

# NOTICE OF MEETING

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## MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

will meet on

**MONDAY, 17TH DECEMBER, 2018**

at

**7.00 pm**

in the

**DESBOROUGH SUITE - TOWN HALL, MAIDENHEAD**

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

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

SUBSTITUTE MEMBERS

COUNCILLORS GERRY CLARK, CARWYN COX, JUDITH DIMENT,  
MOHAMMED ILYAS, MARION MILLS, MJ SAUNDERS, HARI SHARMA,  
LISA TARGOWSKA AND PAUL BRIMACOMBE

Karen Shepherd – Service Lead - Governance  
Democratic Services

Issued: Friday, 7 December 2018

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

The agenda is available on the Council's web site at [www.rbwm.gov.uk](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

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## **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 21 November 2018.		5 - 10
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> .		11 - 128
5.	<b><u>ESSENTIAL MONITORING REPORTS (MONITORING)</u></b> To consider the Appeals Decision Report and Planning Appeals Received.		129 - 134

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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

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

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

## **STATEMENT OF THE HUMAN RIGHTS ACT 1998**

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

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

## MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

### Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
  - a) that body has a piece of business or land in the area of the relevant authority, and
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

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

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

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

### Prejudicial Interests

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

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

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

### Personal interests

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

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

## MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

21.11.18

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

Officers: Mary Severin (Monitoring Officer), Melvin Andrews (Highways Development Control Engineer), Daniel Bayles, Chrissie Ellera (Planning Officer), Tony Franklin (Planning), Jenifer Jackson (Head of Planning), Shilpa Manek, Gordon Oliver (Principal Transport Policy Officer) and Claire Pugh (Senior Planning Officer)

Also Present: Councillors Paul Brimacombe, David Coppinger, Judith Diment, Simon Dudley, Geoff Hill, Mohammed Ilyas, Asghar Majeed and Hari Sharma.

117 APOLOGIES FOR ABSENCE

No Apologies for absence were received.

118 DECLARATIONS OF INTEREST

Declarations were received from the following Members:

Councillor Hunt declared a personal interest as she owns a property in Maidenhead Town Centre.

Councillor Stretton declared a personal interest as she lives close to Item 8.

Councillor Walters and Wilson declared a personal interest for item 7 as they are Bray Parish Council Members.

119 MINUTES

The minutes of the meeting on 24 October 2018 were Unanimously Agreed as a true and accurate record.

120 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 5</b>  <b>18/02105/FULL</b>  <b>Temporary RBWM Car Park</b> <b>Vicus Way</b> <b>Maidenhead</b>	<i>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).</i> Councillor Love proposed to defer the application till the next Panel meeting on Monday 17 December 2018 to
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	<p>enable the considered review of the additional transport information on the roundabouts, lighting, footpaths and daylighting to the flats. Also after a 14 day consultation on the additional information. This was seconded by Councillor Kellaway. Contrary to the officer recommendation, panel members were of the view that the additional information was relevant and it was important the decision was taken in public due to the level of interest.</p> <p>A named vote was carried out. Six Councillors voted for the proposal. (Councillors Kellaway, Love, Sharp, Smith, Walters and Wilson). Councillor Hunt voted against the proposal and Councillors Bullock and Stretton abstained from voting.</p> <p>Councillor Stretton had proposed refusal but this was not seconded.</p> <p><b>It was Agreed that the application would be deferred until the next Panel meeting on Monday 17 December 2018.</b></p> <p>(The Panel was addressed by Antigoni, Stefen and Alexander Konig, Georgina Darley, Sarah Storey and Mandy Rai, Objectors. The applicant, Matthew Blythin also addressed the Panel.)</p>
<p><b>Item 3</b></p> <p><b>18/01576/FULL</b></p> <p><b>Development at King Street And Queen Street And Broadway Maidenhead</b></p>	<p><i>Hybrid planning application for the mixed use redevelopment of the site comprising; up to 41,430sq.m GEA residential (Class C3); up to 13,007sq.m GEA office (Class B1) and up to 3,846sq.m GEA flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2), public realm and open space, parking, vehicular access, new servicing arrangements and associated works following the demolition of all buildings on site. Full planning permission for the demolition of all existing buildings on site, site preparation, the construction of three buildings to provide 344 residential homes (Class C3), one building to provide 7,007sq.m GEA of office floorspace (Class B1) and 2,196sq.m GEA of flexible retail, office, community and leisure floorspace</i></p>

	<p>(Class A1 - A5, B1, D1 and D2) across four buildings, car and cycle parking, plant and storage, public realm works and landscaping, podium terraces, vehicular access off Broadway, new servicing arrangements and associated works. Outline planning permission (with all matters reserved) is sought for site preparation, the construction of two buildings to provide for up to 1,650sq.m GEA of flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2) and up to 6,000sq.m GEA office floorspace (Class B1) and up to 9,300sq.m GEA residential floorspace (Class C3), basement car parking, cycle parking, plant and storage, public realm works and landscaping, new servicing arrangements and associated works.</p> <p>Councillor Love proposed to permit the application against the recommendation of the Head of Planning and this was seconded by Councillor Smith. It would be delegated to the Head Of Planning to draft conditions and complete the legal agreement. It was agreed that the benefits of the scheme, the construction jobs and other economic benefits together with the fact that this site is key to the town's development with reference to paragraph 7.11.1 of the officer report, out-weighed the harm identified under paragraphs 7.11.1, 7.11.2, 7.11.9 and 8.2. It was agreed that the height of the proposed buildings was acceptable in this location. It was agreed to delegate the securing of a section 106 agreement and the conditions to the head of planning to negotiate with the applicant and then approve the application.</p> <p>A named vote was carried out. Six Councillors voted for the proposal. (Councillors Bullock, Kellaway, Love, Smith, Walters and Wilson). Councillors Sharp and Stretton voted against the proposal and Councillor Hunt abstained from voting.</p> <p><b>It was Agreed that the application be permitted.</b></p> <p>(The Panel were addressed by the</p>
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	Applicants Agent, Steve Sanham and a local resident, Charn Gill).
<p><b>Item 1</b></p> <p><b>18/01269/FULL</b></p> <p><b>Clean Linen Services</b>  <b>54 Furze Platt Road</b>  <b>Maidenhead</b>  <b>SL6 7NL</b></p>	<p><i>Redevelopment over six blocks to provide 46 x two bedroom flats and 15 x one bedroom flats with new vehicular and pedestrian access, associated parking, landscaping and amenity space following the demolition of the existing industrial buildings.</i></p> <p>Councillor Sharp proposed to permit the application against the Officers recommendation and this was seconded by Councillor Love. The reasons given were that the site was in a highly sustainable location, the site is contaminated, the NPPF indicates that changes in demand for land should be reflected in their use. The site takes around 12% of the area of the overall industrial estate and provides new homes. It would be delegated to the Head of Planning to draft conditions to submit full details of the drainage system, address water concerns, dust management, ground decontamination and the asbestos concerns and the legal document for affordable housing. All pre commencement conditions to be subject to the prior agreement of the applicant.</p> <p>A named vote was carried out. Eight Councillors voted for the application to be deferred and delegated to the Head of Planning to address the conditions listed above and departure from the local plan. (Bullock, Hunt, Kellaway, Love, Sharp, Smith, Stretton and Walters). Councillor Wilson abstained from voting.</p> <p>The reasons to grant permission for the two following reasons:</p> <ul style="list-style-type: none"> <li>• Existing building not fit for purpose.</li> <li>• The inherent constraints of the site, including contamination and level changes, render the site non-viable for redevelopment for employment purposes.</li> </ul> <p><b>The Panel Agreed to permit the application.</b></p> <p>(The Panel were addressed by Tracey Puttock, Applicant)</p>



<p><b>Item 2</b></p> <p><b>18/01518/FULL</b></p> <p><b>157 Grenfell Road Maidenhead SL6 1EZ</b></p>	<p><i>12 x 2-bed and 3 x 1-bed flats following demolition of the existing dwelling and associated buildings.</i></p> <p>Councillor Stretton proposed to refuse the application as per the officers recommendation. This was seconded by Councillor Walters.</p> <p>It was requested that the word “North” be added into reason 2 in the Officers report.</p> <p><b>The Panel voted Unanimous to refuse the application.</b></p> <p>(The Panel were addressed by Mark Pick, Owen Mellard and Mr Hermon, Objectors and Stephen Matthews, Applicant).</p>
<p><b>Item 6</b></p> <p><b>18/02254/FULL</b></p> <p><b>Equestrian Site Hardings Farm Hills Lane Cookham Maidenhead</b></p>	<p><i>Two detached dwellings following demolition of existing stables and equestrian storage buildings</i></p> <p>Councillor Kellaway proposed to refuse the application as per the officers recommendation in the Panel update. This was seconded by Councillor Walters.</p> <p>Eight Panel Members voted to refuse the application. (Bullock, Kellaway, Love, Sharp, smith, Stretton, Walters and Wilson). Councillor Hunt abstained from voting.</p> <p><b>The Panel voted to Refuse the application.</b></p> <p>(The Panel was addressed by Mike Smith, Objector, Dick Scarff, Cookham Society and Ifti Maniar, Applicants Agent)</p>
<p><b>Item 7</b></p> <p><b>18/02289/FULL</b></p> <p><b>Land to the West of Mulberry Coningsby Lane Fifield Maidenhead</b></p>	<p><b>Change of use of the land to joint agricultural and equestrian use.</b></p> <p>Councillor Hunt proposed to permit the application as per the officers recommendation. This was seconded by Councillor Kellaway.</p> <p>The Panel requested an additional condition requiring submission and approval of a surface water drainage strategy and an informative for signposting public rights of way.</p> <p><b>The Panel Agreed Unanimously to</b></p>

	<p><b>permit the application.</b></p> <p>(The Panel was address by Patricia Cuss, Objector and Tom Mccarde, Applicant)</p>
<p><b>Item 8</b></p> <p><b>18/02745/FULL</b></p> <p><b>Telecommunications Mast at Junction of Boyn Hill Road Clare Road Maidenhead</b></p>	<p><i>Installation of a replacement 15m slimline pole supporting 3no shrouded antennas together with ancillary development thereto.</i></p> <p>Councillor Stretton proposed to permit the application as per the officers recommendation. This was seconded by Councillor Walters. The Panel requested an informative drawing attention to interference to TV signal to occupants of adjacent flats from existing mast.</p> <p><b>The Panel voted Unanimous to refuse the application.</b></p> <p>(The Panel was addressed by Natalie Pullin, Objector)</p>
<b>Item 4 was Withdrawn</b>	<b>-----</b>

121 ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel noted the appeal decisions.

The meeting, which began at 7.00 pm, ended at 11.10 pm

Chairman.....

Date.....

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

### Maidenhead Panel

17th December 2018

#### 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>	18/00600/FULL	<b>Recommendation</b>	REF	<b>Page No.</b>	13
<b>Location:</b>	John Guest Speedfit Ltd Oldfield Road Maidenhead SL6 8BY						
<b>Proposal:</b>	Demolition of existing warehouse (B8) and construction of extended warehouse (B8), with access from Oldfield Road.						
<b>Applicant:</b>	John Guest Ltd	<b>Member Call-in:</b>	Cllr Derek Wilson Cllr Geoffrey Hill	<b>Expiry Date:</b>	30 May 2018		

<b>Item No.</b>	2	<b>Application No.</b>	18/02105/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	25
<b>Location:</b>	Land To The South of Stafferton Way And East of Vicus Way Maidenhead						
<b>Proposal:</b>	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)						
<b>Applicant:</b>	The Royal Borough of Windsor And Maidenhead	<b>Member Call-in:</b>	N/A	<b>Expiry Date:</b>	16 October 2018		

<b>Item No.</b>	3	<b>Application No.</b>	18/02379/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	65
<b>Location:</b>	The Red Lion Oakley Green Road Oakley Green Windsor SL4 4PZ						
<b>Proposal:</b>	Proposed 1no. two bedroom dwelling and 1no. four bedroom dwelling with associated works following conversion of public house						
<b>Applicant:</b>	P Roger	<b>Member Call-in:</b>	Cllr David Coppinger	<b>Expiry Date:</b>	11 October 2018		

<b>Item No.</b>	4	<b>Application No.</b>	18/02510/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	87
<b>Location:</b>	Land To The West of Mullberry Coningsby Lane Fifield Maidenhead						

**Proposal:** Construction of an agricultural building

**Applicant:** Mrs Kendall Smith      **Member Call-in:** Cllr David Coppinger      **Expiry Date:** 26 October 2018

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**Item No.** 5      **Application No.** 18/02588/FULL      **Recommendation** REF      **Page No.** 98

**Location:** The Crooked Billet Westborough Road Maidenhead SL6 4AS

**Proposal:** Construction of x7 four-bedroom dwellings including associated landscaping, amenity space and parking following demolition of the existing building.

**Applicant:** Clearview Residential Limited      **Member Call-in:** Cllr Claire Stretton      **Expiry Date:** 1 November 2018

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**Item No.** 6      **Application No.** 18/02770/OUT      **Recommendation** DD      **Page No.** 121

**Location:** Field Adjacent To North West Corner of Grove Business Park Waltham Road Maidenhead

**Proposal:** Erection of a single storey agricultural barn

**Applicant:** Mr & Mrs Smith      **Member Call-in:** Not applicable      **Expiry Date:** 31 December 2018

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Planning Appeals Received

Page No. 129

Appeal Decision Report

Page No. 131

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

17 December 2018

Item: 1

<b>Application No.:</b>	18/00600/FULL
<b>Location:</b>	John Guest Speedfit Ltd Oldfield Road Maidenhead SL6 8BY
<b>Proposal:</b>	Demolition of existing warehouse (B8) and construction of extended warehouse (B8), with access from Oldfield Road.
<b>Applicant:</b>	John Guest Ltd
<b>Agent:</b>	Mr Barry Watts
<b>Parish/Ward:</b>	Maidenhead Unparished/Oldfield Ward
<b>If you have a question about this report, please contact:</b> Alys Hughes on 01628 796040 or at <a href="mailto:alys.hughes@rbwm.gov.uk">alys.hughes@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 This application was reported to the Borough Wide Panel on the 4<sup>th</sup> of October when Members resolved to defer making a decision in order to provide an opportunity for the applicant to address the key issues which resulted in the recommendation to refuse the application. These issues related to flooding, ground conditions and tree protection. It was requested that the application be reported back to Members at the December Maidenhead Area Panel meeting. Since the Borough Wide Panel meeting, an email was sent to the agent advising them of the opportunity to submit further information and a response email from the agent was received on the 15<sup>th</sup> of November confirming that they wished the application to be determined based on the information already submitted to date. Therefore as no further information has been forthcoming, the recommendation remains as one of refusal. The original report on the application is copied below for Members convenience.
- 1.2 The proposal site is situated within flood zones 2 and 3. The mitigation measures put forward by the applicant to compensate for the increased footprint of the building is that it can become floodable with the roller shutter doors designed to open with a sensor, triggered when the flood water depth is considered to be critical, thus allowing flood water to enter the building. The mitigation measures are not considered to be acceptable as it relies on intervention (i.e. the opening of doors) and the proposal is therefore considered contrary to policy F1 and paragraph 163 of the NPPF (2018).
- 1.3 The site has been identified as having a risk of being contaminated and insufficient information has been submitted to demonstrate that the development is suitable for its proposed use when taking into consideration the risk of contamination, contrary to paragraph 178 a) of the NPPF (2018).
- 1.4 It is considered that the design and appearance of the building, despite being more visible from the surrounding area due to its increased height and scale, would not have a detrimental impact on the character and appearance of the surrounding area or have a significant impact on the amenities of neighbouring sites.
- 1.5 There is no objection to the proposed amendments to the access or the amendments to the amount of parking or the parking layout. The proposal complies with policies P4 and T5 of the adopted Local Plan.
- 1.6 The trees adjoining the site on the northern boundary form a prominent element of the local landscape and insufficient information has been submitted to adequately demonstrate the protection of these trees, contrary to policy N6 of the adopted Local Plan.

It is recommended the Panel REFUSES planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):	
1.	The proposal site is situated within flood zones 2 and 3 and the mitigation measures put forward are not acceptable in terms of ensuring that the development by reason of its increased footprint would not result in the displacement of flood water and subsequently would not increase the risk of flooding elsewhere. The proposal is therefore considered to be contrary to local plan policy F1 and paragraph 163 of the NPPF (2018).
2.	The level of information submitted to support the application has not adequately demonstrated that the development would comply with paragraph 178 a) of the NPPF (2018) which states that 'decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from land instability and contamination'.
3.	The proposed development fails to adequately secure the protection of important trees which contribute positively to the local landscape. As such, the application is contrary to paragraph 175 (c) of the National Planning Policy Framework (2018), Local Plan policy N6 , along with policies SP2, SP3 and NE2 of the Borough Local Plan Submission Version to which a significant level of weight is afforded.

## 2. REASON FOR PANEL DETERMINATION

- Members deferred their determination of this application at the meeting of the Borough Wide Panel on 4<sup>th</sup> October to enable the applicants to submit further information to seek to overcome the recommended reasons for refusal.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The proposal site consists of a 10,688sqm section of land situated on the south east of Reform Road and to the west of Oldfield Road and is occupied by John Guest. The site adjoins industrial units to the west and south east, residential uses to the north and north east and the railway line to the south.
- 3.2 The site is situated within the built up area of Maidenhead and is located on land designated as flood zones 2 and 3. The site has been identified as having a risk of being contaminated.

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

- 4.1 Planning permission is sought for the demolition of existing warehouse (476.3sqm) and construction of extended warehouse (1123.6sqm) with access from Oldfield Road. The development would remain in B8 use.
- 4.2 11/02739/FULL - Extension of north side of building to infill between Units 2 and 3. Permitted 28.11.11
- 11/02224/FULL – Erection of two silos. Permitted 26.09.11
- 11/02217/FULL – Single storey side extension to house electricity transformer. Permitted 26.09.11
- 11/00138/FULL – Reroof and over clad walls of an industrial unit. Permitted 03.03.11
- 10/02913/CPD – Certificate of lawfulness to determine whether a recladding and refurbishment of warehouse unit is lawful. Refused. 17.01.11
- 10/02693/FULL – Renewal of planning permission 08/00206 for the erection of an extension for industrial use with mezzanine first floor. Permitted 17.01.11

08/01141/CPD – Certificate of lawfulness for construction of a proposed link between 2 industrial buildings. Permitted 11.06.08

03/40385/FULL – Erection of six louvered lantern ventilators on roof of offices and 200mm diameter boiler flu to north elevation. Permitted 08.07.03

## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

### 5.1 National Planning Policy Framework Sections 2, 4, 6, 11, 12

#### Royal Borough Local Plan (1999)

### 5.2 The main policies are:

Within settlement area	Highways and Parking	Trees	Flooding
DG1, H10, H11	P4, T5	N6	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)

#### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan 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 details in the assessment below.

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

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

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

More information on these documents can be found at:

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

#### Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i impact on flood risk, ground pollution and drainage
- ii impact on the character and appearance of the area
- iii impact on neighbouring amenities
- vi Trees and landscaping
- v parking and highways

### Issue i – Impact on flood risk and ground pollution

6.2 The site is situated within flood zone 2 (medium probability of flooding) and flood zone 3 (high probability of flooding). In accordance with the NPPF and NPPG, when applying the Sequential Test, a pragmatic approach on the availability of alternatives sites should be taken. For extensions to existing business premises, it is impractical to suggest that there are more suitable locations for that development elsewhere. The proposal therefore passes the Sequential Test.

6.3 In 'Table 2: Flood risk vulnerability classification', the development is classified as 'less vulnerable'. In accordance with 'Table 3: Flood risk vulnerability and flood zone 'compatibility'', the development is acceptable in Flood Zone 3 and the Exceptions Test is not required.

6.4 Paragraph 163 of the NPPF and footnote 50 outlines that the development should be supported by a site-specific flood-risk assessment (FRA). This FRA should demonstrate the following:

- 'a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'

6.5 An FRA has been submitted to support the application. This has been reviewed by the Environment Agency. It does not demonstrate that any increase in built footprint within the 1% annual probability flood extent, with an appropriate allowance for climate change, can be directly compensated for. This is necessary to prevent new development reducing flood plain storage and displacing flood waters, thereby increasing flood risk elsewhere. Level for level flood plain compensation is the preferred method of mitigation as voids, stilts or undercroft parking tend to become blocked over time by debris or domestic effects leading to a gradual loss of the proposed mitigation. In the FRA, it is outlined that the increased footprint of the building would be mitigated through allowing the new structure to be flooded. The proposed roller shutter doors would be designed to open with a sensor, triggered when the flood water depth is considered to be critical, thus allowing flood water to enter the building. It is not considered that mitigation by opening of doors would allow for the free flow of water, which is required to be generally



unimpeded and not be reliant on intervention. This proposal does not constitute the status of a 'floodable' building. Furthermore, as the purpose of the building is to provide more space for the manufacture of goods, this would likely involve equipment to be fixed to the floor as well as the storage of machinery and materials, meaning that it would not be an empty space for the storage of water. The proposal relies on the sensors to work as designed and no information has been provided as to how long the doors would remain open, nor what fail safe there would be in the event that the doors are not opened. For the above reasons, the FRA is not considered to be acceptable and the development does not comply with paragraph 163 of the NPPF.

- 6.6 Paragraph 178 a) of the NPPF states that '*decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risk arising from land instability and contamination*'. The Geotechnical Investigation report submitted with the application assesses the physical characteristics of the underlying geology with respect to foundation design. The three wells installed for this investigation are clustered in the north western part of the car park and within a very small part of the development site. The report states that no physical contamination investigation was carried out and only one single composite sample of shallow level ground (depth of 0.3m to 0.7 m bgl) was taken for analysis. No groundwater samples were taken or analysed despite groundwater having been encountered between 2.7m and 2.9 bgl. This investigation is not adequate to assess the potential risk to controlled waters caused by this development. The proposal is therefore contrary to paragraph 178 of the NPPF.
- 6.7 Details in relation to the drainage of the site have been submitted to support the application and these have been assessed by the Lead Local Flood Authority. In the latest response they have requested the submission of more information and have recommended refusal until this information is received. However, their response suggests that a sustainable drainage system is achievable on site provided that the relevant information is provided and therefore it would be unreasonable to refuse the application on this basis as the drainage strategy could be appropriately dealt with under a planning condition.

#### **Issue ii – Impact on the character and appearance of the area**

- 6.8 The appearance of a development is a material planning consideration and the National Planning Policy Framework, (requiring well-designed places) and Local Plan Policy DG1, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. The proposal, in terms of its proposed use of materials, height and scale, is considered to harmonise with that of existing buildings on the site. Whilst projecting closer towards Oldfield Road than the building it is to replace, as it would harmonise with the appearance of the existing buildings, it would not appear as a prominent or overbearing addition when viewed from the street scene.

#### **Issue iii – Impact on neighbouring amenities**

- 6.9 The proposed development would have a greater depth than the existing building, stretching an additional 22m along the northern boundary of the site. The proposal would also be greater in height than the existing with an eaves height of 6m (previously 4m with a side parapet of 4.6m) and ridge height of 7.6m (previously 4.6m). This would mean that the development would be more visible from surrounding sites. The boundaries of the site where the proposed building is to be located adjoins industrial uses to the west, a section of maintained landscaping to the north with residential uses beyond, and residential uses to the east. No concerns are raised with the relationship of the development with the industrial uses to the west. In terms of the relationship with the neighbouring dwellings to the north, the rear gardens of these dwellings are at a depth of around 10m and are set back from the shared boundary by a section of landscaped land approximately 8m in depth. Due to the degree of separation between the dwellings and the proposed building, it is not considered that it would have a detrimental impact on the rear amenity areas of these dwellings in terms of loss of light or obtrusive appearance. There are also large trees located on this section of land which would provide a good level of screening of the proposed building. The distance between the building and the dwellings to the east is considered sufficient to prevent the development having any significant impact on their amenity areas.

- 6.10 Due to the use of the site, it is anticipated that there is a certain level of noise and disturbance that arises from this existing use. Concerns have been raised by the occupants of neighbouring properties along Kingsquarter that the development would result in an increased level of noise and disturbance which would be detrimental to their living conditions. However, whilst the development would result in a larger building, it is not considered that the increased level of activity associated with this increased floorspace would be significantly greater than the current situation. The extended length of the building would in fact mean that deliveries to and from this section of the building would be situated further away from dwellings along Kingsquarter than the current situation. The proposal is therefore considered to comply with paragraph 127 f) of the NPPF.

#### **Issue iv – Parking and highways**

- 6.11 The site currently benefits from having 3 vehicular access points with one off Reform Road and two off Oldfield Road. The transport statement reads:

*‘The Reform Road frontage operates as the main visitor and small delivery access where parking is provided for visitors as well as some staff. The Oldfield Road frontage has 3 access points which accommodate the majority of the staff car parking together with larger deliveries’.*

The proposal includes widening the most northerly access off Oldfield Road by 3m to improve the manoeuvrability for an articulated delivery vehicle to leave the site. A swept path analysis has been provided which demonstrates that a large articulated lorry would still be able to enter and exit the site in forward gear and that the existing visibility splays would not be affected by the proposal.

- 6.12 The site currently benefits from having 2 parking areas. The proposal includes the demolition of the existing 443sqm warehouse to construct a new 964sqm warehouse, both in B8 use. Under the Local Authorities current parking standards, a B8 use require that one car parking space is provided per 90sqm with a lorry space. Therefore the new building generates a demand for 11 car parking spaces however as the development would take up a section of the site which currently provides for parking, the car parking spaces would be reduced within the Oldfield Road car park from 53 to 42 spaces. A parking survey has been submitted to support the application following the request from the Highways Authority, which confirms that there is spare capacity within the Oldfield Road car park. It is considered that the proposal would not result in vehicles parking along Reform Road or the surrounding area. The proposal complies with local plan policy P4.
- 6.13 The development would not result in an increase in vehicular movements which would have a detrimental effect on the local highway network and therefore complies with local plan T5.

#### **Issue v – Trees and landscaping**

- 6.14 The trees that adjoin the site on the northern boundary are not protected however, they are prominent features within the local landscape and serve a purpose as a soft screen between the application site and the neighbouring sites to the north. No arboricultural information has been submitted to support the application. The Council’s Tree Officer has advised that it is likely that the foundations for the new building would compromise the root systems of these trees and in the absence of arboricultural information and details regarding the foundation design of the building, it is not possible to fully assess the potential impact. Given policy N6 of the local plan, it is recommended that the application is refused.

### **7. CONSULTATIONS CARRIED OUT**

#### **Comments from interested parties**

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

Comment		Where in the report this is considered
1.	Development would reduce the value of properties surrounding the site	Not a material planning consideration
2.	Increase in traffic along Oldfield Road	6.13
3.	Overbearing appearance from neighbouring sites	6.9
4.	Building has no right to be in residential area	The site is currently in B8 use and the development would be replacing an existing building used in connection to this use.
5.	Fear of crime – building would conceal rear gardens of Kingsquarter making it easier to break into properties.	No significant difference to the current situation
6	Increased noise and disturbance	6.10
7.	Increased air pollution	Condition recommended by Environment Protection
8.	Cause safety issues to road uses	Highways Authority consider there not to be a significant increase in traffic generation and the visibility splays proposed at the access are acceptable
9	Disturbance during construction period	Not a material planning consideration
10	Trees shown incorrectly on the plans in terms of their number and height	Noted

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Object	Issue i
Lead Local Flood Authority	Object	Issue v

## Other consultees

Consultee	Comment	Where in the report this is considered
Highways Authority	No objection	Issue iv
Environment Protection	Conditions and informatives recommended	Noted
Tree Officer	Object	Issue vi

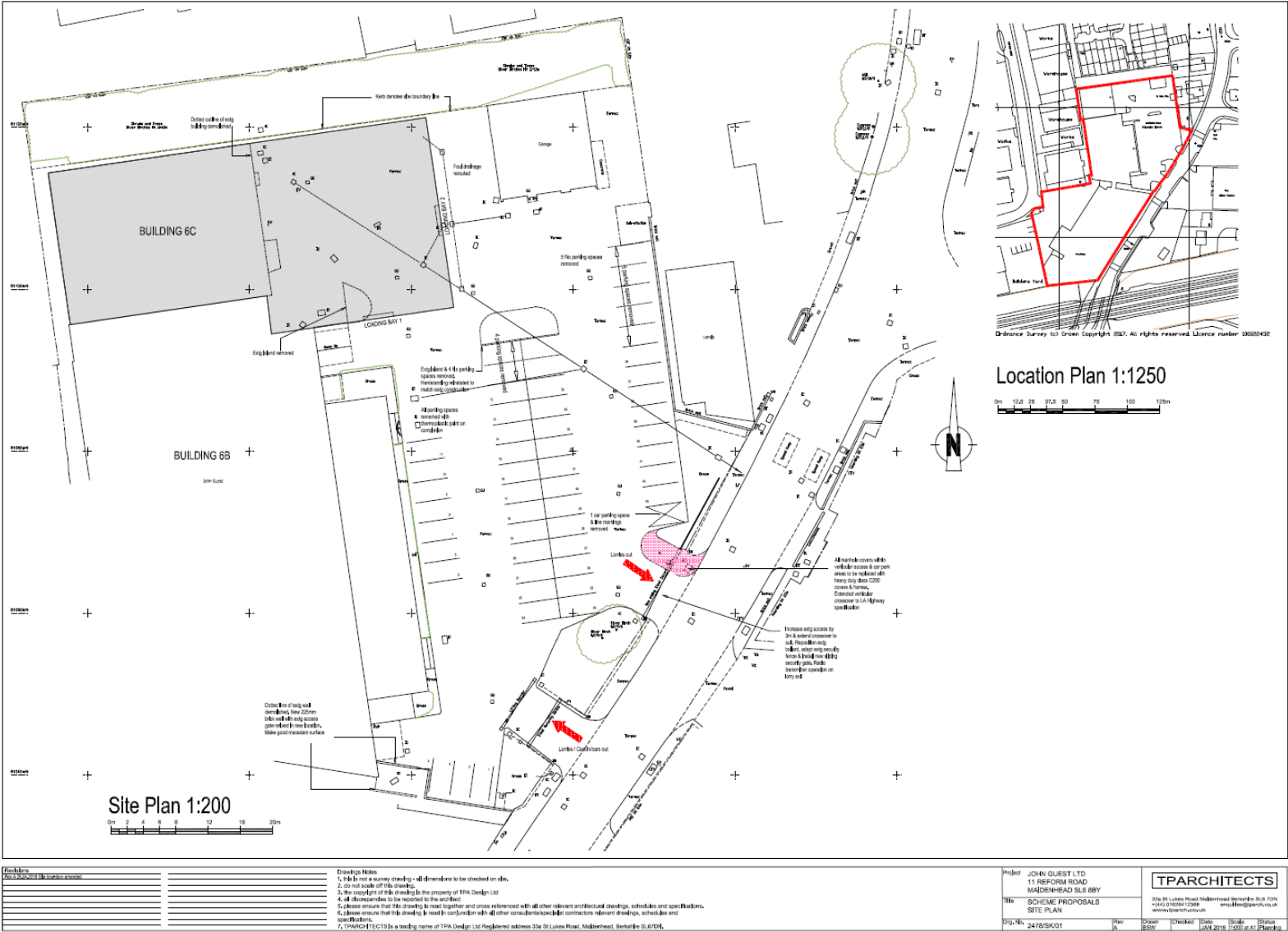
## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Existing elevations
- Appendix C – Proposed elevations
- Appendix D – Proposed floorplans

## 9. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

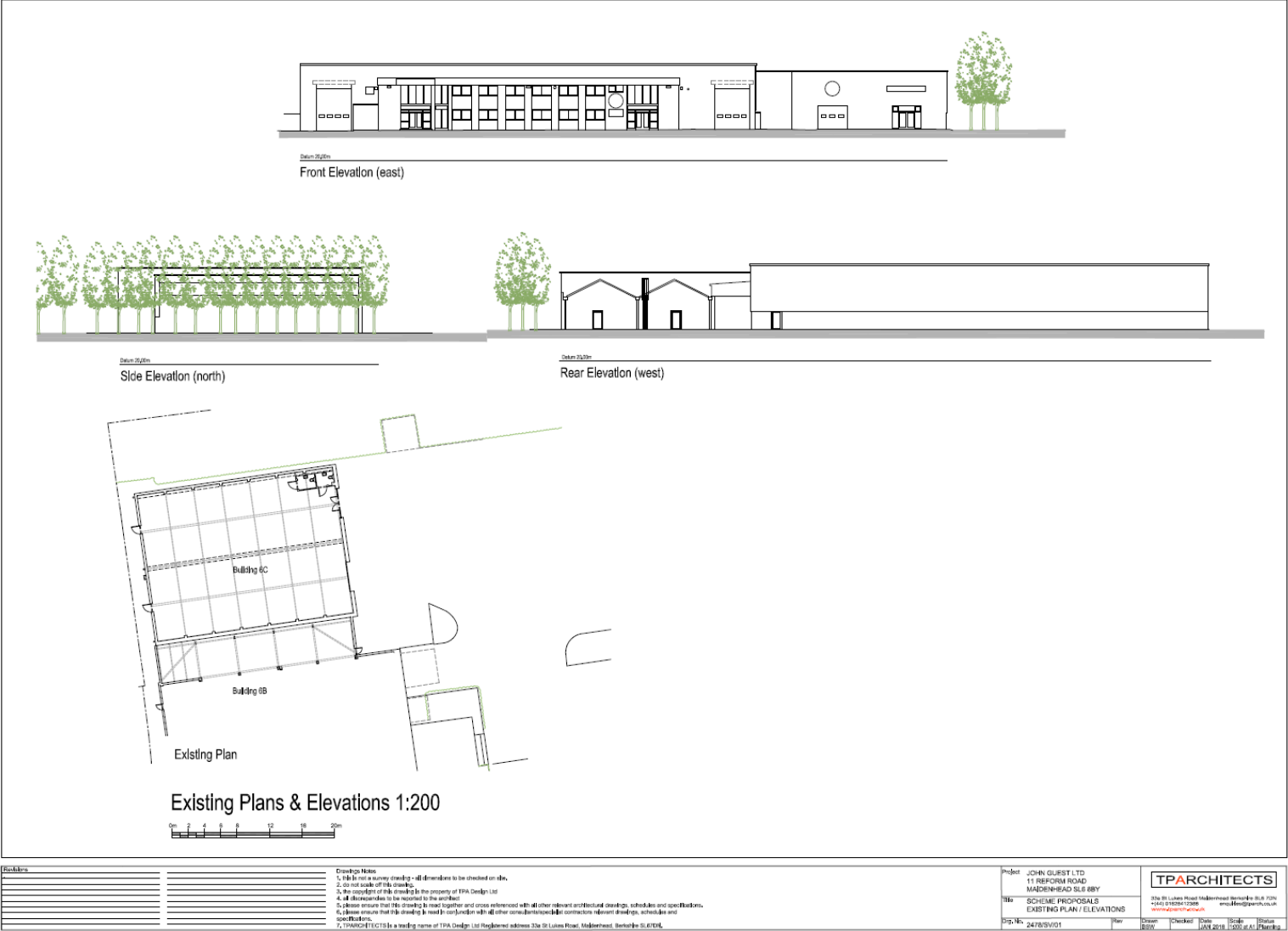
- 1 The proposal site is situated within flood zones 2 and 3 and the mitigation measures put forward are not acceptable in terms of ensuring that the development by reason of its increased footprint would not result in the displacement of flood water and subsequently would increase the risk of flooding elsewhere. The proposal is therefore considered to be contrary to local plan policy F1 and paragraph 163 of the NPPF (2018).
- 2 The level of information submitted to support the application has not adequately demonstrated that the site is safe to be developed and that the proposal would comply with paragraph 178 a) of the NPPF (2018) which states that 'decisions should ensure that a site is suitable for its proposed use taking into account the ground conditions and any risks arising from land instability and contamination'.
- 3 The proposed development fails to adequately secure the protection of important trees which contribute positively to the local landscape. As such, the application is contrary to paragraph 175 (c) of the National Planning Policy Framework (2018), Local Plan policy N6 , along with policies SP2, SP3 and NE2 of the Borough Local Plan Submission Version to which a significant level of weight is afforded.

Appendix A – Proposed site plan and location plan



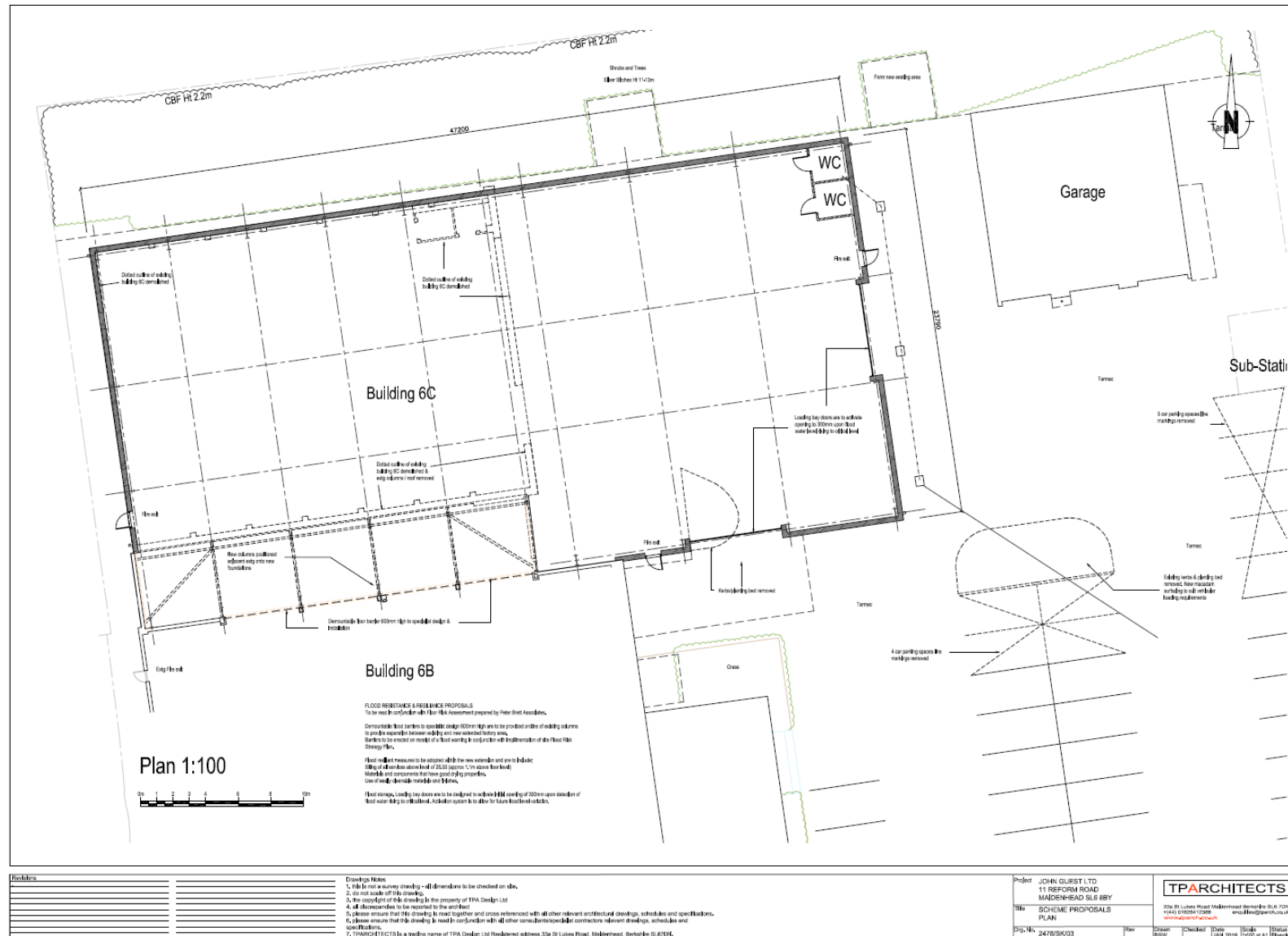
Appendix B – Existing plans and elevations

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# ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

## MAIDENHEAD DEVELOPMENT CONTROL PANEL

17 December 2018

Item: 2

<b>Application No.:</b>	18/02105/FULL
<b>Location:</b>	Land To The South of Stafferton Way And East of Vicus Way Maidenhead
<b>Proposal:</b>	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)
<b>Applicant:</b>	The Royal Borough of Windsor And Maidenhead
<b>Agent:</b>	Mr Matthew Blythin
<b>Parish/Ward:</b>	Maidenhead Unparished/Oldfield 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 proposes a multi-storey car park (5 storeys).
- 1.2 It is not considered that the proposed multi-storey car park would conflict with Policy OA6 of the Maidenhead AAP (this forms part of the Adopted Development Plan), which seeks to deliver a new multi-storey car park within the Stafferton Way Opportunity Area. The scheme would conflict with policies ED1 and ED2 of the emerging Borough Local Plan, which is a material consideration of significant weight. It is considered that there are material considerations which weigh in favour of the application, which include the need for the car parking to support commuters using Maidenhead Train Station and to take into account the future Cross rail, and also the need to support Maidenhead Town Centre and its redevelopment.
- 1.3 The scheme is considered to be of an acceptable scale and appearance within the context of this area, and is considered to have an acceptable impact upon trees of significance. The scheme is considered to be acceptable in terms of flood risk. It is not considered that the proposal would have a severe impact on the highway network, or that it would have an unacceptable impact on highway safety.
- 1.4 It is acknowledged that the scheme would have a detrimental impact on neighbouring residential properties, and this is considered in the planning balance.

<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 10 of this report.</b>

### 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. In addition, the Council owns the land.

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

- 3.1 The application site relates to land to the south of Stafferton Way and to the east of Vicus Way. The application site measures circa 0.4 hectares and was last utilised as a temporary staff car park by the site owners (the Royal Borough of Windsor and Maidenhead).

- 3.2 The site is accessed from Vicus Way, a direct route off Stafferton Way, which links to the Braywick roundabout to the west. The Vicus Way and Stafferton Way junction is marked by a mini-roundabout.
- 3.3 The site is situated outside of the Maidenhead town centre boundary, but is within the Maidenhead Town Centre Area Action Plan Area (Adopted Plan).
- 3.4 To the rear (south) of the site is a flatted development of five to six storeys in height. To the west of the site, on the opposite side of Vicus Way are residential properties of 2 storeys in height. The east of the application site is Lock and Store, a commercial premises of 4 storeys in height. On the opposite side of Stafferton Way are retail premises which are relatively low in height, and the Stafferton Way multi-storey car park which is 5 storeys in height.
- 3.5 Beech trees provide screening on the southern boundary of the site (these trees are situated in the neighbouring site).
- 3.6 The application site is in the region of 1-1.5 metres lower than the ground level of the ground level of Stafferton Way and Vicus Way
- 3.7 The application site is within flood zone 2 (medium risk flooding).

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

- 4.1 The application proposes the construction of a multi-story car park which would be 5 storeys high (open deck). The main built form of the proposed building would have a height of 14-15 metres and a maximum height of circa 17.4 metres to accommodate the cores for the lift access and stairs positioned to the north and south of the proposed building. The proposed layout would be in the form of a 'split deck' layout where the ramps connecting the levels would be positioned to the southern and northern end of the building.
- 4.2 The car park would provide 516 car parking spaces. Table 4.1 sets out the parking mix proposed throughout the proposed building.

Table 4.1- Car parking mix

Parking Provision	Level					
	Ground	1	2	3	4	Total
Standard Bay	36	107	107	107	109	466
Accessible Bay	24	0	0	0	0	24
Electric charging bay	21	0	0	0	0	21
Accessible bay with electric charging	5	0	0	0	0	5
<b>Total</b>	<b>86</b>	<b>107</b>	<b>107</b>	<b>107</b>	<b>109</b>	<b>516</b>

- 4.3 Since the initial submission the applicant has sought to amend the level of electric vehicle charging points to be reflective of demand, and accordingly some of the proposed information contained in the planning statement, Transport Assessment and Design and Access Statement do not fully align with the above break down of mix of parking spaces.
- 4.4 The existing vehicular access from Vicus Way would be adapted and utilised to serve the development.

- 4.5 The building would be finished in a cladding system; a metal cladding would be used at ground floor level, with a wooden cladding system applied to the upper floors of the building. The cores (to accommodate the lift and stairwell) would be in a natural concrete with a translucent paint finish to the ground floor area for anti-graffiti measures.
- 4.6 The Car Park Management Plan sets out that the car park will be operational between the hours of 5am and 8pm.
- 4.7 There is planning history on the site, but there is no history considered to be of relevance to this application. The Local Planning Authority is currently or has recently considered a number of other planning applications which are considered to be relevant to the context of this application, these are:

York Road redevelopment site:

18/01608/FULL: Mixed use redevelopment of the site comprise of 5 buildings, varying from 4-8 storeys in height to provide a total of 229 new residential dwellings, 1,930 sqm Gross External Area (GEA) of commercial and/or community/cultural floor space (Use Class A1/A3/B1/D1). The Local Planning Authority resolved to grant planning permission on the 27.09.018. This includes redeveloping on York Road and Grove Road surface car parks.

Ten Pin, Holmanleaze

18/01796/FULL: Demolition of existing building and resurfacing of site with change of use to surface car park and erection of boundary hoarding for temporary 5 year period (100 car parking spaces).

Approved: 02.08.2018

Clyde House, Reform Road:

18/01558/FULL: Resurfacing of site with change of use to surface car park and erection of boundary hoarding for temporary 5 year period following demolition of existing building (60 car parking spaces). Approved: 18.07.2018

- 4.8 These applications are relevant as they show other applications for major town centre redevelopment, or for temporary car parks within the Maidenhead AAP area.

## **5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION**

- 5.1 The National Planning Policy Framework (NPPF) (2018) acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The NPPF is a material consideration of significant weight in the determination of applications.

The sections of the NPPF that are relevant to this application include:

Section 2- Achieving Sustainable Development

Section 6 – Building a strong competitive economy

Section 9- Promoting Sustainable Transport

Section 12- Achieving well designed places

Section 14- Meeting the challenges of climate change, flooding and coastal change

Section 15- Conserving and enhancing the natural environment

### **Royal Borough Local Plan**

- 5.2 The Borough's current adopted Local Plan comprises of the saved policies from the Local Plan (Incorporating Alterations Adopted June 2003). The policies which are considered relevant to this site and planning application are as follows:

- N6 Trees and development

- DG1 Design guidelines
- NAP3- Noise and Fumes
- NAP4 Pollution of groundwater and surface water
- T5 New Developments and Highway Design
- T7 Cycling
- T8 Pedestrian environment
- P4 Parking within Development
- IMP1 Associated infrastructure, facilities, amenities

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)

The Maidenhead Area Action Plan (AAP) (2011) forms part of the adopted Development Plan and sets out the Council's vision for the regeneration of the Maidenhead Town Centre. The document focuses on; Place Making, Economy, People and Movement. The AAP also identifies six sites for specific development.

Policies of relevance include:

- Policy MTC 1 Streets & Spaces
- Policy MTC 2 Greening
- Policy MTC 4 Quality Design
- Policy MTC 14 Accessibility
- Policy MTC 15 Transport Infrastructure
- Policy OA6 Stafferton Way Opportunity Area
- Policy IMP2 Infrastructure & Planning Obligations

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

Policies in the BLPSV which are relevant to the consideration of this planning application are:

- SP1 Spatial Strategy
- SP2 Sustainability and placemaking
- SP3 Character and design of new development
- ED1 Economic Development
- ED2 Employment Sites
- ED3 Other Sites and Loss of Employment Floorspace
- NR1 Managing Flood Risk and Waterways
- NR2 Trees, Woodlands and Hedgerows
- NR3 Nature Conservation
- EP1 Environmental Protection
- EP2 Air Pollution
- EP3 Artificial Light Pollution
- EP4 Noise
- EP5 Contaminated Land and Water
- IF1 Infrastructure and Developer Contributions
- IF2 Sustainable Transport

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 details in the assessment below.

Significant weight is to be accorded to Borough Local Plan Submission Version policies all relevant policies, aside from Policy NR1 (Flood Risk). Lesser weight should be accorded to Borough Local Plan Submission Version policy NR1 due to the extent and nature of objections raised to it by representations on the Borough Local Plan Submission Version.

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

### Other Local Strategies or Publications

Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:
- Thames Valley Berkshire Strategic Economic Plan

More information on the Townscape Assessment and Parking Strategy 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)

## 6. CONSULTATIONS CARRIED OUT

### Comments from interested parties

126 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 25<sup>th</sup> July 2018 and the application was advertised in the Maidenhead Advertiser on the 26<sup>th</sup> July 2018.

26 letters have been received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	The size of the building will impact residents (to the south) behind it majorly. Will result in a lack of privacy.	7.37-7.46
2.	Excessive noise. As it stands we can already hear the noise between 22:00 – 1:00am in the current car park across Stafferton Way, when teenage joy riders do “donuts” in the car park.	7.80-7.81
3.	Serious loss of daylight to the residential units to the south of the site.	7.37—7.46
4.	Excessive traffic on a small road. The highway network cannot accommodate the additional traffic arising from the proposed car park.	7.47-7.60
5.	Adverse effect on road safety. The road Vicus way has a major blind spot and does not need the increase of traffic. Additionally it will make it hard for residents to access their own homes.	7.47-7.60
7.	Light and views from flats to the south will be adversely affected.	7.37-7.46
7.	It is going to look aesthetically awful.	7..17-7.36
8	The air quality/ noise is going to be unacceptable, especially during construction (groundworks).	Addressed n report.

9.	Object to the fact that prime land near other retail areas is being used for a car park for commuters, rather than investing in the area with more retail or commercial building of us to local residents.	Noted.
10.	It states this application is to ease future car park worries, it feels much more like its easy money and until we see any positive change in the town (rather than shops just shutting down). It is hard to see this plan not just being done regardless of its residents.	7.83-87
11	The entire case is a single solution to potential additional demand and displacement of existing parking capacity across the borough. More efficient would be a borough wide approach, finding a collection of solutions that promote economically beneficial and environmentally friendly methods of transport.	Noted.
12	The current government is committed to phasing out petrol and diesel cars in the next 20 years and yet you are proposing a car park with a shockingly low 10% provision and a further 10% passive provision.	7.65-7.66
13	The planning application does not even validate the Stafferton Way/ Vicus Way mini-roundabout, the junction that is most affected by this proposal. In addition the 2032 baseline model is based on an uplift from 2016 and committed developments at this stage. There is no evidence that the 2032 base model has taken into account the significant additional dwellings under construction on Vicus Way (Loftings site). Therefore the transport assessment is fundamentally flawed and cannot support this application.	7.47-60
14	The proposal contains no plan to enhance the road layout surrounding the proposed car park. The only highway modification referenced within this application is those planned by Redrow as part of their planning application for the new Lofting's site.	7.47-60
15	A proposal of a 5 storey car park to be built, when there is a large car park directly opposite, is astonishing.	7.83-87
16	The land was originally used at ground level & is shocking how the proposal is to build a 5 storey building which will overshadow our homes	7.37-46
17	Better public transport should be considered rather than incentivising traffic & pollution.	Noted.
18	Maidenhead is an up and coming vibrant town and I personally feel that a multi-storey car park sends the wrong message to current and future developers and residents.	7.83-87
19	The roundabout on the corner where you are building the car park is dangerous due to how the people drive down the road and the noise from the drug dealers ( which you do nothing about) in the car park adjacent to this area is horrendous and upsetting so I would hate to encourage a similar situation	7.47-60
20	I ask you to either reconsider the height of the building completely or at least how the car park is managed by adding barriers so people can't drive in to the car park freely	See 7.32
21	Concerns over lighting from the car park, and the impact this will have on neighbouring residential properties.	See 7.32 and condition 8.
22	We are concerned about the security of the car park, having to hear the alarms of the cars and this will increase the risk of traffic accidents around the area	7.33
23	The car park will increase the number of commuters to London, therefore, not increasing employment in the town. The regeneration plans in Maidenhead town will have an impact on weekends and night activity and other car parks are closer to the proposed The Landing development.	7.83-87

24	The proposed 'minor realignment works' in the form of a zebra crossing will add more confusion to the junction with a real possibility of physical/permanent harm to those using Vicus Way either in a vehicle or on foot. I have experienced 2 near misses in a month (on foot and in a car).	7.47-60
25	The recommended signage inside the car park 'reminding people to drive at slow speeds and be respectful of neighbours' is reliant upon human behaviour. Furthermore, being reliant upon a report to assess noise impact on neighbouring properties is not reflective of lived experiences and I disagree with the findings that 'short-term noise events...will not be noticeable or intrusive.	7.80-81
26	There is already a multi storey car park a minutes' walk away from the proposed building. I walk past this multi storey car park every day and not once have I seen that the lower floor is full.	7.83-87
27	The development will result in the loss of significant trees.	7.33-7.36
28	It would be extremely unhealthy to open our windows and doors with the carpark in front of us, all the pollution from hundreds of cars starting and stopping their engines, simply filtering into our home.	7.62-6.66
29	Many young families bought their first home here and the planned parking will adversely affect their biggest investment	Not a planning consideration.
30	Multi-storey carpark will make almost impossible for Redrow residents getting in and out by car (and not only) during rush hours	7.42-60
31	Multi-storey carpark directly opposite – why not trying to improve its management	The application submitted has to be considered.
32	The development of the car park would not benefit the regeneration of Maidenhead, instead it would serve as a park and ride for commuters to travel into London instead of increasing jobs within the local area.	7.83-87
33	There are already 2 car parks next to the site: a (i) multi story car park and (ii) retail car park, both on Stafferton Way.	7.83-8.7
34	In addition to the loud noises and unsafe environment, cars often enter and exit the car parks at relatively high speeds making the roads around the car parks dangerous.	7.47-7.60
35	Alternatively PLEASE could the Borough CONSIDER building and underground garage and building a park (or other safe community enhancement facility) on top instead?	The application submitted has to be considered.
36	What security measures will be put in place to prevent cars racing and back firing their engines (which is very loud)?	This is not within the control of planning.
37	I have concerns about traffic management in the immediate vicinity. The existing pedestrian crossing points in the area are inadequate. While there is a traffic light crossing next to Lidl supermarket, the zebra crossing just beyond the mini roundabout is dangerous. Frequently I have been trying to cross on that zebra crossing and cars either do not stop or stop at the very last second. As part of the planned works, I would hope that this zebra crossing be upgraded to a traffic light crossing as at present it is a danger.	7.47-60
38	The scheme would decrease property values within the area.	Not a planning consideration.
39	If the Council believes there is a need for other car parks in Maidenhead, they should put these in non- residential areas. This use is not compatible in a residential area.	This area is not purely a residential area.

40	The proposed building would sit within the streetscene between the four storey building and two storey terrace dwelling houses to the west. The proposed building would fail to respect the existing building heights, and would appear out of character and significantly overbearing to neighbouring properties.	7.17-7.36
41	A prevailing characteristic of the area on Stafferton Way is buildings being set back from the road; this building would be out of keeping with this.	7.17-7.36
42	Owing to the size of the building, there is no opportunity to put in meaningful landscaping, which will be of detriment to the character of the area.	7.36
43	An assessment on overshadowing has not been submitted.	Noted, it is not considered necessary
44	Given the pathway of the sun, significant overshadowing would occur to Lock and Store and residential properties to the west in the morning and evenings.	7.37-7.46
45	The proposed building would be significantly overbearing to neighbouring properties.	7.37-7.46
46	Owing to the scale of the proposed building, it would make the car park area and general approach to Lock and Store unwelcoming.	Not a relevant planning consideration.
47	The building would block views of Lock and Store and Lidl, and this would impact upon trade to Lock and Store which relies a lot on passing trade.	This is not a planning consideration.
48	Lock and Store (as a neighbouring user) would not support construction work overhanging their boundary; it would be dangerous.	Noted, this is not relevant to the planning assessment.
49	The proposed building will cross a ROW to the south of the site; Lock and Store benefit from a right of access along this and would not permit this ROW being built on/impeded.	Noted, this is not relevant to the planning assessment.
50.	My house is directly opposite the proposed site; my front drive is used as a crossing point and a pavement by people who are too lazy to the use of existing pavements. I anticipate that with the erection of the car park that many more people will use my property as a pavement' I request the Council to find a solution to this.	The Transport Assessment does show a new footway to go on the western side of Vicus Way (to be secured by the Redrow scheme), with a new pedestrian crossing put in on Vicus Way.
51	The Vicus Way plot is owned by the Council and yes it is available at the moment, but that doesn't make it a suitable spot for such a big development.	This application must be considered against development plans policies.
52	It is the responsibility of the Planning department not to allow this car park to be erected at this location because it will cause a real risk of injury to pedestrians, drivers and cyclists.	See 7.47-7.60
53	Pollution and noise will increase from new traffic and more importantly from stationary cars, due to gridlocks on the road, having a negative impact on residents' Lives and Health	See 6.3-6.6



54	Security, Behaviour and Disturbance issues relating to car park. Crime and anti-social behaviour in the area will increase and will adversely impact on residents. This is already a problem for th Safferton Way Car Park.	See 7.32
55	The Flooding report recommends that the application is refused	See 7.7-7.16
57	The Daylight Assessment shows incorrect and misleading information. Specifically the photos in the assessment do not show 1 Greenfield as it is today. There are 2 side windows facing Vicus Way.	See 7.37-7.46
58	Light Pollution coming from the Car park, into our windows 24/7.	See recommended condition 8.
59	The application contravenes both the current planning policy and the submitted Borough Local Plan.	See 7.2-7.6
	Policy OA6 of the Maidenhead Area Action Plan allocates land north of Stafferton Way for a multi storey car park. This was a reasonable site when the Plan was consulted on and approved, so what has changed? The land may not be in the Council's ownership but what efforts have they made to negotiate for its purchase or to use, if necessary, Compulsory Purchase powers?	See 7.2-7.6
60	Too much money is being spent on this project.	Not relevant to the planning consideration.
61	The development has been described as a "Temporary Car Park" in All correspondence to residents, even the latest letter to residents dated 12 November 2018 , as well as on the on-line planning application on the Council's website. This is entirely misleading, and the consultation has not been properly carried out. This can give a reason for a complaint to the Local Government Ombudsman	The reference to a temporary car park was given as the part of the site address (as the sites last use), not the description of development. For clarity the site address has been amended to remove reference to the temporary car park.
62	Where is the report which shows the need for the extra car parking spaces?	This was not submitted with the application.
63	There is evidence that parking usage in Maidenhead is down.	This application has to be considered on its merits.
61	Scheme does not accord with AAP, as the land south of Stafferton Way was meant to provide a striking gateway- this development will not achieve that.	7.2-7.6

62	The Stafferton Way Opportunity Area is not appropriate for tall buildings, as set out in the AAP.	For the purposes of the AAP, tall buildings are those which are noticeably higher than 20 m. This scheme would not be noticeably higher than 20 metres.
63	The proposal does not accord with Policy OA6 of the AAP, as the building would result in a detrimental impact on neighbouring residential uses, and is not considered to be high quality design.	The explanation of Policy OA6 sets this out. Whilst the scheme is considered to cause some harm to residential amenity, this has been weighed in the planning balance. See paragraphs 7.17 and 7.36 in relation to design.
64	Policy OA6 only allows for non-office employment to be provided on this site.	See 7.2-7.6
65	Transport Assessment is flawed. Disagreed with the conclusions from the modelling and the predicted queue lengths.	See 7.47-7.60
66	This is another example of infrastructure not being planned properly, and the Council finding a quick fix solution.	This application must be considered on its merits.
67	Transport assessments are often not correct, as can be seen with the school built in Oldfield.	The TA is the best source of information that can be used to inform a recommendation on this application.
68	Please not I will be issuing proceedings for loss of right to light.	Noted, this is a separate process from planning.
69	Scheme will cause a danger to pedestrian safety.	6.47-6.60

70	Separation distances between the buildings is not acceptable.	7.37-7.46
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A petition (with 152 signatures) has been submitted to the Council in relation to the application, setting out objections to the planning application. The objections are:

- A third car park so close to a residential area will add to the existing issues from antisocial behaviour originating from the existing car parks in the area. This will make the area a more dangerous place to live in.
- The air pollution in the area will increase, having a negative impact on the residents' health.
- The surrounding roads will become more dangerous for pedestrians and will not cope with the additional traffic, especially as there is a recycling centre next door and hundreds of new residential dwellings on Vicus Way.
- The noise in the area will increase and will exist 24 hours a day. This will impact on the residents' lives, health and ability to function properly. Young children need to sleep early, adults need to rest so that they can work the next day.
- RBWM has already permitted the erection of hundreds new residential dwellings in Vicus Way. A residential area does not mix well with a multi storey car park so close.
- It will make the area look aesthetically ugly, noisy and over polluted

### Consultees

Consultee	Comment	Where in the report this is considered
Ecology Officer	No objection, subject to conditions for a Construction Environmental Management Plan to be submitted, and a condition to secure biodiversity enhancements.	7.70-7.74
Environment Agency	No objection, subject to conditions regarding ground investigation works should be undertaken across the site.	See recommended condition.
Berkshire Archaeology	Offers no objection, subject to a condition being imposed to ensure that the recommendations in the submitted archaeological report are followed.	7.75-7.77
Council's Tree Officer	No objections subject to conditions.	Noted, see recommended condition 12.
Environmental Protection	Recommends conditions. Does not consider the scheme will have an adverse impact on air quality. Recommends a condition for ground contamination.	Addressed in report.
Highways	No objection.	7.47-7.60
Lead Local Flood Authority	No objection, subject to a condition.	See recommended condition 7.

### Other responses

	Comment	Where in the report this is considered
Access Advisory Forum	The AAF supports the provision of disabled parking within the temporary car park – 28 Blue Badge spaces out of the total 515 parking spaces. All Blue Badge spaces have rear and shared side access zones and are on the ground floor of	This is not a requirement of Policy in the Adopted Local

	<p>the car park.</p> <p>However we do have a concern about disabled users of the proposed car park safely crossing Stafferton Way to access the town centre, retail park or station.</p> <ul style="list-style-type: none"> <li>• Of the two existing nearby pedestrian crossings, the zebra crossing enables Greenfields residents to cross Stafferton Way while the more recent Toucan crossing provides a crossing point of Stafferton Way to users of the Green Way and shoppers using the Retail Park / Lidl.</li> <li>• Neither existing pedestrian crossing would enable a user of the temporary car park to cross Stafferton Way without first having to navigate either the junction of Vicus Way &amp; Stafferton Way or the entrances to Lidl and Retail Park car parks</li> </ul>	<p>Plan. However see 7.59.</p>
Thames Valley Police	<p>Thames Valley Police advise that they consider the design and layout to be problematic in crime prevention design terms. Their Observations are summarised below. It should be noted that they have not provided comments on the updated car park management plan:</p> <ul style="list-style-type: none"> <li>• If the car park is to be a 24/7 facility, the design of the new car park must incorporate appropriate measures as to deter ASB and criminal activity. They query if there will be a security / Customer Service office / or on site patrols.</li> <li>• Careful consideration must be given to the parking deck surface treatment. Where local factors dictate, it is advised that new parking facilities should be treated with anti-graffiti coatings, textured surface finishes that limit the effect of vandalism in addition</li> <li>• Payment machines/meters should be positioned in the busiest areas of the parking facility and be well illuminated and overlooked by CCTV. Their location should be clearly visible or signed and they should be emptied regularly.</li> <li>• From the plans provided I cannot determine lighting levels or position of lighting within the car park. Lighting can have a dramatic effect in reducing crime, the fear of crime and anti-social behaviour. I have concerns that the application does not seem to provide any details as to how the parking areas and any other non-adopted public realm of the car park. It is requested that the car park be lit to BS5489 standard.</li> <li>• Advises that formal surveillance (CCTV) be incorporated into the development, the system should be capable of monitoring all vehicle and pedestrian entrances; circulatory movement of traffic around the parking areas; pay points; any internal or external</li> </ul>	<p>7.32</p>

	<p>secluded areas; and stairwell</p> <ul style="list-style-type: none"> <li>Stairwells due to their lack of natural surveillance can quickly become a location where individuals can gather unobserved these areas are prone to ASB, graffiti, litter. Where possible the stairwells should include open balustrades allowing good visibility on approach to and from landing areas. Stairwell and landing openings to the outside face of car park areas should be glazed for enhanced natural light and surveillance. Where this is not possible, vandal resistant mirrors installed at stair turns can assist with natural surveillance; however I would recommend that CCTV, should be installed within the stairwells</li> </ul>	
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## 7. EXPLANATION OF RECOMMENDATION

7.1 The key issues for consideration are:

- i Principle of redevelopment at the site
- ii Flood Risk
- iii Design, including impact on trees and new landscaping
- iv Impact upon neighbouring amenity (including noise and lighting)
- v Impact on highways and parking considerations
- vi Environmental Considerations
- vii Other material considerations

### **Principle of this redevelopment at this site**

- 7.2 Policy OA6 of the Maidenhead Area Action Plan (which forms part of the adopted development plan) sets out that the Stafferton Way Opportunity Area is allocated for employment development, and then goes on to set out the proposals that should come forward in this area. Policy OA6 explains that one of the proposals in this Opportunity Area should comprise a new multi-storey car park (which is not an employment use). Policy OA6 of the Maidenhead Area Action Plan sets out that land to the South of Stafferton Way (which includes this application site) should be utilised to deliver 4,000 sqm of non-office employment floorspace, this includes B1(b), B1(c), B2, B8 and car showroom use.
- 7.3 The Lock and Store (adjacent to the site), which is also situated on land south of Stafferton Way has 8,607m<sup>2</sup> of B8 self storage, which exceeds the 4000 square metre figure specified in Policy OA6. As such it is not considered that this scheme would conflict with the requirements Policy OA6. Policy OA6 of the AAP identifies that a multi-storey car park should be located on land to the north of Stafferton Way. However, the land to the north of Stafferton Way is in private ownership, and so it would not be possible to provide a new multi-storey car park in this area. The provision of this multi-storey car park would meet the aims of Policy OA6 which seeks to deliver a multi-storey car park in this Opportunity Area.
- 7.4 Policy ED2 of the Borough Local Plan Submission Version (BLPSV) seeks to maintain this application site (as part of a wider allocation) for employment use. This forms part of the wider economic strategy for the BLPSV as set out in policies ED1 and ED2, which are afforded significant weight.

- 7.5 The scheme does not comply with Policies ED1 and ED2 of the emerging BLPSV. The application site is on land allocated as a business area, and this scheme would remove land allocated for business purposes. However, within Policy ED2 it is stated that within business areas, development proposals that improve and upgrade the facilities available will be supported. This multi-storey car park will increase car parking and will provide car parking for employees within the area. In this instance the provision of a multi-storey car park would support the aims of Policy OA6 which forms part of the Adopted development plan.
- 7.6 It is acknowledged that the scheme would take away land allocated for employment purposes in the emerging Borough Local Plan. The Borough Local Plan is not part of the adopted development plan, however, it is afforded significant weight in decision making. As such, material considerations have been considered at 7.8.83-7.8.87 of this report.

### **Flood Risk**

- 7.7 The application site is situated within flood zone 2 (medium risk flooding). A car park would fall into a less vulnerable use, and according to guidance contained within the NPPF and National Planning Practice Guidance (NPPG), a less vulnerable use is appropriate within this flood zone.
- 7.8 In accordance with the NPPF, it is a requirement for the scheme to pass the Sequential Test. The aim of the Sequential Test is to steer development to areas at the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If the Sequential Test cannot be met, the principle of the development in Flood Zone 2 is not acceptable.
- 7.9 In order to pass the Sequential Test, it is necessary for the application to demonstrate that there are no alternative reasonably available suitable sites at a lower risk of flooding (i.e. outside of the flood zone) that could accommodate this scheme. With regard to the area of search for alternative sites, given that the need for the car park is to support Maidenhead town centre and its regeneration, for workers in the town centre, and for commuters to London, the search for sites should be limited to the Maidenhead Area Action Plan Area. In addition, the need for a multi-storey car park to be accommodated within the Stafferton Way Opportunity Area is set out in the Maidenhead Area Action Plan. With regard to other potential sites within the AAP area, the expansion of the existing Broadway car park is in the pipeline, but the expansion of this car park on its own would not meet the car parking requirements for Maidenhead. Aside from this, within the Maidenhead AAP area, other reasonably available sites are either not at a lower risk of flooding than the application site and so are not sequentially preferable, or those sites that are available and at a lower risk of flooding are earmarked for future residential development. Such alternative sites include:
- Reform Road (is at a higher risk of flooding).
  - The Landing (earmarked for a mixed use development)
  - St Cloud Way (the site is at a lower risk of flooding, but residential development is anticipated for the site)
  - York Road site (situated in flood zone 3)
- 7.10 It is considered that the Sequential Test is passed.
- 7.11 Paragraph 163 of the NPPF (2018) sets out that provided the Sequential Test can be passed, it needs to be demonstrated as part of an application that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 7.12 In this case most of the site is situated in flood zone 2; the proposed use is a less vulnerable use and so the location of the proposed building within the site is considered to be acceptable.
- 7.13 The Flood Risk Assessment sets out that the finished floor level of the car park will be set at 24.00 AOD which is above the 1 in 100 year plus climate change flood level, which is predicted to be 23.76 AOD.
- 7.14 The application is submitted with a Sustainable Drainage Strategy, which adequately addresses the management of surface water. The surface water drainage strategy comprises an online geocellular attenuation tank with limited discharge rates. The proposed geocellular storage system dealing with the management of rainfall runoff has been designed to accommodate a 1:100year + 40% climate change storm event. In addition, the possibility of surface water runoff running on to the site from the east during extreme rainfall events (in excess of 1% AEP + climate change) has been recognised and any water running over the existing kerb line to the east of the proposed development will be directed to a compensatory storage area below the proposed mezzanine floor level. While the Lead Local Flood Authority is satisfied with the approach to the management of surface water some additional information is required (specifically relating to the compensatory storage area) and it is recommended that full details are secured by way of Condition 7.
- 7.15 With regard to residual risk, the FRA sets out that the site is not located within an area benefitting from flood defences and so is not at risk of flood defence failure
- 7.16 With regard to the access and evacuation, there would be a low hazard escape route in 1 in 100 plus climate change allowance flood event.

#### **Design, including impact on trees**

- 7.17 Policy DG1 of the adopted Local Plan seeks to ensure that development will be of a high standard of design and landscaping, compatible with the area and street scene.
- 7.18 Policies MTC1 and MTC 4 of the Maidenhead Area Action Plan emphasise the need for place making and creating a high quality, town centre environment. Policy OA 6: Stafferton Way Opportunity Area sets out how development proposals should seek to deliver high quality architecture.
- 7.19 Section 12 of the NPPF which is a material consideration of significant weight to this application deals with achieving well designed places and delivery of developments that will function and contribute to the overall quality of the area in the long term. To achieve this development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; they should be sympathetic to local character and history, including the surrounding built environment and landscape setting. The NPPF is clear to emphasise that this should not prevent or discourage change (such as increased densities).
- 7.20 Policies SP1 and SP2 of the BLPSV states that new developments should positively contribute to the places in which they are located and that larger developments should provide a harmonious, integrated mix of uses, where appropriate, that foster a sense of community, vibrancy and activity, along with contributing to the provision of social, natural, transport and utility infrastructure to support communities. The policy further promotes the community integration and sustainable place making. Policy SP3 sets out a number of principles to achieve a suitable high quality design. In reviewing the level of unresolved objections to these policies on the BLPSV significant weight is given to these overarching design principles to ensure appropriate development.
- 7.21 The Stafferton Way Opportunity Area is identified as part of a southern gateway into the town centre (within the Adopted AAP), segregated from the central area by the railway line to the north. The character of the area is mixed and reflective of this edge of centre location.

- 7.22 Car parks are inevitably essentially a large 'box' in form with large floor plates. The proposed layout looks to maximise the efficiency of the site, whilst having due regard for the site constraints (notably the residential flatted development and line of trees positioned to the south of the application site). Accordingly the proposed car park layout is positioned away from this boundary. The vehicle access is also proposed to the western part of the site, off the existing highway and set back from the main through road of Stafferton Way. Pedestrian Access routes are proposed to the north and west of the application site, to connect to existing pavements and footways. Disabled access Ramps are proposed as part of this. The proposed car park would also be positioned close to the eastern elevation, which forms the parking area of the adjoining commercial use.
- 7.23 In terms of the proposed internal layout the proposal would utilise a split level with a one-way system circulating traffic around the car park with ramps located to the north and south to connect the split levels. Internally pedestrians would navigate the car park via a series of walkways and crossing points leading to 2 stair cores which provide the vertical circulation and means of escape. The main core is located to the north of the application site opposite Stafferton Way. The southern stair core, adjacent to the car park access is predominantly an escape core.

#### *Scale and mass*

- 7.24 Buildings in the Stafferton Way Opportunity Area comprise a mix of buildings that range between 2-5 storeys in height. The buildings in commercial use, owing to their footprint and design appear as fairly bulky buildings. Lower density two storey residential properties are located to the east of the application site, across from Vicus Way forming Greenfields and Alpine Close. To the rear of the application site is a 5- 6 story residential flatted development.
- 7.25 The Design and Access statement for this scheme sets out the massing arrangement and alternatives which were considered. A split level arrangement between the east and west of the proposed building was considered appropriate as it allows efficiencies of the proposed ramped locations and also enables the ability to concentrate the massing and height towards the eastern boundary with the adjacent commercial premises.
- 7.26 Whilst there are smaller scale buildings to the west of this application site, Vicus Way provides a physical separation between the proposed building, and these nearby buildings. As discussed at section 3.4 of this report, larger scale buildings are present within the vicinity of the site and these contribute to the character of the area, against which this application is assessed.
- 7.27 It is accepted that the building will occupy a large part of the application site, and because of its shape will have a large bulk and mass. However, as the building would be sited on a corner plot, with the roads providing physical separation from other smaller scale buildings, and because of the variety in the scale of buildings that exist within the local area, it is not considered that scale and massing of the building would look at odds within the context of this area. Broadly the proposal would comply with the development plan in this regard.
- 7.28 It is worth noting that the application site is within an edge of centre location. The application site forms part of a wider Opportunity area within the Maidenhead AAP which allocates the site for employment purposes, and a large scale building would have been anticipated for this site.

#### *Proposed architectural approach*

- 7.29 The architectural design of the proposed building has been influenced by its use. The building needs to be functional for its purpose; a car park needs to be designed to be secure. This requirement has influenced the design, and material palette for the building. At ground floor level, this will be enclosed in a metal mesh to allow light and ventilation into this part of the car park, while still providing a rigid, vandalism resistant barrier on the ground floor perimeter of the parking spaces. The upper floors of the building would be in cladding of ventilated façades made up of natural wood panels and the corresponding substructure. Each panel would consist of a high density bakelite core, clad in a veneer of natural wood with a surface treated with synthetic resin and an exterior PVDF film (polyvinylidene fluoride). This material has been selected due to



its high resistance, as it does not require the typical maintenance of other woods for exteriors. The Design and Access Statement sets out that the colour of the vertical panels and the building in general is derived from the colour palette of the surrounding development in particular the two residential developments west and south of the site which utilise a range of dark and earthy materials.

- 7.30 Given the use of the proposed building, the rationale for selecting the materials is apparent. In addition, there is a mix of materials and colour within the locality, including colours with an earthy tone, and as such it is considered the proposed material palette is acceptable. The proposed building has a functional appearance, however, a number of commercial buildings in the locality also have a functional appearance (Lock and Store, the retail units on the northern side of Stafferton Way). As such, the architectural approach is considered to be acceptable within this area.

#### *Other design considerations*

- 7.31 The AAP (2011) and the NPPF (2018) both seek opportunities to design out crime and create safe and accessible areas.
- 7.32 In addition to the proposed design of the façade of the building and use of materials that have been selected in order to provide a vandalism resistant barrier, the proposal incorporates other measures to prevent crime. The car park will be operational between the hours of 5am and 8pm. The entrance to the car park will be closed at 8pm and directional control provisions will allow cars to exit the car park should any vehicle remain in the car park after 8pm. The gate will be automated and locked shut at 8pm each day, opening at 5am. The directional flow provisions will take the form of flow plates (i.e. causing damage to any car that tries to enter via the exit). In addition, both stairwells will have open balustrades allowing good visibility on approach to and from landing areas and vandal resistant mirrors will be installed at stair turns to assist with natural surveillance. CCTV will be installed in the stair wells and also on the floor plates to cover pay machines. Thames Valley Police have been consulted on the revised Management Car Park Management Plan and their comments are awaited.

#### *Landscape (including trees)*

- 7.33 As set out above Policies MTC1, MTC 4 and OA6 of the Maidenhead AAP (2011) seek high quality design, and landscaping forms a key part of this. Local Plan policies N6 and DG1 also provide general design policies on the importance of high quality landscaping in delivering successful schemes. Policy N6 of the adopted Local Plan states that plans for new development should, wherever practicable, allow for the retention of existing suitable trees and include an appropriate tree planting and landscaping scheme. Where the amenity value of trees outweighs the justification for development, planning permission should be refused.
- 7.34 BLPSV Policy SP3 requires development to protect trees and vegetation worthy of retention and sets out that comprehensive green and blue infrastructure schemes should be integrated into proposals. Policy NR2 of the BLPSV seeks the protection and retention of trees, and where needed suitable mitigation. Where the amenity value of the trees outweighs the justification for development, planning permission may be refused.
- 7.35 A small group of trees and shrubs to be removed as part of the redevelopment of the site are of limited landscape quality and there is no objection to their loss. Located on the southern boundary of the application site is a row of trees outside of the application site. An arboricultural report and associated tree survey has been submitted as part of the application. It is proposed to protect these trees during the construction process by leaving existing tarmac within the rooting area of these trees, with tree protection fencing erected by this tarmac area. The Council's tree officer is satisfied with this approach, and condition 12 seeks to secure that the development would be undertaken in accordance with these tree protection measures.
- 7.36 Due to the proposed layout there are some opportunities for tree planting and/or soft landscaping. Recommended condition 9 sets out proposed landscaping conditions, however, it is unlikely that there is space for any meaningful tree planting. Visibility splays are fundamental for

this form of development and therefore any form of soft landscaping would likely be low level. This does not weigh in favour of the scheme.

### **Impact on Neighbouring Amenity (including noise and lighting)**

- 7.37 There are no specific policies in the adopted Local Plan or the Maidenhead Town Centre AAP regarding impact on neighbouring amenity. Paragraph 127 (f) of the NPPF (2018) is a material planning consideration to be given significant weight and states developments should:

*“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”.*

- 7.38 Policy SP3 of the BLPSV states that development will be expected to have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.
- 7.39 The Daylight and Sunlight Analysis prepared by AECOM Limited looks at the potential impact on adjacent buildings (in residential and non-residential use). The assessment is based on the Building Research Establishment (BRE) guidelines, which are used nationally as guidance and apply equally to rural and urban locations. BRE recommendations are guidelines rather than adopted policy.
- 7.40 The Daylight and Sunlight Assessment sets out the detailed results. For several of the neighbouring buildings, the assessment concludes that there would be a reduction in light to windows, but the reduction in light would be to an acceptable level, in line with the recommendations of the BRE guidelines.
- 7.41 With regard to the impact of the proposed development on the flats to the south of the application site, there would be a significant reduction in light to a number of windows on the northern elevation of a block of flats closet to the application site. This building is shown as Block A within the submitted daylight/sunlight assessment. Although most of the windows on the northern elevation of the building would fail to accord with the guidelines within BRE, those windows impacted are either serving secondary bedrooms, or are secondary windows to living rooms. Given that the windows impacted do not serve primary rooms, or the room has another source of light, it is not considered the proposal would have a significant impact on the amenity of occupiers in this neighbouring building. In addition, there is a row of trees on the boundary which would have some impact on light to some of the lower level windows.
- 7.42 There is another block of flats to the south of the application site (labelled block B in the Daylight and Sunlight Assessment). This building is sited further away from the application site than Block A. Two windows at ground floor level of this building were tested, and the reduction in light was considered to be acceptable in accordance with the BRE guidelines.
- 7.43 It is acknowledged that the views from the windows in the flats to the south of the application site will change, and occupants would have views of the building. However, the flats impacted have other windows which will be free from visual intrusion. In addition, it is considered that there would be a reasonable separation distance so that the building is not unduly overbearing. There would be a minimum distance of 13 metres between the proposed building and the boundary with the block of flats to the south, and there would be a distance of around 22 metres between the rear elevation of the proposed building and the north elevation to this block of flats. The Council does not have adopted standards on separation distances between buildings, however, this separation distance between the buildings is considered reasonable given the context of this area.
- 7.44 Turning to the residential properties to the west of the application site (on the opposite side of Vicus Way), the impact on light to windows is considered to be acceptable, in accordance with the BRE guidelines. The occupier of 1 Greenfield states that the Daylight and Sunlight Assessment does not take account of windows in the side elevation of this property, however, the approved plans for an extension to 1 Greenfields shows that these side windows serve non-habitable rooms, which are not afforded the same protection as habitable rooms. There will be a

change to the view from these properties, and there is likely to be shadowing cast to these properties and their gardens (the impact will be greater during morning hours), however, the proposed building (at 5 stories) is set some distance from the boundaries of the dwellings (in excess of 19 metres), and it is considered that whilst there would be an impact upon outlook and shadowing to these properties, it would not be of a level that would cause significant harm to residential amenity. The proposed building (excluding the external ramp) would be approximately 20 metres from the side elevation of 1 Greenfields. It should be noted that it is the side elevation of 1 Greenfields that faces the proposed car park, and the windows within this side elevation serve non-habitable rooms. In any case, this separation is considered to be acceptable given the context of this area.

- 7.45 It should be acknowledged that this application site is located in an edge of centre location, close to the town centre. The buildings that exist in this area are reflective of its edge of centre location. The Local Planning Authority would expect that a higher density development would be provided in this location. It is accepted that the scheme's design avoids significant loss of residential amenity, whilst noting that harm does result from some of loss of light and overshadowing that cannot be mitigated. This is addressed in the planning balance section of this report.
- 7.46 Concerns have been raised by residents who live next to the site about their properties being overlooked, and experiencing an invasion of privacy. It is accepted that there would be views from the proposed building towards nearby residential properties. However, the use of the proposed building needs to be taken into account when considering this matter. The scheme is for a car park; users of the car park would park their car and travel on to their next destination, whether it be the town centre, or to travel by train. It is not a building where users will spend a considerable amount of time, compared to a residential or office use, and so overlooking will be limited. In addition, the cladding used will limit views out from the building. The scheme is not considered to cause an unacceptable level of overlooking to neighbouring residential properties.

### **Highways Considerations**

- 7.47 Policy T5 of the adopted Local Plan states that all development proposals will be expected to comply with the Council's adopted highway design standards. Policy MTC4 on Quality design sets out that development will be expected to satisfactorily address traffic, movement, servicing and parking impacts. Policies MTC14 and MTC 15 of the AAP (2011) sets out that accessibility to the town centre will be optimised with an emphasis on sustainable modes of transport. Policy MTC15 sets out the transport infrastructure needed to support development, much of these highway improvements sit outside of this application site, although it is worth highlighting that the Stafferton Way Link has now been implemented.
- 7.48 The NPPF (2018) states that developments should promote opportunities for sustainable transport modes (suitable to the type of development and its location), provide safe and suitable access to the site for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 7.49 Paragraph 109 of The NPPF (2018) is clear that:
- 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 7.50 A Transport Statement (TA) (dated July 2018) was prepared by Robert West and submitted in support of this planning application. The Transport Statement was further updated in November 2018 to include the modelling of 2 junctions within the vicinity of the application site. The TA looks to model the potential impact the proposed development would have on the highway network. The Transport Assessment utilises the RBWMHM2 Strategic Transport Model, (the Loftings scheme was included in the Strategic Model) and the ARCADY model, together with traffic surveys undertaken by the applicant.

- 7.51 The proposed car park would be utilised as a long stay car park for commuters and office workers in the town centre. Based on information on current car park usage, this should allow some long stay parking at Broadway and Hines Meadow to be located here, releasing these spaces for short stay/shoppers car parking. The TA sets out that it is likely that there would be around 730 vehicle movements coming to and from the site on a daily basis, the majority of which will access the car park between the morning hours of 07:00- 09:00 hours and exit around 17:00- 19:00 hours during the week days.

#### **Transport Assessment Results. Outputs from 'Baseline - Year 2032' model (no car park)**

- 7.52 The modelling shows that the A308 / Rushington Avenue / Stafferton Way junction is predicted to operate within capacity during the AM and PM peaks, with ratio of flow to capacity (RFC) values on all approaches being below the practical maximum value of 0.85.
- 7.53 The model also shows that the Stafferton Way / Vicus Way roundabout is predicted to operate within capacity, with a maximum RFC value of 0.76 and a maximum queue length of around 18m.

#### **Transport Assessment Results- Outputs from 'With Development – Year 2032'**

- 7.54 The model predicts that the A308 / Rushington Avenue / Stafferton Way roundabout will operate slightly above capacity. Increased RFC values are predicted on all approaches with the highest value (0.90) on Braywick Road (south) during the AM peak. The queue length on this approach is predicted to increase from around 5 cars (28 metres) to around 8 cars (47 metres). However, this increased queue length does not affect any other junctions and is therefore considered acceptable.
- 7.55 The model shows that the proposed mini-roundabout at Stafferton Way / Vicus Way would operate within capacity, with the highest RFC (0.80) on Stafferton Way (west) in the morning peak. The predicted queue length for this arm is 4 cars (23 metres) which is lower than the distance to the Stafferton Way car park / Stafferton Way junction (around 30 metres).
- 7.56 It is not considered that the residual cumulative impact on the road network from the proposed development would be severe. In addition, it is not considered that this would result in a danger to highway safety.
- 7.57 The scheme does not provide for cycle storage, and this fails to accord with Policy T7 of the Adopted Local Plan and advice contained in the NPPF which advises that schemes should be designed to give priority to cyclists. This weighs against the application.
- 7.58 The site is located in an area which is well provided for with an extensive network of footways and quiet routes suitable for cyclists to facilitate ease of movement from the site to the Town Centre and to the Railway Station. This includes the Maidenhead Waterways to the east of the application site. The pedestrian access cores will be provided towards the northern and southern edges of the car park, while the vehicle access and egress points will be provided in the south-west corner of the structure. Off-site highways works propose the provision of a zebra crossing on Vicus Way (onto a footway which is yet to be constructed) and the extension of the footway along the northern edge of the site, along Stafferton Way to ensure suitable and safe pedestrian routes from the site to the wider area. It is considered that the implementation of the zebra crossing and the extension of the footway to the north of the application site are necessary in order to ensure that users of the car park have an adequate pedestrian route when leaving and accessing the car park by foot.
- 7.59 The NPPF sets out that applications for development should address the needs of people with disabilities and reduced mobility in relation to all modes of transport. In this case, disabled car parking bays are shown on the ground floor level, and ramps are proposed on the north and west elevation of the proposed building. The proposed zebra crossing on the Vicus Way will provide a route from the proposed car park to the town centre and station that negates the need to navigate Vicus Way or the Lidl entrance in an uncontrolled way and therefore secures a safe route for all users.

- 7.60 Subject to a planning condition to secure the extension on the footway to the north of the application site, and for the zebra crossing on Vicus Way to be implemented (see recommended condition 14), it is considered that the scheme would have an acceptable impact upon highway safety.

## **Issue vi Environmental Considerations**

### Sustainable Urban Drainage

- 7.61 Policy OA6 relating to the Stafferton Way Opportunity Area sets out that new development should utilise sustainable drainage systems within the site design and layout. Paragraph 165 of National Planning Policy Framework states that all 'major' planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development.
- 7.62 In accordance with The Floods and Water Management Act 2010 the Royal Borough in its role as Lead Local Flood Authority (LLFA), is a statutory consultee for all major applications. The LLFA has considered the proposal and the applicants Sustainable Urban Drainage information submitted as part of this planning application and raise no objection.

### Impact on Air Quality

- 7.63 Whilst the Maidenhead AAP (2011) acknowledges that most of the town centre is covered by an Air Quality Management Area there are no specific Development Plan policies relating to air quality. The NPPF (2018) states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas
- 7.64 An Air Quality Assessment (dated 15.08.2018) has been submitted in support of this planning application. The assessment concludes that the overall operational air quality impacts of the development are judged to not be significant. The approach, methodology and conclusion of the air quality assessment that the effects of development traffic on local air quality are considered to be acceptable.
- 7.65 Environmental Protection advises that to help offset the impact of the proposed development on local air quality a condition should ensure the provision of 5% of electric vehicle charging spaces as part of this proposed development with a further option for another 5% enabling a future increase to 10% within 3 years from when the car park becomes operational. However, given that this is not required to render the development acceptable with regard to air quality, it is not considered reasonable to secure this by planning condition. Electric charging points are proposed as part of this application, 5% active and 5%, passive to align the proposal with future trends for utilising more environmentally friendly modes of transport. A CEMP can secure details of recycling material taken from the site and the sourcing of materials. These matters go towards investing in sustainable technologies and sustainable construction.
- 7.66 The Council's Environment Protection Officer has also recommended conditions regarding dust management during construction. This could be secured by planning condition (see condition 6).

### Sustainability and Energy

- 7.67 The Council's adopted Sustainable Design and Construction SPD (2009) provides further guidance on how new development is expected to incorporate sustainable principles into the development including, construction techniques, renewable energy, green infrastructure and carbon reduction technologies. However, Sustainable development techniques have moved on since the adoption of this document. Therefore less weight should be attributed to this document in this regard. Nonetheless the SPD sets out measures for achieving sustainable forms of development, including 10% energy being delivered through renewable sources and meeting BREEAM measures.

- 7.68 The NPPF (2018) para 153 states that in determining planning applications developments should comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable
- 7.69 The proposed development is for a car park where it is difficult to meet the requirements of the adopted SPD for utilising renewable energy technologies or the ability to provide measures to reduce water and energy consumption. Therefore and having due regard for the type of development involved and its design it is concluded that it is not practical or feasible to provide other mode of renewable energy as part of this development.

#### Impact on Biodiversity

- 7.70 Policy MTC 3 of the AAP (2011) seek to conserve and enhance biodiversity. Paragraph 170 of the NPPF (2018) states that planning decisions should contribute to and enhance the natural and local environment. The emphasis is on minimising impacts on and providing net gains for biodiversity.
- 7.71 Policy NR 1 of the BLPSV also seeks to ensure development does not reduce the waterways ecological network or habitat. Emerging Policy NR 3 of the BLSV requires proposals to protect and enhance biodiversity. Policy IF 3 of the BLPSV seeks the provision of high quality green and blue infrastructure of river corridors.
- 7.72 An Ecological Appraisal (dated June 2018) prepared by Bioscan has been submitted in support of this planning application. The conclusions establish that the site is of limited ecological value.
- 7.73 The Council's Ecologist has highlighted the location of the Greenway Corridor Local Wildlife Site (LWS) 95m northeast and grassland fields 130m south. To ensure that the nearby LWS is protected during the construction phase and that nesting birds and other wildlife are not harmed as a result of the development, the Council's ecologist has recommended a condition to secure a Construction Environmental Management Plan (CEMP) to secure details on how the construction process will be managed so as not to adversely impact on this site. However given there is no ecology value on this site and the distances to nearby ecology areas the requirements of this recommended condition are not considered to be reasonable or necessary to make the development acceptable.
- 7.74 It is considered to be reasonable and necessary for conditions regarding biodiversity enhancements to be provided, this should be a prior to conditions and is set out in recommended condition 11.

#### Archaeological matters

- 7.75 Paragraph 189 of the NPPF (2018) states that local planning authorities should:
- 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.*
- 7.76 An archaeological desktop assessment has been submitted in connection with this application prepared by Thames Valley Archaeological Services and Project specification for an archaeological evaluation' and dated June 2018 and 29 June 2019. This concludes that that the site has limited archaeological potential. Berkshire Archaeology has been consulted on this application and considers that there is evidence to indicate the application area to have an archaeological interest, the wider area has revealed evidence for prehistoric, Roman and Saxon remains.

- 7.77 The consultation response from Berkshire Archaeology is that the assessment is a reasonable and fair account of the known archaeological resource within and in the vicinity of the application boundary. The assessment also sets out proposed exploratory archaeological investigation which Berkshire Archaeology consider is an appropriate programme of archaeological work. Recommended condition 10 would secure the implementation.

#### Ground conditions and land contamination

- 7.78 Policy NAP4 of the Adopted Local Plan seeks to ensure that development will not pose an unacceptable risk to the quality of groundwater. This is supported by paragraphs 178 and 179 of the NPPF (2018) which seek to ensure development takes into account proper remediation for contaminated land.
- 7.79 A Phase 1 Geo-environmental Desk Study Report (dated 8 June 2018) has been prepared by AECOM has been submitted in support of this application. Appropriate remediation and mitigation measures can be secured by condition. The Environment Agency and the Councils Environmental Protection Team have raised no objections subject to conditions. These are set out in recommended Conditions 3, 4 and 5.

#### Noise

- 7.80 The Institute of Environmental Management & Assessment provide guidance on noise impact assessment. These documents provide guidance on how to recognise when noise should be considered of concern and affect and impact descriptors for long- and short- term changes to environmental sound conditions.
- 7.81 A Noise Assessment was submitted with the planning application. The report concludes that the operation of the proposed car park is unlikely to have any observable impact on the neighbouring residences.

#### **Other Material Considerations**

- 7.82 The proposal would not conflict with Policy OA6 of the AAP (which forms of the adopted Development Plan), however, the scheme does conflict with policies ED1 and ED2 of the emerging Borough Local Plan, which allocates the site for employment purposes. The most recent evidence base for employment floorspace highlights the importance of retaining employment land. As such, it needs to be considered whether there are material considerations which support allowing the loss of employment land in this instance. The material considerations are set out below.

#### The Need for Car Parking in this location

- 7.83 This proposal is part of a wider programme of temporary and permanent car parking across the town to provide mitigation during the regeneration programme where spaces are lost. Overall this proposal would be one of a number of car parks near the centre to accommodate the town's needs and growth and support employment and economic growth. The site is located within a reasonable walking distance of the town centre and railway station, and so is a good location to accommodate long stay commuter and town centre employee parking, and would help mitigate the loss of other car parks within the Maidenhead AAP area as well as maintain continuity of car parking availability while other car parks are redeveloped in the town. It would also release car parking closer to the centre for shopper's to use during the day
- 7.84 The need for a multi-storey car park has been recognised within the Stafferton Way Opportunity Area within Maidenhead AAP, which notes that with the arrival of Crossrail, and substantial development planned for the town centre, that a new multi-storey is required to service this additional growth as well as meet unmet parking demand from existing employers in the town. At paragraph 7.95 of the AAP it sets out that to ensure the station's continued success it is important that the AAP promotes good access to the transport hub at the station, including the provision of suitable car parking facilities for commuters within this Opportunity Area. The council has secured

£3.75 million of Local Growth Fund support for a project to improve access to / interchange at Maidenhead Station; this forms part of the overall strategy for town centre regeneration.

The scheme has four elements:

1. Construction of a multi-modal transport interchange on Maidenhead Station forecourt to improve connections between journeys made on foot, bicycle, bus, train, taxi and car.
2. Improved pedestrian and cycle linkages between the rail station and the town centre, with environmental enhancements for the station forecourt that will transform the area and create a proper gateway to the town centre.
3. Construction of replacement parking for that displaced from the station forecourt within an additional floor on Stafferton Way car park multi-storey car park.
4. Traffic management improvements (converting Broadway to two-way operation).

- 7.85 The project is needed to cope with the predicted increase in passengers and vehicles accessing the station as a result of modernisation of the Great Western Main Line, the opening of the Elizabeth Line (Crossrail) in December 2019 and the future construction of the Western Rail Link to Heathrow. The scheme is recognised as part of a wider phased re-development of Maidenhead town centre as set out in the Maidenhead Town Centre Area Action Plan (AAP); this proposal also falls to be considered as part of that wider programme for regeneration which will bring forward housing and employment uses across the plan period.
- 7.86 Although Policy OA6 of the AAP identifies land to the north of Stafferton Way to accommodate a multi-storey car park, this site is not within the Council's control, and as such is not deliverable. As such, this application site is likely the only available site within the Stafferton Way Opportunity area to accommodate this multi-storey car park. The Council has undertaken significant work to identify opportunities to provide continuity of parking and additional capacity and has identified this site as the most appropriate and deliverable option.
- 7.87 Feasibility works have been undertaken in relation to putting additional floors on the existing Stafferton Way multi-storey car park, however, the building is unable to structurally take this load. This car park will need to be redeveloped to increase parking capacity, but this will exacerbate problems for commuters using the railway station. It does form part of the long term plan.

#### The benefits of providing long stay car parking

Long stay car parking supports town centre business in the following ways:

- It provides parking for employees, ensuring staff retention and successful operation of businesses and supporting employment uses in Maidenhead.
- It frees up town centre short stay parking more suited to shoppers and leisure visitors who are vital to the town centre economy
- It cements Maidenheads status as a key commuter town, which brings significant expenditure to the area as commuters are incentivised to live in the area, which has indirect benefits to secondary services and other business.

#### Planning balance

- 7.88 It is considered that the building would be of an acceptable scale and appearance within the context of this area, and that it would have an acceptable impact upon trees to be retained. The scheme is considered to be acceptable in respect of flood risk. The scheme is not considered to result in a severe impact on the highway network, and is considered to have an acceptable impact on highway safety.
- 7.89 The scheme would impact upon neighbouring residential properties. Policy DG1 of the Adopted Local Plan is relevant. It is accepted that the design of the building has limited the impact on residential amenity as much as it is possible, but nevertheless harm does result through some loss of light and overshadowing. It is however, considered that this, in itself is not significant enough to warrant refusal on this ground alone. As such this harm needs to be weighed against any benefits. .



7.90 The scheme would not conflict with Policy OA6 of the Maidenhead AAP (the adopted development plan). The scheme would conflict with Policies ED1 and ED2 of the emerging Borough Local Plan as it would result in the loss of employment land, which is a material consideration of significant weight. However, in this instance it is considered that there are material considerations which weigh in favour of the application that is the need to have this car parking to support the train station as an important transport hub, and provide commuters using the train with car parking spaces, and to support the need for parking arising from the town centre redevelopment. It is evident that there are limited opportunities within the AAP area to accommodate a multi-storey car park, and this site would provide a car park in the Stafferton Way Opportunity Area, which is identified as a requirement in the Maidenhead AAP. The Table below sets out development plan policies and material considerations for the application, and those against. This table assumes SUDS and Highways have been resolved.

<b>Development Plan Policies for the application</b>	<b>Development Plan Policies against the application</b>
Trees Landscaping AAP vision for Maidenhead, and the requirement for a car park in the Opportunity Area Air Quality Design Overlooking	Overshadowing and loss of light to residential properties. Absence of cycle parking
<b>Material Considerations for</b> Capturing trips on the edge of town Passes the Sequential Test Support Economic Development Strategy Support wider SEP/LEP including Maidenhead Station forecourt scheme. (LEP funding agreed). Support Maidenhead as a commuter town which brings secondary expenditure. Support employment uses in the Opportunity Area Support the planned regeneration of Maidenhead Town Centre. If the Council does not provide this car park, a car park will not come forward Maximising efficient use of sites- sequentially preferable sites are being brought forward to provide housing.	<b>Material considerations against</b> The site is allocated for employment purposes in the emerging Borough Local Plan, which is afforded significant weight.

7.91 It is considered that there are development plan policies, and a number of material considerations which weigh in favour of approving the application.

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

8.1 The development is not CIL liable.

## **9. APPENDICES TO THIS REPORT**

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

**10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS**

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.

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

- 2 Prior to the construction of the building hereby approved, samples of the materials to be used on the external surfaces of the building shall be submitted to and approved in writing by the LPA. The building shall be constructed in the approved materials.

Reason: To ensure the materials used have an acceptable appearance.

- 3 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- as assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments:
- an appraisal of remedial options, and proposal of preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme. A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the

remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting Unexpected Contamination In the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is the subject of the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of (x) years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4.

This needs to be pre-commencement to ensure the site is adequately remediated.

4 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 180, 178.

Prior to the first use of the car park hereby approved, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall have been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance

with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 180, 178. This condition needs to be pre-commencement to ensure the site is remediated, so as not to cause pollution to water.

- 5 No infiltration of surface water drainage into the ground (i.e. soakaways) at the application site is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: : To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 180, 178.

- 6 No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

Procedures for maintaining good public relations including complaint management, public consultation and liaison

Arrangements for liaison with the Environmental Protection Team

All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

Procedures for emergency deviation of the agreed working hours.

Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

- 7 Prior to the commencement of development, details of the Sustainable Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Sustainable Drainage Strategy.

Reason: To ensure that the development is provided with an adequate Sustainable Drainage Strategy. This condition needs to be pre-commencement as the proposed drainage system is below the building footprint and needs to be approved before the building is constructed.

- 8 The development shall be undertaken in accordance with the measures set out in the Car Park Management Plan Revision 3. Prior to the first use of the car park hereby approved, details of the of the positions of CCTV and the location and type of lighting to be used shall be submitted to and approved in writing by the Local Planning Authority. The approved security measures shall be implemented prior to the first use of the car park and shall be retained in perpetuity.

Reason: To ensure measures incorporated to help prevent crime and create a secure environment.

- 9 Prior to completion of the development here by approved details of 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 following the completion of the development and retained thereafter in accordance with the approved details. 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

- 10 The development shall be carried out in accordance with the programme of archaeological work set out in the 'Project specification for an archaeological evaluation' prepared by Thames Valley Archaeological Services and dated 29th June 2018. The condition may not be fully discharged until the full programme of archaeological work has been implemented in accordance with the agreed programme.

Reason: The site lies in an area of archaeological potential, particularly in relation to the prehistoric, Roman and post-Roman settlement and land use of the Middle Thames Valley. The potential impacts can be mitigated by a programme of archaeological work in accordance with national and local planning policy.

- 11 Prior to the first occupation of the car park hereby approved, details (to include specifications and locations) of biodiversity enhancements on and around the development shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first use of the car park hereby approved.

Reason: To incorporate biodiversity in and around developments in accordance with paragraph 175 of the NPPF

- 12 The development shall be undertaken in accordance with the tree protection measures as set out in the Arboricultural Method Statement Version 2, read in conjunction with the Tree Protection Plan.

Reason: In order to protect the trees on the southern boundary of the site.

- 13 The finished floor level of the ground floor of the car park shall be set at a minimum level of 24.00 AOD.

Reason: To ensure the finished floor level is set above the predicted 1 in 100 year plus climate change flood event.

- 14 Prior to the first use of the car park hereby approved, the provision of the footway to the north of the application site and the provision of the zebra crossing on Vicus Way shall be submitted to and approved in writing by the Local Planning Authority. These works shall be undertaken in accordance with the approved details prior to the first use of the car park.

Reason: To ensure the scheme has an acceptable impact on highway safety, as required by the NPPF.

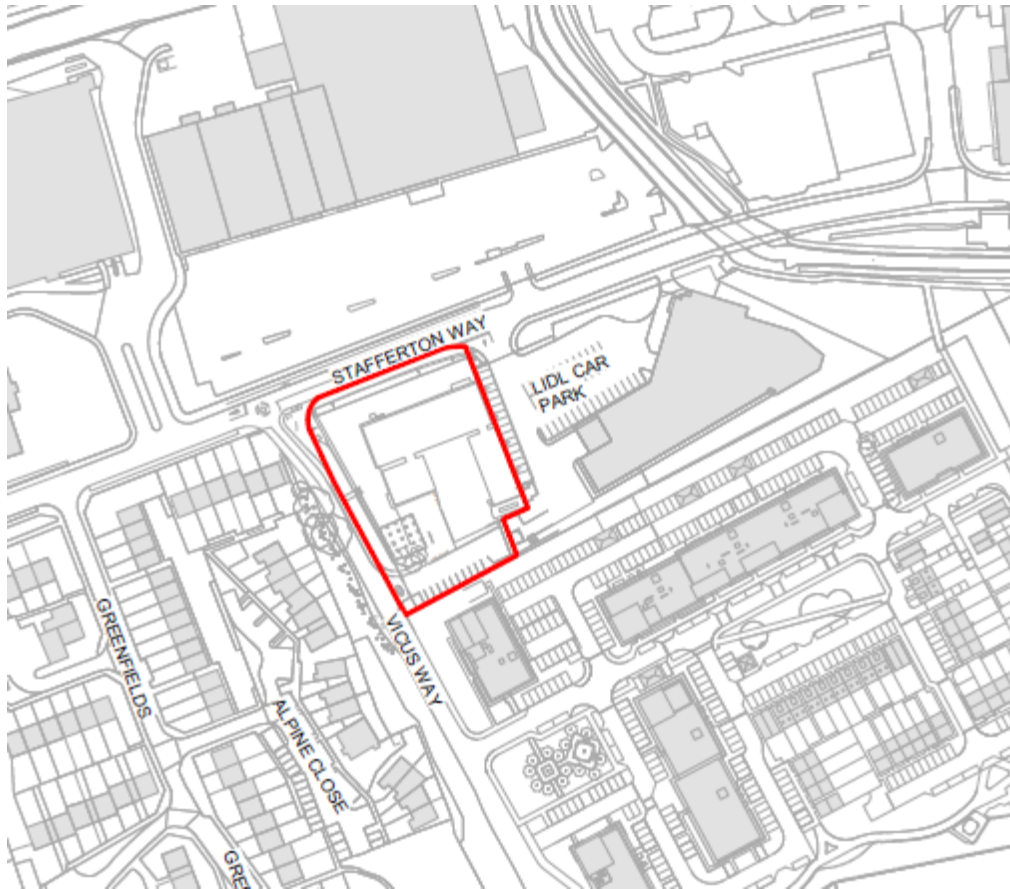
- 15 No part of the development shall be occupied until vehicle parking spaces have been provided in accordance with the approved drawings. The space approved shall be retained for parking in association with the development.

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.

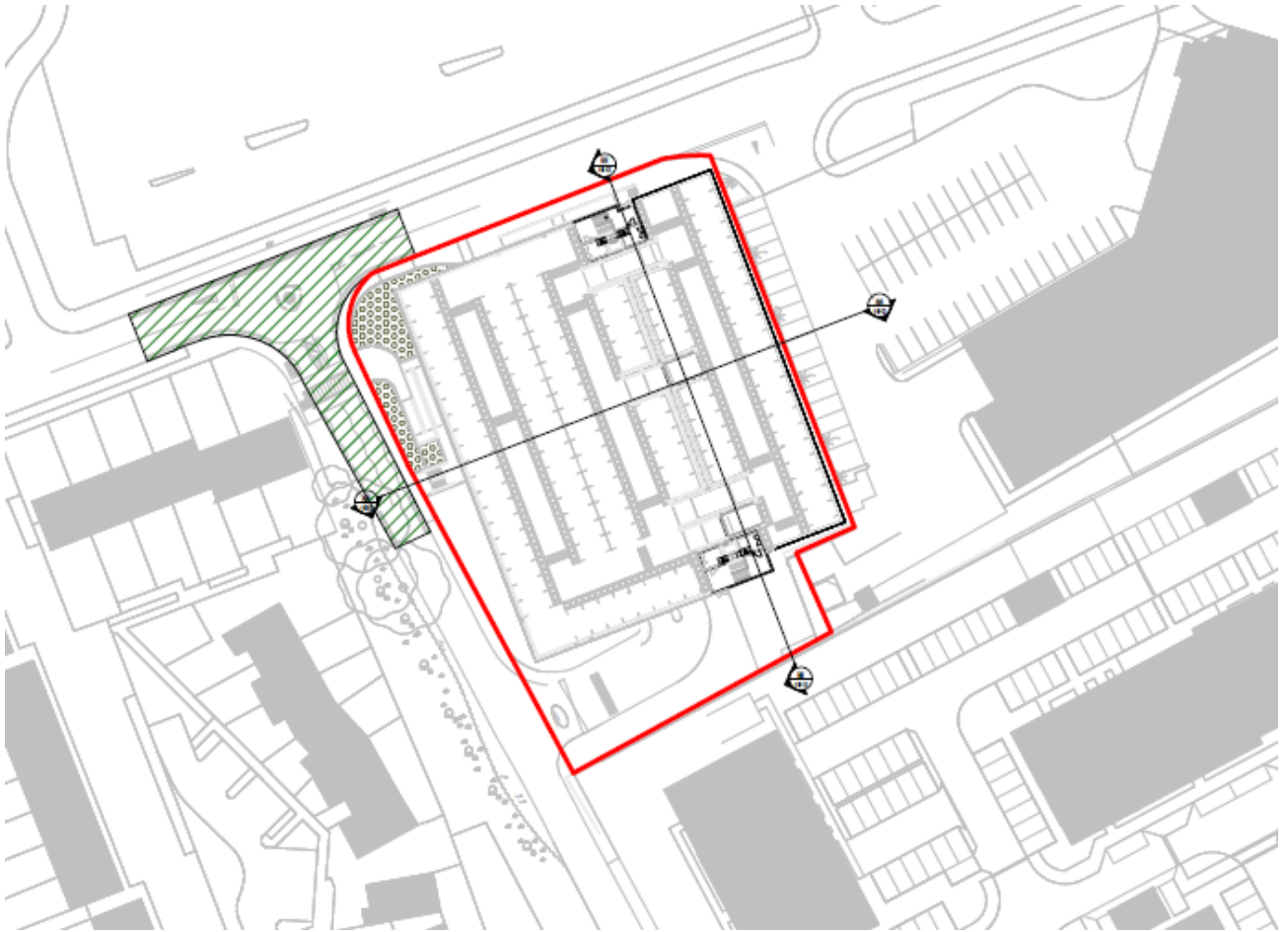
- 16 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall include:
- a site plan (showing the areas set out below)
  - confirmation that a pre-start record of site conditions on the adjoining public highway will be undertaken with RBWM Highways and a commitment to repair any damage caused
  - provision for the parking of vehicles of site operatives and visitors
  - provisions for loading, unloading and storage of plant and materials within the site
  - details of access to the site, including means to control and manage access and egress of vehicles to and from the site for the duration of construction including phasing arrangements
  - details of vehicle routeing from the site to the wider strategic road network
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - provision of wheel washing facilities at the site exit and a commitment to sweep adjacent roads when required and at the request of the council
  - a scheme for recycling/disposing of waste resulting from demolition and construction works
  - measures to ensure the safety of all users of the public highway especially cyclists and pedestrians in the vicinity of the site and especially at the access
  - commitment to liaise with other contractors in the vicinity of the site to maximise the potential for consolidation and to minimise traffic impacts.
  - avoidance of peak hours for deliveries and details of a booking system to avoid vehicles waiting on the public highway
  - all necessary traffic orders and other permissions required to allow safe access to the site to be secured and implemented prior to commencement of construction
  - details of the construction programme and a schedule of traffic movements
- Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

- 17 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

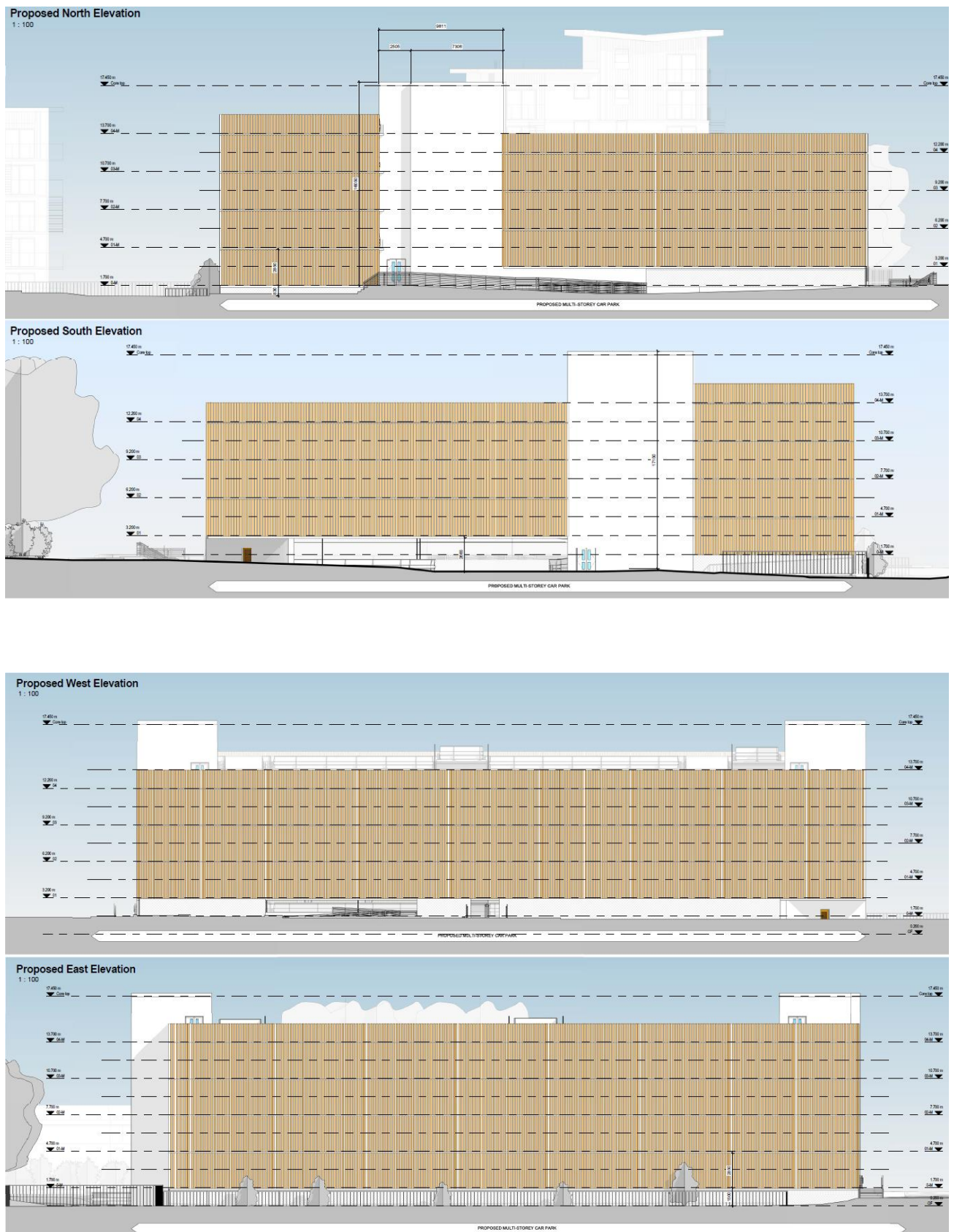


## Appendix B- Proposed site layout plan

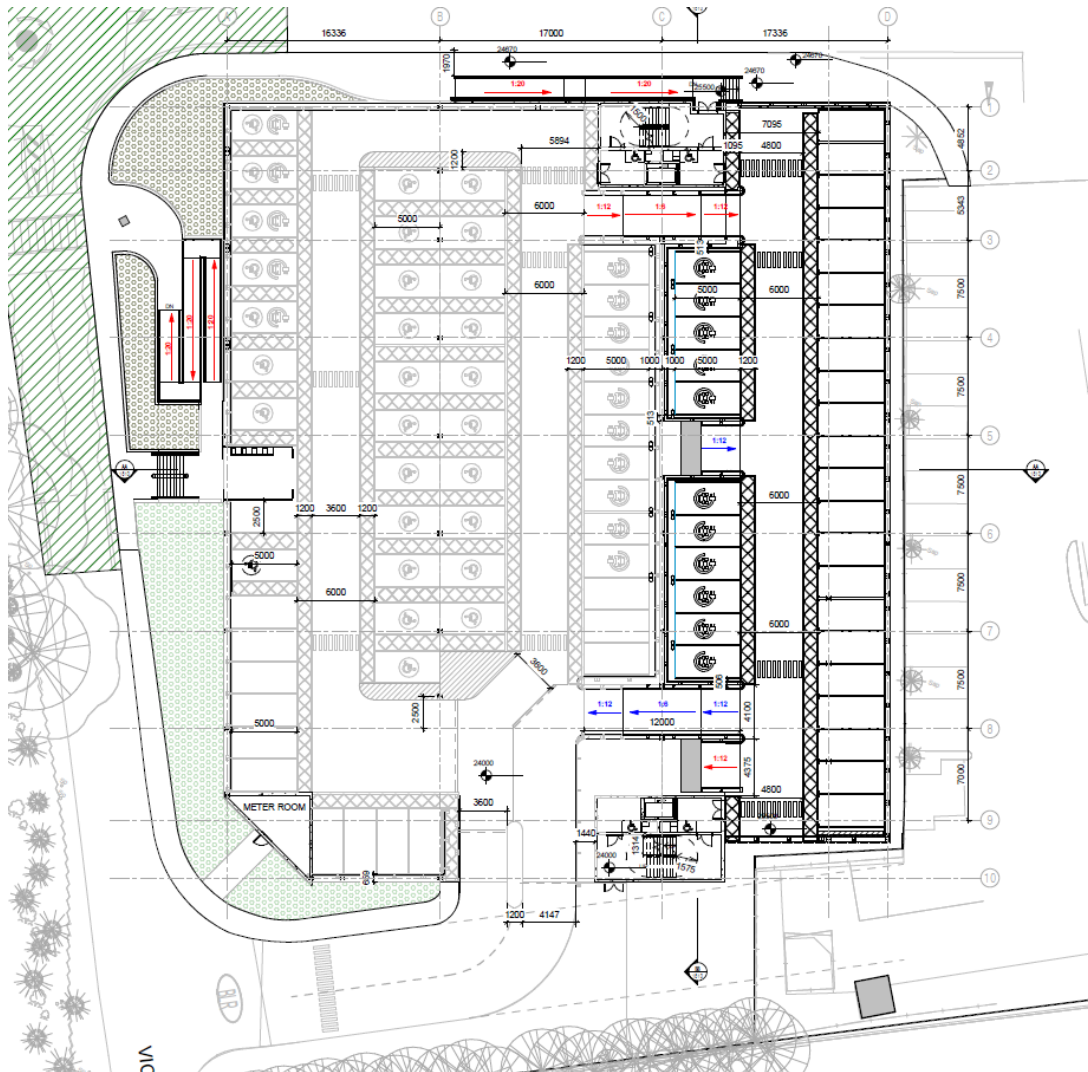




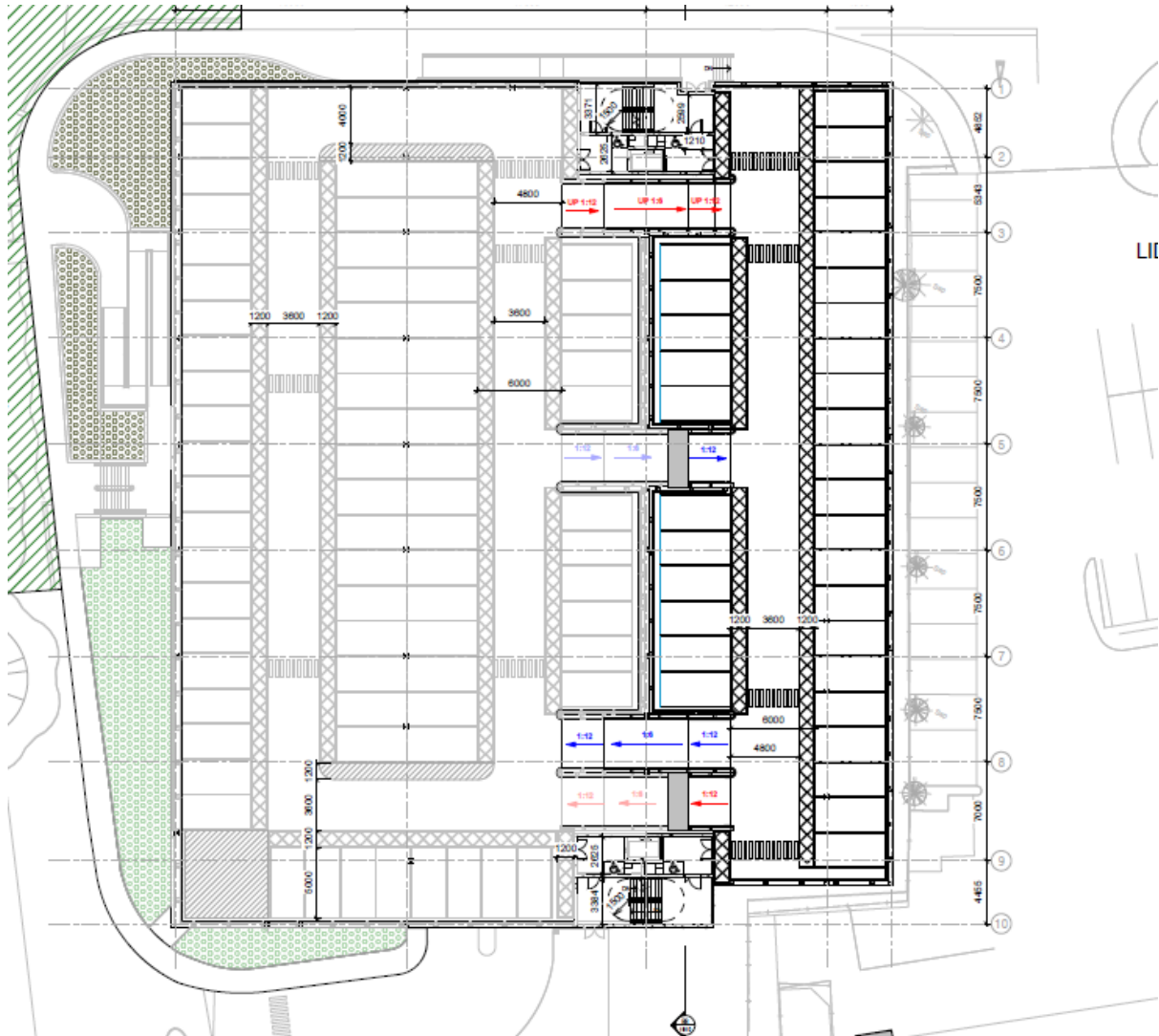
## Appendix C- Proposed Elevations



### Ground floor plan



# First floor plan



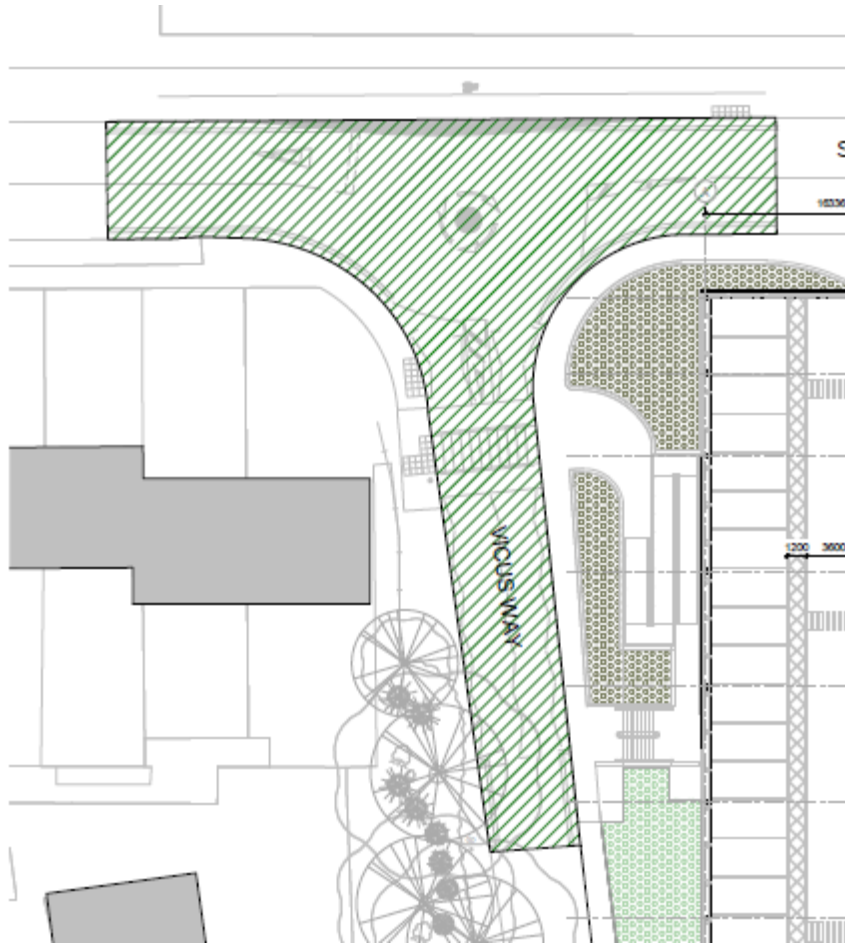
This architectural floor plan shows a building layout with various rooms and dimensions. The plan includes a central corridor system with elevators and stairs. Rooms are labeled with numbers and names, such as 'L.A.B. L.A.' and 'L.A.B. L.A.'. Dimensions are provided in meters (m) and feet (ft). The plan also shows exterior landscaping, including trees and a parking area. The building is oriented with a north arrow pointing towards the top right.



[illegible]

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Appendix E- Proposed off site works to Vicus Way, from the Redrow/Loftings scheme







# ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

## PLANNING COMMITTEE

### MAIDENHEAD DEVELOPMENT CONTROL PANEL

17 December 2018

Item: 3

<b>Application No.:</b>	18/02379/FULL
<b>Location:</b>	The Red Lion Oakley Green Road Oakley Green Windsor SL4 4PZ
<b>Proposal:</b>	Proposed 1no. two bedroom dwelling and 1no. four bedroom dwelling with associated works following conversion of public house
<b>Applicant:</b>	P Roger
<b>Agent:</b>	Mr Richard Murray
<b>Parish/Ward:</b>	Bray Parish/Bray 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 The application seeks conversion of a Public House into 2 dwellings. It is considered it has been demonstrated there is no longer need for the Public House as a community facility. The conversion is considered to have an acceptable impact on this Listed Building, and is considered to be appropriate development in the Green Belt. The scheme is also considered to have an acceptable impact on Highway Safety. The application is therefore recommended for approval.

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

#### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Coppinger if the recommendation of the Head of Planning is to approve, given the number of public houses shut and this Councils' wish to retain such community assets it is essential that this decision is made in public.

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

- 3.1 The Red Lion Public House is situated on the Oakley Green Road. The application site measures circa 0.17 hectares. The Public House is currently vacant.
- 3.2 The building is a Grade II Listed Building, which was added to the list in 1989. The main building was constructed as a workers cottage, although it may originally have been two. It dates from the late 18th or early 19th century, and currently presents as a two storey lobby entrance house, with a large single storey modern extension of little historic or architectural interest to the rear. There is also a single storey lean to addition to the west, probably dating from the early to mid 19th century.
- 3.3 To the front of the building is a large tarmacked car parking area, and to the rear of the building is a large grassed area. Along the site boundaries is close board fencing, with some trees and hedging.
- 3.4 The application site is situated in a predominantly residential area, with residential properties to the north, east and west of the application site.

#### 4. KEY CONSTRAINTS

- 4.1 Loss of the Public House as a Community Facility  
Listed Building  
Green Belt

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

- 5.1 The application seeks planning permission for the change of use from a public house (A4 planning use class) to two residential dwellings (C3 planning use class). The building would be converted and sub-divided to accommodate the two dwellings. One of the dwellings would have 2 bedrooms, and one of the dwellings would have 4 bedrooms.
- 5.2 In terms of proposed external alterations to the building, no alterations are proposed to the external elevations of the original part of the building. Changes are proposed to the rear single storey modern extension; the false pitched roof would be removed and the extension would have a flat roof.
- 5.3 Internal alterations are proposed to the building to facilitate the proposed conversion, which include the alterations to internal walls in the original part of the building and the reintroduction of an internal staircase to provide access to the first floor level. Within the modern additions of the building, the removal of some internal walls are proposed.
- 5.4 To the front part of the site, it is proposed to reduce the amount of hardstanding for car parking. The hard surfacing for the proposed car parking area would be in neutral shade buff resin bound gravel and permeable block paving. Grassed areas would be introduced, with new native trees proposed to be planted. To the rear of the site, a new hedgerow is proposed on the site's boundaries, and the rear grassed area would be subdivided by a 1.8m high trellis topped close boarded fence in order to provide 2 garden areas for the dwellings.
- 5.5 The existing vehicular access serving the site would be reduced in width. Five car parking spaces would be provided to serve the development.

## 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	DG1, H10, H11
Highways	P4 AND T5
Green Belt	GB1, GB2 (part A), GB3
Community Facility	CF1
Listed Building	LB2, LB3
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)

## 7. MATERIAL PLANNING CONSIDERATIONS

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

Section 4- Decision-making

Section 8- Promoting Healthy and Safe communities

Section 9- Promoting Sustainable Transport

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
Sustainable Transport	IF2
Green Belt	SP5
Historic Environment	HE1
Community Facilities	IF7
Trees	NR2

- 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.

### Other Local Strategies or Publications

- 7.2 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

8 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 21<sup>st</sup> August 2018 and the application was advertised in the Local Press on the 30<sup>th</sup> August 2018.

2 letters were received supporting the application, summarised as:

Comment	Where in the report this is considered
1 The pub has had in the region of 7 landlords/ladies who have tried to make the pub a success in various formats - country pub with and without food, Chinese restaurant, music venue, etc. all with little success. Marc (last landlord) had the best go at making the pub work as a music venue/community hub, but this brought with it a number of challenges for the close neighbours	Noted.
2. There is a dedicated following with groups like the Ye Olde Red Lion Action Group, whom I am sure will rally and object on mass to this change of use, but I for one as a neighbour support the change to two family homes, bringing stability to my very local community.	Noted.
3. If approved, the scheme would ensure the green belt is protected, along with the investment needed to maintain and protect this Listed Building.	Noted.

4.	The scheme would return the building back to its original use.	9.16-9.20
5.	If this application is refused, who knows what will happen or how long residents will suffer a derelict boarded up building, likely to be falling into further disrepair.	Noted, but this is not a planning consideration.
6.	Scheme is sensitive to the Listed Building, and fits with the character of the area	Addressed in the report.

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

Comment		Where in the report this is considered
1.	Objects to the loss of the Public House, which is a much loved facility	9.2-9.11
2.	Loss of the public house conflicts with adopted local plan policy and emerging Borough Local Plan policy.	9.2-9.11
3.	Whatever policy is applied the applicant has failed to demonstrate that there is no need for the community facility. The marketing/ viability assessment submitted simply states that there is another pub nearby but this is totally insufficient in terms of an assessment of need.	9.2-9.11
4.	The Facebook page Ye Olde Red Lion Action Group will provide further evidence of the amount of support for the pub in the local area.	Noted, however, this is not the procedure to follow to comment on a planning application.
5	Appeal decisions for the loss Public Houses in London have been submitted, and have been asked to be taken into consideration for this application.	See 9.35

## Consultees

Consultee	Comment	Where in the report this is considered
Bray Parish Council	Recommended for approval, subject to an archaeological survey taking place. A resident has advised, although smaller building on the site is not Listed and does date back to the 15 <sup>th</sup> century.	Berkshire Archeology have not recommended a condition for this.
Highway Authority	No objection subject to conditions.	Noted.
Environmental Protection	No objection.	Noted.
Tree Officer	No objections subject to conditions for tree protection details and landscaping.	See
Conservation Officer	<p>Whilst these proposals would result in the loss of the historic use of the building, which has been a public house since the 1840s, the buildings were prior to this in use as cottages. The conversion of these buildings back to residential use would not result in the loss of the historic floorplan of the structures, nor the loss of any historic fabric provided the scheme is revised in line with the recommendations contained in this report.</p> <p>It considered that the landscaping proposed to the frontage in particular will positively benefit and enhance the setting of the listed building and indeed that of the adjacent cottages.</p>	See 9.16-9.20 and recommended conditions.

	<p>Whilst the loss of the historic use will cause some small level of harm to the significance of the building, overall the benefit of its repair and long term viable use, and the improvement to its setting are public benefits considered to outweigh this small level of harm.</p> <p>No objections subject to conditions.</p>	
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## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Loss of the Public House as a Community Facility
- ii Green Belt
- iii Impact on Listed Building
- iv Parking/Highways
- v Impact on character of the area
- vi Residential Amenity

### **Loss of the Public House as a Community Facility**

9.2 Policy CF1 of the Adopted Local Plan states that the Council will not permit the loss of existing community facilities and buildings, unless it is satisfied that:

- i) there is no longer a need for them; or
- ii) an acceptable alternative provision is to be made elsewhere.

9.3 This policy is considered to be in compliance with the NPPF, which sets out that planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as public houses) to enhance the sustainability of communities and residential environments.

9.4 Policy IF7 of the Borough Local Plan also provides guidance on the loss of community facilities, and is given significant weight.

### Marketing

9.5 The application is supported by a Marketing report from Fleurets (Chartered surveyors) and a Marketing & Viability Study from Savills.

9.6 The marketing report from Fleurets sets out that the property was put on the open market in August 2015, and was taken off the market in December 2016. In this period, the property was taken off the market from November 2015 until January 2016, when there was a formal offer on the premises. In addition the property was taken off the market from April 2016 and put back on the market in May 2016. During the marketing period, reductions in the asking price were made; the pub was originally marketed at £850,000 and finally reduced to £675,000. The premises was also Listed as an asset of Community Value in this time.

9.7 Savills was initially instructed to act on behalf of Punch Taverns in marketing the property on 13 October 2017. The property exchanged contracts on 20 April 2018. The report confirms that there was strong interest, but no offers materialised. No offers were received by Savills from any commercial or community users.

### Asset of Community Value

- 9.8 The Public House is registered as an Asset of Community Value. The Council's Communities Partnerships Team advised on the process that the building has been through, and this is set out below.

The pub was listed in March 2016 and will remain listed as an Asset of Community Value for five years until March 2021.

#### Phase One

-The Council (Community Partnerships) received a notice of relevant disposal 2 June 2016.

-Residents expressed an interest in bidding and a full six month moratorium was triggered which expired 2 December 2016.

-As no bid was received an eighteen month protected period (from the date of the relevant disposal notice) was imposed, during which there could be no further moratoriums, and this expired on 2 December 2017.

#### Phase Two

The owners approached the local Parish Council and they were put in touch, through the Council with the residents involved in the earlier 'failed' purchase. Owners met with residents and the Parish regarding the potential of splitting the pub into two.

The Parish and residents didn't consider this proposal viable.

The owners formally notified the Council on 4th January 2018 of their intention to enter into a relevant disposal again.

Because the protected period had expired a new six week moratorium was triggered and expired on 7th February 2018.

Residents involved in the earlier discussions were informed at this point and advised and reminded of the six week deadline to formally express interest. It is only groups with a particular status/structure that can trigger the longer moratorium.

No expressions of interest were received by the deadline, and as such a new eighteen month protected period is now in effect dating from the new notice of relevant disposal.

The 'new' protected period will expire on 3 June 2019. No further moratoriums can be imposed during this period.

#### Conclusion

- 9.9 The applicant has submitted evidence to show how the premises was marketed for over one year. This involved various methods of marketing with two commercial/leisure property agents, with no offers materialising.
- 9.10 The fact that the Public House is registered as an Asset of Community Value is a material planning consideration in the determination of this application. Whilst the community were successful in getting the Public House registered as an Asset of Community Value, a community group has not made formal expressions of interest to take this asset over. In addition, this application has not generated a lot of objections from the community.
- 9.11 Based on the above, it is considered that there is not a strong desire for this this Public House to remain as a Community Facility. The proposal is considered to comply with Policy CF1 of the Adopted Local Plan, and Policy IF7 of the Borough Local Plan Submission Version.

- 9.12 Adopted Local Plan Policies GB1, GB2, GB3 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, Policy GB3 sets out exceptions to inappropriate residential development in 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.
- 9.13 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.
- 9.14 The National Planning Policy Framework is the most up to date National Planning Guidance published in 2018. It is a material consideration of significant weight, and this is what the scheme has been assessed against in respect of Green Belt Policy.
- 9.15 The proposal seeks to convert the existing building for use as two dwellings. It proposes no extensions to the building. This would fall under an exception to inappropriate development in the Green Belt, as the re-use of a building provided that it is of permanent and substantial construction (paragraph 146 of the NPPF) and provided it preserves the openness of the Green Belt. The proposed development would not extend the building, and would actually reduce the overall height of the rear single storey addition to the building. In addition, to the front of the application site, the amount of car parking would be reduced, which would improve the openness of the Green Belt. As a result of the development a fence would be erected to sub-divide the rear garden which would reduce openness. Taking this all into account, it is considered the development would preserve the openness of the Green Belt and it is considered that the scheme complies with paragraph 146 of the NPPF.

### **Impact on Listed Building**

- 9.16 Policy LB2 of the Adopted Local Plan sets out a criteria for assessing works to a Listed Building. This policy is largely consisted with the NPPF in respect of dealing with Heritage Assets. Policy LB3 of the Adopted Local Plan relates to the change of use of Listed Buildings, and the criteria to be adhered to. This policy is largely consistent with the NPPF.
- 9.17 The scheme proposes the change of use, and internal alterations to a Listed Building. In addition, some external alterations to the modern additions to the Listed Building are proposed. The external alterations proposed to the modern additions of the Listed Building, including the change to the roof of the single storey rear extension would not adversely impact upon the Listed Building.
- 9.18 With regard to the internal alterations proposed to the Listed Building to accommodate the change of use, it is not considered that the proposed changes to the original part of the building, would cause harm to the historic plan form of the building. In addition some original features will be reinstated. The internal changes to the modern additions of the building would not cause harm to the Listed Building. The change of use, will result in the loss of the Public House as a historic use, which the Council's Conservation Officer has identified as causing a small level of harm to the significance of this Listed Building. It is considered that the scheme will return the buildings back to its original use as residential, and such would not harm the significance of the Listed Building.
- 9.19 In terms of the setting of the Listed Building, it is considered that the reduction in hardstanding to the front, with additional grass to be laid and trees planted would improve the setting to this Listed Building.
- 9.20 The scheme is considered to comply with Policies LB2 and LB3 of the Adopted Local Plan. The Council has had special regard to the desirability of preserving the building or its setting, or any

features of special architectural or historic interest which it possesses, as required under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Parking/Highways**

- 9.21 The B3024 Oakley Green Road is classified as a district distributor road which provides a link between the A330 Ascot Road and the A308 Windsor Road.
- 9.22 The site currently benefits from having a 14.3m wide vehicular access from Oakley Green Road. The application proposes to reduce the width of the access to 4.0m. This is considered to be acceptable. A condition is recommended to secure details of the visibility splays to be provided (see condition 12).
- 9.23 The 2 bedroom unit would have 2 car parking spaces and the 4 bedroom unit would have 3 car parking spaces. This complies with the Council's Parking Strategy May 2004. Adequate turning facilities are provided on site to enable a car and delivery vehicle to enter and exit the site in a forward gear. The proposed development has the potential to generate 12 vehicle movements per day. This proposed development would result in a significant reduction in vehicle movements per day compared to the lawful use as a public house.
- 9.24 The scheme is considered to comply with Policies P4 and T5 of the Adopted Local Plan.

### **Impact on the character of the area**

- 9.25 Policies DG1 and H10 of the Adopted Local Plan provide guidance design. Policy H11 sets out that housing schemes should not result in a cramped form of development. These policies are largely consistent with the aims of the NPPF, and are given significant weight.
- 9.26 The external alterations to the building proposed are considered to be acceptable. The scheme would introduce more grassed area and new trees to the front of the site according to the outline landscaping scheme, which is a benefit. It is recommended that a detailed landscaping plan is secured (see condition 10). There are trees on the boundaries of the site which are not protected, but contribute to the visual amenity of the site. A condition is recommended to secure tree protection measures for these trees. (see condition 4). The location of the refuse and cycle stores is shown on the site layout plan, and a condition is recommended requiring the elevations of the stores to be provided and approved by the LPA. The creation of 2 dwellings within this building and the creation of two rear garden areas would create an acceptable density of development within this area. The scheme is considered to comply with Policies DG1, H10 and H11 of the Adopted Local Plan.

### **Residential Amenity**

- 9.27 There are no relevant Adopted Local Plan policies to this scheme which provide guidance on residential amenity.
- 9.28 Paragraph 127 of the NPPF sets out that developments should 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.
- 9.29 In this case, many of the buildings surrounding the application site are in residential use, and so a proposed residential use would be compatible. In terms of the impact of the proposed development, the scheme does not introduce any new windows or extensions and so the impact on neighbouring properties is considered to be acceptable.

### **Ecology**



- 9.30 The buildings was assessed as having “moderate” potential to host roosting bats, and as such, in line with the Bat Conservation Trust’s Bat Survey Guidelines, two emergence/re-entry surveys were undertaken. An additional survey was carried out in order to determine the status of a roost following the emergence of a single brown long-eared bat during the earlier surveys. No further bats were observed using the building.
- 9.31 The ecology report concludes that the proposals will result in the loss of a brown long-eared bat day roost. As such, a licence for development works affecting bats will need to be obtained from Natural England - for derogation from the provisions of the Habitat Regulations - before works which could impact upon the roost can commence. The report provides a mitigation plan to ensure that bats are not harmed and that replacement roosting sites are provided, and if it is implemented, the favourable conservation status of bats will be maintained. The Council’s Ecologist has recommended a planning condition for a licence from Natural England to be provided to the LPA, however, the licence from Natural England is a separate process and the applicant will need the licence from the before works commence, it is not considered necessary to duplicate controls through the planning process. In terms of biodiversity enhancements, the report sets out that bat and bird boxes will be implemented. A condition will be imposed to ensure the recommendations of the ecology report are followed. (see condition 14).

#### Housing Land Supply

- 9.32 Paragraphs 10 and 11 of the NPPF (2018) 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:*

- 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*
- 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.*

- 9.33 Footnote 7 of the NPPF (2018) clarifies that policies which are most important for determining the application are out-of-date includes include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.34 Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted in January 2018. The Borough Local Plan Submissions Version sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory. However as the BLPSV is not yet adopted planning policy, due regard also needs to be given to the NPPF (2018) standard method in national planning guidance to determine the minimum number of homes needed for the borough. At the time of writing, based on this methodology the Council is able to demonstrate a five year rolling housing land supply based on the current national guidance.

#### **Other considerations**

- 9.35 An objector has submitted appeal decisions for schemes involving the loss of Public Houses in London, and asks for them to be considered in the determination of this application. One of the appeals referenced was allowed, and the other dismissed; some were dismissed on the grounds of the loss of a community facility, but some were not dismissed on this ground. These appeal decisions are given limited weight as a material consideration to the consideration of this application, as these schemes were not assessed against development plan policy for this Borough, and the details and circumstances of each of these cases are not known.

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

10.1 The development is CIL liable. The floorspace of the building is 203 square metres.

## **11. CONCLUSION**

11.1 It is considered that there is sufficient evidence, through the marketing exercise and the lack of expressions for the community to acquire the pub as an Asset of Community Value, to show there is no longer a need for this premises as a community facility. The proposal is considered to comply with Policy CF1 of the Local Plan. The conversion of the building to residential use is not considered to cause harm to this Listed Building, and the proposal is considered to comply with policies LB2 and LB3 of the Local Plan. The scheme is considered to be an appropriate form of development within the Green Belt, in compliance with the NPPF. The scheme is considered to have an acceptable impact on Highway Safety. The application is therefore considered to be in accordance with the national policy guidance and relevant policies in the Development Plan and as such is recommended for approval.

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

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

## **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 Notwithstanding the details shown on the submitted drawings, plans, including elevations and cross-sections of frames, glazing bars, casements, doors and cills of all new external doors and windows at a scale of 1:10 or 1:5 shall be submitted to and approved in writing prior to the commencement of development. The development shall be undertaken in accordance with the approved details.

Reason: To ensure the details are acceptable for this Listed Building. Relevant Policy -Local Plan Policy LB2. These details need to be approved prior to commencement, to ensure the works to the Listed Building are acceptable.

3 All new windows and doors shall be constructed in painted timber.

Reason: To ensure the details are acceptable for this Listed Building. Relevant Policy -Local Plan Policy LB2.

4 No development shall take place until an Arboricultural Method Statement and Tree Protection Plan specific to this scheme, has been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction recommendations.

Nothing shall be stored or placed in any area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority

Thereafter the works shall be carried out in accordance with the approved details until completion of the development.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6. These details are needed prior to commencement of development, to ensure adequate tree protection measures are implemented before development takes place.

5 Prior to the installation of any new flues or vents, details of the position, size, design and

materials of the flues and vents shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the details are acceptable for this Listed Building. Relevant Policy -Local Plan Policy LB2

- 6 The rooflights shall be constructed in metal. Prior to the installation of the rooflights, the manufacturer's details of the new rooflights shall be submitted to and approved in writing to the Local Planning Authority prior to their installation.

Reason: To ensure the details are acceptable for this Listed Building. Relevant Policy -Local Plan Policy LB2

- 7 Any new pipework, gutters and hopper heads shall be in painted cast metal. Details of any new external pipework shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the details are acceptable for this Listed Building. Relevant Policy -Local Plan Policy LB2

- 8 Prior to the new roof on the rear single storey part of the building being constructed, a cross-section of the new parapet to the rear ground floor shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the details are acceptable for this Listed Building. Relevant Policy -Local Plan Policy LB2

- 9 Prior to the construction of the roof to the single storey rear element of the building, a sample of roofing material for the flat roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure the details are acceptable for this Listed Building. Relevant Policy -Local Plan Policy LB2

- 10 Prior to the first occupation of the dwellings hereby approved, details of 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 prior to the occupation of the dwellings hereby approved, and retained thereafter in accordance with the approved details.

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.

- 11 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

- 12 Prior to the first occupation of the dwellings hereby approved, a plan showing the visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The visibility splays approved shall be implemented prior to the first occupation of the dwellings. All dimensions are to

be measured along the edge of the driveway and the back of footway from their point of intersection. The areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

Reason: : In the interests of highway safety. Relevant Policies - Local Plan T5

- 13 No part of the development shall be occupied until elevations of the refuse bin storage area and recycling facilities, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

- 14 The development shall be undertaken in accordance with the measures set out in the Ecology Report Dated 20th July 2018.

Reason: To safeguard protected species and to enhance bifold.

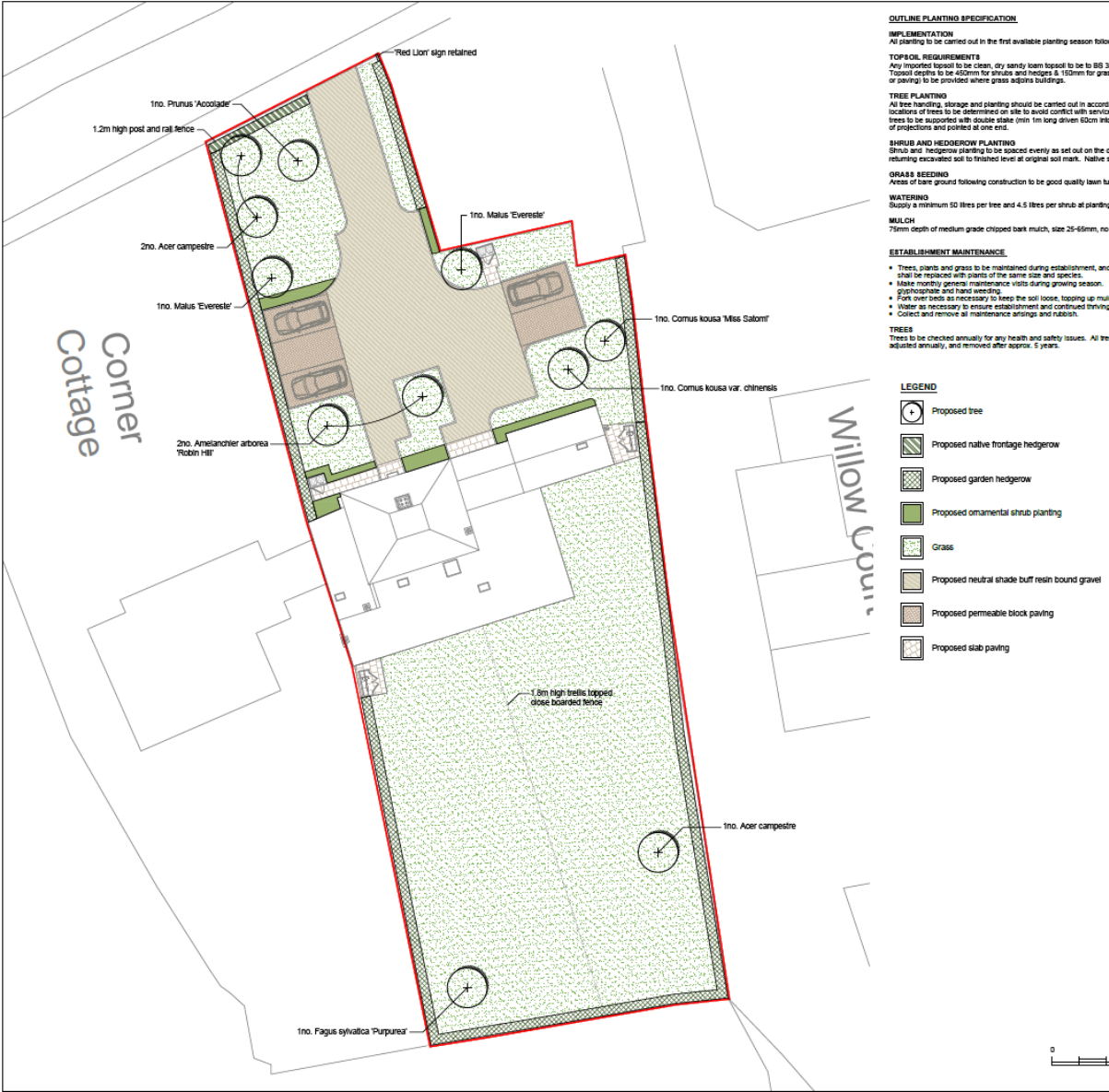
- 15 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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



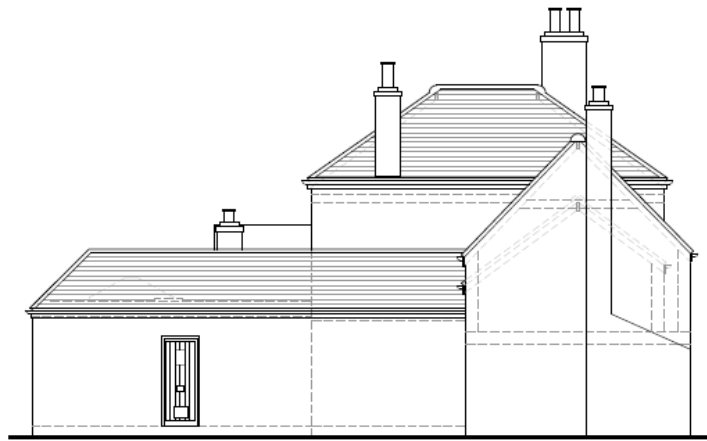
## Appendix C- Existing and Proposed Elevations



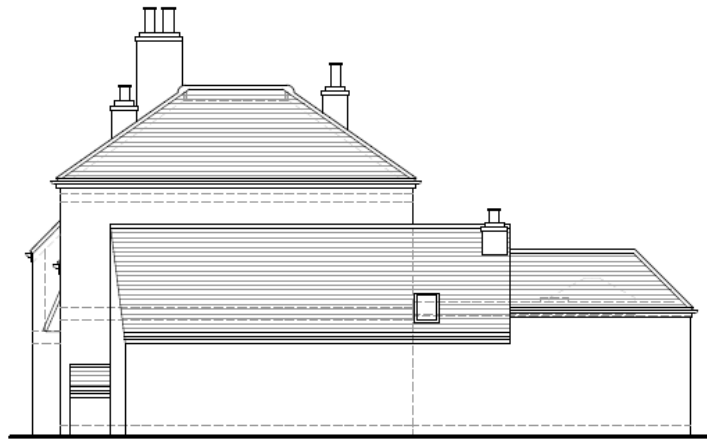
EXISTING REAR ELEVATION



EXISTING FRONT ELEVATION



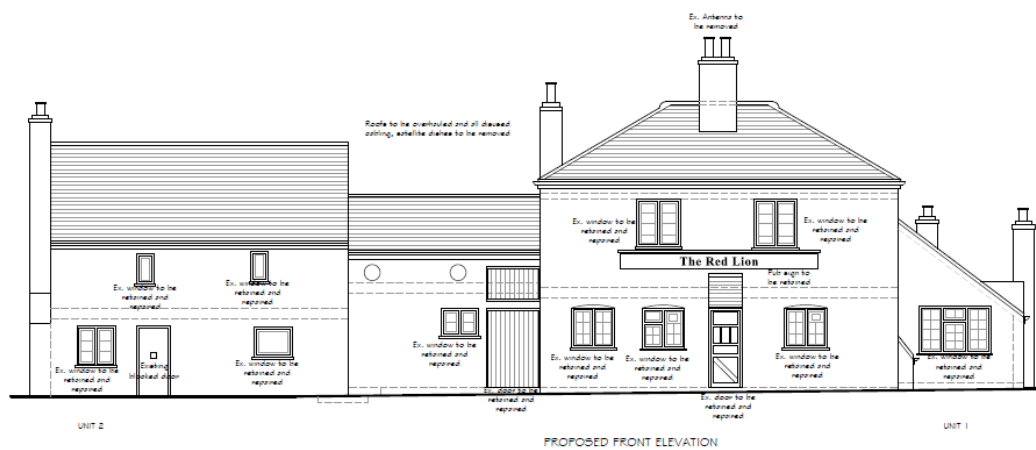
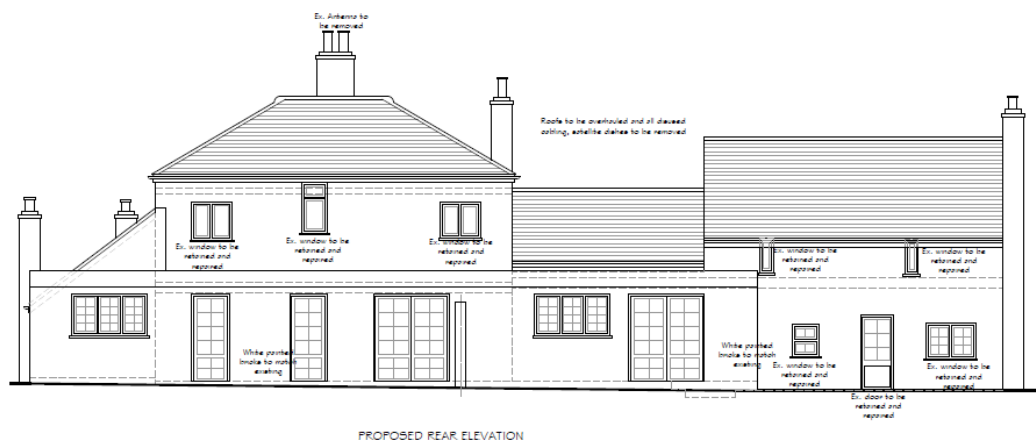
EXISTING SIDE ELEVATION 1

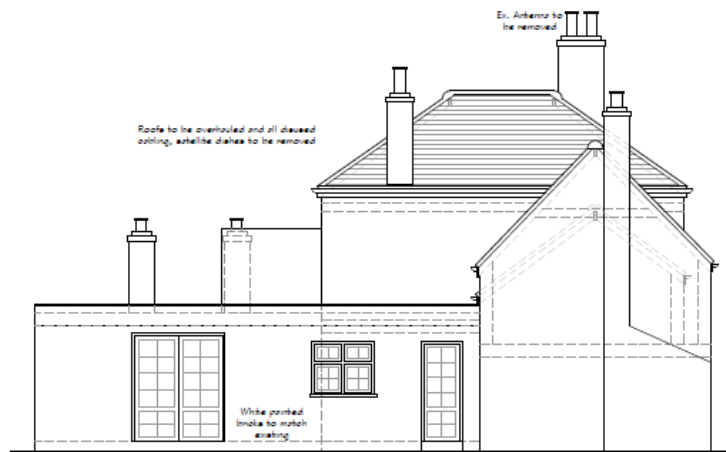


EXISTING SIDE ELEVATION 2

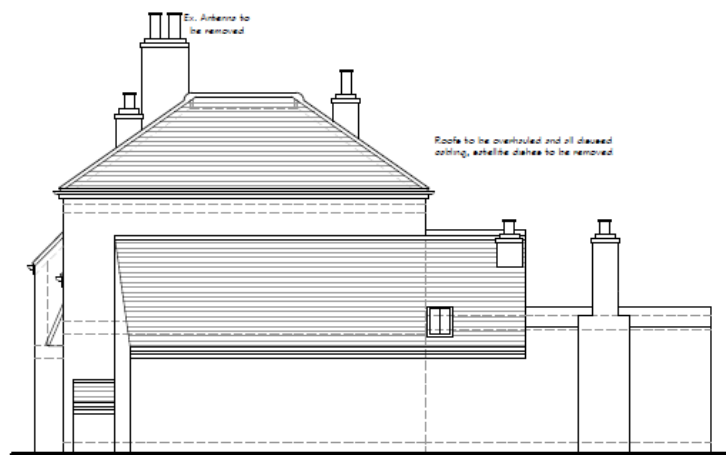


## Proposed



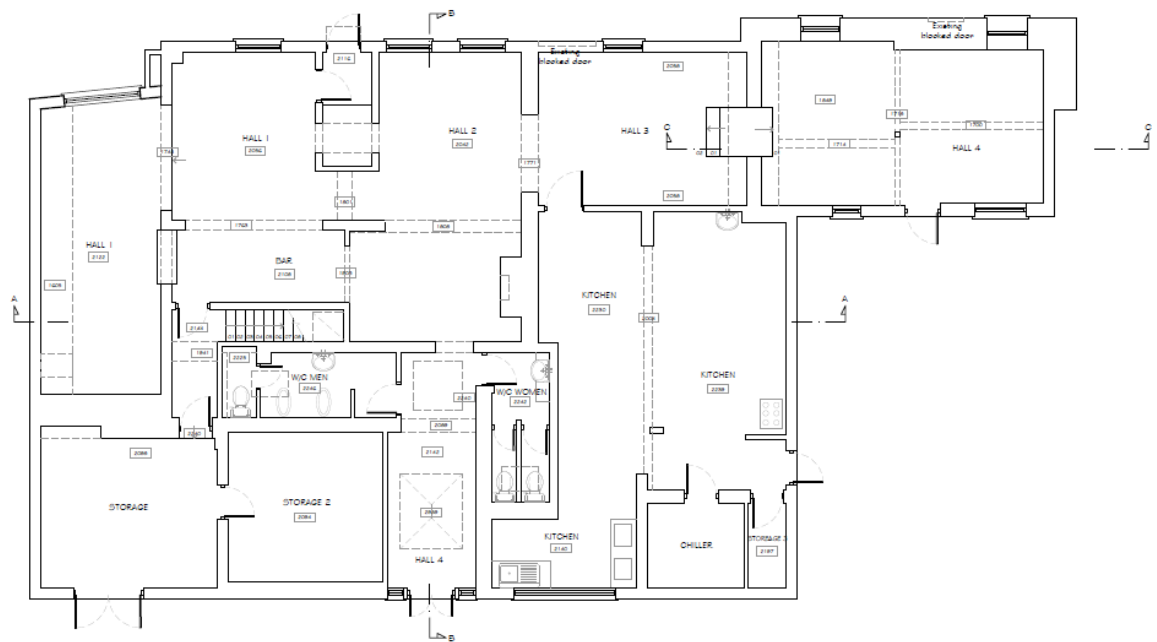


PROPOSED SIDE ELEVATION 1



PROPOSED SIDE ELEVATION 2

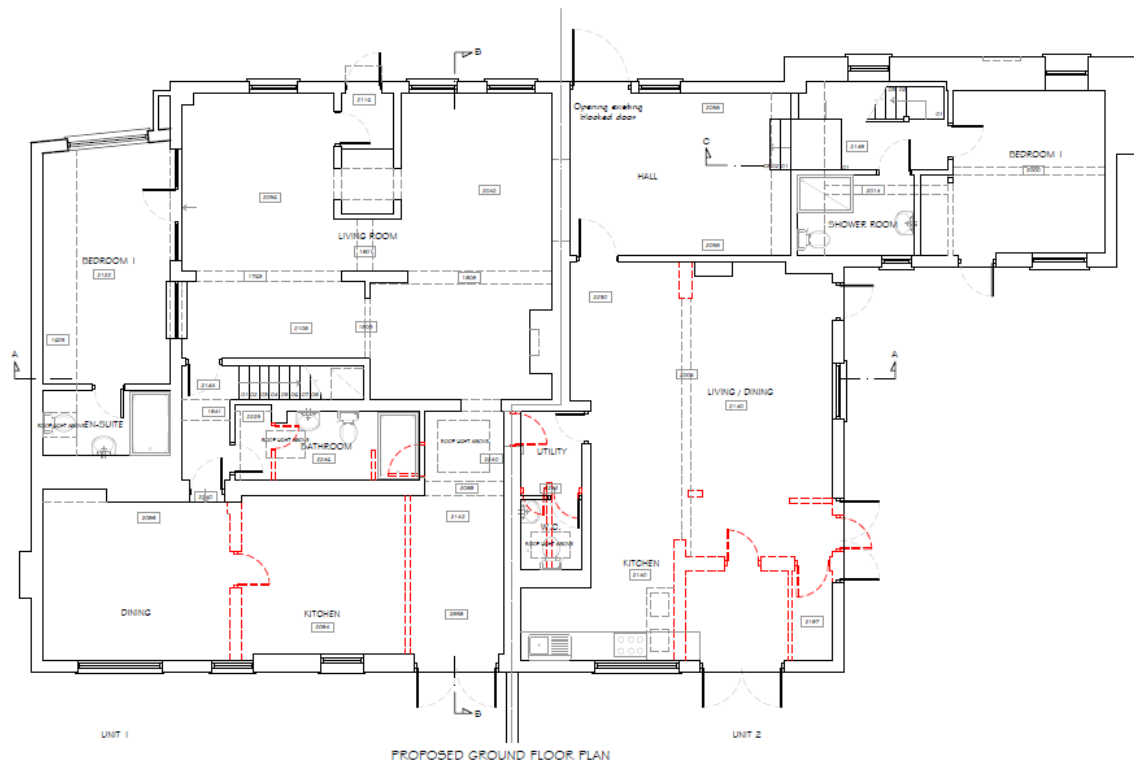
## Appendix D- Existing and proposed floor plans

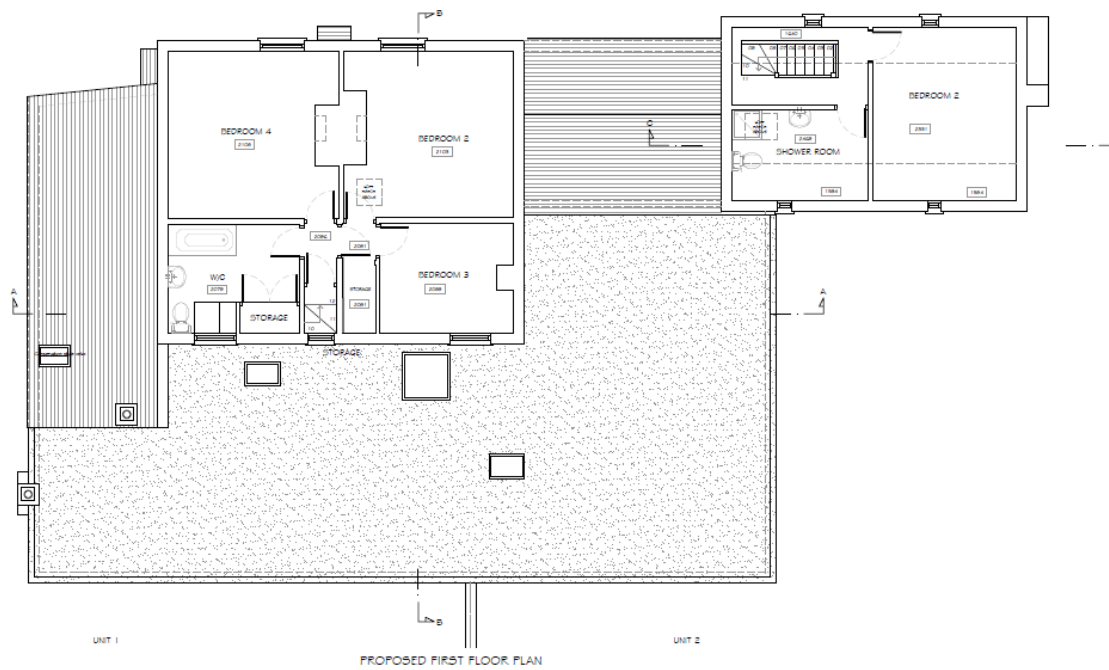


EXISTING GROUND FLOOR PLAN



Proposed





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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

17 December 2018

Item: 4

<b>Application No.:</b>	18/02510/FULL
<b>Location:</b>	Land To The West of Mullberry Coningsby Lane Fifield Maidenhead
<b>Proposal:</b>	Construction of an agricultural building
<b>Applicant:</b>	Mrs Kendall Smith
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Bray Parish/Bray Ward
<b>If you have a question about this report, please contact:</b> Alys Hughes on 01628 796040 or at <a href="mailto:alys.hughes@rbwm.gov.uk">alys.hughes@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 On balance, the proposed uses are considered to be ancillary to the agricultural use of the land and therefore compliant with paragraph 145 a) of the NPPF, constituting an appropriate form of development within the Green Belt.
- 1.2 The proposed development would have an acceptable impact on the character and appearance of the area and also on the amenities of neighbouring properties.
- 1.3 No objections are raised in regards to matters relating to ecology, flooding and highways.

<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 Coppinger as it's considered that the proposal is an overdevelopment of the site which will destroy the essential openness of the Green Belt.

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

- 3.1 The proposal site consists of land to the north of Coningsby Lane. The land used to form part of Coningsby Farm but has now been sold off. Permission has recently been granted for the change of use of the site from agriculture to mixed agriculture and equestrian use and also for the construction of agricultural livestock/storage buildings.

**4. KEY CONSTRAINTS**

- 4.1 Green Belt

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

- 5.1 Planning permission is sought for the construction of an agricultural building measuring 12.6m x 4.05m. It would incorporate a dual pitched roof with an eaves height of 2.4m and ridge height of 3.6m. The building would provide for a fleece store, shower room, fleece product making room and a scanning equipment storage room.
- 5.2 18/02886/AGDET - Notification to determine whether prior approval is required for the construction of a new agricultural barn. Refused.

18/02513/FULL - Construction of permanent essential workers dwelling, new access and track with entrance gates, hard standing and new boundary treatment. Refused. 24.10.18

18/02289/FULL – Change of use of land to mixed agriculture and equestrian. Permitted. 23.11.18

18/02070/CONDIT - Details required by condition 4 (construction management plan) and 11(external lighting) of planning permission 17/03579. Approved. 06.09.18

18/02059/CONDIT – Details required by condition 4 (construction management plan) and 11(external lighting) of planning permission 17/03580. Approved. 06.09.18

18/01699/CONDIT – Details required by condition 9 (archaeology works) of planning permission 17/03580/FULL. Approved. 27.07.18

18/01698/CONDIT – Details required by condition 9 (Archaeology works) of planning permission 17/03579/FULL. Approved. 26.07.18

17/03596/FULL – Construction of permanent essential workers dwelling, garage and multi-use agricultural building/farm shop, new access and track with entrance gates, hard standing and new boundary treatment. Refused. 06.06.18

17/03579/FULL – Erection of two agricultural livestock buildings, new access, gates and track, agricultural hardstanding and boundary treatment. Approved. 09.04.18

17/03580/FULL – Erection of agricultural storage building, new access, gates and track, agricultural hardstanding and boundary treatment. Approved. 09.04.18

17/03581/FULL – Erection of American barn stables, new access, gates and track, agricultural hardstanding and boundary treatment. Pending consideration. Pending consideration

## 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 in keeping with character and appearance of area	DG1,
Acceptable impact on Green Belt	GB1, GB2
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)

## 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
Appropriate development in Green Belt and acceptable impact on Green Belt	SP5
Sustainable Transport	IF2

- 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.

### Other Local Strategies or Publications

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

- RBWM Parking Strategy
- RBWM Landscape Character Assessment

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

2 letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	Comments in relation to proposed dwelling	This application is for the construction of an agricultural building and not a dwelling
2.	No objection on an ecological, highways, archaeological, public rights or way of environmental basis.	Noted

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

Comment		Where in the report this is considered
1.	Situated on Green Belt land and is not an appropriate development and does not constitute very special circumstances	9.2 – 9.6
2.	Does not preserve openness	9.2 – 9.6

3.	Commercial use not agricultural	9.2 – 9.6
4.	Flooding of site	9.12
5.	Increased traffic on Coningsby Lane	9.10
6.	Comments in relation to proposed dwelling	This application is for the construction of an agricultural building and not a dwelling
7.	Would set a precedent for further buildings	All applications assessed on their own individual merit
8.	All buildings appear large enough to be converted into dwellings at a later date	This would be subject to further planning permission
9.	Proposed use can be accommodated in the other approved buildings	9.2 – 9.6
10.	Appears more like a domestic structure in character and design	9.7 – 9.8
11.	Impact on public rights of way	9.13

## Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	'Recommend for refusal – the development appears to be a retail/manufacturing building and not agricultural for which there is no change of use. Planning permission for three agricultural buildings on the site has been approved and a further building would constitute an unacceptable impact on the openness of the Green Belt'.	9.2 – 9.6
Ecology	No objection subject to conditions.	See 9.11
Highways Authority	No objection. Conditions and informatives recommended	See 9.10
Berkshire Archaeology	No objection as no further action as regards to the buried archaeological heritage is required.	Noted
Environmental Protection	Conditions and informatives recommended	Condition more appropriate as informative.

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i whether the proposal is an acceptable form of development within the Green Belt
- ii impact on the character and appearance of the area
- iii impact on neighbouring amenities
- iv other considerations

### Whether the proposal is an acceptable form of development within the Green Belt

9.2 The proposal site is situated within the Green Belt where its main characteristics are identified as its openness and permanence. Paragraph 145 of the NPPF states that the construction of new buildings within the Green Belt should be regarded as inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. However, paragraph 145 goes on to list certain exceptions to

inappropriate development, one of which includes under a) buildings for agriculture and forestry. Local plan policy GB1 and also policy SP5 of the emerging local plan are consistent with the NPPF.

- 9.3 The proposed building would be providing for a toilet/shower room, storage of fleeces, a scanning equipment storage room and a room allocated for fleece product making. The building has been described by the applicant as an agricultural ancillary building to be used in association with the alpacas and other livestock breeding and rearing. If it is to comply with exception a) under paragraph 145 of the NPPF, it first needs to be established whether the proposed use of the building is considered to be for the purposes of agriculture.
- 9.4 The Court of Appeal Judgement *Millington v SoS and Shrewsbury & Atcham BC* (1999) indicated that small scale manufacture of wine or cider was a perfectly natural ancillary activity at a farm and has shown that where farm processing is not on a large scale it could be considered ancillary to agriculture. Due to the small scale of the area within the building allocated for the manufacturing of products, it is considered that this would be viewed as being ancillary to agriculture. The proposed storage use is primarily related to activities at the farm and is therefore also regarded as ancillary. The toilet/shower room facilities are proposed for visitors to the farm, vets and workers. Whilst toilets are not directly linked to agriculture, it would be serving persons linked to the farm. On balance, it is considered that the proposed use of the building can be regarded as being ancillary to agriculture.
- 9.5 The proposed building would inevitably impact on the openness of the site and it has been questioned by the Council why it is detached in nature rather than in a form of an addition to one of the other approved agricultural buildings. The justification given by the agent/applicant is that the building needs to be located away from the existing buildings to prevent dirt and vermin reaching the fleeces. Whether this is the case or not the impact on openness cannot be taken into consideration. This is in line with the outcome of a court of appeal judgement between *R. (Lee Valley Regional Park Authority) v Epping Forest District Council and Valley Grown Nurseries Ltd* (2016) where it was determined that applications for agricultural buildings do not fall to be assessed in terms of their impact on openness. Therefore it would be unreasonable to sustain a refusal based on the detached nature of the building alone and its impact on openness.
- 9.6 Following the above assessment and on balance, the development is considered to fall under exception a) of paragraph 145 of the NPPF and therefore constitutes an appropriate form of development within the Green Belt.

#### **Impact on the character and appearance of the area**

- 9.7 Paragraph 127 b) states that decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.8 The proposed design and scale of the building, which has resulted from the proposed use, would not appear prominent or out of character on the agricultural land. The proposed use of materials, whilst they differ to those of the other approved agricultural buildings, are not considered to be harmful to the appearance and character of the area.

#### **Impact on neighbouring amenities**

- 9.9 Paragraph 127 f) of the NPPF seeks to ensure a high standard of amenity for existing and future occupiers. The proposed structure would be set back a sufficient distance from the boundaries of the site and from neighbouring amenity areas beyond that. It is not therefore considered that the proposal would have an adverse impact on any nearby residential amenities.

## **Other considerations**

- 9.10 The proposed development would be served by an access granted permission under planning applications 17/03579/FULL and 17/03580/FULL. Whilst this has not yet been constructed it does benefit from planning permission and therefore it is not required to be reassessed under this current application. The Highway Authority raises no objection in terms of additional traffic as the use is ancillary to the main use of the site.
- 9.11 The Council's ecologist has been consulted on the application to review the Habitat Survey submitted to support the application. The ecologist has advised that the information contained within the Extended Phase 1 Habitat Survey (Abricon Ltd, November 2017) is acceptable and that a condition should be included on any permission to ensure that the development is carried out in accordance with the details contained in the submitted information.
- 9.12 Concerns has been raised by the community that the site has historically flooded. The site is situated within flood zone 1. A flood risk assessment (FRA) in flood zone 1 is only required if the development is more than 1 hectare or in an area with critical drainage problems as notified by the Environment Agency. The site is not more than 1 hectare and is not within an area of critical drainage and therefore no FRA is required. A main river is situated to the north of the site however the development is not within 20m of this and so there is no requirement to consult the Environment Agency.
- 9.13 The proposed building would be sited approximately 230 metres away from the public right of way. Any views of the development this distance, the small scale nature of the proposal and its overall design would not cause harm.

## **10. CONCLUSION**

- 10.1 The proposal complies with national policy contained within the NPPF and with the relevant policies GB1, GB2, DG1, T5 and P4 of the Development Plan. Furthermore significant weight is to be accorded to the relevant Borough Local Plan Submission Version policies in this case and the above application is considered to comply with. For these reasons the application is recommended for approval.

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

- Appendix A - Site location plan
- Appendix B – Proposed site plan
- Appendix C – Proposed floor plan
- Appendix D – Proposed elevations

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

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 The development shall be carried out in accordance with the details and method statements contained within the Extended Phase One Habitat Survey of Land North of Coningsby Farm, Fifield produced by Arbicon, dated November 2017.  
Reason: To protect habitats and the wildlife and ecological value of the site. Relevant Policy: Local Plan N9.

- 4 The development hereby permitted shall be carried out in accordance with the approved plans listed below.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

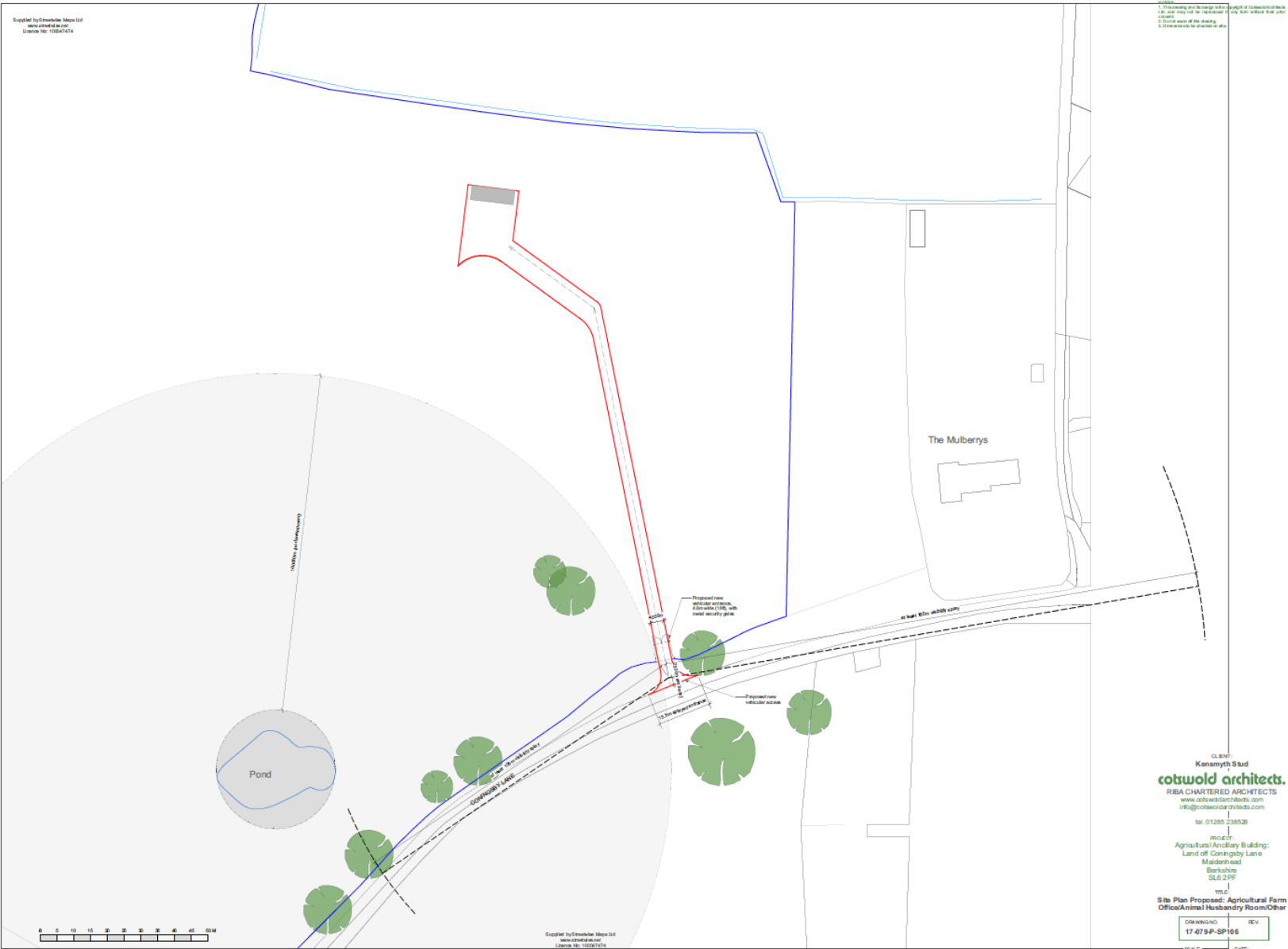
### **Informatives**

- 1 applicant and their contractor should take all practicable steps to minimise dust disposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmacked before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties.
- 2 The applicants' contractor is advised to apply for a prior consent, which controls the hours of working and can stipulate noise limits on the site. This is recommended by way of Informative and is covered by the Control of Pollution Act 1974. Such an agreement is entered into voluntarily, but is legally binding. The applicant's attention is also drawn to the provisions under British Standard Code of Practice B.S. 5228: 2009 'Noise Control on Construction and Open Sites'. The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday-Friday 08.00-18.00 Saturday 08.00-13.00 No working on Sundays or Bank Holidays. Please contact the Environmental Protection Team on 01628 683830.
- 3 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 683538 and follow good practice.

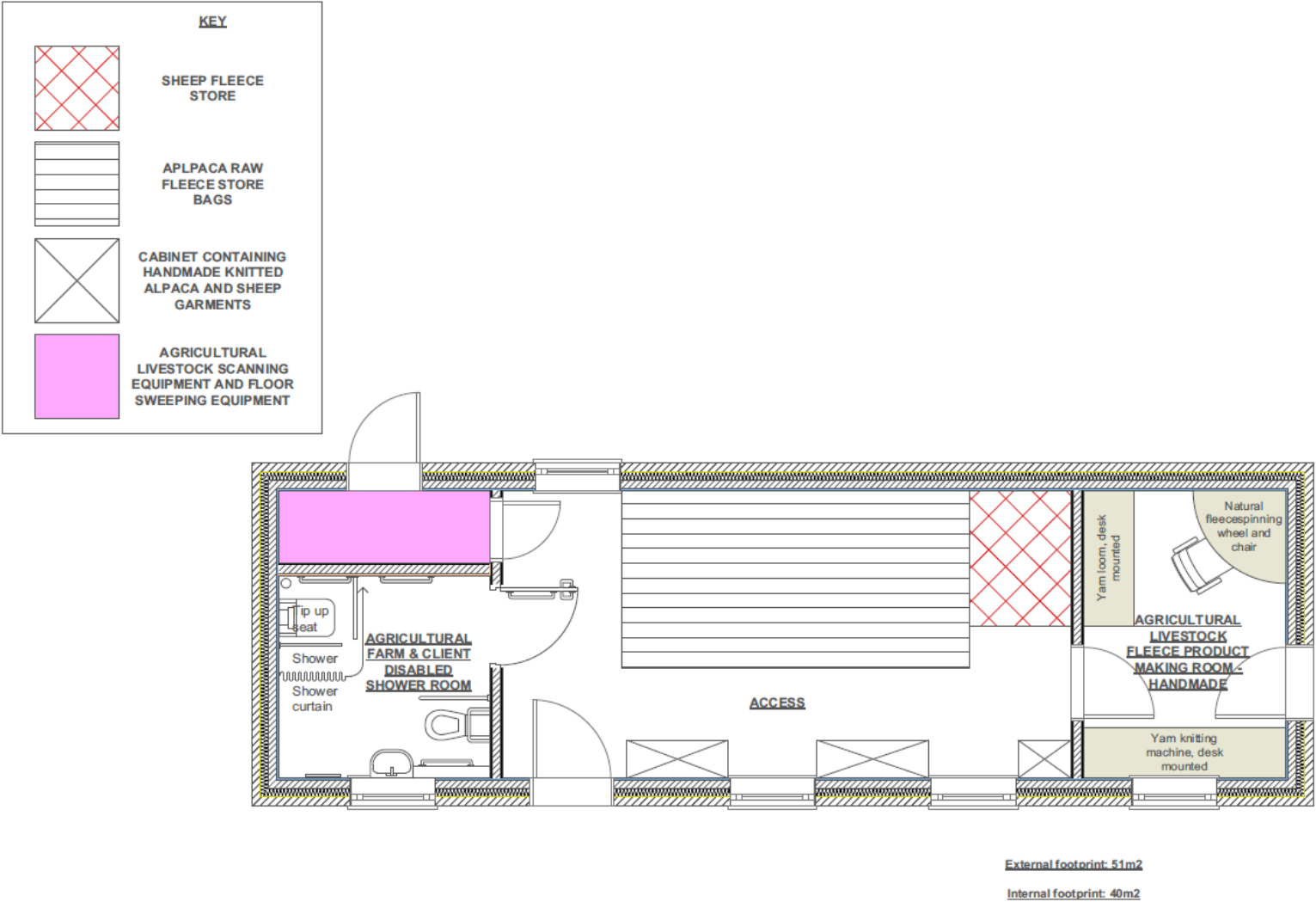
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Appendix B – Proposed site plan

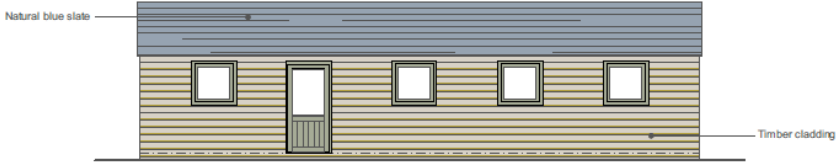


Appendix C – Floor plan

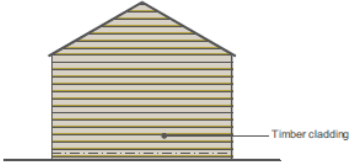




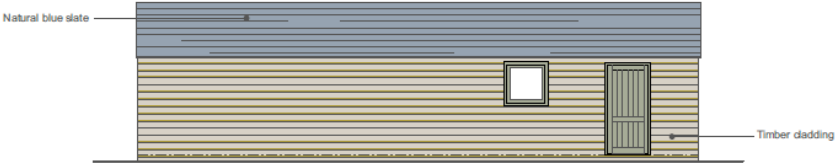
Appendix D – Proposed elevations



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION

# ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

## PLANNING COMMITTEE

### MAIDENHEAD DEVELOPMENT CONTROL PANEL

17 December 2018

Item: 5

<b>Application No.:</b>	18/02588/FULL
<b>Location:</b>	The Crooked Billet Westborough Road Maidenhead SL6 4AS
<b>Proposal:</b>	Construction of x7 four-bedroom dwellings including associated landscaping, amenity space and parking following demolition of the existing building.
<b>Applicant:</b>	Clearview Residential Limited
<b>Agent:</b>	Mr Ben Stonebridge
<b>Parish/Ward:</b>	Maidenhead Unparished/Boyn Hill 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 scheme seeks permission for the demolition of the existing Public House, and the construction of 7 dwellings, with associated car parking. The scheme is considered to result in the loss of a community facility, it is considered to be a cramped and overdeveloped form of development, and there are concerns that the scheme would result in a danger to highway safety. As such the application is recommended for refusal.

**It is recommended the Panel REFUSES planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):**

1.	<b>The scheme would result in the loss of a Public House, which is regarded as a community facility, in conflict with Policy CF1 of the Local Plan</b>
2.	<b>The scheme represents a cramped and overdeveloped form of development, and would cause harm to the character of the area.</b>
3.	<b>The scheme fails to demonstrate that an adequate level of car parking has been provided, and that it would not result in a danger to highway safety. The scheme conflicts with Policies P4 and T5 of the Local Plan</b>

## 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Claire Stretton, irrespective of the recommendation of the Head of Planning, for the following reason:

*'In the public interest including concerns regarding the consultation process and time for the public to respond.'*

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises a public house (established lawful use) and its associated car parking area. The site is relatively flat and measures circa 0.15 hectares. The site currently has hoarding erected on the boundaries. A row of trees are located on the rear boundary of the site.
- 3.2 Adjacent to the site are residential properties. To the south east of the application site is a footpath (footpath 87) which connects Westborough Road to Rutland Place.
- 3.3 The site is situated on the eastern side of Westborough Road in Maidenhead. It is situated in a predominantly residential area. All Saints Junior School, and two public houses (The North Star and the Pond House) and a convenience store all lie within relative proximity of the site.

- 3.4 The buildings in the locality are predominantly two stories and domestic in scale. Buildings tend to have gable or hipped roofs. Some dwellings have car parking to the front on driveways, and others have no off-road parking.
- 3.5 The Royal Borough's Townscape Assessment was approved in August 2010 and defines broad areas of townscape. It is used to define the character of an area and is used in conjunction with the relevant Local Plan Policies (particularly DG1, H11). According to the Council's Townscape Assessment, the site is situated within Late 20<sup>th</sup> Century Suburbs, but it is located next to the townscape of Victorian and Edwardian Suburbs.

The Council's Townscape Assessment identifies key features of **late 20<sup>th</sup> Century** Suburbs as:

*Built form defined by suburban style semi-detached and detached two storey houses, set in regular plots with short front, and long back, gardens.*

*Consistency in plot form, density and building scale results in a harmonised streetscape character.*

*The key features of Victorian and Edwardian Suburbs are identified as:*

*-Medium-high density residential suburbs built in the Victorian/Edwardian style, typically between c.1837 and 1910, displaying considerable architectural and stylistic uniformity.*

*-Block pattern is regular, consisting of short and long 2 storey terraces with some larger semi-detached 2 or 3 storey dwellings on principal streets.*

*-Roofs are pitched and typically tiled in natural slate - chimneys contribute to a visually stimulating roofscape.*

*-A relatively high density urban environment, with few street trees. On street parking is a notable characteristic of this high density townscape type.*

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

- 4.1 Loss of the Public House

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

- 5.1 The application seeks planning permission for the construction of seven, 4 bedroom dwellings, following the demolition of the existing building.
- 5.2 The dwellings would be provided in two terraced blocks, one of three and one of four dwellings. Both of the blocks would be set back from the road by around 10 metres, and would have tandem parking to the front. A total of 14 car parking spaces would be provided.
- 5.3 The two blocks of terraced houses would have gable roofs. Dormer windows would be provided on the rear elevation of the dwellings, with roof terraces provided at second floor level.
- 5.4 The dwellings would have an eaves height of approximately 5.4 metres, and a ridge height of 10.3 metres.
- 5.5 The Design and Access Statement sets out that the design approach to the dwellings, has been taken from the existing building on site.
- 5.6 The planning history for the site shows change of use of land to a car park for the pub and an extension to the pub (both in the 1980's). A prior notification application to demolish the Crooked Billet was withdrawn in January 2018. An application for temporary hoarding (retrospective) has recently been granted temporary planning permission.

## 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 and impact on character of the area	DG1, H10,H11
Highways/Parking	P4 AND T5
Community Facility	CF1

## 7. MATERIAL PLANNING CONSIDERATIONS

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

Section 4- Decision-making

Section 8- Promoting Healthy and Safe Communities

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
Community Facility	IF7

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 in the Borough Local Plan to this application are given significant 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 Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

## 8. CONSULTATIONS CARRIED OUT

## Comments from interested parties

31 occupiers were notified directly of the application.

The planning officer posted a notice close to the application site advertising the application site on 20<sup>th</sup> September.

An advert was placed in the Maidenhead Advertiser on the 20<sup>th</sup> September 2018.

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

Comment		Where in the report this is considered
1.	The area is already congested with traffic. The addition of 7 dwellings will add to the problems in the area. This will cause danger to children crossing the road to get to school.	9.19-9.25
2.	The proposed arrangement of parking means cars will reverse onto the road which is dangerous.	9.24
3.	The car parking provision is inadequate, and this will put further pressure on parking on surrounding roads	9.19-9.25
4.	Scheme is overdevelopment of the site.	9.11-9.18
5.	Concerns over construction traffic.	This is not relevant to the planning consideration.
6	The height of the roof is a big concern.	9.11-9.18
7	Concerns over impact on residential amenity to number 44 Westborough Road.	9.30
8	I would also like to draw attention to the claim that this was no longer a public house and was just a restaurant. This was clearly not the case. One half remained as a pub whilst only the other half was a restaurant.	9.2-9.10
9	There has already been the removal and destruction of at least 2 trees on the site.	9.16
10	It is not clear about the screening of the current tree line to the rear of the Crooked Billet for existing neighbours with the new properties being three storeys high with a terrace to the master bedroom situated to the rear of the properties looking straight onto Rutland Gate.	9.16
11	Rubbish- Rats, and 21 bins moving around the residents will impact everyone on the road and Rutland gate residents.	This is not considered to be significant to warrant refusal on this ground.
12	Trees behind the proposed development are giving shelter and privacy to Rutland gate residents for the past 20 years. We don't see the need to cut the trees down and even if the new proposed development goes ahead then new residents will appreciate they will get the same shelter, green area and privacy	Trees, cannot be retained to protect privacy.
13	Scheme is contrary to Adopted Local Plan policy H8	The scheme is not considered to conflict with Policy H8 of the Adopted Local Plan
14	The scale and density of the development will damage the character of the area.	9.11-9.18
15	The balconies will cause unacceptable overlooking.	9.26-9.33

16	Scheme conflicts with Policy H12 of the Adopted Local Plan.	This policy relates to conversion of existing dwellings and so is not applicable.
17	Where will refuse and recycling be provided? Concerns over this.	9.17
18	Scheme conflicts with Policy H14 of the Adopted Local plan	This policies relates to extensions to dwellings, and so is not applicable.
19	Trees have already been removed, it is important for other trees to be retained. These contribute to the character of the site and are important for wildlife.	9.16
20	No thought given to how the scheme will impact on the footpath adjacent to the site.	Noted, however, no objection is raised to the impact on this path.
21	Bouchra consisted of two halves – a restaurant and a bar. No-one locally ever anticipated having to “prove” that the pub operated as a pub	9.2-9.10
22	I drank there. I attended hired rooms there occasionally for meetings. There was a pool table at that time. We drank beer. From a bar	9.2-9.10
23	The argument of low barrelage indicates the building was not used as a pub is illogical.	Noted.
24	Given that there is no likely supply of new employment land for at least a decade, so existing sites of commercial activity should be actively promoted by the Council for that purpose.	Policies relating to the retention of employment land are not applicable to this application.
25	The marketing as a public house is inadequate.	9.2-9.10
26	The earlier “demolition” application, apparently causing Bouchra to be forced to vacate to the Ghandi, has simply reduced employment opportunities in this area. I do not recall the site being advertised for commercial alternative uses, and this must be explored before the council even consider a “change of use” to residential purposes	9.2-9.10
27	Employment floor space is reduced by this application, contrary to policy in the BLP.	9.35
28	The applicant did not advertise the sale locally. It now claims that a for-sale board would have been insensitive! This meant that local residents were not afforded the proper and fair opportunity to get together and potentially buy it, or apply to register the site as an asset of community value. The North Star pub, by contrast had a huge for sale sign up so that everyone knew.	9.2-9.10
29	Council posted the site notice on the wrong side of the road and failed to rectify the situation soon enough.	Noted. A site notice was displayed on the hoarding on site.

30	All of the properties on Rutland Gate should have been notified, not just 1 property.	It is not required by legislation to post a site notice and notify all neighbouring properties, however, additional properties on Rutland Gate were notified at a later date.
31	The proposal was originally described as 7 detached dwellings, but has since been amended. It is poor the application was described in an incorrect way.	The description was changed, but the application forms and plans clearly show the dwellings are not detached.
32	How will the Council deal with any illegal car parking on Rutland Place.	The Council can only deal with cars parked on adopted highways with parking restrictions. Not relevant to this planning assessment.
33	The development will make the alleyway next to the site very dark, will the Council or developer install lighting?	The developer is not providing off site works. It is not considered a condition would be necessary to install lighting on the footpath.
34	The building should be retained and converted into a nursery or primary school.	This application has to be considered on its merits.
35	Adverse impact on all neighbouring properties.	9.26-9.33

### Consultees

Consultee	Comment	Where in the report this is considered
Ecologist	No objection, subject to conditions.	9.34
Highway Authority	Requires further information to demonstrate the level of parking proposed would be acceptable. Holding objection.	9.19-9.25
Environmental Protection	No objection subject to conditions.	Noted.
Council's tree officer	The application and Arboricultural Appraisal Report is missing key information to fully assess the impact of the proposal. The information currently available would suggest that it would not be feasible to protect the trees that are shown to be retained as part of the proposed development. I	9.16

	would recommend that additional information be provided to clarify the proposal	
Rights of Way Officer	No objection.	Noted.

## Others

Group	Comment	Where in the report this is considered
Maidenhead Civic Society	No objection to the principle of residential development, but the scheme is overdevelopment of the site. Comment that semi-detached dwellings would be more appropriate for this area.	9.11-9.18

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Loss of a Public House as Community Facility
- ii Design and impact on the character of the area, including impact on trees
- iii Transport
- iv Impact on residential amenity
- v Other material considerations
- vi Conclusion

### Loss of the Public House as a Community Facility

- 9.2 Policy CF1 of the Adopted Local Plan states that the Council will not permit the loss of existing community facilities and buildings, unless it is satisfied that:
- there is no longer a need for them; or
  - an acceptable alternative provision is to be made elsewhere.
- 9.3 This policy is considered to be in compliance with the NPPF, which sets out that planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as public houses) to enhance the sustainability of communities and residential environments.
- 9.4 Policy IF7 of the Borough Local Plan provides guidance on the loss of community facilities, and is given significant weight.
- 9.5 A Planning Viability Report, prepared by Fluerets has been submitted with this planning application. This report states that although the lawful use of the building is as a Public House, that in fact the building has operated as a restaurant for a considerable amount of time, since at least 2009, and for this reason should not be classed as a Public House, and in turn should not be regarded as community facility. However, no evidence has been submitted which would suggest that on the balance of probabilities the whole building was used as a restaurant (A3 use class) for a period of at least 10 years (this is when an unauthorised change of use would become lawful). In addition, objections from residents would suggest the part of the building still functioned as a Public House, and there was a bar area within the building that had a pool table and darts board, and that the bar could be hired out for meetings. This would suggest that use of the public house had not been lost, and it continue to serve the community in some form. As such, the building is regarded as a Public House, and the proposal is assessed against Policy CF1 of the Adopted Local Plan.



- 9.6 The submitted Planning Viability report, however, does go on to consider the building as a Public House. Within the report, there are statements made about the general downturn in the use of Public Houses, the condition of the premises being poor, and the availability of other Public Houses within the local area. These matters do not evidence the need that this Public House is no longer needed as a community facility. In terms of the National trends associated with the use of Public Houses, this is relevant to any Public House and is not specific to this site. With regard to the condition of the premises, if the owner has let the building fall into a poor condition and has not invested in it, this is not a reason to allow the loss of a public house. In addition, if the property was in such a poor condition, it would be expected that the asking price of the premises would have reflected this. With regard to other Public Houses being within the local area, this does not suggest that there is no longer a need for this premises as a Public House.
- 9.7 Turning to the marketing that was done for this premises, the Planning Viability report sets out that the freehold interest in the property was placed on the market by Fleurets on 12th October 2017. The guide price was £625,000 + VAT. The property was listed on the Fleurets website as well as circulated to parties registered with Fleurets and with matching property requirements.
- 9.8 An open house viewing was arranged for Thursday 19th October 2017, however, it is stated that the tenant refused access to the parties in attendance and the viewing had to take place on an external only basis. 20 parties attended the viewing. Of those that viewed the property, it is stated that all but one party were parties considering alternative use for redevelopment. Due to strong levels of interest in the property, a "Best and Final Bids" deadline was issued for Thursday 26th October 2017. 29 offers were received and ranged significantly. All offers received were from parties seeking alternative use for redevelopment. There were no offers for future public house use. The Planning Viability report sets out that the premises remained listed on Fleurets website until August 2018. The period of marketing was less than a 12 month period. This marketing evidence is not sufficiently robust to justify the loss of this Public House.
- 9.9 Based on the information submitted with this application, it has not been demonstrated that this premises was solely used as a restaurant (A3 use) and that the building did not have a function as a Public House which served the community. In addition, the marketing of the premises as a Public House was not undertaken for an extensive enough period to demonstrate it is no longer needed. Policy IF7 of the Borough Local Plan Submission Version would indicate that a period of 12 months would be the appropriate period to market the premises for.
- 9.10 The application conflicts with Policy CF1 of the Adopted Local Plan, and Policy IF7 of the Borough Local Plan Submission Version.

#### **Design and impact on the character of the area, including impact on trees**

- 9.11 As set out in section 3 of this report, the buildings in the local area tend to be two storeys and domestic in scale. There is variety in the style of buildings in the area, and so there is no objection in principle to the applicant's design approach of taking reference from the existing building on site.
- 9.12 In terms of the layout of the scheme, the principle of having car parking to the front of the proposed buildings is considered to be acceptable, as there are examples of this arrangement along Westborough Road, however, in this case owing to the amount of car parking spaces in a tandem arrangement proposed, this would result in car parking dominating the frontage of the site. This is not a characteristic of this area. The extensive amount of car parking proposed would dominate the site and would cause harm to the character of this area.
- 9.13 In relation to the scale of the proposed buildings, two buildings would extend across a large proportion of the site. To the northern boundary, there would be a distance of 4 metres between the proposed 2 storey flank elevation of the dwelling and the boundary with number 21. There would be a gap of circa 1.5 metres between the proposed buildings, and a gap of about 1.5 metres between the flank elevation of the proposed building and the southern boundary of the site. The distance between the proposed buildings, and the southern boundary of the site do not provide much spatial relief.

- 9.14 The proposed dwellings would have a height of 10.3 metres; this height is needed in order to accommodate rooms within the roof. However the height proposed would be noticeably taller than the other two storey dwellings surrounding the application site, which tend to be 7.5-8 metres in height. It is the combination of the scale and massing of the proposed dwellings, together with the layout proposed that means that this development would appear cramped, and as such would cause harm to the character of the area.
- 9.15 The use of the gable roof is considered to be acceptable within the context of this area, however, the roof in relation to the walls of the dwellings is out of proportion, and the roof would appear as a dominating feature of the buildings. This is not typical of buildings in this area. In respect of the ridge height, this would be noticeably taller than other buildings in the area, and the height of the dwellings would look at odds when compared with the height of other buildings in the area.
- 9.16 Turning to trees and landscaping, there are no trees on site which are subject to a Tree Preservation Order, and there is no objection to the loss of trees in principle, provided a suitable landscaping scheme could be put in place. However, it is doubtful whether the trees to the rear of the site would realistically be retained, with sheds and a footpath proposed in the root protection areas of these trees. However, even though the trees shown to be retained may not be realistic, it is considered that suitable new tree planting and landscaping could mitigate for such loss.
- 9.17 The site layout plan does not show an area where bins for refuse and recycling would be provided on site within a 25 metre carry distance (Manual for Streets) to the road. There is no room to the front of the site to provide such a refuse/recycling collection area, and so there are concerns that this scheme provides inadequate provision for refuse and recycling. Without such facilities, bins are likely to be stored on the Highway, which will look unsightly, and could cause a danger to pedestrian safety.
- 9.18 The scheme is considered to be a cramped and overdeveloped form of development that is not in keeping with the character of the area. The scale of the buildings proposed is out of keeping with the scale of buildings in the local area. The proposal is considered to conflict with Adopted Local Plan Policies DG1, H10 and H11.

### **Transport**

- 9.19 Policy P4 of the Adopted Local Plan sets out that the scheme should provide parking, in accordance with the Council's Parking Strategy. The Council's Parking Strategy was published in 2004. This Strategy sets out maximum parking standards for areas considered to be poor and good accessibility. This site would be identified as an area of poor accessibility, owing to its distance from the train station. In accordance with this strategy, 7, 4 bedroom dwellings would be required to provide 21 car parking spaces. The scheme provides 14 car parking spaces, which would result in a shortfall of 7 car parking spaces.
- 9.20 The NPPF 2018 sets out that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. Policy P4 is not entirely consistent with the NPPF and is given moderate weight. However, the parking standards set within the Parking Strategy is the Council's most up to date guidance on what level of car parking should be provided for development schemes, and so it is for the applicant to demonstrate if a lower amount of parking would be acceptable.
- 9.21 In this case there are known parking pressures for on-street parking within this area. It is therefore critical for the applicant to demonstrate that the proposed parking levels are acceptable and would not create additional parking pressures for on-street parking, which in turn could result in a danger to highway safety.
- 9.22 The applicant has not provided on-street parking surveys, or any other information to demonstrate that the level of car parking proposed is acceptable. Although in the Transport

Statement, it sets out that census data shows car ownership levels are at 1.46, this figure will be an average for all dwellings, ranging from studios flats up to 4 or more bedroom dwellings. This does not give evidence that 2 parking spaces would be suitable for dwellings with 4 bedrooms. Without evidence to the contrary, there is a concern that the scheme could place further pressure on off-street car parking, which could cause a danger to highway safety. The scheme is considered to conflict with Policy P4 of the Adopted Local Plan and the requirements of the NPPF, where it states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.23 Policy T5 of the Adopted Local Plan states that all developments are required to comply with the Council's Adopted Highway Standards. This policy is considered to be in accordance with the NPPF and so is given significant weight.
- 9.24 There is no objection to the principle of tandem parking on this site, as Westborough Road is not a classified road, and so there would be no objection if cars were to reverse onto the road. According to the Council's Highway Design Guide and Parking Strategy 2004, tandem spaces proposed should have a minimum depth of 10.8 metres. Not all of the parking spaces proposed meet this standard. The concern is that if this standard is not met, cars are likely to overhang the highway causing a danger to highway safety.
- 9.25 The scheme fails to comply with paragraph 109 of the NPPF, and Policies P4 and T5 of the Adopted Local Plan.

#### **Impact on residential amenity**

- 9.26 There are no relevant Adopted Local Plan policies which provide guidance on residential amenity. The NPPF, sets out that development should provide a high standard of amenity for existing and future users.
- 9.27 With regard to the property to the north-west (number 21) the proposed development would not breach the 45 or 60 light angle to any habitable room windows in the rear elevation of this property. Owing to the siting, and set-off from this boundary at two storey level, it is not considered the building would be unduly overbearing to this property or its garden.
- 9.28 With regard to impact on privacy, no windows are proposed in the side elevation facing number 21. The proposed roof terrace at second floor level would be 6 metres off the boundary with number 21. This distance is close, particularly for a roof terrace at second floor level, and it is considered this would result in unacceptable overlooking to number 21. A privacy screen of a sufficient height and level obscurity would need to be erected along this part of the terrace in order to avoid unacceptable overlooking.
- 9.29 With regard to the dwelling to the south-east of the site (beyond the footpath), number 37, there is a first floor side window in the side elevation, but this window is obscurely glazed and does not appear to be a primary window serving a habitable room. There are no concerns over the impact from the development on this window. Owing to the siting of the proposed dwelling, it is not considered that this would be unduly overbearing to the rear garden area of number 37. No windows are proposed in the side elevation of the building facing this property. A roof terrace at second floor level would be around 6 metres from the boundary to the rear garden of their property, and so a privacy screen would also need to be erected on the terrace facing this property should permission be forthcoming.
- 9.30 Turning to the properties on the opposite side of Westborough Road, there is considered to be ample distance to avoid any unacceptable overbearing impact, loss of light or overlooking.
- 9.31 Turning to the properties to the east (Rutland Gate and Rutland Place), the most impacted property would be 44 Rutland Place. There would be a distance of around 20 metres between the rear elevation of the proposed dwellings and the boundary to this property across a road, and this

is considered to be an adequate distance so that there would be no unacceptable levels of overlooking, or overbearing impact on this property.

- 9.32 With regard to the standard of amenity of future occupiers of the proposed dwellings, the scheme is considered to provide an adequate standard of amenity.
- 9.33 The roof terraces at second floor level are not ideal, however, provided a privacy screen was erected, it is considered this would prevent unacceptable levels of overlooking to numbers 21 and 37 Westborough Road.

### **Ecology**

- 9.34 In line with the Bat Conservation Trust's Bat Survey Guidelines, a single dusk emergence survey was undertaken. No bats were observed emerging from the building, and the surveyors recorded limited bat activity overall. To ensure that bats are safeguarded in the unlikely event that they are present, it would be appropriate to implement precautionary mitigation. The roof should be dismantled carefully and should any bats or recent evidence of bats be found, all works should cease immediately and Natural England would need to be contacted.

### **Other Material Considerations**

- 9.35 Some of the objections refer to this scheme as resulting in a loss of employment land, however, a Public House is not regarded as an employment use for the purposes of Adopted and emerging Local Plan policies.

### **Housing Land Supply**

- 9.36 Paragraphs 10 and 11 of the NPPF (2018) 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:*

- 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*
- 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 7 of the NPPF (2018) clarifies that policies which are most important for determining the application are out-of-date includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted in January 2018. The Borough Local Plan Submission Version sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory. However as the BLPSV is not yet adopted planning policy, due regard also needs to be given regarding the NPPF (2018) standard method in national planning guidance to determine the minimum number of homes needed for the borough. At the time of writing, based on this methodology the Council is able to demonstrate a five year rolling housing land supply based on the current national guidance.

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

- 10.1 The development is CIL liable. The proposed floorspace of the dwellings is 934.57. In terms of existing floorspace, this is not known, as existing floorplans have not been submitted with the application.

## **11. CONCLUSION**

- 11.1 The scheme is considered to result in the loss of a community facility, in conflict with Policy CF1 of the Adopted Local Plan. The scheme is considered to be a cramped overdevelopment of the site that would cause harm to the character of the area, in conflict with Policies DG1, H10 and H11 of the Adopted Local Plan. The application fails to demonstrate that adequate parking would be provided, and that it would have an acceptable impact on highway safety, in conflict with Policies P4 and T5 of the Adopted Local Plan, and the requirements of the NPPF. In terms of the benefits of the scheme, it would provide housing within the Borough. The scheme does not comply with a number of policies in the adopted Development Plan, and there are no material considerations which indicate that the application should be approved.

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

- Appendix A - Site location plan
- Appendix B – Proposed Site Layout
- Appendix C – Proposed Elevations
- Appendix D – Proposed floor plans

## **13. REASONS RECOMMENDED FOR REFUSAL**

- 1 It has not been demonstrated that there is no longer a need for the Public House which is regarded as a community facility. The application therefore conflicts with Policy CF1 of the Adopted Local Plan and Policy IF7 of the Borough Local Plan Submission Version.
- 2 The scheme, by virtue of the scale of the buildings and extent of car parking, represents a cramped, overdevelopment of the site. Furthermore, the height of the buildings would appear incongruous within the street scene. The scheme would therefore cause harm to the character and visual amenities of the area, and conflicts with Policies DG1, H10 and H11 of the Adopted Local Plan, with Policy SP3 of the Borough Local Plan Submission Version, and with paragraph 127 of the National Planning Policy Framework.
- 3 The application does not provide sufficient car parking in accordance with the Council's Parking Standards and the application fails to demonstrate that the level of parking proposed would be adequate. Without this evidence there are concerns that scheme would result in additional pressure for on-street parking which is likely to result in a danger to highway safety. In addition, the parking spaces in the tandem arrangement fail to meet the Council's Highways Design Guide, which is also likely to cause a danger to highway safety. The scheme also fails to demonstrate that a refuse and recycling area can be provided within 25 metres carry distance of the highway, which is against the guidance in Manual for Streets. This is also likely to cause a danger to Highway Safety. The scheme therefore conflicts with Policies P4 and T5 of the Adopted Local Plan and paragraph 109 of the NPPF.

Appendix A- Site location plan



## Appendix B- Proposed site layout





## Appendix C- Proposed Elevations

Proposed front elevation – block 1





Proposed front elevation- Block 2



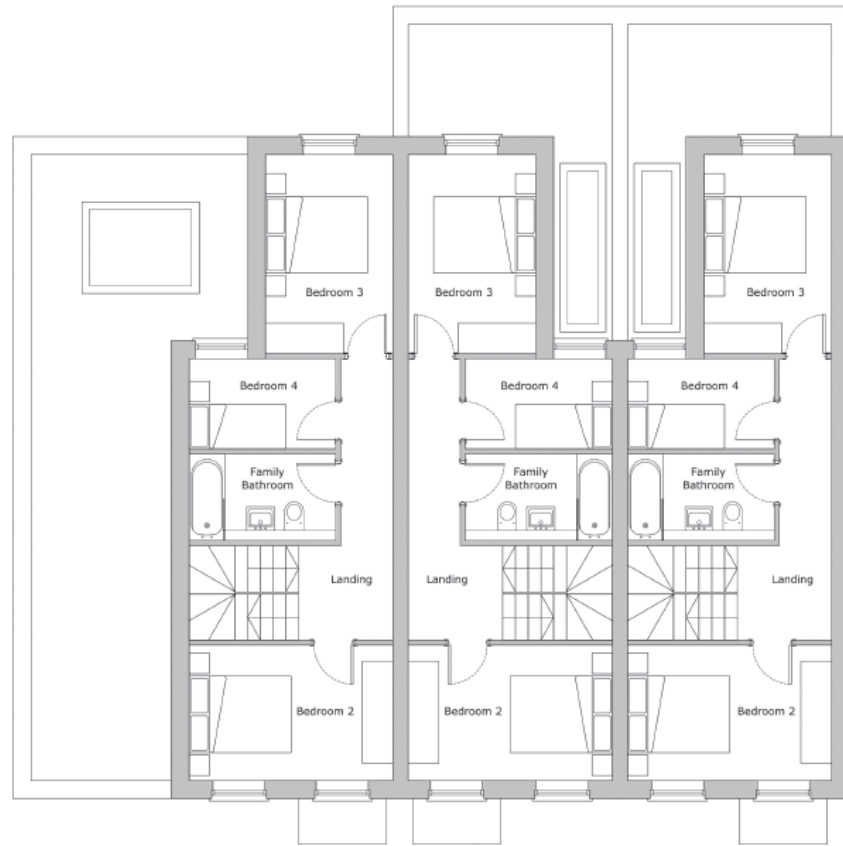
Proposed rear elevation

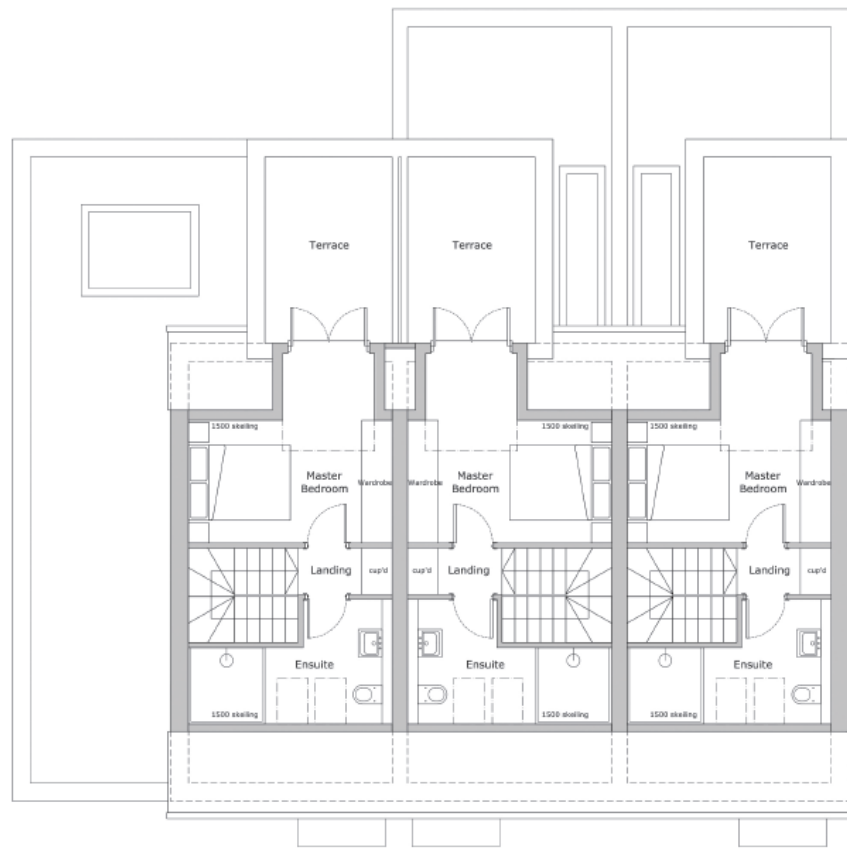


## Appendix D- Proposed floor plans

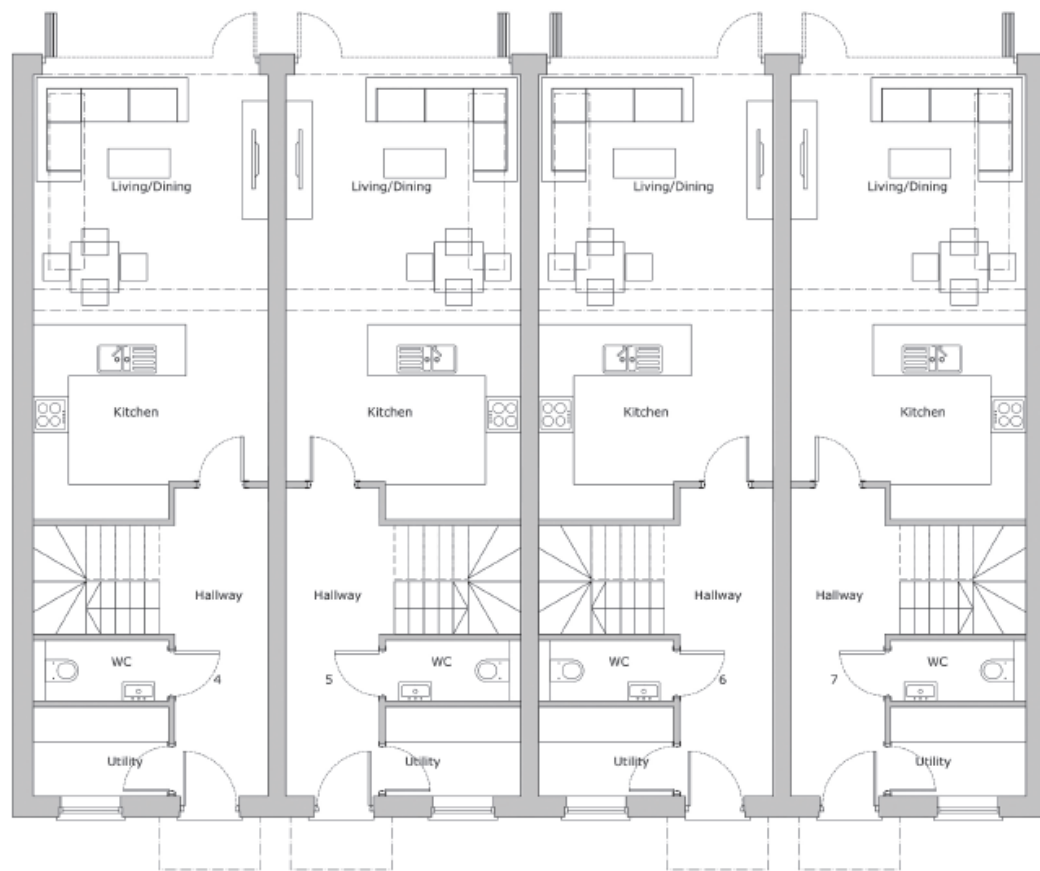
### Block 1

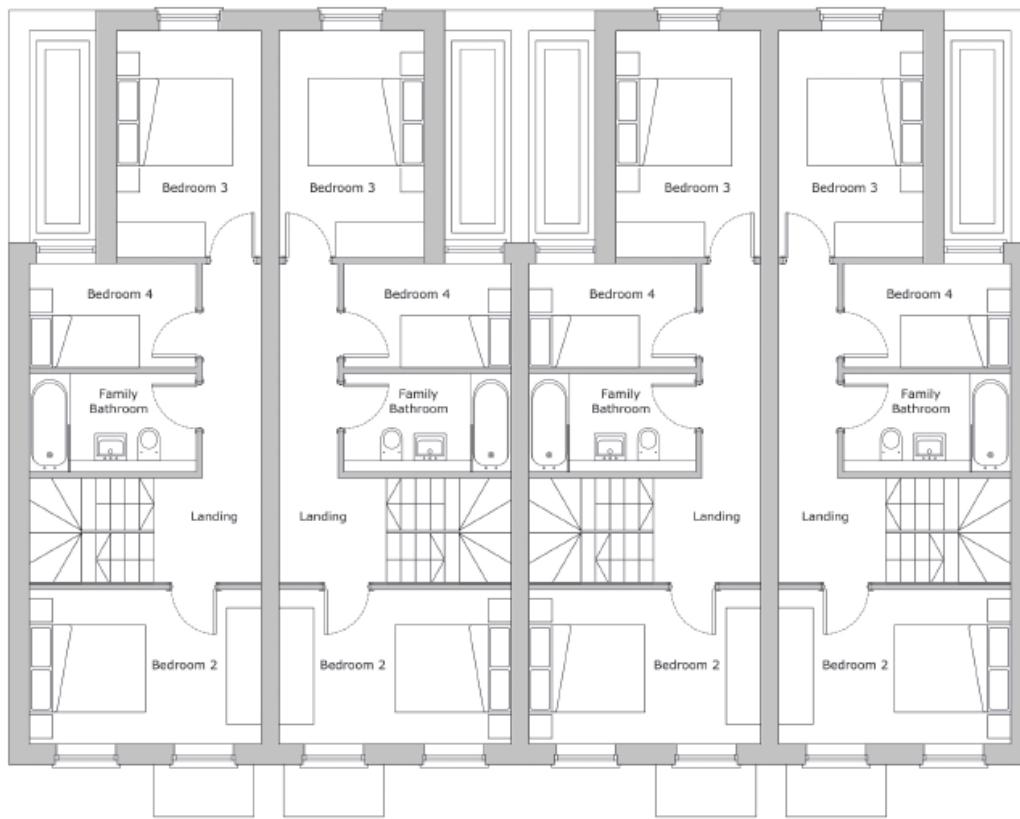


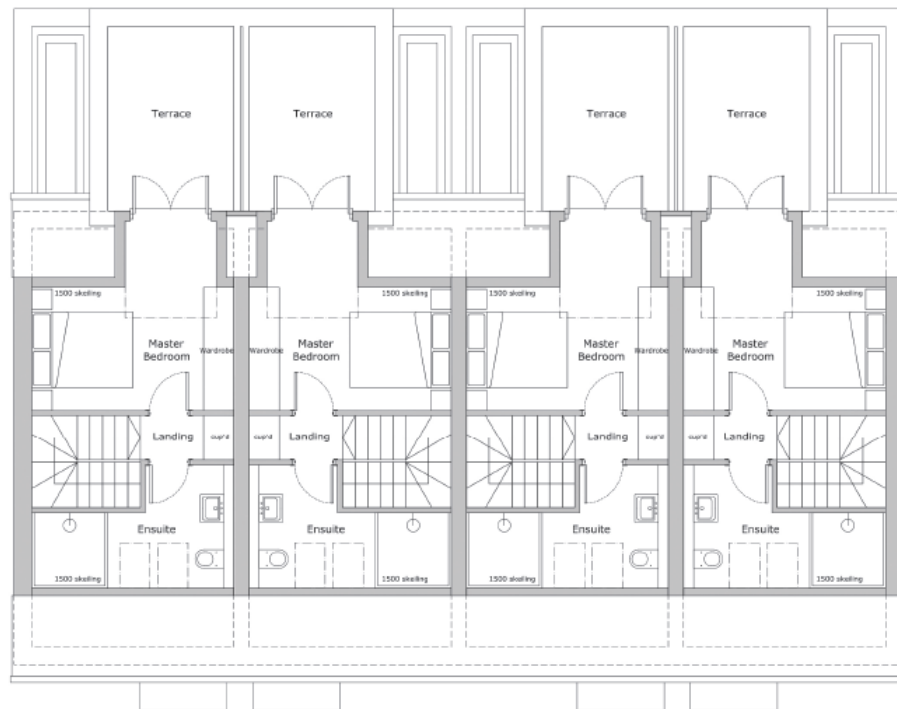




## Block 2









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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

17 December 2018

Item: 6

<b>Application No.:</b>	18/02770/OUT
<b>Location:</b>	Field Adjacent To North West Corner of Grove Business Park Waltham Road Maidenhead
<b>Proposal:</b>	Erection of a single storey agricultural barn
<b>Applicant:</b>	Mr & Mrs Smith
<b>Agent:</b>	Tom McArdle
<b>Parish/Ward:</b>	White Waltham Parish/Hurley And Walthams Ward
<b>If you have a question about this report, please contact:</b> Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk	

**1. SUMMARY**

- 1.1 This is an outline application for a large agricultural barn on land belonging to the Shottesbrooke Estate adjacent to the Grove Business Park in Waltham Road. The applicant has given evidence that a barn of this size is reasonably needed for the purposes of agriculture, and the recommendation is that outline planning permission is granted. Amended plans have been received taking the building outside of the Root Protection Areas of the protected trees in Grove Business Park. Details of landscaping need to be submitted as reserved matters at a later stage.

<b>It is recommended the Panel authorises the Head of Planning:</b>	
1.	<b>To grant planning permission on the receipt of no objections being raised by the Lead Local Flood Authority regarding the proposed sustainable drainage scheme and with the conditions listed in Section 12 of this report.</b>
2.	<b>To refuse planning permission should the Lead Local Flood Authority confirm that the proposed drainage scheme would not comply with Paragraph 163 of the NPPF and would increase the risk of flooding in the area.</b>

**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 as this is a major application; such decisions can only be made by the Panel.

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

- 3.1 The site is an area of open landscape located immediately to the north of the Grove Business Park and a short way south of the White Waltham Airfield in White Waltham. The site is separated from the business park by a 2m high metal fence, and there are a number of trees near the boundary within the business park which are the subject of Tree Preservation Orders. The site lies in the Green Belt.

**4. KEY CONSTRAINTS**

- 4.1 Policy GB1 of the Local Plan and Paragraph 145 of the National Planning Policy Framework 2018 states that the construction of buildings for agriculture and forestry is appropriate development in the Green Belt.

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

- 5.1 The site area marked by a red line on the location plan would measure 75m by 40m, and the building would measure 72m by 30m, with an eaves height of 5m and a ridge height of 6.5m. It would be 2160sqm in area. It would be rectangular in plan, with a south facing rear wall of 1200mm high pre-cast concrete panels with steel box profile plastic coated cladding above, side walls of steel cladding with roller shutter doors, a north facing front elevation of 6m wide steel roller shutter doors, and a dual pitched roof of corrugated fibre cement roof panels. It would be located 10m north of the boundary fence of the business park. Approval is sought in this outline application for access, appearance, layout and scale, with landscaping as a reserved matter.
- 5.2 No relevant planning history.

## 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 in keeping with character and appearance of area	DG1
Appropriate development in the Green Belt	GB1, GB2
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)

## 7. MATERIAL PLANNING CONSIDERATIONS

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

Section 4- Decision-making

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
Green Belt	SP5

- 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 Landscape Character Assessment

More information on this document 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**

24 businesses within the Grove Business Park were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 11.10. 2018 and the application was advertised in the Maidenhead Advertiser on 11.10.2018.

No comments were received from neighbours.

### **Consultees**

Consultee	Comment	Where in the report this is considered
White Waltham Parish Council	No objection	Noted
Environmental Protection	No objection, suggested informatives	The relevant informatives will be added.
Local Flood Authority	Requested a drainage statement	9.11
Highways	No objection	9.10
Tree Officers	No objection to amended plans	9.9

## **9. EXPLANATION OF RECOMMENDATION**

- 9.1 The key issues for consideration are:
- whether the proposal is appropriate development in the Green Belt;
  - impact on the openness of the Green Belt;
  - whether the proposed design would have an acceptable impact on the character of the area;
  - impact on trees that are important to the character of the area; and
  - highways impact.

**Whether appropriate development in the Green Belt.**

- 9.2 Policy GB1 of the Local Plan states that the construction of new buildings for agriculture or forestry is appropriate development within the Green Belt, and BLPSV Policy SP5 and the NPPF Paragraph 145 re-iterate this definition.
- 9.3 The proposed barn would be a building for agriculture. The applicants have stated in support of this the following. *“The estate as a whole extends to 823.59 ha, of which the arable operations extend over 522.43 ha and 129.35 ha of pastureland. The arable operations are split circa 3/8ths winter wheat, 3/8ths spring barley and 2/8ths oil seed rape. The farm currently uses the rather ageing grain store (located to the east of the proposed barn) which provides a useable floor area of 700 sqm, thereby allowing for the storage of circa 1500 tonnes of harvested grain and therefore accommodates circa 82% of the winter wheat crop and thereby the remainder of the winter wheat harvest, all of the spring barley harvest, all of the oil seed rape harvest and all of the straw crops are having to be sold directly from the field. The consequences of selling more than 60% of the farm’s yield directly from the field is that the farm cannot achieve the best prices, and the proposed barn will allow the farm to maximise income which in turn is reinvested in the farm.”* Figures have been provided which show that the floor area proposed is what is required to store the crops. This is summarised as total spring barley, oil seed rape, straw and the balance of the winter wheat floor area storage requirement: 2169.32 sqm. Floor area of proposed barn 2160 sqm.
- 9.4 Given the above, it is considered that the proposed barn is an agricultural building which is reasonably required for the purposes of agriculture. It will ensure that the viability of the farm is maintained for years to come. Consequently it is considered that the proposal is appropriate development in the Green Belt, and complies with Policies GB1 of the Local Plan, Policy SP5 of the BLPSV, and Paragraph 145 of the NPPF.

### **Impact on Openness of the Green Belt**

- 9.5 Policy GB2 of the Local Plan states that permission will not be granted for new development which will have a greater impact on openness than the existing development on the site, or where it will harm the character of the countryside.
- 9.6 The barn would be sited close to the buildings in Grove Business Park, and would appear as a large agricultural building which would not be harmful to the character of the countryside. Given that this is appropriate development in the Green Belt as set out in the previous section, the impact on openness cannot be taken into consideration. This is in line with the outcome of a court of appeal judgement between R. (Lee Valley Regional Park Authority) v Epping Forest District Council and Valley Grown Nurseries Ltd (2016) where it was determined that applications for agricultural buildings do not fall to be assessed in terms of their impact on openness.

### **Design**

- 9.7 Policy DG1 of the Local Plan states among other design guidelines that harm should not be caused to the character of the area through the loss of important features that contribute to that character.
- 9.8 The proposed design would be typical of modern farm barns, and is not considered to be harmful to the open rural character of the area, given its location close to the buildings in Grove Business Park. Views of the barn from within the business park would be softened by the large trees near the northern boundary of the business park. The design of the proposal is considered to be acceptable. The appearance, layout and scale of the proposal is considered to be acceptable.

### **Trees**

- 9.9 Policy N6 of the Local Plan requires the protection of important trees on or near development sites. In this case, there are no trees within the application site, but there are trees within the Grove Business Park adjacent to the site which are the subject of Tree Preservation Orders. The plans as originally submitted would have had the building 2.5m away from the boundary, but revised plans have been received showing the building 10m away from the boundary and outside of the Root Protection Areas of the protected trees. It is considered that they are far enough

away not to be affected by the proposed development. The impact on trees is therefore acceptable, and the proposal complies with Policy N6 of the Local Plan.

## **Highways**

- 9.10 The proposed new barn would be accessed from an existing junction onto Waltham Road and is unlikely to result in any additional traffic impact. The Highway Authority raises no objection to the proposal.

## **Other matters**

- 9.11 A sustainable drainage scheme is required to demonstrate that this proposal would not increase the risk of flooding in the area as this is a major application. This has now been supplied together with a soakaway plan, and has been forwarded to the Local Flood Authority. The comments of the Lead Local Flood Authority are awaited and the recommendation reflects this.

## **10. CONCLUSION**

- 10.1 The proposal is considered to be appropriate development in the Green Belt which will be beneficial to agriculture, and would not be harmful to the character of the area, or to the health of nearby protected trees. The proposal is therefore considered to comply with the Development Plan and material planning considerations which are the relevant policies of the Borough Local Plan Submission Version to which significant weight should be given and the NPPF 2018.

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

- Appendix A - Site location plan and site layout
- Appendix B – Shottesbrooke Estate Plan
- Appendix C – Floor Plan
- Appendix D - Elevations

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

- 1 Details of the landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.  
Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) Order 1995.
- 2 An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission  
Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The Development shall commence within two years from the date of approval of the last of the reserved matters.  
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 5 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have

been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

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

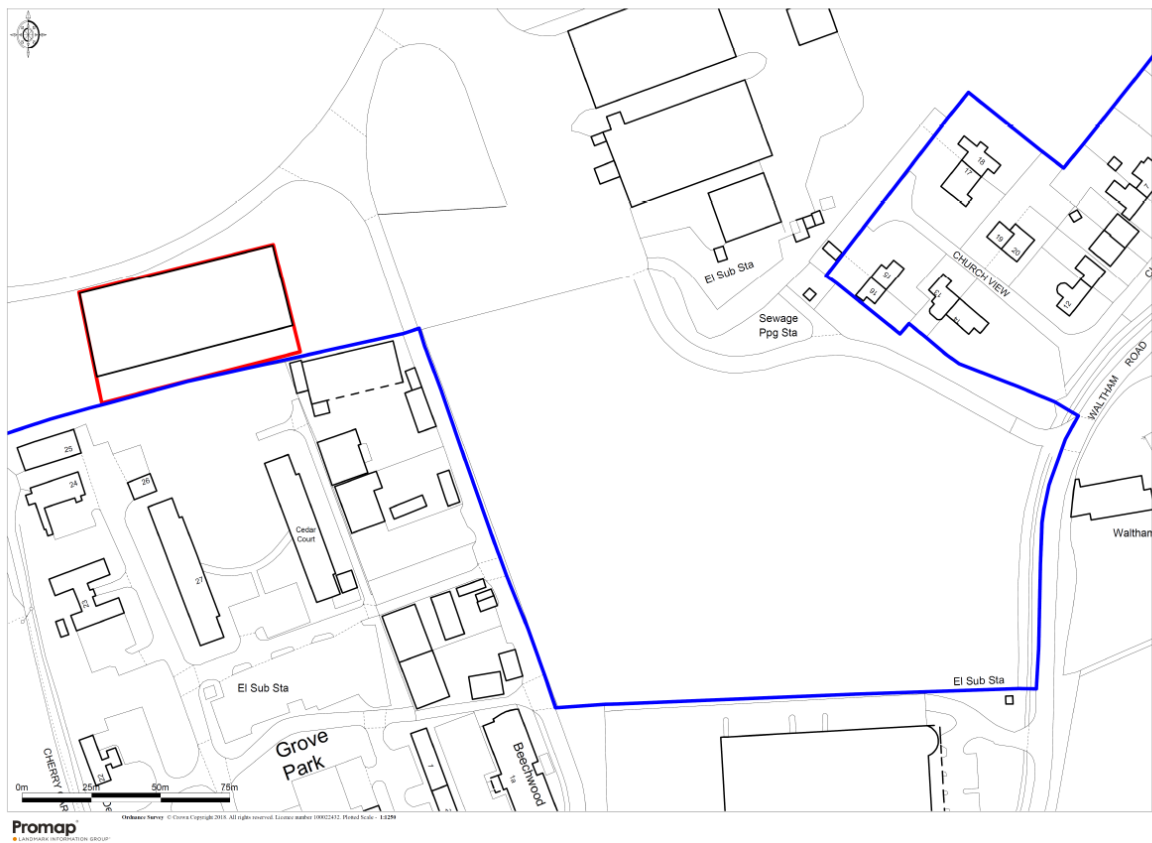
- 6 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

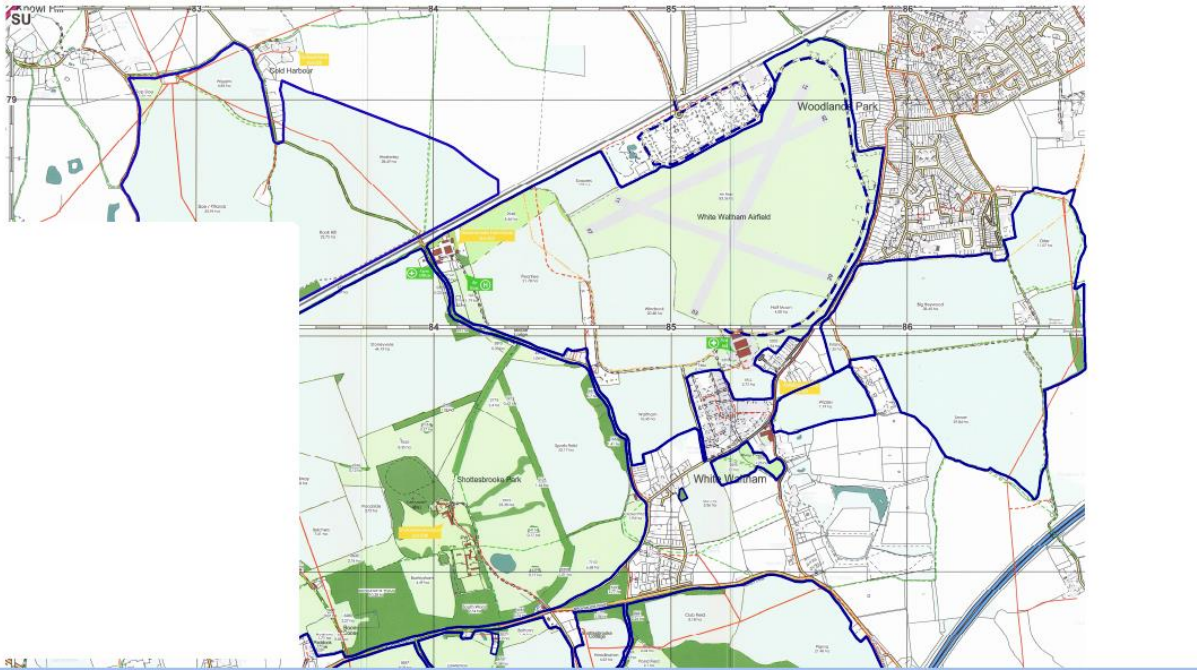
### **Informatives**

- 1 No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays
- 2 There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.
- 3 The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.
- 4 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 68 3830 and follow good practice.

Revision A – Site Plan

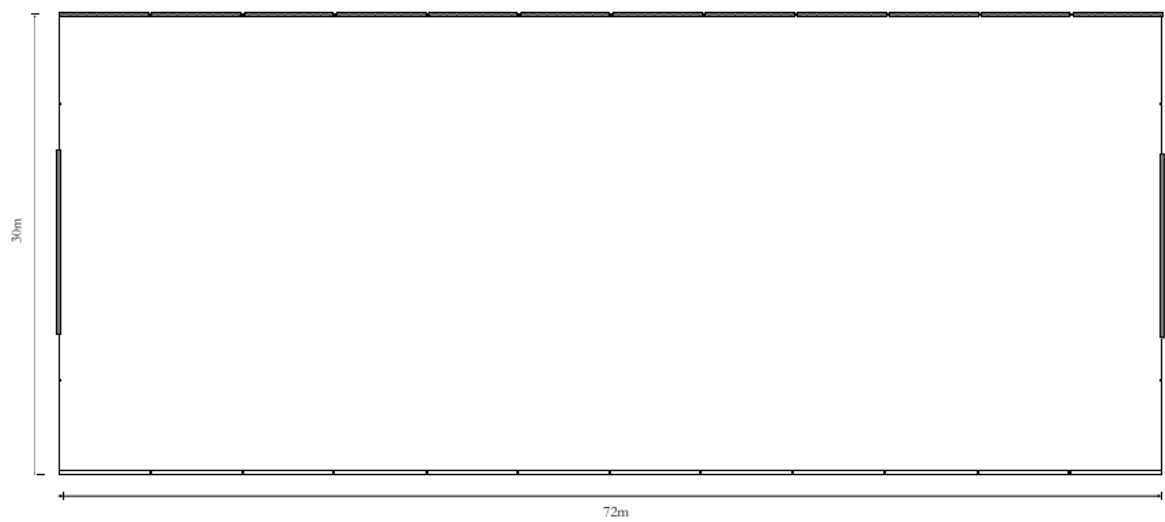


Appendix A

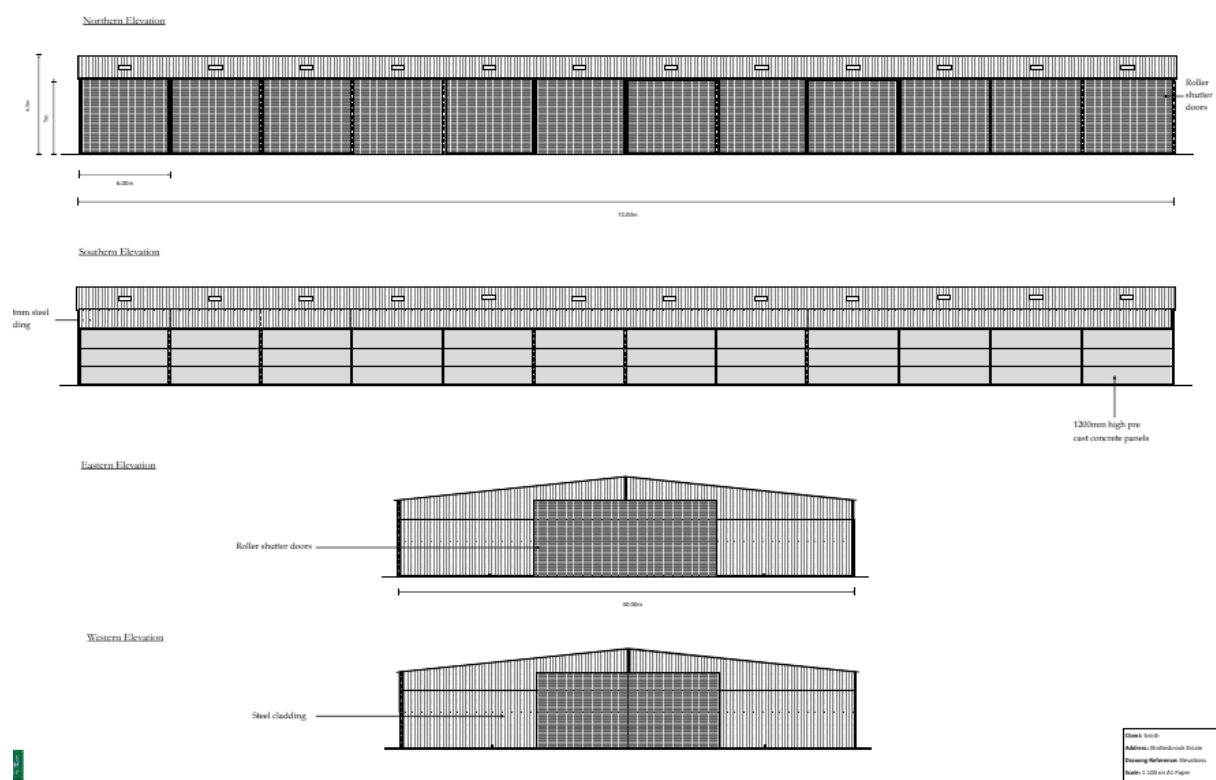


Appendix B

PROPOSED FLOOR PLAN FOR AGRICULTURAL BARN AT SHOTTESBROOKE ESTATE, WHITE WALTHAM



Appendix C



Appendix D



# Agenda Item 5

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

### Planning Appeals Received

**12 November 2018 - 7 December 2018**

#### **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  
**Appeal Ref.:** 18/60139/REF      **Planning Ref.:** 18/02411/FULL      **Plns Ref.:** APP/T0355/D/18/3216517  
**Date Received:** 26 November 2018      **Comments Due:** 24 December 2018  
**Type:** Refusal      **Appeal Type:** Fast Track Appeal  
**Description:** Part garage conversion.  
**Location:** **12 Raven Drive Maidenhead SL6 8FA**  
**Appellant:** Mr Fotios Tsompanidis 12 Raven Drive Maidenhead SL6 8FA

**Ward:**  
**Parish:** Bisham Parish  
**Appeal Ref.:** 17/60053/ENF      **Enforcement Ref.:** 16/50097/ENF      **Plns Ref.:** APP/T0355/C/18/3205490  
**Date Received:** 28 November 2018      **Comments Due:** 9 January 2019  
**Type:** Enforcement Appeal      **Appeal Type:** Public Inquiry  
**Description:** Appeal against the Enforcement Notice: Without planning permission the material change in the use of the land from the keeping of horses for private recreational purposes comprising non-commercial DIY livery, functioning with a maximum of six horses and six stables, to a mixed use comprising of private stabling and commercial livery with ancillary activities including 'assisted' DIY livery, part livery, full livery, schooling, hacking, lessons, massage, grooming, clipping; and the formation of hardstanding, the erection of buildings and the siting of a metal container to facilitate the material change in the use of the land.  
**Location:** **Fairview Stables Darlings Lane Maidenhead SL6 6PB**  
**Appellant:** Mr Robert Johnston **c/o Agent:** Mr John A Andrews John Andrews Associates The Lodge 66 St Leonards Road Windsor Berkshire SL4 3BY

**Ward:**  
**Parish:** Bisham Parish  
**Appeal Ref.:** 18/60140/REF      **Planning Ref.:** 18/00798/FULL      **Plns Ref.:** APP/T0355/W/18/3206898  
**Date Received:** 29 November 2018      **Comments Due:** 3 January 2019  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** New entrance gates (retrospective)  
**Location:** **Land Adjoining Marlow Meadows Quarry Wood Road Marlow**  
**Appellant:** Ms And Ms Gifford And Heath **c/o Agent:** Mr Michael Williams Michael Williams Planning 9 St Michael's Road Cardiff CF5 2AL

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 18/60144/REF      **Planning Ref.:** 18/02111/FULL      **Plns Ref.:** APP/T0355/W/18/3215602  
**Date Received:** 3 December 2018      **Comments Due:** 7 January 2019  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Construction of two storey detached building to form 2 x 1 No. bedroom flats, alterations to existing vehicular access and 2 No. new parking spaces and vehicular access onto Australia Avenue to No. 51 Cookham Road following demolition of existing garage  
**Location:** **51 And Land At 51 Cookham Road Maidenhead**  
**Appellant:** Mr David Hawkins c/o **Agent:** Mr Stuart Keen SKD Design Ltd Unit 16 Woodlands Business Park Woodlands Park Avenue Maidenhead SL6 3UA

# Appeal Decision Report

12 November 2018- 7 December 2018

## MAIDENHEAD

**Appeal Ref.:** 18/60076/ENF      **Enforcement Ref.:** 16/50241/ENF      **Plns Ref.:** APP/T0355/F/18/3194049

**Appellant:** Mr Robin James McDonald **c/o Agent:** Mr Mark Carter Carter Planning Limited 85 Alma Road Windsor Berkshire SL4 3EX

**Decision Type:**      **Officer Recommendation:**

**Description:** Appeal against the Enforcement Notice: Unauthorised works to a Listed Building.

**Location:** **Rickhams High Street Bray Maidenhead SL6 2AH**

**Appeal Decision:** Upheld and Varied      **Decision Date:** 14 November 2018

**Main Issue:** Appeal was upheld and varied. The requirements of the notice are now to remove the sash horns and rebuild the interior brick reveals.

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**Appeal Ref.:** 18/60082/REF      **Planning Ref.:** 17/03967/OUT      **Plns Ref.:** APP/T0355/W/18/3201716

**Appellant:** Mr Kris Collett 19 York Road Maidenhead SL6 1SQ

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

**Description:** Outline application for access only to be considered at this stage with all other matters to be reserved for the construction of 4 x 3-bedroom semi-detached dwellings

**Location:** **Land Adjacent Pond View Sturt Green Holyport Maidenhead**

**Appeal Decision:** Dismissed      **Decision Date:** 27 November 2018

**Main Issue:** The Inspector considered that the proposal would be a form of infilling as it would develop the gap between an otherwise built up frontage. The proposal wouldn't necessarily be over-developed or cramped and therefore the proposal would constitute 'limited' infilling. However, the Inspector considered that there was a transition from village to countryside before arriving at Sturt Green and that the site appeared detached and separate from the village. Therefore the proposal would comprise inappropriate development in the Green Belt as it would not represent limited infilling in a village. The proposal would also lead to a significant loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment. Very special circumstances do not exist in this case. The proposal and the likely effect on trees would not result in harm to the character and appearance of the area. The trees on the front boundary are low in quality and their loss could be mitigated by replacement landscaping. Survey work relating to reptiles and Great Crested Newts is insufficient and therefore it has not been satisfied that the appeal proposal would not harm or disturb protected species. The presumption in favour of sustainable development does not apply to this appeal.

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**Appeal Ref.:** 18/60094/REF      **Planning Ref.:** 17/00619/FULL      **Plns Ref.:** APP/T0355/W/18/3203626

**Appellant:** Mr And Mrs Richards **c/o Agent:** Miss Stefania Petrosino J S A Architects Ltd Tavistock House Waltham Road Maidenhead SL6 3NH

**Decision Type:** Committee      **Officer Recommendation:** Application Permitted

**Description:** Three detached dwellings following demolition of existing stables and equestrian storage buildings

**Location:** **Hardings Farm Hills Lane Cookham Maidenhead**

**Appeal Decision:** Dismissed      **Decision Date:** 13 November 2018

**Main Issue:** While it is concluded that is no harm to the character and appearance of the area the scheme would constitute inappropriate development in the Green Belt and would reduce openness. Only limited or moderate weight is given to the benefits of the proposal and taken together do not outweigh the substantial harm to the Green Belt. Consequently there are no very special circumstances to justify the development.

---

**Appeal Ref.:** 18/60099/REF      **Planning Ref.:** 17/03738/FULL      **Plns Ref.:** APP/T0355/W/18/3200557

**Appellant:** Mr A Nazir **c/o Agent:** Mr Ifti Maniar Green Stone Planning \_ Design 11 Bankside Headington Oxford OX3 8LT

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

**Description:** Detached dwelling with parking and vehicular access and widening of existing access to No. 26 Moor Lane

**Location:** **Land At 26 Moor Lane And 26 Moor Lane Maidenhead**

**Appeal Decision:** Dismissed      **Decision Date:** 14 November 2018

**Main Issue:** The Inspector concluded that, due to the narrow width of the site and the proximity of the dwelling to either flank boundaries or the neighbouring properties beyond, the proposed dwelling would represent a cramped form of development that would be incongruous within its setting and detract from the character of the street scene. The Inspector did not consider that the contribution of the dwelling to the housing stock to outweigh the harm to character.

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**Appeal Ref.:** 18/60100/REF      **Planning Ref.:** 17/03616/FULL      **Plns Ref.:** APP/T0355/W/18/3196409

**Appellant:** Mr Monastir Hussain **c/o Agent:** Mr Nadeem Kaylan Versa Planning 2 Sunnyside Cottages Colham Green Road Hillingdon UB8 3QP

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

**Description:** Proposed attached two bedroom house with vehicular access from Well House Road

**Location:** **Land At 35 Edinburgh Road Maidenhead**

**Appeal Decision:** Allowed      **Decision Date:** 15 November 2018

**Main Issue:** The Inspector considered that the proposal would provide functional and useable private external amenity spaces and would not be harmful to living conditions. The Inspector considered that the off-street parking for both existing and proposed house would be sufficient, and therefore, the proposed parking provision would not result in adverse effects to highway safety or have a harmful effect to the free flow of traffic above existing levels. The Inspector also considered that the proposal would not result in harm to the character and appearance of the area.

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**Appeal Ref.:** 18/60101/REF      **Planning Ref.:** 17/03552/FULL      **Plns Ref.:** APP/T0355/W/18/3200684

**Appellant:** Mr Peter Wilkes **c/o Agent:** Mr Tim Farley Copesticks 39 Tudor Hill Sutton Coldfield Birmingham B73 6BE

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

**Description:** Continue the use as a house of multiple occupation and garage conversion into habitable space

**Location:** 3 Windsor Road Maidenhead SL6 1UZ

**Appeal Decision:** Allowed      **Decision Date:** 29 November 2018

**Main Issue:** The Inspector concluded that overall, if there was some overspill parking onto adjacent roads, such as Hibbert Road, that there is capacity for additional on-street parking, with no substantive evidence to demonstrate why this would be harmful to highway safety or the free flow of traffic. The Inspector concluded that the proposal would not result in any harm to highway and pedestrian safety or the free flow of traffic. The Inspector considered that the scheme would satisfactorily accord with the relevant parking and highway aims and objectives of policies H12 and P4 of the Royal Borough of Windsor and Maidenhead Adopted Local Plan and the Parking Strategy May 2004, which seek to, amongst other things, require sufficient off-street parking for development. The Inspector considered that the proposal on this matter would also accord with the relevant sections of the Framework.

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**Appeal Ref.:** 18/60105/REF      **Planning Ref.:** 17/02051/FULL      **Plns Ref.:** APP/T0355/W/18/3201583

**Appellant:** Copthall Investments Limited **c/o Agent:** Mr Mark Harris The Barton Willmore Planning Partnership 7 Soho Square London W1D 3QB

**Decision Type:** Committee      **Officer Recommendation:** Application Permitted

**Description:** Erection of 14 x dwellings, car parking, landscaping and associated works following demolition of existing building and structures

**Location:** 55 St Marks Road Maidenhead SL6 6DP

**Appeal Decision:** Allowed      **Decision Date:** 12 November 2018

**Main Issue:** The Surface Water Drainage Strategy submitted has demonstrated a workable surface water drainage scheme. The Inspector agreed The revised National Planning Policy Framework (NPPF) was published on 24 July 2018. The revised NPPF is applicable to planning decisions from the date of publication and is a material consideration. Whilst the Council say that the site has an identified potential to accommodate 20 dwellings in the emerging Local Plan, the Inspector said he had been provided with little evidence to substantiate this. The Inspector was of the view that the suggested scheme has taken into account the prevailing density of the area which contributes to its character and appearance. In terms of the type and scale of the housing proposed the scheme appears to have been cognisant of the character and location of existing housing and of the physical constraints of the site, including the variation in land levels across the site. The NPPF says at paragraph 61 that the size, type and tenure needed for different groups in the community should be assessed and paragraph 121 of the NPPF says the identified need for different types of housing should be taken into account. However, the Council has not presented any evidence of a particular demand or unmet need for flats in the immediate area. The Inspector is consequently of the view that the proposal would make effective use of the land and would be in keeping with the character and appearance of the area. It would not therefore conflict with paragraph 123 of the NPPF which seeks to ensure planning decisions make optimal use of the potential of each site and should make efficient use of land.

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**Appeal Ref.:** 18/60110/REF      **Planning Ref.:** 18/01819/FULL      **Plns Ref.:** APP/T0355/D/18/3210396

**Appellant:** Mrs Tarzana Sultana 89 Cook ham Road Maidenhead SL6 7ET

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

**Description:** Two storey side, single storey rear extension and new boundary fence.

**Location:** **1 Westhead Maidenhead SL6 7HQ**

**Appeal Decision:** Dismissed      **Decision Date:** 19 November 2018

**Main Issue:** The Inspector found that the proposal would prove harmful to the character and appearance of the host property and its surroundings. Accordingly, a clear conflict arises with those provisions of policies DG1 & H14 of the Royal Borough of Windsor and Maidenhead Local Plan (LP), which, in combination, require all development proposals to be of good design, responding to local character and not causing visual harm.

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**Appeal Ref.:** 18/60111/REF      **Planning Ref.:** 18/01136/FULL      **Plns Ref.:** APP/T0355/D/18/3210100

**Appellant:** Mr Clive Capp **c/o Agent:** Mr Stuart Keen SKDesign Ltd Unit 16 Woodlands Business Park Woodlands Park Avenue Maidenhead SL6 3UA

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

**Description:** Additional site access with new piers and gates and piers and gates to existing entrance

**Location:** **Fieldview 107 Cannon Court Road Maidenhead SL6 7QP**

**Appeal Decision:** Dismissed      **Decision Date:** 19 November 2018

**Main Issue:** The main issue was the effect of the proposed development on highway and pedestrian safety. The new access would be sited at a point where visibilities would be extremely restricted because of the vegetation on either side. Inspector states that there was no doubt that the use of the new access would increase risk and potentially prove hazardous to passing motorists and concluded that the proposal would unacceptably increase the level of danger to passing motorist and pedestrians, putting their safety at risk. Concluded that development is contrary to policy T5 of the Local Plan.

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**Appeal Ref.:** 18/60120/REF      **Planning Ref.:** 18/01627/FULL      **Plns Ref.:** APP/T0355/D/18/3212070

**Appellant:** Mr And Mrs Neal Shipman **c/o Agent:** Edward Caush And Associates 11 Southdown Road Cosham Portsmouth P06 2EB

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

**Description:** Conversion of existing part hipped ends to front and flank elevations. New front gable feature, 2x front and 6 x rear roof lights and conversion of garage into habitable accommodation.

**Location:** **1 White Rock Maidenhead SL6 8UD**

**Appeal Decision:** Dismissed      **Decision Date:** 23 November 2018

**Main Issue:** Although the Inspector found the proposal to be acceptable in regard to parking provision, it was concluded that the proposal would cause significant harm to the character and appearance of the area. It would therefore conflict with the development plan as a whole. There were no other considerations that outweighed that conflict. Therefore, the presumption in favour of sustainable development which is set out in the Framework did apply in this case.

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