not associated with, or ancillary to, the nursery use and therefore it has a separate Class B1 or B2 use. The applicants rely on the existence of permission 15/03164/FULL (now time expired) to support their case. However, there is no evidence of the permission being implemented, there is no evidence of this mixed use either within the application documentation or on site. On the contrary, the current use of the site is described in the application as *disused garden nursery workshop and office* which is what can be seen on site. There is no evidence that the site has a mixed use and it has not been established as the lawful use (through a Certificate of Lawfulness application supported by evidence). The last known use of the site is as a plant nursery. A horticultural nursery falls within the definition of agriculture. It is not therefore accepted that the site is previously developed land (PDL); in fact Officers consider that the site does not constitute PDL as a matter of fact. Consequently the proposed development does not fall within the list of exceptions under paragraph 145 and constitutes inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.6 The Planning Balance is set out at the end of this report and will consider the case for Very Special Circumstances against the harm to the Green Belt and any other harm.

### Impact on Openness

- 9.7 The majority of the buildings on the site are very low level and range in height from 1.5m to 5.4m, many are glass houses which are not substantial structures and are in a poor and dilapidated state. Structures have collapsed and/or have blended into the landscape. The figures provided in

the Planning Statement for existing and proposed footprint, floor area, volume and hardstanding areas are not considered to provide an accurate assessment of the impact on the openness of the Green Belt of the proposed development. It is considered that the redevelopment of the site with 4 large detached dwellings with a height of 7.9m would have a much greater impact on the openness of the Green Belt spatially and visually than the existing buildings/structures they would replace. The majority of the buildings would not lend themselves to being re-used or converted due to their poor, dilapidated condition and any permitted development fall-back position would be very limited. Any new uses could be satisfactorily controlled and whilst the site is currently overgrown and derelict it is well hidden from the public realm and does not cause demonstrable harm to visual amenity.

- 9.8 The NPPF is clear (paragraph 144) that when considering any planning application, local authorities should ensure that substantial weight is given to any harm to the Green Belt and that VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The proposal is considered to be contrary to saved local plan policies GB1, GB2 and GB3, which are all given significant weight, emerging Borough Local Plan policies SP1 & SP5, and section 13 of the NPPF, also accorded significant weight as material planning considerations.

#### **ii. Impact on the character and appearance of the site itself and the locality in general**

- 9.9 The development would display a high standard of design and landscaping and would be reasonably well screened by existing trees/planting and set well back from the Milley Road frontage. There is a mixture of housing densities in the vicinity of the site and, notwithstanding the harm identified to the Green Belt, the proposed layout and density would otherwise be appropriate in this location and would not detract from the character and appearance of the site itself or the locality in general. The introduction of a new vehicular access onto Milley Road would necessitate the removal of a low wall and a hedgerow in order to provide adequate vision splays. The drawings show a replacement 1.2m high wall, post and rail fence and replacement hedge with mixed native species to be provided at the new entrance and these details are considered acceptable in terms of the character and appearance of the street scene and the locality in general. Other tree planting and landscaping is proposed to be incorporated into the site. Overall it is considered that the development would accord with saved local plan policies DG1, H10, H11, emerging local plan policies SP3 and HO5 and Neighbourhood Plan policies Env 1 and Gen 2.

#### **iii. Impact on the living conditions of the neighbouring properties**

- 9.10 The closest relationship between existing and proposed dwellings is that from Plot 4 to Aubretia House at 16 metres corner to corner and plot 4 and nos. 5-8 Adkins Road at around 17 metres back to back. The proposed dwellings would be set a greater distance away from any of the other neighbouring properties and the site would be reasonably well screened. The proposal would not result in any unacceptable impact on the living conditions of the existing neighbouring properties in terms of light, outlook or privacy. The introduction of a new vehicular access opposite Sherbrook (formerly Sleepy Hollow) and close to 'West Winds' and 'Greenways' would not introduce an unacceptable level of noise and disturbance or have an adverse impact on their amenities. Within the development the separation distances between the proposed four dwellings would be acceptable and there would be no overlooking resulting such as to result in poor living conditions for future occupiers. The proposal is considered to accord with emerging policies SP3 and HO5.

#### **iv. Highways & Parking**

- 9.11 The application site is located to the north of Milley Road, a local unclassified distributor road (C8702) subject to a 40mph limit. The site is currently accessed from a shared access with Aubretia House and immediately adjacent to the access road to Burtons Farm. The existing access has poor visibility on its approach to Milley Road. The proposed development would be served by a new vehicular access to the west of 'West Winds' and opposite Sherbrook (formerly Sleepy Hollow). Aubretia House would retain the use of the existing access. The new access would be 4.8m wide and proposed visibility splays of 2.4m x 57.9m to the west and 60.6m to the

east are shown to be provided. The Highway Authority has accepted these visibility splays which could be conditioned to be kept free of all obstructions to visibility above a height of 0.6m, if the proposal were otherwise acceptable.

- 9.12 Each dwelling has been provided with a double open sided car port and each dwelling can accommodate at least 3 parking spaces to accord with the Borough's Parking Strategy. Whilst no secure cycle parking has been shown on the plans, the Design & Access Statement states that each dwelling will have secure cycle storage and this could be secured by condition should permission be forthcoming.
- 9.13 During the course of the application a revised layout drawing has been submitted to show separate accesses to serve 'West Winds' and 'Greenways' and this amendment has been accepted. In addition swept path analysis drawings have been submitted to show a refuse vehicle using the internal turning head within the site and a refuse vehicle entering and egressing the site in a forward gear. These drawings have been accepted.
- 9.14 The comments made by the neighbours in relation to the traffic survey information supplied with the application are noted and the Highway Authority has confirmed that whilst traffic surveys should be completed/undertaken outside the school holidays it is not considered that a full trip assessment is required in this case for the low number of trips generated by the proposed 4 new dwellings. It is not considered that the proposal would cause any adverse impact on the local highway network or would impact on the current speeds recorded in front of this site.
- 9.15 In principle the development generates no highway concerns subject to the imposition of a number of conditions including a Construction Management Plan should permission be forthcoming. The proposal is considered to accord with saved local plan policies T5 and P4, emerging local plan policy IF2 and Neighbourhood Plan policy T1.

#### **iv. Trees & Landscaping**

- 9.16 The application has been accompanied by an Arboricultural and Planting Integration Report and Tree Protection Plan. The site and neighbouring properties contain a mixture of trees and hedging especially on the boundaries that provide screening to the site. The eastern and western boundaries of the site are bordered by mature conifer hedges to a height of between 5-8m and up to 5m in width. The hedges currently provide useful screening of the site but may be considered too tall and/or wide by future residents. Four semi mature cypress and a pine tree are shown to be removed and the loss of these trees would not have a detrimental impact on the visual amenity of the area.
- 9.17 The proposal involves the loss of hedging along the southern boundary of the site to enable the construction of the new access and the associated sight lines on Milley Lane. The loss is shown to be compensated by the provision of a replacement hedge with mixed native species along with an avenue of semi-mature native trees along the new driveway. Soft landscaping is also proposed to be provided within the site to divide the plots wherever possible.
- 9.18 A revised TPP has been submitted to amend the protective tree fencing and whilst it is considered that adequate outline tree protection information has been provided to show that it is possible to protect the trees to be retained the tree officer requires further information to be provided and this could be adequately dealt with by condition in the event of planning permission being granted.
- 9.19 In addition whilst no detailed landscape scheme has been submitted at this stage the application does however indicate that there is scope to provide significant tree and hedge planting and again this could be adequately dealt with by condition.
- 9.20 The application is considered to be acceptable in terms of its impact on trees and landscaping subject to the imposition of suitable conditions to require further information relating to tree protection and landscaping details should permission be forthcoming. A landscaping management plan would also be required.

- 9.21 It is considered that the proposal accords with saved local policies N6 & N7 and emerging policy NR2.

#### **vi. Affordable Housing**

- 9.22 The application site measures 0.98 hectares. Local Plan policy H3 requires sites of 0.5ha or over or schemes proposing 15 or more additional dwellings to provide affordable housing and requires 30% of units on qualifying sites to be affordable. The emerging policy HO3 requires a minimum requirement of 30% affordable housing units to be sought on sites proposing over 10 net additional dwellings or which have a combined gross internal floor area over 1000 sq.m. In this case the gross internal floor area of the proposed development would exceed 1000sq.m.
- 9.23 Paragraph 63 of the NPPF states:

*'Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.'* The Parish is a designated a rural areas under the Housing Act.proposed.

- 9.24 The agent has sought to apply Vacant Building Credit and has concluded that no affordable housing contribution is required in this case. However vacant building credit only applies to PDL or brownfield land. It has already been established that the site is not PDL and therefore vacant building credit is not relevant to this case. It is worth noting that the Neighbourhood Plan specifically identifies lack of Affordable Housing as being a key issue which it seeks to address with a Rural Exceptions Policy; this proposal could not be considered to deliver Affordable Housing to meet locally identified needs or more generally to provide Affordable Housing. By failing to meet the policy requirement of 30% the application has failed to deliver any affordable housing and is therefore contrary to saved policy H3, emerging policy HO3 and the relevant sections of the NPPF.

#### **vii. Impact on ecology**

- 9.25 The application has been accompanied by a Phase I Ecological Appraisal.
- 9.26 The habitats on site include vegetation, scrub, hedgerow and grassland. The hedgerow may be a 'Priority Habitat' and the ecology report states that the hedgerow is species-poor but is likely to be of some value to local wildlife. Nearly all of the hedgerow is proposed to be retained with the exception of the length to be removed to accommodate the access road. The layout plan states that replacement hedge with mixed native species will be planted and in addition new hedgerow planting is proposed at the garden boundaries. As such the proposals are unlikely to have any significant impact upon Priority Habitats and sufficient green corridors throughout the site would be maintained. In line with paragraph 175 of the NPPF the site should be appropriately managed and enhanced to provide opportunities for wildlife and details of such enhancements should be included within a Landscape Ecological Management Plan (LEMP) which could be secured by conditions in the event of planning permission being granted.
- 9.27 All buildings on the site have been assessed as having 'negligible' potential to host roosting bats due to their open and draughty nature and coverage by scrub. In addition no trees were found to have any bat roosting features. It is considered unlikely that the works would disturb or harm roosting bats. The site is likely to be used by foraging and commuting bats and whilst these can be retained by the provision of bat boxes or bricks which should be detailed in the LEMP it also needs to be ensured that external lighting does not excessively illuminate habitats and deter bats and other wildlife. Therefore a condition to secure wildlife-sensitive lighting would also be required in the event of planning permission being granted.
- 9.28 A reptile survey was undertaken in September and October 2018 to an appropriate standard and did not reveal the presence of any reptiles or amphibians.



- 9.29 The site is likely to be of some value to commuting and foraging bats, nesting birds, invertebrates and other wildlife. To ensure that the site remains suitable for use by these species and in line with Paragraph 175 of the NPPF, details of biodiversity enhancements and habitat management should be included within a LEMP. Subject to the imposition of suitable conditions and an informative no objection is raised to the proposal on ecological grounds.

#### **viii. Other Material Considerations**

- 9.30 It is proposed to connect the dwellings to the mains sewer in Milley Road and some of the local residents have expressed concern about sewage capacity and existing poor water pressure. It would appear that Thames Valley Water has recently indicated that the sewage treatment is nearing capacity in this area. Unfortunately Thames Valley Water has failed to provide any comment on this application. In line with emerging policy IF8 development proposals should demonstrate that adequate water supply and sewerage infrastructure capacity exists both on and off site to serve the development and that the development would not lead to problems for existing users. Where such evidence is not available or the potential impacts are unclear, the Council will expect developers to carry out appropriate studies to ascertain whether the proposed development would lead to overloading of existing water and sewerage infrastructure. No information has been supplied in this regard and given the concerns that have been raised by local residents it is considered that this further information from the developer is required. In the absence of this information the application should be refused.
- 9.31 There are no environmental protection concerns raised to the proposal.

#### **Housing Land Supply**

- 9.32 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

*For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Footnote 6 makes it clear that Green Belt is covered by (i) above and therefore the tilted balance does not apply. Case law has made clear that provision of housing within the green belt cannot amount to a very special circumstance on its own which has sufficient weight to outweigh substantial harm to the Green Belt; it may in combination with other factors be part of a case for Very Special Circumstances. This is addressed below in section 11.

### **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 10.1 The development is CIL liable. CIL is based on the gross internal floor area of the dwellings but excludes the open sided car ports. The gross internal floor area has been calculated to be 1,092.81 sq.m. Floor areas which are to be demolished can only be deducted from the CIL chargeable area if they have been in lawful use for a continuous period of at least six months of the previous 3 years. The nursery has not been in use for a number of years and no evidence has been supplied that any of the buildings have been in use continuously for a period of at least six months over the last 36 months.

### **11. THE PLANNING BALANCE**

- 11.1 It has been established that the proposal amounts to inappropriate development within the Green Belt which, by definition, is harmful and that this harm should be given substantial weight. In addition to this harm, other harm is caused through the adverse impact on openness of the Green Belt. Furthermore the proposal fails to provide affordable housing in line with policy; the Strategic

Housing Market Assessment makes it clear that there is a clear need for affordable homes in the borough and no case has been put forward that the scheme could not provide affordable housing. Significant harm is given to this and moderate harm is afforded to the failure to demonstrate that infrastructure capacity exists for sewerage and water supply.

- 11.2 The Planning Statement submitted with the application provides a list of material considerations which the agent argues would amount to very special circumstances (VSC). This includes the reduction in the amount of buildings on the site to enhance the openness of the Green Belt; the removal of unattractive buildings; visual enhancement by providing soft landscaping; reduction in spread of development; potential uses for the site could be B1, B2 or B8 commercial uses which could result in a significant intensification of activity and traffic; would clean up the site and remove unauthorised rubbish/fly tipping; if the site is wholly a horticultural nursery use then the site would benefit from Class Q permitted development rights and would allow change of use of existing buildings to up to 5 residential dwellings without planning permission; existing buildings have no architectural merit and are of poor aesthetic appearance; proposed dwellings would respect local character; proposal would result in highway safety benefits, new access onto Milley Road would provide improved visibility and the proposal would make a modest contribution to the Borough's housing land supply.
- 11.3 The Council has control over the future use of the site in that any future use or development which falls within the definition of development needing planning permission should make a formal application. Potential future uses do not amount to Very Special Circumstances, if an application were made for commercial uses it would be assessed on its merits and should not be utilised as a mechanism for promoting another form of inappropriate development. Class Q rights can only be used to change the use of the existing buildings and many of those on site are not suitable for conversion or re-use. The reduction in the amount of buildings could amount to a very special circumstance if it were not for the impact on openness resulting from the proposal. The other matters in themselves are requirements of other policy – visibility splays, good design – and should not be considered to be Very Special Circumstances. The proposal would make a very limited contribution to housing supply. At best some of the matters put forward could be considered to amount to a case of VSC to which very limited weight could be given in the planning balance. On the opposite side of the balance however the harm caused is substantial.
- 11.4 To conclude, the case for VSC does not clearly outweigh the substantial harm to the Green Belt and the other significant harm identified, contrary to saved policies GB1, GB2 and GB3, emerging policies SP1 and SP5 and guidance set out in Section 13 of the NPPF. The proposal has failed to deliver any affordable housing in accordance with local plan policy H3 and emerging policy HO3 and inadequate information has been supplied to demonstrate that adequate water supply and sewerage infrastructure capacity exists both on and off site to serve the development and that the development would not lead to problems for existing users in accordance with emerging policy IF8.
- 11.5 For these reasons it is considered that the proposal clearly contravenes the Development Plan, is unacceptable and should be refused. Furthermore material considerations within the NPPF and associated guidance make it clear that the a number of matters weigh against approving the development.

## **12. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – Existing Buildings
- Appendix C - Proposed layout plan
- Appendix D - Floor plans and elevations
- Appendix E – Character sheets
- Appendix F – Comparative Site Plan

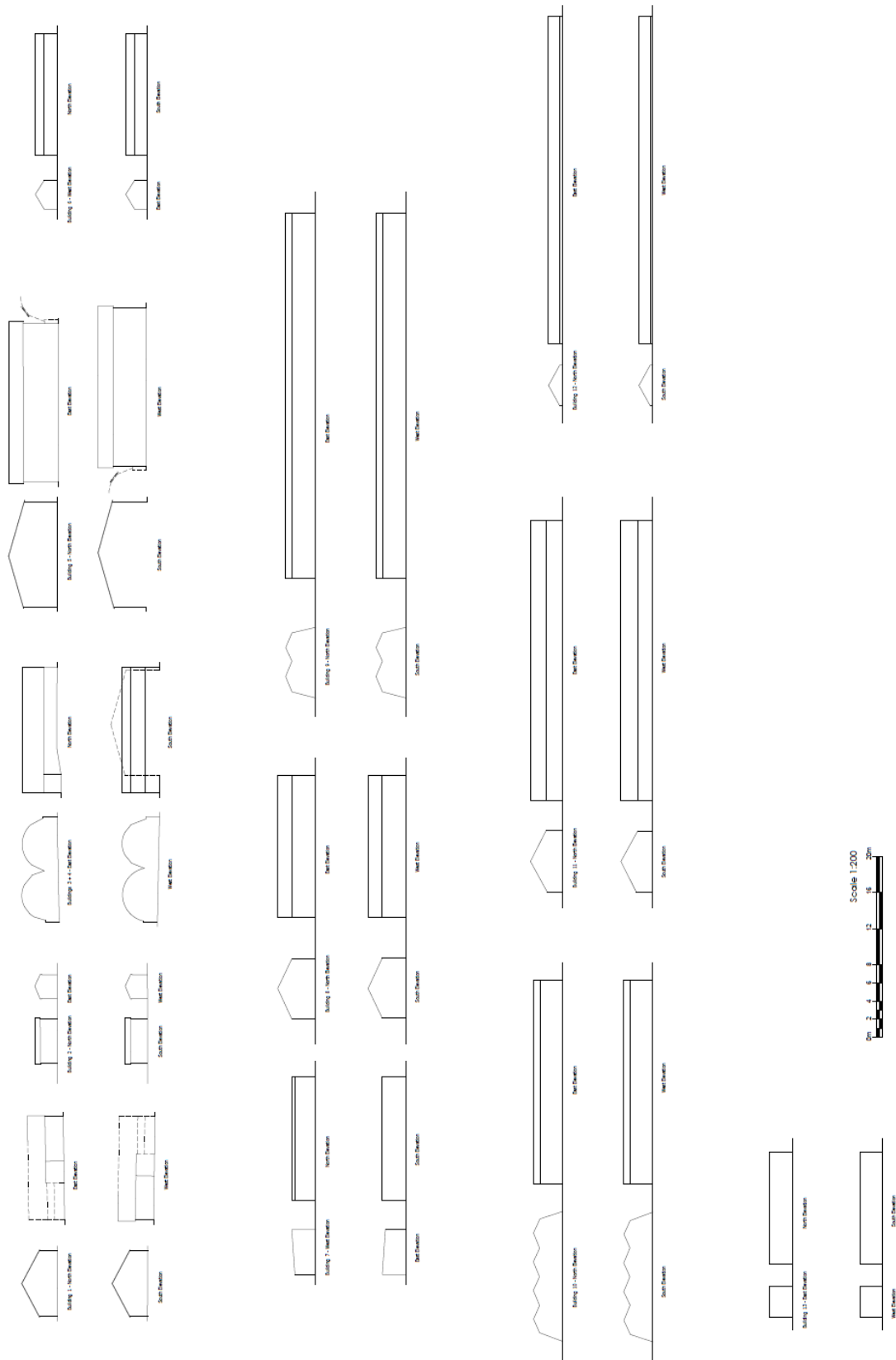
## **13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 The lawful use of the land is for agriculture and does not constitute previously developed land. Therefore the proposal represents inappropriate development in the Green Belt, which is by definition harmful. No Very Special Circumstances have been demonstrated that clearly outweigh the substantial harm caused to the Green Belt and the other harm caused to the openness of the Green Belt. The proposal is therefore contrary to saved policies GB1, GB2 and GB3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003), emerging policies SP1 and SP5 of the Borough Local Plan Submission Version and section 13 of the National Planning Policy Framework 2018.
- 2 Vacant Building Credit cannot be applied in this instance as the site does not constitute previously developed land. In the absence of a mechanism to secure Affordable Housing the proposal fails to comply with Paragraphs 63 and 64 of the National Planning Policy Framework and policy H3 of the Royal Borough of Windsor and Maidenhead Adopted Local Plan and emerging Policy HO3 of the Borough Local Plan 2013 -2033 (Submission Version).
- 3 Inadequate information has been supplied to demonstrate that adequate water supply and sewerage infrastructure capacity exists both on and off site to serve the development and that the development would not lead to problems for existing users in accordance with emerging policy IF8 of the Borough Local Plan 2013 -2033 (Submission Version).

## APPENDIX A – SITE LOCATION PLAN



# APPENDIX B – EXISTING BUILDINGS



## APPENDIX C – PROPOSED LAYOUT PLAN



# APPENDIX D – FLOOR PLANS & ELEVATIONS

## PLOT 1



PLOT 2

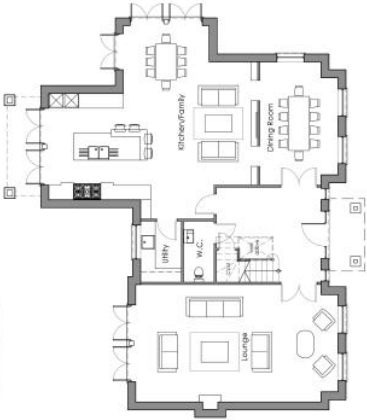




PLOT 3



First Floor Plan



Ground Floor Plan

Scale 1:100



Plot 3 Front (South) Elevation



Plot 3 Side (East) Elevation



Plot 3 Rear (North) Elevation



Plot 3 Side (East) Elevation

PLOT 4



## APPENDIX E – CHARACTER SHEETS



## APPENDIX F – COMPARATIVE SITE PLAN



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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

13 February 2019

Item: 7

<b>Application No.:</b>	18/03730/VAR
<b>Location:</b>	Straw Barn Mount Farm Choke Lane Maidenhead
<b>Proposal:</b>	Variation of Condition 11 (under Section 73) to substitute amended plans for the approved plans for construction of a B1 Office building following demolition of the existing barns, approved under 18/01169/FULL.
<b>Applicant:</b>	Mr Copas
<b>Agent:</b>	Mr Ifti Maniar
<b>Parish/Ward:</b>	Cookham Parish/Bisham And Cookham Ward

**If you have a question about this report, please contact:** Claire Pugh on 01628 685739 or at [claire.pugh@rbwm.gov.uk](mailto:claire.pugh@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 This is a Section 73 application which seeks to vary condition 11 (approved plans) of planning permission 18/01169 for a B1 office building.
- 1.2 A Section 73 application only allows for consideration of whether it is acceptable to vary the condition sought to be varied. The matters for consideration under this application must focus on whether the proposed changes from the originally approved scheme are acceptable in planning terms.
- 1.3 In this case, the changes proposed to the approved scheme include some minor changes to the external appearance of the building (mainly the insertion of rooflights), the introduction of a mezzanine floor which would increase the amount of office floorspace provided, and the provision of 7 additional car park spaces.
- 1.4 The proposed changes to the approved scheme are considered to have a negligible impact on the Green Belt compared to the consented scheme. It is considered that Very Special Circumstances (VSC) exist in this case to outweigh the harm to the Green Belt.

<b>It is recommended the Panel authorises the Head of Planning:</b>	
1.	<b>To GRANT planning permission subject to the conditions listed in section 13 of this report and following referral to the Secretary of State through the Planning Case Work Unit, and no call in by the Planning Case Work Unit as a result of that referral.</b>



**2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor Saunders for the reason that there are significant concerns and objections from the Parish Council and Cookham Society.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site comprises barns at Mount Farm. The buildings are brick and timber clad with a profile metal roof. The buildings have a typical barn/rural warehouse appearance. An area of hardstanding is located in front of the barns and is currently used for informal car parking.
- 3.2 Mount Farm is a diversified farm which amongst agricultural activities is home to a rural office complex under Use Class B1, located to the north east of the application building, which has its own car parking area. The farm also includes residential land uses located to the west of the commercial buildings.

#### 4. KEY CONSTRAINTS

- 4.1 The site is situated within the Green Belt, and within an Area of Special Landscape Importance.

#### 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Reference Number	Description of development	Decision and date of decision
99/34065/AGDET	Construction of agricultural building adjacent to existing portal frame structure	Prior approval not required. Determined 22.06.99
16/01148/CLASSM	16/01148/CLASSM   Class R – Notification of change of use from agricultural to offices (flexible commercial use) at Hay Barn Mount Farm	Prior approval required and granted. Decided on 31 <sup>st</sup> May 2016.
17/02048/FULL	Proposed Change of Use from (B8) Storage to (B1) Offices at Straw Barn, Mount Farm.	Permitted 25 <sup>th</sup> August 2017.
18/01169/FULL	Construction of a B1 Office building following demolition of the existing barns.	Permitted 11 <sup>th</sup> September 2018.

- 5.1 The new building would be 7.4 metres high (to the ridge), up to 37 metres deep in part, and 39 metres wide. The building would have a pitched roof, and a number of projecting gables.
- 5.2 The proposed building would be located on an existing internal access road that serves the existing office complex, and as such this access road would be removed. A new internal access road would be created following the line of an existing gravel track (to the west), which would link to the proposed car park area, and car park that serves the existing office complex.
- 5.3 No changes would be made to the existing vehicular access off Choke Lane.
- 5.4 This application seeks to vary condition 11 (approved plans) of planning permission 18/01169/FULL. The changes proposed from the previously approved plans are set out below.
- A mezzanine floor would be inserted, and so the amount of B1 office floorspace would increase by circa 498 square metres
  - The scale and footprint of the building would be the same as approved
  - Roof lights would be introduced on the side elevations of the building.
  - The number of car parking spaces would increase from 38 spaces to 45 car parking spaces.

#### 6. DEVELOPMENT PLAN

##### Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, N1
Highways	P4 AND T5
Trees	N6
Green Belt	GB1, GB2 (part A)

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)



## 7. **MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2018)**

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Green Belt	SP1, SP5
Ecology and Natural Resources	NR3, NR1

7.1 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 prepared a report summarising the issues raised in the representations and setting 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. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. All relevant policies to this application are afforded significant weight apart from policy NR1, which is given limited weight due to the nature of objections received to this policy, and Policy SP5 which is given moderate weight, as it is not fully consistent with the NPPF.

7.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Supplementary Planning Documents**

- Cookham Village Design Statement

Guidance G6.15 a, b and c relates to Commercial and retail development

### **Other Local Strategies or Publications**

7.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. **CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

4 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 11<sup>th</sup> January 2019, and the application was advertised in the Local Press as a Major Development, and a Development affecting a Public Right of Way.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	No objection.	9.10

### Consultees

Consultee	Comment	Where in the report this is considered
Cookham Parish Council	Inappropriate over development in the Green Belt.  This is non-sustainable development. The proposal gives extra capacity to a site where there is limited parking and a lack of public transport	Addressed in the report.
Council's tree officer	No objection subject to conditions for tree protection and landscaping details.	See recommended conditions.
Highways	The proposed site plan (PL-110) shows that only 41 standard car parking spaces will be provided together with 4 disabled spaces. The applicant should provide 43 standard car parking spaces to comply with the Authorities standards with the proposed 4 disabled spaces.  Recommends conditions	9.7-9.8
Environmental Protection	No objection, subject to a condition for a Construction Environment Management plan.	This condition is not considered necessary to make the development acceptable.

### Other organisations

Consultee	Comment	Where in the report this is considered
Cookham Society	We strongly object to this application. We do not consider it is a minor material amendment as suggested by the applicant. It entails a major increase in floor area.  Based on the number of work stations shown on the drawings (excluding conference rooms and break out areas), this proposal would increase the potential number of employees in this single building to over one hundred and forty. The site is in a rural location not effectively served by any public transport. The roads leading to the site are lanes and none of them even has a pavement or street lighting. It could be expected that all employees and visitors will come to site by private car. The word sustainable looms large in	Addressed in report



	<p>current planning policy. This site is not in a sustainable location for further development.</p> <p>The parking provision proposed of 49 spaces may meet normal RBWM standards for offices in urban areas but is totally inadequate in this location. It implies that most cars will have brought three employees to work. In our view an unrealistic target. The approval of application 18/01169 against officer recommendations has in our opinion already caused significant damage to the Green Belt in this area of Special Landscape Importance. The creation of further parking area is totally unacceptable.</p> <p>We are concerned regarding the additional traffic this proposed development would create on minor roads which have to be shared with pedestrians and horses because of lack of pavements or verges. Choke Lane is designated as part of the Cookham Bridleway Circuit and therefore the safety of riders should be a particular concern.</p> <p>We also draw your attention to the fact that this site is close to, and uphill from, the water supply wells in Whyteladyes Lane. We believe it is unacceptable to have additional development here without connection to main drainage.</p>	
--	---	--

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i What can be considered under a S73 application
- ii Green Belt
- ii Appearance of development
- iii Impact on trees
- iv Parking and Highways
- v Ecology
- vi Sustainable Drainage
- vii Other considerations

### i. What can be considered under a S73 application

9.2 This type of application can only consider whether the details of the condition that the application seeks to vary would be acceptable. The matters for consideration under this application must focus on whether the proposed changes from the originally approved scheme (18/01169) would be acceptable in planning terms.

### ii. Green Belt

9.3 The LPA under planning application 18/01169/FULL considered that the development was inappropriate in the Green Belt, as it did not fall under an exception to inappropriate development as set out in the NPPF, but that there were Very Special Circumstances to allow the development which outweighed the harm to the Green Belt. The Very Special Circumstances which were considered to exist and outweigh the harm were the economic redevelopment of the location as

an employment site; the proposals would enhance the site by way of its design; and demolishing the existing building would enhance the openness of the Green Belt.

- 9.4 In this application, the changes to the consented scheme which would impact on the Green Belt amount to the introduction of the 7 additional car parking spaces. Given that 38 car parking spaces have already been given planning permission under planning permission 18/01169, and the scheme was considered to enhance the openness of the Green Belt, it is considered that the 7 additional car parking spaces would have a negligible impact on the openness of the Green Belt compared to the consented scheme. Further, these additional car parking spaces would not result in any greater encroachment into the Green Belt than the approved car parking area.

### **iii. Appearance of development**

- 9.5 The proposed external changes to the scheme approved amount to the introduction of rooflights on the side elevations of the building and the introduction of the additional 7 car parking spaces. These changes compared to the approved scheme are considered to have an acceptable impact on the appearance of the area, and to comply with policies DG1 and N1.

### **iv. Impact on trees**

- 9.6 The changes from the approved scheme would have no greater impact upon trees on site and are considered acceptable in this respect.

### **v. Parking and Highways**

- 9.7 The approved building provided a floorspace of circa 928 square metres. The introduction of the mezzanine floor would result in the proposed building having a floorspace of circa 1,426 square metres. This scheme would provide for 45 car parking spaces, with 4 of these being disabled parking bays. This provision of car parking spaces is considered to be in accordance with the Councils' Parking Strategy SPD 2004, which requires 1 car parking bay per 35 square metres of office floorspace (41 spaces).
- 9.8 Based on the additional office floorspace over the consented scheme, it is not considered that this would result in a level of traffic that would result in a danger to highway safety, or that impacts on the local road network would be severe.

### **vi. Ecology**

- 9.9 The proposed changes to the approved scheme are considered to have an acceptable impact upon ecology.

### **vii. Sustainable Drainage**

- 9.10 This proposal would not increase the scale of the building above the consented scheme. The condition relating to Sustainable Drainage on the original permission would be acceptable on this Section 73 application.

### **Other considerations**

- 9.11 The NPPF at paragraph 86 sets out that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The NPPF sets out that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 9.12 The new office building approved under reference 18/01169 did not have the Sequential Test applied, as the amount of office floorspace created was similar to the amount of floorspace created through the conversion of these buildings to office space through prior approval (reference

16/01148/CLASSM) and through the granting of planning permission 17/02048/FULL which were fall back positions.

- 9.13 This application would increase the amount of office floorspace above the consented scheme, however, given the fall back positions of providing office space on this site, it would not be considered reasonable for the Sequential Test to be applied to this Variation application.
- 9.14 It is raised by the Cookham Society that it would be unacceptable to have development here without connection to mains drainage. This is not considered to be a reason to refuse this application on planning grounds.

## **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 10.1 Office development is not liable to CIL.

## **11. CONCLUSION**

- 11.1 The NPPF explains that substantial weight should be given to harm to the Green Belt, and that Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm arising from the proposal is clearly outweighed by other considerations.
- 11.2 This scheme, like the previously consented scheme, is considered to be inappropriate development in the Green Belt. Given that the proposed changes are considered to have a negligible impact on the openness of the Green Belt compared to the consented scheme, and the scheme is still considered to be acceptable in all other respects, it is considered that the Very Special Circumstances identified under planning 18/01169 outweigh the harm to the Green Belt in this case.

## **12. APPENDICES TO THIS REPORT**

- Appendix A - Site location
- Appendix B – Proposed site layout
- Appendix C – Proposed elevations and floorplans
- Appendix D – Approved plans under 18/01169

## **13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced on or before the 11th September 2021.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the building shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.  
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1
- 4 No development shall commence until a surface water drainage scheme for the development,

based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. Details shall include:

Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.

Supporting calculations confirming compliance with the Non-statutory Technical Standards for Sustainable Drainage Systems, proposed discharge rates and attenuation volumes to be provided. The supporting calculations should be based on infiltration testing undertaken in accordance with BRE365.

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 the National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere

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

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

- 6 Prior to the construction of the building hereby approved, details of both hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. All hard and soft landscape works shall be carried out in accordance with the approved details and in any event prior to the occupation of any part of the development.

A) Hard landscaping - These details shall include a detailed hard landscape specification and supporting plan(s) to a recognised scale illustrating the proposed positions, dimensions, materials and finished levels of: means of enclosures (e.g. embankments, fences, walls and gate piers); vehicular and pedestrian access; hard surfaces (e.g. driveways, car parking)

Where proposed hard surfaces/structures/ground levels are to be altered within, or introduced into the root protection areas of retained on/off site trees, scaled cross-section construction drawings and supporting method statement will be required to support the hard landscape plan/specifications.

B) Soft landscaping These details shall include; A) a detailed soft landscaping plan to a recognised scale clearly illustrating the location of all trees/shrubs/hedges/plants to be planted and areas of turf to be laid; B) a detailed written soft landscape specification detailing the quantity, density, size, species, position and the proposed time or programme of planting of all trees/shrubs/hedges/plants. This specification shall include details of ground preparation/cultivation within and adjacent to root protection areas of retained on/off site trees, and other operations associated with, tree/shrub/ hedge/plant establishment.

If within a period of five years from the date of planting of any tree/shrub/hedge/plant shown on the approved plan(s), or any tree/shrub/hedge/plant in replacement for it is removed, uprooted, destroyed, dies, or becomes seriously damaged or defective, another tree/shrub/hedge/plant 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

- 7 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.

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

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

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

- 9 Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used for B1(a) use only and for no other purpose (including any other purpose in B1 Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order)

Reason: The economic redevelopment of this site formed part of the Very Special Circumstances for allowing this inappropriate development in the Green Belt.

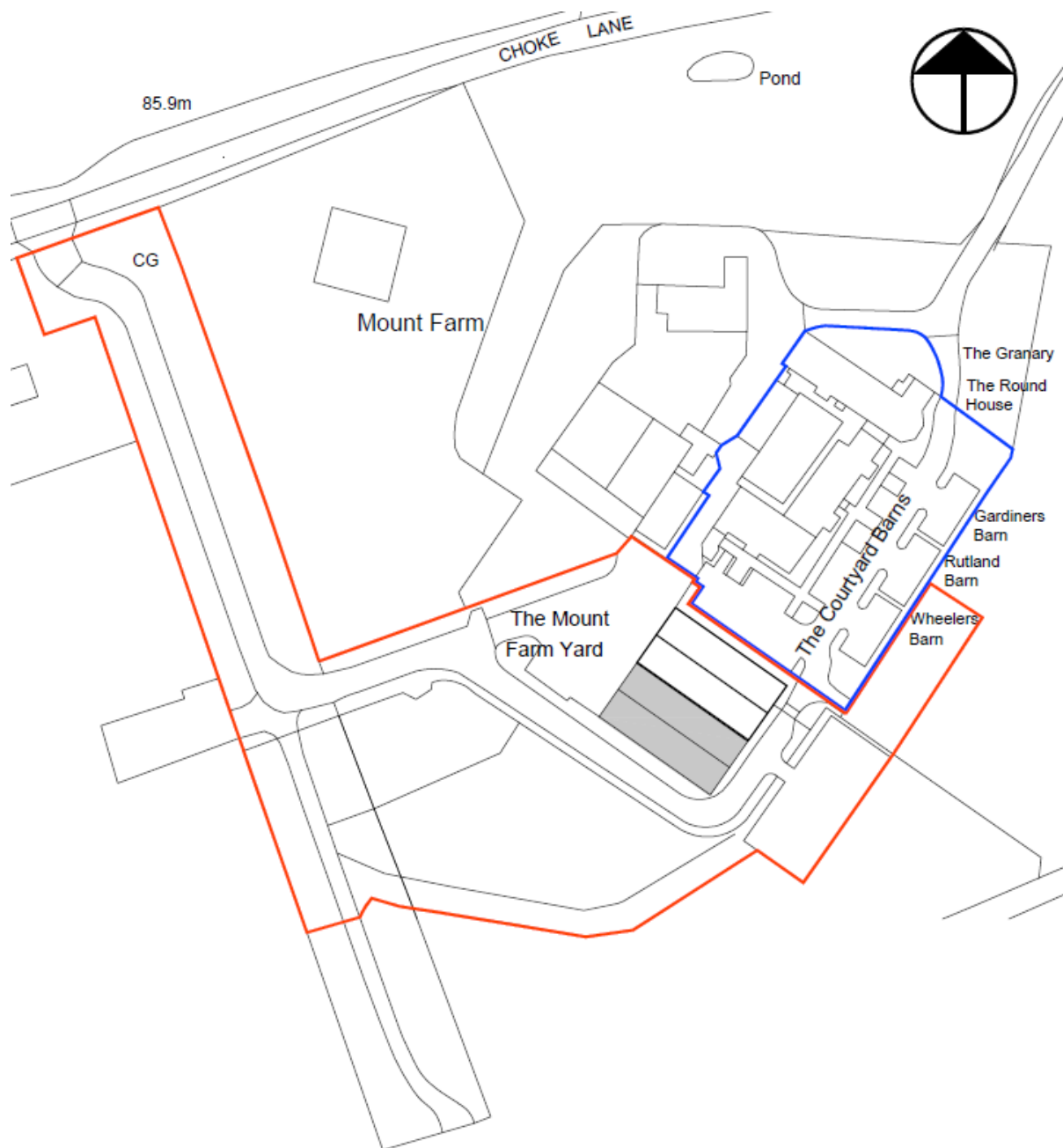
- 10 Irrespective of the provisions of Schedule 2, Part 7 Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the building shall not be extended, without planning permission having first been obtained from the Local Planning Authority.

Reason: The site is within the Green Belt, and extensions to the building may not be acceptable.

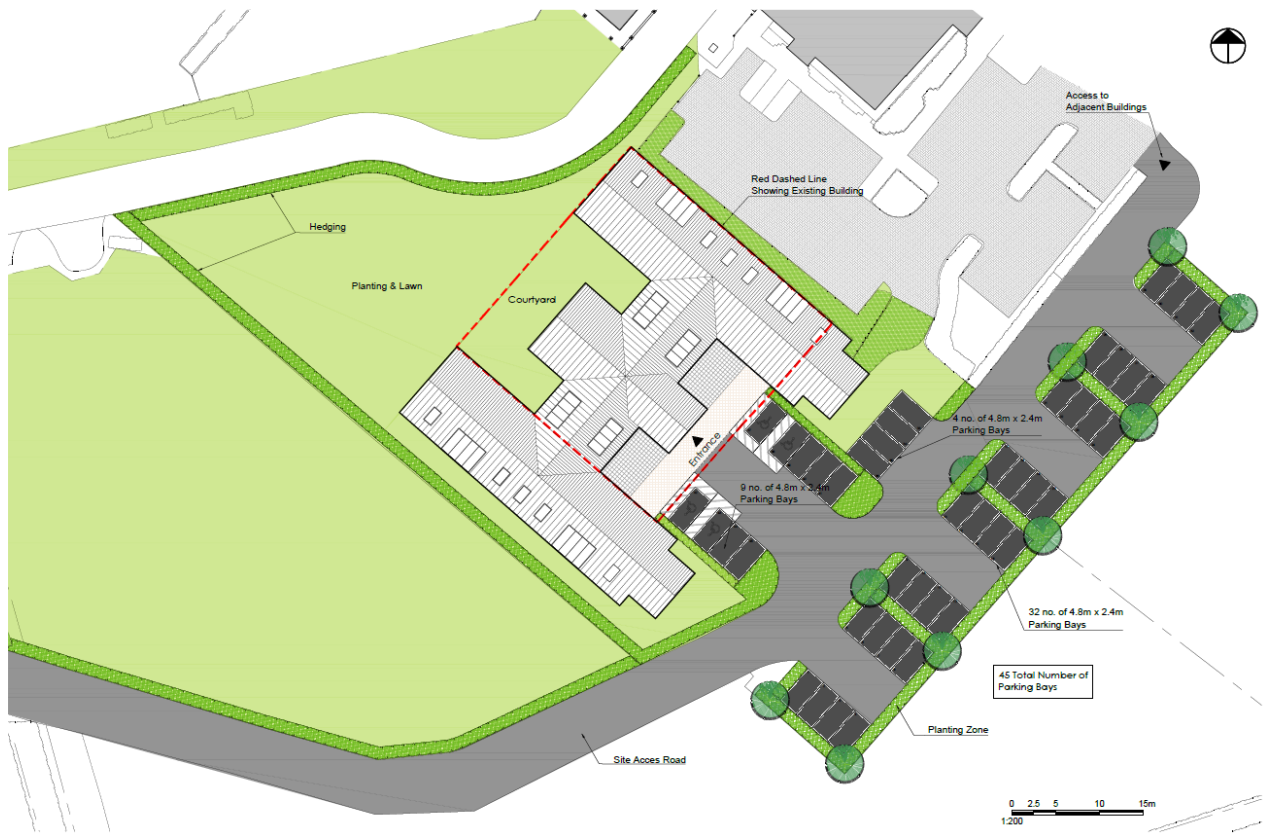
- 11 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

Appendix A- site location plan



## Appendix B- Proposed site layout



## Appendix C- Proposed floor plans and elevations



Front Elevation



Side Elevation



Rear Elevation



Side Elevation



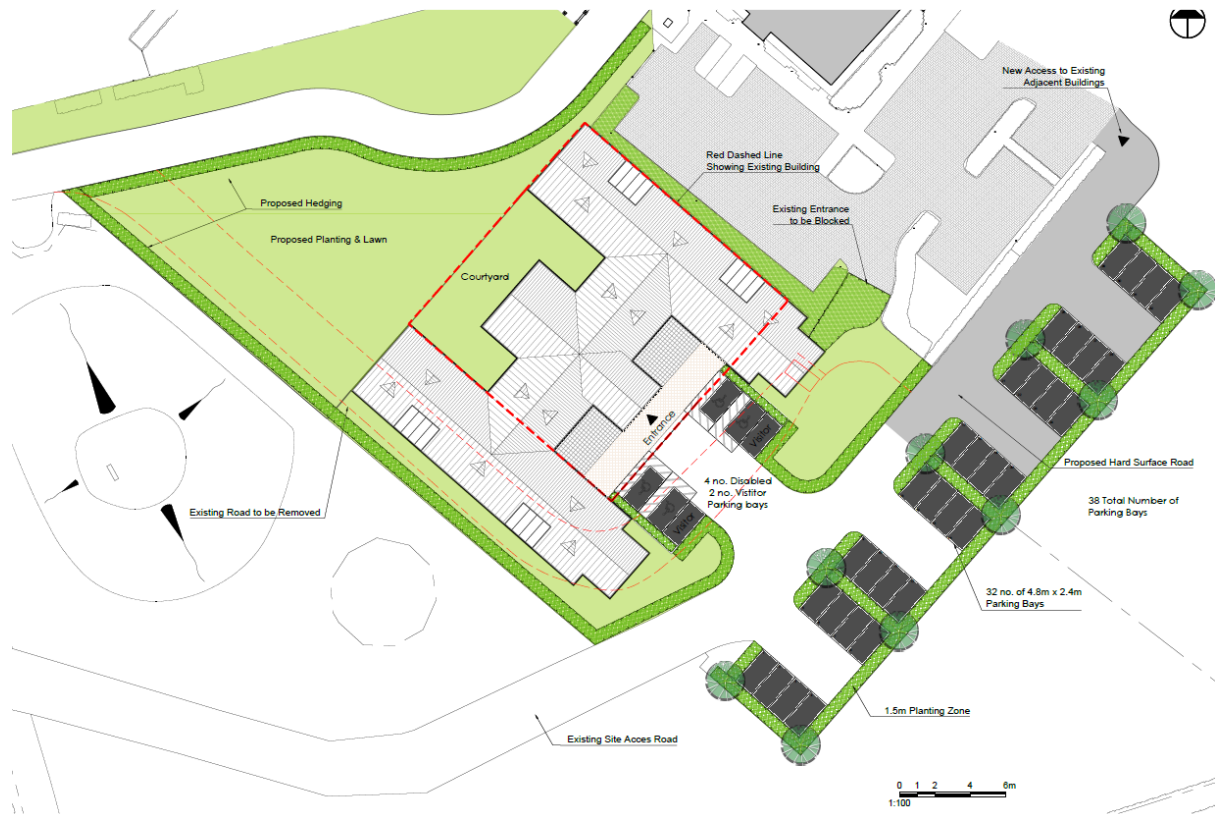


Ground Floor Plan



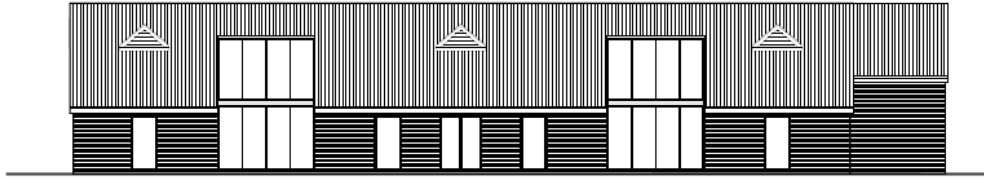
Mezzanine Floor Plan

## Appendix D- Previously approved plans

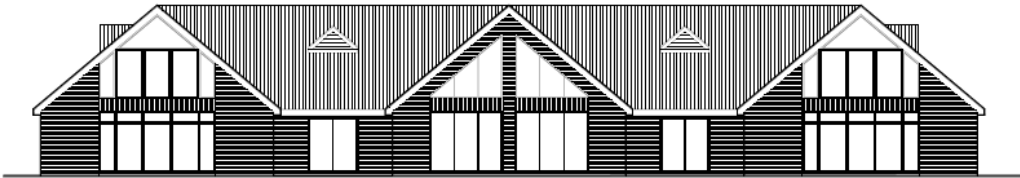




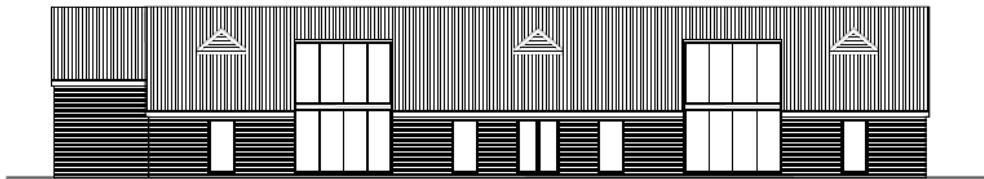
Front Elevation



Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plan

# Agenda Item 5

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

### MAIDENHEAD DEVELOPMENT CONTROL PANEL

#### Planning Appeals Received

**12 January 2019 - 4 February 2019**

#### MAIDENHEAD

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Should you wish to make additional/new comments in connection with an appeal you can do so on the Planning Inspectorate website at <https://acp.planninginspectorate.gov.uk/> please use the Plns reference number. If you do not have access to the Internet please write to the relevant address, shown below.

**Enforcement appeals:** The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

**Other appeals:** The Planning Inspectorate Temple Quay House, 2 The Square Bristol BS1 6PN

**Ward:**

**Parish:** Maidenhead Unparished

<b>Appeal Ref.:</b> 19/60004/REF	<b>Planning Ref.:</b> 18/02186/FULL	<b>Plns Ref.:</b> APP/T0355/W/19/3219904
----------------------------------	-------------------------------------	--

**Date Received:** 17 January 2019

**Comments Due:** 21 February 2019

**Type:** Refusal

**Appeal Type:** Written Representation

**Description:** Three x 2 bedroom town houses with undercroft parking.

**Location:** **Land At Rear of Queensgate House 14 To 18 Cookham Road Maidenhead**

**Appellant:** Wycrest Limited **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates Highway House Lower Froyle Hants GU34 4NB

**Ward:**

**Parish:** Maidenhead Unparished

<b>Appeal Ref.:</b> 19/60005/REF	<b>Planning Ref.:</b> 18/02187/OUT	<b>Plns Ref.:</b> APP/T0355/W/19/3219902
----------------------------------	------------------------------------	--

**Date Received:** 17 January 2019

**Comments Due:** 21 February 2019

**Type:** Refusal

**Appeal Type:** Written Representation

**Description:** Outline application for the erection of a four storey block of 6 x 1 bedroom flats and undercroft parking with access to be considered and all other matters reserved.

**Location:** **Land At Rear of Queensgate House 14 To 18 Cookham Road Maidenhead**

**Appellant:** Wycrest Limited **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates Highway House Lower Froyle Hants GU34 4NB

**Ward:**

**Parish:** Maidenhead Unparished

<b>Appeal Ref.:</b> 19/60006/REF	<b>Planning Ref.:</b> 18/02494/FULL	<b>Plns Ref.:</b> APP/T0355/W/18/3219468
----------------------------------	-------------------------------------	--

**Date Received:** 23 January 2019

**Comments Due:** 27 February 2019

**Type:** Refusal

**Appeal Type:** Written Representation

**Description:** Front porch to Number 35 Wootton Way and construction of detached dwelling and new vehicular access following demolition of existing garage.

**Location:** **35 And Land At 35 Wootton Way Maidenhead**

**Appellant:** Mr Thandi **c/o Agent:** Mr Stuart Keen SKD Design Ltd Unit 16 Woodlands Business Park Woodlands Park Avenue Maidenhead SL6 3UA

**Ward:**

**Parish:** Maidenhead Unparished

<b>Appeal Ref.:</b>	19/60007/REF	<b>Planning Ref.:</b>	18/02386/FULL	<b>Plns Ref.:</b>	APP/T0355/D/18/ 3216012
<b>Date Received:</b>	24 January 2019	<b>Comments Due:</b>	Not Applicable		
<b>Type:</b>	Refusal	<b>Appeal Type:</b>	Householder		
<b>Description:</b>	Part single part two storey side/rear extension and loft conversion				
<b>Location:</b>	<b>18 Gloucester Road Maidenhead SL6 7SN</b>				
<b>Appellant:</b>	Mrs Farzana Sultana 1 Westmead Maidenhead SL6 7HQ				
<b>Ward:</b>					
<b>Parish:</b>	Hurley Parish				
<b>Appeal Ref.:</b>	19/60008/REF	<b>Planning Ref.:</b>	18/02518/FULL	<b>Plns Ref.:</b>	APP/T0355/D/18/ 3219144
<b>Date Received:</b>	24 January 2019	<b>Comments Due:</b>	Not Applicable		
<b>Type:</b>	Refusal	<b>Appeal Type:</b>	Householder		
<b>Description:</b>	Single storey side extension and first floor side/rear extension following the demolition of existing garage.				
<b>Location:</b>	<b>Rosette Cottage High Street Hurley Maidenhead SL6 5LT</b>				
<b>Appellant:</b>	Mr Grant White <b>c/o Agent:</b> Mr Jonathan Jarman Bell Cornwell LLP Bell Cornwell Unit 2 Meridian Office Park Osborn Way Hook Hampshire RG27 9HY				
<b>Ward:</b>					
<b>Parish:</b>	Maidenhead Unparished				
<b>Appeal Ref.:</b>	19/60009/REF	<b>Planning Ref.:</b>	18/02117/FULL	<b>Plns Ref.:</b>	APP/T0355/D/18/ 3217622
<b>Date Received:</b>	24 January 2019	<b>Comments Due:</b>	Not Applicable		
<b>Type:</b>	Refusal	<b>Appeal Type:</b>	Householder		
<b>Description:</b>	Single storey rear extension (Retrospective)				
<b>Location:</b>	<b>23 Cedars Road Maidenhead SL6 1RY</b>				
<b>Appellant:</b>	Safdar Hussain <b>c/o Agent:</b> Mr Ifti Maniar Green Stone Planning And Design 11 Bankside Headington Oxford OX3 8LT				
<b>Ward:</b>					
<b>Parish:</b>	Maidenhead Unparished				
<b>Appeal Ref.:</b>	19/60010/REF	<b>Planning Ref.:</b>	18/02605/FULL	<b>Plns Ref.:</b>	APP/T0355/D/18/ 3218603
<b>Date Received:</b>	24 January 2019	<b>Comments Due:</b>	Not Applicable		
<b>Type:</b>	Refusal	<b>Appeal Type:</b>	Householder		
<b>Description:</b>	Single storey side extension and alterations to fenestration.				
<b>Location:</b>	<b>14 Lindsey Drive Maidenhead SL6 7RW</b>				
<b>Appellant:</b>	Mr & Mrs Rodwell <b>c/o Agent:</b> Mr Stephen Hunt StudioSH Ltd Flat 7 23 Adelaide Road Surbiton KT6 4TA				