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NOTICE

OF

MEETING

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Royal Borough of Windsor & Maidenhead

MAIDENHEAD AREA DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 17TH JULY, 2019

At 7.00 pm

in the

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD

TO: MEMBERS OF THE MAIDENHEAD AREA DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS DONNA STIMSON (CHAIRMAN), LEO WALTERS (VICE-CHAIRMAN), GURPREET BHANGRA, PHIL HASELER, ANDREW JOHNSON, CHRIS TARGOWSKI, JOHN BALDWIN, MANDY BRAR, GEOFF HILL, JOSHUA REYNOLDS AND HELEN TAYLOR

SUBSTITUTE MEMBERS
COUNCILLORS DAVID CANNON, STUART CARROLL, GERRY CLARK, MAUREEN HUNT, ROSS MCWILLIAMS, GURCH SINGH, CLIVE BASKERVILLE, SIMON BOND, CATHERINE DEL CAMPO, JON DAVEY AND NEIL KNOWLES

Karen Shepherd – Service Lead - Governance - Issued: 9 JULY 2019

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Shilpa Manek** 01628 796310

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AGENDA

PART I

ITEM	SUBJECT	PAGE NO
1.	APOLOGIES FOR ABSENCE To receive any apologies for absence.	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest.	7 - 8
3.	MINUTES To confirm the part I minutes of the meeting of Wednesday 19 June 2019.	9 - 12
4.	PLANNING APPLICATION - ITEM 1 (DECISION) 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 http://www.rbwm.gov.uk/pam/search.jsp. *APP = Approval* *CLU = Certificate of Lawful Use* *DD = Defer and Delegate* *DLA = Defer Legal Agreement* *PERM = Permit* *PNR = Prior Approval Not Required* *REF = Refusal* *WA = Would Have Approved* *WR = Would Have Refused* ***Item No.****1* ***Application No.*** *18/02041/FULL* ***Recommendation*** *PERM* ***Location:*** *Site of Clivemont House Clivemont Road Maidenhead* ***Proposal:*** *Erection of 2x four storey buildings to provide 80 apartments comprising of 9 x three bed, 44 x two bed and 27 x one bed, with basement parking, refuse stores and associated landscaping including alterations to the existing site entrance.* ***Applicant:*** *Campmoss Property Ltd* ***Member Call-in:*** ***Expiry Date:*** *20 February 2019*	13 - 46

5. PLANNING APPLICATION - ITEM 2 (DECISION) 47 - 70

Item No. *2*
Application No. *18/03525/OUT*
Recommendation *PERM*
Location: *Moor Farm Ascot Road Holyport Maidenhead SL6 2HY*

Proposal: *Outline application for access, appearance, layout and scale to be considered at this stage with all other matters to be reserved for a replacement equestrian building following demolition of existing equestrian buildings.*

Applicant: *Mr Frankham*
Member Call-in:
Expiry Date: *11 June 2019*

6. PLANNING APPLICATION - ITEM 3 (DECISION) 71 - 94

Item No. *3*
Application No. *19/00148/FULL*
Recommendation *DD*
Location: *Gardner House Harrow Lane Maidenhead SL6 7NX*

Proposal: *Demolition of existing 33 x 1 bed sheltered housing and erection of 23 x 2 bed affordable homes.*

Applicant: *Mr Stritch*
Member Call-in:
Expiry Date: *19 July 2019*

7. PLANNING APPLICATION - ITEM 4 (DECISION) 95 - 110

Item No. *4*
Application No. *19/00989/FULL*
Recommendation *PERM*
Location: *Units 9 To 27 Clivemont Road Maidenhead*

Proposal: *Demolition of the existing buildings and redevelopment of the site to provide a 3,010 sqm GEA warehouse building in use class B1c/B2/ B8 with associated lorry, car and cycle parking and landscaping.*

Applicant: *Ioan Rees*
Member Call-in:
Expiry Date: *18 July 2019*

8. PLANNING APPLICATION - ITEM 5 (DECISION) 111 - 120

Item No. *5*
Application No. *19/01102/FULL*
Recommendation *PERM*
Location: *Forest Green Farm Forest Green Road Holyport Maidenhead SL6 2NN*

Proposal: *Change of use from agricultural to mixed agricultural and Equestrian use, new stable block and manege. (Part Retrospective).*

	Applicant: *Mrs Craig* ***Member Call-in:*** ***Expiry Date:*** *30 July 2019*	
9.	PLANNING APPLICATION - ITEM 6 (DECISION) ***Item No.*** *6* ***Application No.*** *19/01343/FULL* ***Recommendation*** *PERM* ***Location:*** *The Crooked Billet Westborough Road Maidenhead SL6 4AS* ***Proposal:*** *Construction of x6 dwellings with associated landscaping, amenity space and parking, following demolition of the existing building.* ***Applicant:*** *Clearview Residential Limited* ***Member Call-in:*** ***Expiry Date:*** *24 July 2019*	121 - 138
10.	ESSENTIAL MONITORING REPORTS (MONITORING) To consider the Appeals Decision Report and Planning Appeals Received.	139 - 142

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act
1985, each item on this report includes a list of Background Papers that have been relied
on to a material extent in the formulation of the report and recommendation.
The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper,
although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as
"Comments Awaited".
The list will not include published documents such as the Town and Country Planning Acts
and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance,
as the instructions, advice and policies contained within these documents are common to
the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading "Remarks".

STATEMENT OF THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect
for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.
The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

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

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

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

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

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

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

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

Prejudicial Interests

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

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

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

Personal interests

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

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

MAIDENHEAD AREA DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 19 JUNE 2019

PRESENT**:** Councillors Donna Stimson (Chairman), Leo Walters (Vice-Chairman), Phil Haseler, Johnson, Targowski, John Baldwin, Mandy Brar, Geoff Hill, Joshua Reynolds, Gurch Singh and Helen Taylor

Officers: Tony Franklin, Jenifer Jackson, Lyndsay Jennings and Shilpa Manek

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Gurpreet Bhangra. Councillor Gurch Singh was substituting.

DECLARATIONS OF INTEREST

Councillor Walters declared a personal interest for Item 2 as he is a Bray Parish Councillor. Councillor Walters took no part in the discussions and has attended the meeting with an open mind.

MINUTES

RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on 29 May 2019 were approved.

PLANNING APPLICATIONS (DECISION)

The Panel considered the Head of Planning 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.

***Item 1** **18/02601/FULL** **Maidenhead Target Shooting Club** **Braywick Park** **Braywick Road** **Maidenhead** **SL6 1BN**	**Erection of part single/part two-storey building for a special needs school, ancillary multi-use games areas, landscaping and parking.** A motion was put forward by Councillor Hill to defer and delegate the application to the Head of Planning to approve subject to the application not being called in for a decision by the Secretary of State on referral via the Planning Case Work Unit and the conditions listed in Section 3 of the panel update report, as per Officers recommendation. This was seconded by Councillor Taylor. **It was Unanimously agreed to DEFER**

	and DELEGATE the application to the Head of Planning to approve subject to the application not being called in for a decision by the Secretary of State on referral via the Planning Case Work Unit and the conditions listed in Section 3 of the panel update report. (The Panel were addressed by Mr Mike Ibbott, Applicant)
Item 4 **19/00976/FULL** **7 South Road** **Maidenhead** **SL6 1HF**	**Hip-to-gable conversion, rear L-shaped dormer and front rooflights.** A motion was put forward by Councillor Singh to grant planning permission for the proposed development. This was not seconded so the motion fell. A second motion was put forward by Councillor Hill to refuse the application as per Officers recommendation. This was seconded by Councillor Walters. A named vote was taken and nine councillors voted for the motion (Baldwin, Brar, Haseler, Hill, Johnson, Reynolds, Stimson, Taylor and Walters). Two councillors voted against the motion (Singh and Targowski). **It was agreed to REFUSE the application.** (The Panel were addressed by Mr Pete Gain, Objector and Mr Jacob Reynolds, Applicant)
Item 3 **19/00975/FULL** **7 Clifton Close** **Maidenhead** **SL6 1DF**	**Two storey front extension. Part single part two storey side/rear extension.** A motion was put forward by Councillor Hill to permit the application as per Officers recommendation. This was seconded by Councillor Brar. **It was Unanimously agreed to APPROVE the application**.
Item 2 **19/00620/FULL** **Tarbay Farm** **Tarbay Lane** **Oakley Green**	**Replacement light industrial building.** A motion was put forward by Councillor Reynolds to permit the application as per Officers recommendation with a condition added to restrict activity on the site to B1 use only. This was seconded

Windsor **SL4 4QG**	by Councillor Taylor. A named vote was taken and eight councillors voted for the motion (Baldwin, Brar, Hill, Johnson, Reynolds, Stimson, Targowski, and Taylor). Councillors Haseler and Singh voted against the motion and Councillor Walters abstained from voting. **It was agreed to APPROVE the application with an additional condition to restrict activity on the site to B1 use only.** (The Panel were addressed by Parish Councillor Julie Ann Glover, Mr Sam Eachus, Applicant and Councillor Coppinger, Ward Councillor)

ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel noted the Appeal Decision Reports and the Planning Appeals received.

The meeting, which began at 7.00 pm, finished at 8.26 pm

CHAIRMAN…….

DATE…….....

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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

MAIDENHEAD DEVELOPMENT CONTROL PANEL

17 July 2019 **Item:** 1

Application No.:	18/02041/FULL
Location:	Site of Clivemont House Clivemont Road Maidenhead
Proposal:	Erection of 2x four storey buildings to provide 80 apartments comprising of 9 x three bed, 44 x two bed and 27 x one bed, with basement parking, refuse stores and associated landscaping including alterations to the existing site entrance.
Applicant:	Campmoss Property Ltd
Agent:	Mr Douglas Bond
Parish/Ward:	Maidenhead Unparished/Belmont Ward

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

1. SUMMARY

1.1 The application site comprises some 0.4 hectares and is the site of a former office building that has been demolished. This proposed development is for 80 flatted units provided in 2x four storey buildings with flat roofs. A basement level would provide 93 car parking spaces and a further 5 spaces are provided at ground level around the site.

1.2 This application is a for a revised development following the refusal of planning permission 17/02538/FULL for 101 dwellings contained within one building up to five storeys in height. As part of planning application 17/02538/FULL the applicant provided evidence of a ten year marketing exercise that has included an agent being instructed and undertaking a marketing campaign, a website being created, an advertising board being displayed on site and other property search websites being used. As part of this previous planning application the Local Planning Authority was satisfied that the marketing evidence sufficiently demonstrated that there is no reasonable prospect of the site being used for its allocated employment use.

1.3 The planning application 17/02538/FULL, which is currently at appeal, was refused for five reasons relating to harm to the character and appearance of the surrounding area, failure to make provision for affordable housing, loss of trees, impact on highway safety and lack of an appropriate drainage strategy.

1.4 In terms of design the proposed layout and scale of the two residential buildings is considered to be acceptable. The architectural appearance lacks visual interest but any harm is considered to be limited. The scheme, if approved, would result in the loss of a number trees including two trees which benefit from a tree preservation order and are regarded as having high amenity value. This is considered to weigh against the scheme.

1.5 The proposed development is considered to provide a suitable contribution towards affordable housing and would not raise any significant issues in term of highway capacity or safety. The proposed level of parking is also considered appropriate for the form of development in this location. The proposed development is not considered to raise any significant issues in terms of impact on neighbouring amenity and would provide a suitable residential environment. The proposed development is not considered to result in any environmental impacts.

1.6 The proposed development would make efficient use of previously developed land in a sustainable location and provide 80 new residential units. Significant weight is given to this as a benefit of this scheme. It would also constitute 'windfall development' in which the NPPF (2019) states great weight should be given to the benefits of using suitable sites for such development. This too weighs in favour of the scheme.

1.7 Having due regard for the so-called 'tilted' balance the harm this scheme would have, notably that associated with the incursion into the root protection area of the adjacent TPO trees, along with the limited harm associated with the loss of employment land and the architectural approach of the proposed development, it is not considered that the adverse impacts of approving this application would significantly and demonstrably outweigh the benefits. On this basis the application is recommended for approval.

It is recommended the Panel DEFERS AND DELEGATES the decision to GRANT planning permission to the Head of Planning subject to the following:	
1.	**The conditions listed in Section 12 of this report (including any non-material changes to the recommended conditions).**
2.	**Completion of a Section 106 Legal Agreement to secure matters set out within this report to mitigate the impacts of the proposal and make the development acceptable in planning terms.**

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The application site comprises some 0.4 hectares and is the site of a former office building that has been demolished.

3.2 The application site is situated within the Cordwallis Industrial Estate. The site's surroundings are typical of a business/industrial park. The area is characterised by red brick or glazed modern office buildings that are typically two storey in height, metal clad industrial/warehouse type buildings and older terraced industrial units dating from the 1920s. The roof forms are predominantly discreet either being flat or shallow pitched. Whilst the application site is located within the industrial estate, it is located close to the Clivemont Road entrance. The site is in proximity to the residential properties located on Australia Avenue and Cookham Road and therefore also bears a relationship with the site's residential surroundings. This adjacent residential area is predominantly characterised by inter/post war dwelling houses that are two storeys in height and detached or semi-detached in form.

3.3 With reference to the planning history below, planning permission has previously been granted to construct a new office building on this site. It is understood that it is no longer viable to proceed with the approved office scheme. A number of nearby office buildings have been granted prior approval under Class O of the General Permitted Development Order to be converted to residential.

4. KEY CONSTRAINTS

4.1 The main planning constraints are as follows:

- Designated Employment Land
- Adjacent to TPO trees
- Unclassified Road

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 This is a full planning application for the redevelopment of this site to provide 80 units. The proposed units would be provided within 2x four storey buildings (some 12m to the flat roof of each building). The smaller of the two units would be located in tandem along the site. The existing access to the site from Clivemont Road would be retained and would run along the Eastern side boundary of the site.

5.2 A basement level would provide 93 car parking spaces and a further 5 spaces would be provided at ground level around the site. The basement would also provide motorbike and bicycle storage.

5.3 Amenity space is proposed in the form of courtyards. Refuse bins are proposed to be contained within Block A and an external building to the south eastern corner.

5.4 This planning application has been subject to a number of design revisions and amendments, including a number of draft revisions of the scheme. Finlay revised plans were formally submitted on the 31 May 2019. Initially this planning application proposed one large and substantial five storey building with dominant balconies and ostentatious/ surplus arch detailing. The scheme has been amended as follows:

- Two buildings are now proposed
- A reduction from 93 to 80 units.
- Reduced from 5 to 4 storeys in height.
- Simplified design approach.

5.5 The extent of the proposed revisions would usually require the applicant to submit a revised planning application. However, in the interest of expedient decision making, in this instance it is considered that the revised plans can be considered under this application. The applicants have understood that this is not the usual procedure. Moreover a more efficient manner in which the applicants could have resolved maters would have been to have entered into pre-application discussion with the Local Planning Authority in advance of submitting the application. In the future the LPA trusts the applicant will seek early and proactive engagement in line with the NPPF (2019).

5.6 The revised plans and the supporting additional information (including Design and Access Statement, sunlight and daylight assessment and revised trees and SuDs information) has been subject to a full neighbours re-consultation exercise, including the posting of an additional site notice.

5.7 The planning history considered of direct relevance is as follows:

Reference	**Description**	**Decision**
17/02538/FULL	Construction of 101 apartments comprising of x8 three bed, x60 two bed and x33 one bed with lower ground floor parking and alterations to the existing site entrance	Refused on 24.04.2018. This decision has been appealed and the hearing is scheduled to take place in Autumn 2019. The applicants planning agent has confirmed that this appeal would be withdrawn if this planning permission were approved.
The above application was refused for the following reason(s): 1. Due to the scale and height of the proposed building, the proposals represent a form of development that fails to contribute in a positive way to its surroundings and would be harmful to the character and appearance of the surrounding area contrary to saved policies DG1, H10 & H11 of the Royal Borough of Windsor & Maidenhead Local Plan (incorporating alterations) adopted June 2003, policy SP3 of the Borough Local Plan Submission Version and paragraph 64 of the NPPF. 2. The proposed development fails to make provision to contribute to the Borough's affordable housing need contrary to saved policy H3 of the Royal Borough of Windsor & Maidenhead Adopted Local Plan (incorporating alterations) adopted June 2003, policy HO3 of the Borough Local Plan Submission Version and paragraph 50		

of the NPPF.

3. The proposed development poses a threat to trees T6 and T7, as illustrated on the submitted plans, and would likely result in their loss. The loss of these trees would be harmful the character and appearance of the locality, contrary to Saved Local Plan policies N6 and DG1 of the Royal Borough of Windsor & Maidenhead Adopted Local Plan (incorporating alterations) adopted June 2003, policy NR2 of the Borough Local Plan Submission Version and paragraph 118 of the NPPF

4. The development proposals fail to make provision for footpaths of an appropriate width and this omission poses a threat to highway safety and convenience and fails to represent an inclusive scheme contrary to saved Local Plan policy DG1 Royal Borough of Windsor & Maidenhead Adopted Local Plan (incorporating alterations) adopted June 2003; the advice contained within the Lifetime Homes Design Guide, Department for Transport's guidance document "Inclusive Mobility" and Manual for Streets and RBWM's Highway Design Guide; and paragraph 64 of the NPPF .

5. The proposed development fails to incorporate an appropriate drainage strategy and thus fails to demonstrate that the proposed development would not increase the risk of flooding on site or elsewhere contrary to paragraph 103 of the NPPF.

It is understood that the applicants have appealed the above application, which is awaiting validation by the Planning Inspectorate (there is currently a significant delay for PINs to register planning appeal). At the time of writing the LPA is therefore unable to advise how the appeal may be considered.

03/41087/FULL	Demolition of existing office building and replacement with a new part 3 storey, part 2 storey office building with a basement car park.	Permitted 8th April 2004
03/40533/FULL	Demolition of existing office building and replacement with a new part 3 storey part 2 storey office building with basement car park	Refused 28th August 2003
98/33230/FULL	Insertion of a mezzanine floor.	Permitted 30th Nov 1998
91/00640/FULL	ERECTION OF A MEZZANINE FLOOR FOR STORAGE PURPOSES	Permitted 11th Feb 1992
90/00687/FULL	CHANGE OF USE FROM CLASS III LIGHT INDUSTRY TO B1	Permitted 17th May 1990

6. DEVELOPMENT PLAN

Royal Borough Local Plan

6.1 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
- NAP4 Pollution of groundwater and surface water
- R1 Protection of Urban Open Spaces
- R3 Public Open Space Provision in New Developments (provision in accordance with the minimum standard)
- R4 Public Open Space Provision in New Developments (on site allocation)
- R5 Children's playspace
- E1 Location of Development
- E2 Industrial and Warehousing Development

- E5 Loss of land in Employment Areas
- E10 Design and Development Guidelines
- H3 Affordable housing within urban areas
- H6 Town centre housing
- H8 Meeting a range of housing needs
- H9 Meeting a range of housing needs
- H10 Housing layout and design
- H11 Housing density
- T5 New Developments and Highway Design
- T7 Cycling
- T8 Pedestrian environment
- P4 Parking within Development
- IMP1 Associated infrastructure, facilities, amenities

6.2 These policies can be found at https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

7.1 This document was revised in February 2019 and 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 NPPF (2018) is a presumption in favour of sustainable development. The document, as a whole, forms a key and material consideration in the determination of any planning permission.

7.2 Paragraph 120 is of some relevance as it states that:

"Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and

b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area."

Borough Local Plan: Submission Version

7.3 Paragraphs 48 of the NPPF (2019) sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submissions Version (BLPSV) was submitted for examination in January 2018. The BLPSV does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. 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.

7.4 However and whilst submitted, the examination is currently paused and the Inspectorate has yet to reach final view on the Plan's soundness. The BLPSV policies therefore remains a material consideration in planning applications subject to the level to which it is consistent with the relevant version of the NPPF and the extent there are unresolved objections to relevant policies. Where relevant this is considered further below.

This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

7.5 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance

More information on these documents can be found at:
https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

8.1 34 occupiers were notified directly of the application and of the revised plans. A number of the surrounding business units are currently being converted into residential flats. For completeness a site notice was also placed on the site for the revised plans on the 03.06.2019.

8.2 The initial application was advertised in a local paper distributed in the borough on 26.07.2018.

8.3 No letters of representation have been received in connection with this application.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Arboricultural Officer	The proposal would be poorly integrated with the natural environment, contrary to the National Planning Policy Framework. Trees protected by a TPO merit special care including T6 and T7. The loss of trees growing within and adjacent to this site would unacceptably harm the sylvan character and appearance of the area. It would be contrary to Policy N6 of The Royal Borough of Windsor and Maidenhead Local Plan (LP) which aims for existing suitable trees to be retained, LP Policy DG1 which seeks to not harm the character of the surrounding area through the loss of important features which contribute to that character, and the National Planning Policy Framework which aims to conserve and enhance the natural environment and to take account of the character of different areas.	See section iii) Design considerations
Highway Authority	No objections subject to a parking Management Strategy and conditions	See section vii) Highway considerations and Parking Provision
Berkshire Archaeology	The site lies within an area of archaeological potential; the line of a putative Roman road runs through the site. An archaeological condition will be required.	See section ix) Environmental Considerations
RBWM Access Advisory Forum	There is no accompanying Design & Access statement and hence information about the accessibility of the 93 apartments. Policy HO2 in the emerging Local Plan sets an expectation	See section iii) Design considerations

	that 5% of dwellings in developments of more than 20 units should be built to AD Part M 4 (2) standards. In accordance with Policy HO2 there should be at least four apartments built to AD Part M 4 (2) standards.	
Environmental Protection	No objection subject to conditions including contaminated land, construction and noise impact.	See section ix) Environmental Considerations
Environment Agency	Not an application for the EA to be consulted on.	See section ix) Environmental Considerations

9. EXPLANATION OF RECOMMENDATION

9.1.1 The key issues for consideration are:
i) Background
ii) Principle of the development
iii) Design considerations
iv) Affordable Housing Considerations
v) Impact on Neighbouring Amenity
vi) Provision of a Suitable Residential Environment
vii) Highway considerations and Parking Provision
viii) Infrastructure Provision
ix) Environmental Considerations
x) Other considerations
xi) The planning balance

Issue i) Background

9.2.1 With reference to the above planning history, application 17/02538/FULL was refused on the 24.04.2018. The reasons for refusal can be summarised as:

1. The scale and height of the proposed building would be harmful to the character and appearance of the surrounding area. This was considered contrary to saved policies DG1, H10 & H11 of the Royal Borough of Windsor & Maidenhead Local Plan, policy SP3 of the Borough Local Plan Submission Version and paragraph 64 of the NPPF.

2. Insufficient provision towards affordable housing. This was considered contrary to policy H3 of the Royal Borough of Windsor & Maidenhead Adopted Local Plan, policy HO3 of the Borough Local Plan Submission Version and paragraph 50 of the NPPF.

3. The proposed development poses a threat to trees T6 and T7. The loss of these trees would be harmful the character and appearance of the locality. This was considered contrary to Saved Local Plan policies N6 and DG1 of the Royal Borough of Windsor & Maidenhead Adopted Local Plan, policy NR2 of the Borough Local Plan Submission Version and paragraph 118 of the NPPF.

4. The proposed development failed to make provision for footpaths of an appropriate width and this was considered to pose a threat to highway safety, contrary to policy DG1 of the Local Plan.

5. The proposed development failed to incorporate an appropriate drainage strategy and therefore failed to demonstrate that it would not increase the risk of flooding on site or elsewhere, contrary to para. 103 of the NPPF.

9.2.2 Officers visited the site on the 07.12.2018 and on the 10.04.2019 and it was observed that conditions on site have not changed since the previous refused application 17/02538/FULL. However some adjoining sites, including Globe House opposite are currently being redeveloped for residential purposes (granted under Class O of the General Permitted Development Order).

Policy context

9.2.3 There has been no material change in the Local Plan since the previous decision as noted above in paragraph 6.1.

9.2.4 The NPPF has been updated since the previous decision. The Updated Revised National Planning Policy Framework (NPPF) (2019) and Housing Delivery Test are a material consideration in this revised planning application. As the Council's adopted Local Plan is more than five years old, the starting point for calculating the 5 year housing land supply, for the purposes of decision making, should be the 'standard method' as set out in the NPPF (2019).

9.2.5 Paragraphs 11 of the NPPF (2019) states that:

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

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.2.6 Footnote 7 of the NPPF (2019) clarifies that, for decision-taking, policies which are most important for determining the application are out-of-date 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).

9.2.7 For the purposes of this application and based on the revisions of the NPPF (2019) the Council is currently unable to demonstrate the five year supply of deliverable housing sites that is required by the National Planning Policy Framework (the Framework). The so-called 'tilted balance' contained in paragraph 11(d)(ii) of the Framework is therefore engaged (this is discussed further in paragraphs 9.11.1 to 9.11.6). Moreover and in line with footnote 7 to paragraph 11(d) of the Framework, the development plan policies which are most important for determining the application are also therefore deemed to be out-of-date. These policies include those associated with the principle of the loss of employment land (policies E2 and E5) and policies associated with design considerations for the redevelopment of such site (policies DG1, H10, H11 and N6) contained in the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003). The reasons why these are considered to be 'most important for determining the application' are because matters regarding ensuring good design, sufficient affordable housing and the impact on trees formed a key reason for refusing the last planning application on this site.

9.2.8 The below assessment is made having due regard to the above.

Issue ii) Principle of the Development

9.3.1 As part of application 17/02538/FULL no objection was raised regarding the loss of employment land. This is because the development plan polices and those contained in the BLPSV were weighed against the NPPF (2012) and notably paragraph 22 which no longer from parts of the NPPF (2019) version. In view of the various material changes to planning policy as set out above, the principle of the loss of designated employment land will be considered in the context of the current policy framework.

9.3.2 Policy E2: Industrial and warehousing development of the current adopted Local Plan states that this employment area is allocated primarily for industrial and small scale distribution and storage uses. Policy E5: Loss of Land in Employment Areas states that the redevelopment or change of use for retail or any purpose other than a business, industrial or warehousing use will not be permitted.

9.3.3 The proposal is for the residential redevelopment of this site. Therefore the principle of the proposed development is contrary to the adopted development plan. However, as set out above, as this policy is out of date only limited weight can be attributed to this harm.

9.3.4 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that applications for development should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the scheme would not accord with the adopted development plan, and as such it is necessary to consider whether there are material considerations which would support the granting of planning permission. As set out above, as this policy is out of date only limited weight can be attributed to this harm.

9.3.5 As part of planning application 17/02538/FULL the applicant provided evidence of a ten year marketing exercise that included an agent being instructed and undertaking a marketing campaign, a website being created, an advertising board being displayed on site and other property search websites being used. The Local Planning Authority therefore satisfied that the marketing evidence sufficiently demonstrated that there is no reasonable prospect of the site being used for its allocated employment use. It was considered under application 17/02538/FULL that whilst the loss of employment land was regrettable, it was justified and, in the absence of any future employment occupier, this loss was not considered to be harmful to the local economy. At the time the previous decision was made, it was for these reasons that the proposed change of use from employment to residential was considered in the planning balance at the conclusion of this report (see section 10).

9.3.6 The previous decision reached by the LPA that there was no reasonable prospect of the site being used for its allocated employment use is considered to be a strong and material consideration which weighs in favour of the development. Given that only limited weight is given to the proposed development failing to comply with Development Plan policies ED2 and E5, the loss of the employment floor space is considered to be acceptable.

Issue iii) Design considerations

9.4.1 Policies DG1 and H10 of the Borough's adopted Local Plan seek to ensure that residential development will be of a high standard of design and landscaping, compatible with the area and street scene. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area. ED10 requires that layout of activities within economic sites, along with the design and scale of the buildings and the materials used are appropriate for the area.

9.4.2 Section 12 of the NPPF 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).

9.4.3 The NPPF further states that design quality should be considered throughout the evolution and assessment of individual proposals and encourages early discussion between applicants, the local planning authority and local community about design and style and that designs should evolve to take account of the views of the community. National policy guidance is clear that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Density

9.4.4 In terms of achieving appropriate densities the NPPF (2019) is clear that planning decisions should support development that makes efficient use of land. This is subject to a number of factors including the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change. This is also subject to

taking into account the availability and capacity of infrastructure and services, including the scope to promote sustainable travel modes that limit future car use.

9.4.5 The site is previously developed land in an urban area located relatively close to amenities, shops and services. The application site is not in a town centre location, it is however located within approximately 1 km from Maidenhead Town Centre and around 750m from Furze Platt Train station, a small 'satellite' train station. On this basis the application site can be considered to be within a relatively sustainable location, close to nearby shops, services and amenities.

9.4.6 The historic layout of the area is medium sized semi-detached or terraced two storey residential properties set out in planned residential estate layouts. The Industrial Estate sits adjacent to the residential development and is characterised by large two- three storey blocks set out in a linear layout. Some of these units have been or are in the process of being converted into residential flats thorough the provision(s) of the General Permitted Development Order (2015, as Amended). Whilst these have been undertaken under 'permitted development' they highlight that use class is changing within the vicinity. There are modern examples of flatted developments in close proximity to the site. Notably Grangewood Place, Cookham Road, which is a flatted development comprising of a two storey building with habitable accommodation.

9.4.7 The prevailing density of the area is mixed and in principle the redevelopment of this site as a flatted development would likely respond to this mixed character. This is of course subject to other design consideration including layout, height and scale.

Layout

9.4.8 The area is mixed in character with residential buildings being of a planned mid-density housing estate layout and the buildings within the industrial area allocation being large detached blocks. There is currently no permeability through this particular site.

9.4.9 In comparison to the previous refused application the layout of the proposed development has been amended to be in the form of two blocks (as opposed to one). A smaller northern block with windows typically facing north or south and a larger southern block in a 'U' shape. The access uses the existing/former access which runs parallel to the eastern side boundary. The proposed layout allows for opportunities for future connections to adjoining sites in the future depending on the redevelopment of the adjacent sites. Recommended condition 5 does seek to ensure that at least 5% of the dwellings across the application site are delivered as accessible and adaptable dwellings in accordance with Part M 4(2) standards. This is to ensure that the proposed units are accessible to those with limited mobility.

Scale and Massing and proposed architectural detailing

9.4.10 The industrial area is characterised by large blocks predominately 2-3 storeys in height. The proposed development is for two four storey flat roof buildings. Whilst the height and scale is above the prevailing character of the area, it does have articulated elements to break up the massing, the site is also largely contained form public views. The predominant elevation is that of the northern front elevation. The simplified design of the proposed blocks would certainly not fall within the definition of '*visually attractive as a result of good architecture'* as sought by paragraph 127 of the NPPF (2019) and would not contribute to uplifting the design quality of the area. However the architectural appearance is considered to have a neutral impact on the character of the area, particularly that of the wider business estate. Conditions are recommended to secure good quality material finishes in order to improve the rather bland facades of the proposed new dwellings (see condition 2).

Proposed landscaping including trees

9.4.11 The surrounding area is dominated by built form and hardstanding and displays the visual appearance of that associated with the previous (and allocated) employment use of the site. To the eastern boundary of the site is Grangewood Place, Cookham Road a residential flatted development. Within its grounds and within close proximity to the site boundaries are two protected trees (referred to as T6 and T7 in the supporting tree protection information).

9.4.12 Local Plan policies N6 and DG1 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.

9.4.13 Following a site meeting in April 2019 a revised Arboricultural Report from Consulting with Trees Arboricultural Consultants (Rev D) was submitted in support of this application. Having reviewed this information the Council's Arboricultural Officer has still raised concerns about the impact the proposed development would have on the root protection area of the protected trees on the adjoining site. The Council's Tree Officer contends that if structures (including hard surfacing) are proposed within the root protection area of a retained tree it will require an overriding justification (5.3.1 of BS5837). The Council's Arboricultural Officer also considers that it needs to be demonstrated that the tree can remain viable, the area lost to encroachment can be compensated for elsewhere contiguous with the RPA, and that mitigation measures to improve the soil environment of the tree can be implemented. The Tree Officer concludes that the retention of the TPO trees cannot be guaranteed if this proposed development is built. These trees are considered to be of high amenity value and offer greening and amenity value when viewed from Cookham Road.

9.4.14 The potential future loss of trees T6 and T7 which are afforded protection under a TPO is considered to result in significant harm which weighs against the scheme. It is considered that the amenity value of these trees outweighs the justification for the development. The proposed development is therefore considered to be contrary to Local Plan policies N6 and DG1. However as set out above in paragraph 9.2.7, as these policies are considered to be out of date only limited weight can be attributed to this harm.

9.4.15 Whilst the NPPF (2019) seeks to ensure biodiversity enhancements there are no policies which seek to specifically protect trees (apart from ancient and veteran trees).

9.4.16 The ham this would have is considered further below as part of the balancing exercise.

9.4.17 Two further trees are proposed to be removed as part of this development, located close to the proposed external bin store, also on the eastern boundary of the site but within the control of the applicant. The Council's Tree Officer also considers that the loss of these trees would result in a significant loss of amenity on the site. This is because whilst additional tree planting is shown in other locations within the development no new tree planning is proposed in the vicinity of these trees proposed to be removed. However, Planning Officers disagree with this latter assessment as the two trees proposed to be removed within the site boundary are not overtly visible from outside of the site and in any case, can be removed by the applicant at any point. The harm proposed by the loss of the two non-protected trees is considered to be limited.

Issue iv) Affordable Housing Considerations

9.5.1 Policy H3 Affordable Housing of the adopted Local Plan states that the Borough Council will seek to achieve a proportion of the total capacity of suitable residential schemes to be developed in the form of affordable housing to meet recognised need. The Council's Affordable Housing Planning Guidance provides further guidance over developments meeting an on-site 30% requirement. It also sets out that where 30% provision cannot be provided an application should be supported by a financial viability appraisal. The adopted guidance on affordable housing rounds down to the nearest whole unit. 30% on site affordable housing would equate to 24 affordable housing units being provided on site as part of this application. The tenure mix is not specified in adopted policy; this is a consideration in the BLPSV.

9.5.2 The NPPF (2019) provides clarification on the definitions of various affordable housing tenures. Paragraph 65 of the NPPF sets an expectation that 10% of homes on major development sites should be available for affordable home ownership.

9.5.3 Policy HO3 of the BLPSV sets out that residential developments of ten or more dwellings should provide 30% on site affordable housing. Given the number of unresolved objections limited weight is afforded to this policy as a material consideration.

9.5.4 Bespoke Property Consultants, on behalf of the applicants has submitted an Affordable Housing and Viability Assessment. The viability appraisal seeks to justify the development cannot viably bear any affordable housing contribution. This assessment has been independently reviewed by the District Valuers Office. The outcome of this review is that the scheme can viably make a contribution of £280,123 towards off site affordable housing provision.

9.5.5 The applicants planning agent has formally agreed to this figure and at the time of writing a draft S106 legal agreement is awaiting signing and completion. Accordingly, and in the event that permission is granted, delegated authority is recommended to the Head of Planning to ensure this is completed in advance of any permission being issued.

Issue v) Impact on Neighbouring Amenity

9.6.1 There are no specific policies in the adopted Local Plan regarding protection of neighbour amenity. Paragraph 127 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

9.6.2 No previous objections were raised on amenity grounds for the redevelopment of this site under planning application 17/02538/FULL. It was considered that the separation distances to boundaries/ adjacent properties was sufficient to maintain a suitable level of amenity for the occupants of adjoining properties. It is not considered that the revisions proposed under this application nor the conversion of some of the adjoining buildings from offices to residential would raise any further substantive reasons to raise concerns in this regard. It was further concluded that given the business use and the fact that the site could reasonably accommodate a commercial building in the future, the proposed development was not considered to lead to an increased level of noise and disturbance that would warrant the refusal of planning application 17/02538/FULL on these grounds. This position remains the same for this current application.

9.6.3 It is noted that the Council's Environmental Protection Team have requested a noise assessment as the proposed development could affect adjoining buildings. The impact of the operations of the adjoining business park on the proposed residential development is considered further below in paragraph 9.7.7 which has due regard for the revisions in the NPPF (2019) not considered under the assessment of the former planning application.

Issue v) Provision of a Suitable Residential Environment

9.7.1 There are no specific policies in the adopted Local Plan regarding provision of a suitable residential environment. Paragraph 127 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. The government has also published Technical Housing Standards- nationally prescribed space standards (2015) which sets out guidance on floor space requirements for new developments.

9.7.2 All of the proposed units are of a sufficient internal floor space to accord with the Nationally Described Space Standards (2015).

9.7.3 Proposed new residential development should provide an appropriate level of lighting, outlook and amenity to all habitable rooms and be of a suitable space standard. Developments are also expected to enhance existing landscaping and allow visual interest and amenity.

9.7.4 In relation to sunlight and daylight, a 'Daylight and Sunlight Study' prepared by Right of Light Consulting (dated May 2019) has been submitted in support of this planning application.

9.7.5 In terms of sunlight, 24 out of the 80 apartments (I.e 30% of the proposed units) only have north facing living rooms, the recommended guidance is 20% of all living rooms (however corner units

do benefits form dual aspect). However in terms of daylighting the report demonstrates that all rooms meet or surpass the BRE Average Daylight Factor targets. In view of this and the current policy framework it is considered that the development would provide suitable levels of lighting for future occupiers.

9.7.6 A large internal bin store is proposed to the northern block and a smaller external bin store, to the eastern corner of the application site. This is considered sufficient to accommodate the refuse associated with this proposed development.

Noise

9.7.7 Paragraph 180 of the NPPF (2019) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes avoiding noise giving rise to significant adverse impacts on health and the quality of life. It is not considered that the proposed residential use in a (now) mixed use estate of business and residential uses would cause unacceptable noise and disturbance to adjoining uses.

Open Space

9.7.8 Current Local Plan policies R3 and R4 require on site open space. This sets out that 15% of the application site should be provided as open space. The proposed open space area would comply with this requirement. The proposed layout further demonstrates that the majority of upper floor units would benefit from private balconies. The On this basis the proposed level of on-site open space is considered appropriate for this form of development.

Issue vi) Highway considerations and Parking Provision

9.8.1 Policy TF6 of the adopted Local Plan states that all development proposals will be expected to comply with the Council's adopted highway design standards.

9.8.2 The NPPF (2019) states that developments should promote opportunities for sustainable transport modes that can (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.

9.8.3 The NPPF (2019) is clear that proposals should be designed to give priority to pedestrian and cycle movements having due regard for the wider areas and design access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.

Access, egress and highway safety

9.8.4 The NPPF states at paragraph 109 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.'

9.8.5 The development will be served by the existing access from Clivemont Road which was previously used in connection with the Employment use of the site. It is not considered that the proposed use would result in an increase in vehicle movements over the lawful use of the site. The proposed development would therefore not have a greater impact in terms of highway capacity. However the development would lead to a change in travel patterns with a reversal of flows in/out of the site during the morning and evening peak periods. The Highway Authority has reviewed this application and concluded that given the site's location, traffic would be widely

dispersed on the highway network to the extent that the impact on local road junctions would not be significant.

9.8.6 The submission is accompanied by a plan showing that there is sufficient room within the site to accommodate the turning manoeuvres of a typical refuse vehicle currently used by the Borough.

9.8.7 The proposed development is therefore considered to be acceptable in terms of highway capacity and safety grounds.

9.8.8 The Highway Authority has recommended the submission of a Construction Management Plan. Given the size of the site and as the site is not accessed from a main road it is not considered that there are any reasons or justifications for the submission of one as part of this application. Any obstructions to the highway are dealt with under separate legislation.

Parking Provision

9.8.9 The Council's Parking Strategy (2004) sets out the Council's recommended parking provision for new developments and further advises that half of the relevant parking provision standards are required for sites within the 'Areas of Good Accessibility' which is defined as sites within 800 metres distance from a rail station with regular (half hourly or better) train services. The site is located some 1.5km (1500m) from Maidenhead Railway Stations and 700m from Furze Platt Railway Station (the latter being a satellite train station which is not served by regular train service).

9.8.10 Therefore, and in accordance with the Council's guidance, the parking standards for this development would be 133 parking spaces. In terms of parking provision the proposed development would provide a total of 98 spaces (93 spaces in the basement and a further 5 at ground level). The proposed parking provision for this scheme is therefore 35 spaces below the Council's maximum guidance on these matters.

9.8.11 The NPPF is clear 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, or for optimising the density of development in city and town centres and other locations that are well served by public transport…."

9.8.12 Given these competing material considerations it is considered that lesser weight should be given to the Parking Strategy (SPD) due to it not fully complying with the NPPF. However the emphasis of the NPPF is to ensure that parking provision on sites in less accessible locations is not artificially constrained.

9.8.13 It is also worth highlighting that this site remains within 1 mile of a mainline train station in a well-connected and sustainable location. On this basis it is considered that the proposed 98 car parking spaces for a development of 80 units (i.e. more than one parking space per unit) is an appropriate level of parking provision in this location.

9.8.14 The Highway Authority has also requested a car parking management plan, describing how the parking spaces are to be allocated as well as the measures proposed to prevent commuters and shoppers parking along the estate road. The proposed parking would be contained within the application site and provide sufficient parking for at least one space per unit. It is not reasonable for the LPA to secure how this parking is maintained. Furthermore, the Estate Road falls outside of the redline of the application site and not within the applicants ownership or control and it is not reasonable to seek details of how parking prevention in such area are secured though this application.

9.8.15 In terms of proposed cycle storage 80 cycle spaces are shown in the proposed basement, which complies with the Council's standards. Further details regarding the type of rack system can be secured with by way of condition (see recommended condition 9). There are some further concerns about the access and the forms of cycle rack system proposed. However as part of

details to discharge conditions it will be expected to be shown that the doors from the ground floor are of size which can accommodate a bicycle through all doors towards the proposed basement. 12 motorcycle spaces are also proposed.

Issue vii) Infrastructure Provision

9.9.1 The Council published its Infrastructure Delivery Plan (IDP) in January 2018 which sets out the infrastructure needed to support the development coming forward in the Borough over the Plan period (including social infrastructure) and how this will be funded. However, as this site is proposed to be allocated as an Industrial Area and not for a residential scheme, the proposal would result in greater demand on infrastructure over and above that which has been accounted for as part of the Plan making process.

9.9.2 A key mechanism for funding infrastructure is the Community Infrastructure Levy (CIL) which the Council adopted in September 2016. This levy is to fund the infrastructure required to support development across the Borough. For residential development in the area it is set at £100 per square metre (net increase of floor space). CIL is effectively a pool of contributions which is used in order to fund infrastructure to support new development across the Borough. The proposed development would generate CIL receipts in the region of £520,000.

Issue viii) Environmental Considerations

Ground contamination

9.10.1 Policy NAP4 of the Borough Local Plan seeks to ensure that development will not pose an unacceptable risk to the quality of groundwater.

9.10.2 Given the evidence associated with the former use there is significant potential for contaminated land. In order for a housing development to be safely developed on this site, remediation may be required and as there is currently no buildings on site evidence regarding contaminated land and remediation will be required prior to the commencement of the development (i.e. any further works below ground slab level). Recommended condition 14 provides for this.

Impact on Air Quality

9.10.3 In terms of Air Quality there are no specific Development Plan policies regarding air quality. The NPPF 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. However, the site is outside of the Air Quality Management Area. As confirmed by the Council's Environmental Protection Team the location and size of the proposed development and the distance from Maidenhead AQMA are such that it is reasonable to expect that the risk of a significant air quality effect would be low.

9.10.4 On this basis it is not considered that there is any policy basis to request any additional information in this regard.

Sustainable Urban Drainage

9.10.5 Paragraph 165 of NPPF states that all 'major' planning applications must incorporates 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.

9.10.6 In accordance with The Flood 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 (including the additional information submitted during the course of the application).

9.10.7 The LLFA has considered the proposal and the applicants Sustainable Urban Drainage information submitted as part of this planning application, along with the additional information submitted during the course of the application and confirmed that in principle there is no objection to the scheme. In the event that planning permission is forthcoming it is considered both reasonable and necessary for a pre-commencement planning condition requiring submission of full details of the proposed surface water drainage system and its maintenance arrangements to be imposed. This is set out in recommended condition 15.

Ecology and biodiversity considerations

9.10.8 Paragraph 170 of the NPPF 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.

9.10.9 No Ecology Assessment has been submitted in connection with this planning application. However, the site has been cleared and appears to be of limited biodiversity value. Proposed biodiversity enhancements can be secured by way of condition (see condition 17).

Sustainability and Energy

9.10.10 New development is expected to demonstrate how it has incorporated sustainable principles into the development including, construction techniques, renewable energy, green infrastructure and carbon reduction technologies. The Council's Sustainable Design and Construction SPD provides further advice on these matters.

9.10.11 The NPPF 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.

9.10.12 No information associated with incorporating sustainable principles has been submitted as part of this application and this weighs against the proposed development. However, in the event permission is forthcoming, a condition could likely secure that this be provided as part of the proposed development (see condition 16).

Archaeological matters

9.10.13 Paragraph 141 of the NPPF states that local planning authorities should:

'*require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'*.

9.10.14 An archaeological desktop assessment has not been submitted in connection with this application. Berkshire Archaeology has been consulted on this planning application and has advised that the site lies within an area of archaeological potential; the line of a putative Roman road runs through the site. They have advised that a condition will ensure the satisfactory mitigation of any impacts upon buried archaeological remains and record the significance of any heritage assets in accordance with national and local planning policy. A pre-commencement condition regarding a programme of archaeological works is therefore recommended. This condition will have to be pre-commencement as the existing buildings on site have been cleared and works will be required in advance of any further demolition or site clearance below the existing ground slab level (see condition 6).

Issue ix) Other Material Considerations

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

c) For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

9.11.2 In terms of the housing development, footnote 7 of the NPPF (2019) clarifies that:

'out-of-date policies 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..).'

9.11.3 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hyr hls) is the 'standard method' as set out in the NPPF (2019).

9.11.4 At the time of writing, the Council is able to demonstrate 4.74 years of housing land supply. Therefore, for the purpose of this planning application the LPA cannot currently demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

9.11.5 Footnote 6 of the NPPF (2019) then further clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where 'policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'. The site is not subject to such 'restrictive policies.'

9.11.6 The LPA therefore accepts, for the purposes of the consideration of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, that the so-called 'tilted balance' is engaged.

9.11.7 In respect of economic benefits, it is acknowledged that future residents of the development would make use of local services and spend in local shops. However, as the scheme is for 80 units the impact of this additional spend in the local economy would be limited. The scheme would also result in direct and indirect employment and create a demand for building supplies during the construction phase. Due to the short-term nature of these benefits, this can only be given limited weight.

10. CONCLUSION AND PLANNING BALANCE

Conclusion

10.1 The principle of the loss of this employment land is contrary to relevant Development Plan policies, however, as set out above only limited weight can be given to the application of these policies. The previous decision on this site in 2018 agreed the principle of the loss of employment land. This is considered a strong material consideration. In view of this it is considered that any harm regarding the loss of employment land would be limited.

10.2 In terms of design the proposed layout of the two residential buildings is considered, on balance to be acceptable. Whilst the height and scale is considered to be greater than buildings in the surrounding area, given the sites location and reductions made as part of this scheme, the height

and scale is considered to be acceptable. The architectural appearance lacks visual interest but given the character and appearance of the area any harm is considered to be limited.

10.3 In terms of the impact on the TPO trees, the applicants have sought to justify the development would employ suitable tree protection measures to retain the TPO trees (which are located on the adjoining site). The Council's Arboricultural Officer has a number of concerns regarding the impact the development would have on these trees and considers that their long term retention cannot be guaranteed as part of this proposed development. The scheme, if approved, would therefore result in the loss of a number trees, including two trees which benefit from a tree preservation order and are regarded as having high amenity value. This is considered to weigh against the scheme and would be contrary to policies DG1 and N6 of the Local Plan. However for reasons set out above, given these policies are considered to be out of date only limited harm can be attributed to this conflict with these development plan policies.

10.4 The proposed development is considered to provide a suitable contribution towards affordable housing and would not raise any significant issues in term of highway capacity or safety. The proposed level of parking is also considered appropriate for the form of development in this location. The proposed development is not considered to raise any significant issues in terms of the impact on neighbouring amenity and would provide a suitable residential environment. The proposed development is not considered to raise any environmental impacts or issues.

Planning balance

10.5 As set out in paragraphs 9.11.1 to 9.11.6 for the purpose of considering this planning application the Council cannot currently demonstrate a rolling five years housing land supply against the NPPF (2019) and in this instance the so-called tilted balance is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

10.6 The proposed development would make efficient use of previously developed land in a sustainable location and provide 80 new residential units. Significant weight is given to this as a benefit of this scheme. It would also constitute 'windfall development' in which the NPPF (2019) states great weight should be given to the benefits of using suitable sites for such development. This too weighs in favour of the scheme.

10.7 Against this the proposed development would result in the loss of employment land, the harm of which is considered limited. The architectural approach proposed, whilst not considered to 'uplift' the design quality of the area is considered to only have limited harm. As part of the proposed development the long term retention of the TPO trees at the adjacent site cannot be guaranteed as part of this proposed development. However, for reasons set out above only limited weight can be attributed to this harm.

10.9 Therefore and having due regard for the tilted balance it is not considered that the adverse impacts of approving this application would significantly and demonstrably outweigh the identified significant benefits, when assessed against the policies in the NPPF (2019) taken as a whole. This material consideration indicates that the application should be permitted.

10.10 On this basis the application is recommended for approval.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Ground floor and second floor of proposed development
- Appendix C – Proposed elevations
- Appendix D – Indicative visual representatives

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

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

2 No development above the existing ground floor slab level shall take place until samples of the materials to be used on the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Royal Borough of Windsor and Maidenhead Local Plan Local Plan DG1 and the National Planning Policy Framework (2019).

3 No development above the existing ground floor slab level shall take place until full details of hard and soft landscaping works (including walls gates and fences) have been submitted to and approved in writing by the Local Planning Authority.

Any approved soft and hard landscaping works, including tree planting shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details.

If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written permission 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 and the National Planning Policy Framework (2019).

4 Prior to the commencement of the development above ground floor slab level a copy of the application for the Secured by Design Award Scheme and the written response from the Design out Crime Officer and/or a Secured by Design Consultant setting out the schemes compliance shall be submitted to the Local Planning Authority. Prior to occupation of the relevant building hereby approved the applicant shall submit a copy of the Secured by Design certificate for compliance to the Local Planning Authority and all proposed measures shall be implemented and maintained.
Reason: To ensure that the development achieves the secured by design award scheme to create safe and secure environments and reduce opportunities for crime in accordance with the NPPF (2019).

5 Prior to any works above basement level the applicant shall submit information to demonstrated how an overall total of at least 5% of the dwellings across the application site are to be delivered as accessible and adaptable dwellings in accordance with Part M 4(2) standards. Thereafter, the development shall be carried out in accordance with these approved details.
Reason: To ensure suitable provision is made for those with limited mobility and disabilities to reflect the needs of the Borough as set out in policy HO2 of the emerging Borough Local Plan and the National Planning Policy Framework (2019).

6 No development below the existing ground level shall take place until the applicant has secured the implementation of a programme of archaeological works, in accordance with a written scheme of investigation, which has been submitted and approved by the Local Planning Authority
Reason: The site lies within an area of archaeological potential; the line of a putative Roman road runs through the site. The Condition will ensure the satisfactory mitigation of any impacts upon buried archaeological remains and record and advance understanding of the significance of any heritage assets in accordance with national and local planning policy.- Local Plan ARCH2, ARCH3, ARCH4 and the National Planning Policy Framework (2019).

7 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained as approved.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1 and the National Planning Policy Framework (2019).

8 No part of the development shall be occupied until vehicle parking and turning space has been

provided, surfaced and marked out in accordance with the approved plans. 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 in accordance with the National Planning Policy Framework (2019) and Local Plan policy T5.

9 No part of the development shall be occupied until secure cycle parking facilities have first been provided on site in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport and encourage sustainable modes of transportation in accordance with the National Planning Policy Framework (2019) and Local Plan policies T7 and DG1

10 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
Reason: To enable satisfactory refuse collection to take place in the interests of highway safety and convenience, to ensure effective waste collection services and to maximise recycling. Relevant Policies - Local Plan DG1 and the National Planning Policy Framework (2019).

11 Notwithstanding the approved plans or any indication given otherwise, in the event that any external ventilation equipment is to be installed in association with the proposed basement, this shall first be submitted to and approved in writing by the local planning authority prior to the construction of the development above ground floor slab level. Such equipment shall be installed and retained as approved and shall be maintained in good working order at all times.
Reason: To protect users of the car park from a build-up of vehicle fumes. Relevant Policies - Local Plan NAP3, along with the National Planning Policy Framework (2019).

12 No development above Ground Finish Floor Level of the relevant residential building hereby approved shall take place until a full implementation and management strategy of the acoustic and noise attenuation measures for the residential units has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
Reason: The site is in a mix use location where employment uses take place. The proposed development should not compromise the existing employment generating uses within the area. Relevant Policies - Local Plan NAP3 and the National Planning Policy Framework (2019)

13 Prior to any occupation an external lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented before any of the external lighting is brought into use and thereafter the lighting shall be operated in accordance with the approved scheme and maintained as operational. The scheme shall include the following:
i) The proposed design level of maintained average horizontal illuminance for the site.
ii) The proposed vertical illumination that will be caused by lighting when measured at windows of any properties in the vicinity.
iii) The proposals to minimise or eliminate glare from the use of the lighting installation.
iv) The proposed hours of operation of the light.
Reason: To ensure the development contributes to the visual amenities of the area and in the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Local Plan DG1 and the National Planning Policy Framework (2019).

14 No development (other than demolition to ground floor level i.e. excluding the removal of floor slabs and below ground foundations) shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site area shall be submitted to and approved, in writing, by the local planning authority: a. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- a survey of the extent, scale and nature of contamination;
- as assessment of the potential risks to:

human health
property (existing or proposed) including buildings, crops, livestock, adjoining land,
groundwater and surface waters,
ecological systems,
archaeological sites and ancient monuments:
- an appraisal of remedial options, and proposal of preferred option(s).

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

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

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

d. Reporting Unexpected Contamination In the event that contamination is found at anytime when carrying out the approved development that was not previously identified, work must stop and it must be reported immediately by telephone and in writing to the Local Planning Authority within 2 working days. 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.

e. Long Term Monitoring and Maintenance
A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of (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 and the National Planning Policy Framework (2019).

15 Prior to any works below ground a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
i) A demonstration of compliance with the appropriate Non-statutory Technical Standards for Sustainable Drainage Systems;
ii) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels, and relevant construction details.

iii) Full calculations demonstrating that the 1 in 100 year plus climate change design standard can be achieved, by the proposed surface water drainage system, based on infiltration rates determined by intrusive ground investigations on the site, undertaken in accordance with BRE Digest 365.
iv) Full details of the maintenance arrangements for the development, covering every aspect of the proposed surface water drainage system.

The approved surface water drainage system shall be implemented in accordance with the approved detailed design prior to the first occupation of the development and maintained thereafter.
Reason: To ensure the proposed development is safe from flooding and does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), its associated guidance and the Non-Statutory Standards for Sustainable Drainage Systems.

16 Prior to the commencement of any works above slab level details of measures to incorporate sustainable design and construction shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be completed and maintained in accordance with these approved details.
Reason: No indication has been provided of what sustainability measures will be incorporated into the proposal and as such it is necessary to ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Requirement 1 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009), along with the National Planning Policy Framework (2019).

17 Prior to any occupation of the development details of biodiversity enhancements relating to the development as a whole shall be submitted to and approved in writing by the Local Planning Authority. This shall include a schedule of undertaking that the proposed works and maintenance and management of these areas shall accord with the proposed landscaping works set out in condition 3. Thereafter the works shall be carried out entirely in accordance with these approved details.
All agreed biodiversity enhancements shall be undertaken and maintained in accordance with an agreed management plan.
Reason: In the interest of biodiversity enhancements as required by the National Planning Policy Framework (2019).

18 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

19 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
LC-2667-01_Rev C_ Ground Floor Plan. Landscape Plan
2019_CH_1_Rev Z_ Proposed Site Plan
2019_CH_30_rev J_ Proposed Site Plan with Existing Trees
2019_CH_2_Rev P_ Proposed Underground Car Parking
2019_CH_3_Rev Y_ Proposed Ground Floor Plan
2019_CH_4_Rev Y_ Proposed First Floor Plan
2019_CH_5_Rev V_ Proposed Second Floor Plan
2019_CH_6_Rev V_ Proposed Third Floor Plan
2019_CH_9_Rev R_ Proposed Roof Plan
2019_CH_7 Rev A_ Proposed Bin Store No1. Details
2019_CH_8_ Rev A_ Proposed Bin Store N02 . Details
2019_CH_10_Rev R_ Proposed East Elevation
2019_CH_14_Rev i_ Proposed West Elevation

2019_CH_15_Rev J_ Proposed North Elevation
2019_CH_16_Rev K_ Proposed South Elevation
2019_CH_18 _Rev B Proposed Sections D-D & E-E.
2019_CH_19_Rev B Proposed Sections F-f, G-G, H-H, & I-I.

All received by the Local Planning Authority on 29/05/2019 and uploaded onto the public register on the 31.05.2019

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

Informatives

1 With reference to condition 2 (sample of materials) in all instance the materials provided shall include the following: a) Brickwork Panel(s), Sample panel(s) of brickwork showing the typical facing brick(s), method(s) of bonding and colour of pointing to be used for external surfaces of the development. The sample panel shall be erected on site and maintained there during the course of construction. Details submitted shall broadly accord with the details set out in the York Road Design and access Statement Addendum August 2018.

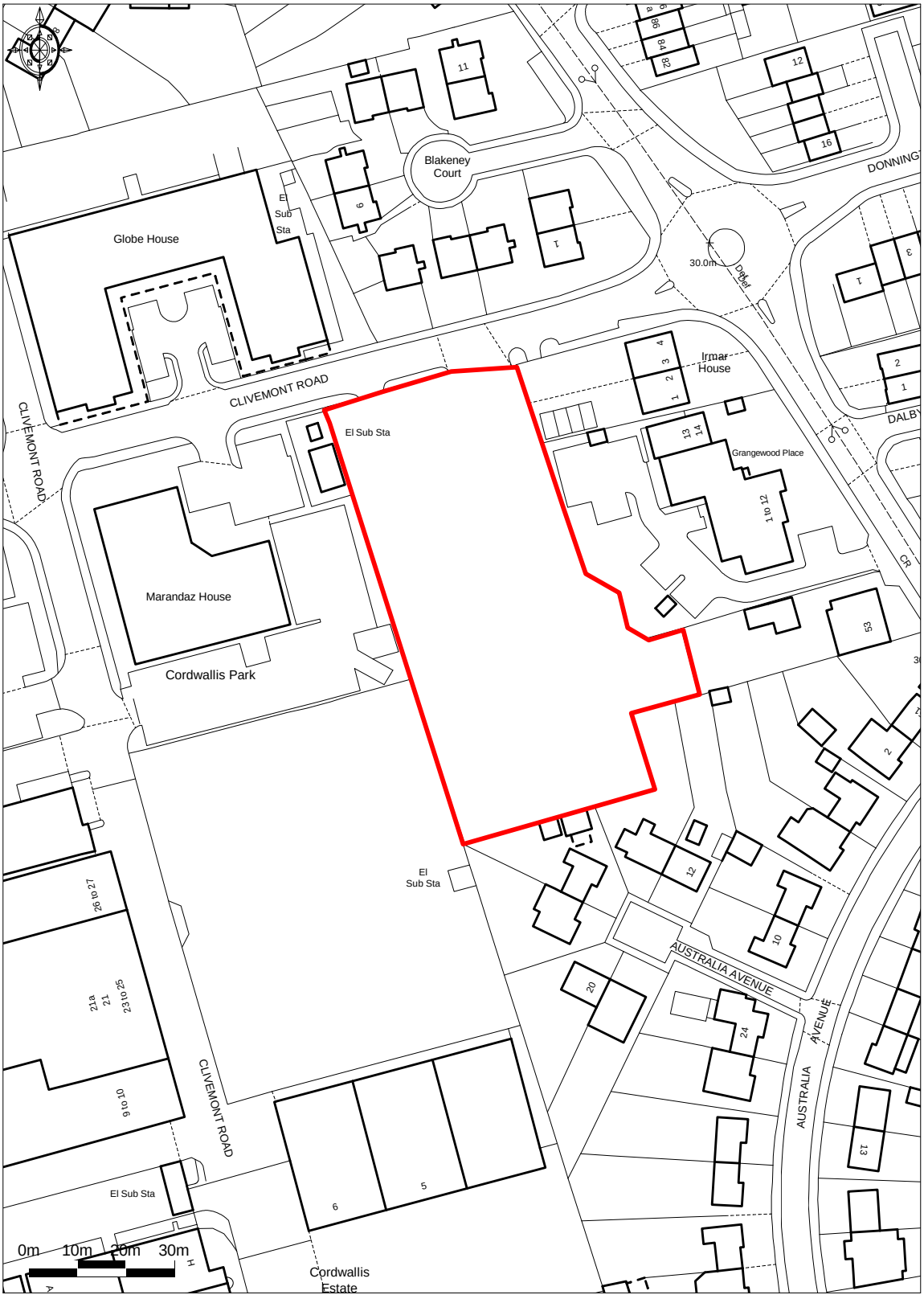
2 The applicant(s) are advised that applications for the discharge of conditions application can take up to 8 weeks. Such timeframes should be taken into account as part of the construction process. This will be longer if applicant(s) wish to submit additional information and/or revisions amendments to overcome issues and concerns raised. The Local Planning Authority will expect agreements to extend the timeframe to consider discharge of conditions application where an applicant wishes to submit additional information and/or revisions amendments. Early engagement is encouraged to prevent lengthy delays

3 With reference to condition(s) regarding Landscaping the information submitted in connection with the discharge of this condition should include.
The soft landscape package should include tree planting plan, detail planting plan and schedules.
The provision for watering for the maintenance of the soft areas. It should be an in ground type of watering point which is vandal proof.
Hand landscape plans will include complete paving specification of various paving elements, including make, thickness, colour etc. Material samples should be provided under a condition.
The landscape proposal will need to include SUDs/ drainage details.
landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority.

4 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk

5 The Borough's Highway Manager at RBWM, Town Hall, St Ives Road, Maidenhead, SL6 1RF should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.

SITE LOCATION PLAN



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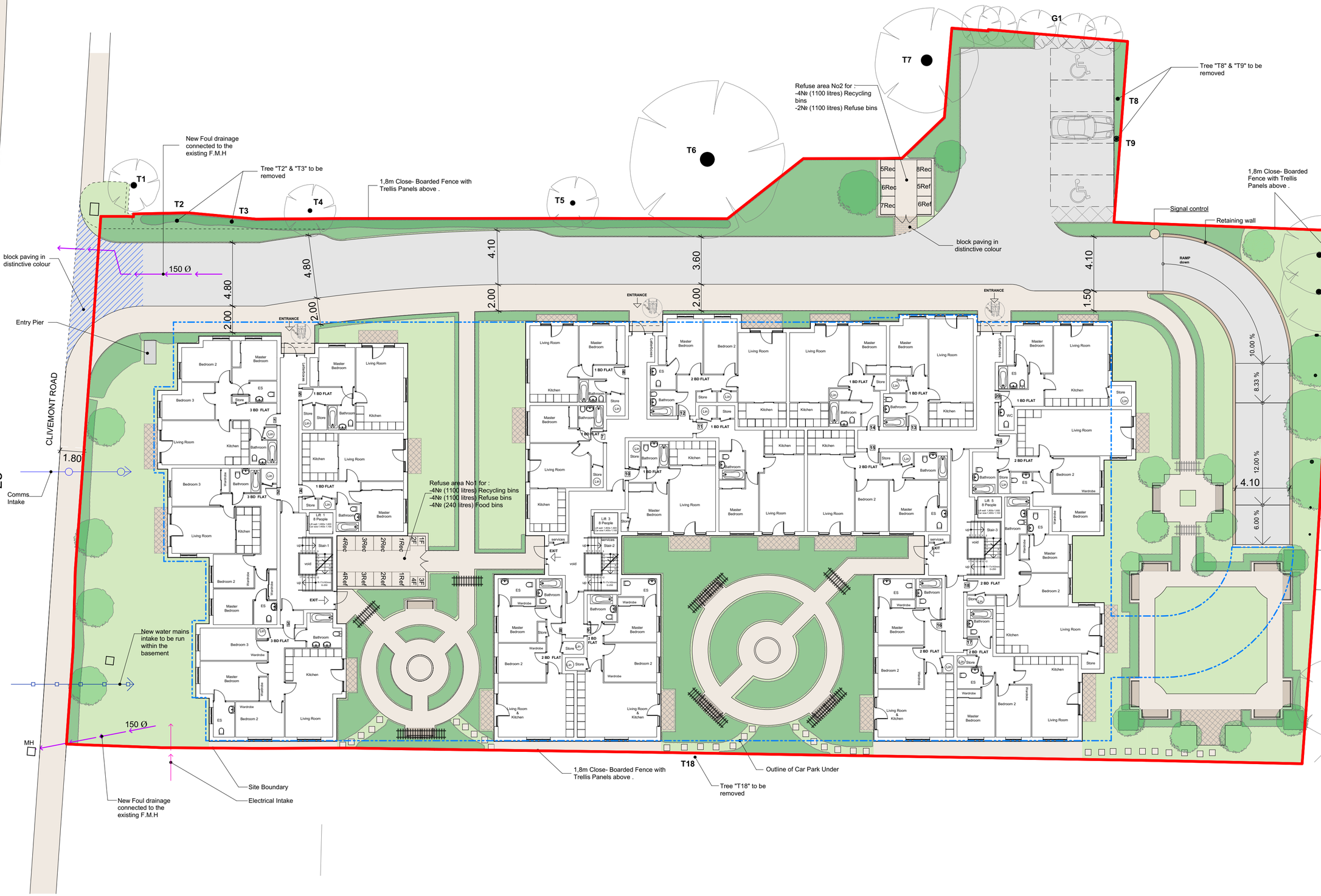


PROPOSED SITE PLAN

Scale:
0 1 2 3 4 5

No	date	revision
Z	23.05.2019	Layout updated
Y	25.04.2019	Layout updated
X.5	25.04.2019	Layout updated
X.4	03.04.2019	Layout updated
X.3	29.03.2019	Layout updated
X.2	14.03.2019	Layout updated
X.1	26.02.2019	Layout updated
X	22.02.2019	Layout updated
W	31.01.2019	Layout updated
V	22.10.2018	Electrical Intake and Comms Intake , Water mains intake notes added
U	31.08.2018	Footpath width changed
T	03.07.2018	Basement floor plan outline updated
S	27.06.2018	Basement floor plan outline updated
R	14.06.2018	Notes added
Q	13.06.2018	Layout updated. Footpath width changed.
P	24.05.2018	Layout updated. Footpath width changed.
O	24.07.2017	Layouts of flats updated
N	06.06.2017	Patio door relocated in Flat N18
M	03.03.2017	Layout updated
L	28.02.2017	Notes added
G	19.10.2016	Notes added
F	18.06.2016	Sections added
E	07.06.2016	Ground Floor Plan updated
D	03.11.2015	Layout updated
C	15.07.2015	Layout updated
B	19.05.2015	Layout updated
A	20.03.2015	Drawing updated

Project
Clivemont House
Clivemont Road,
Maidenhead, SL6 7BZ

Drawing Title
Proposed Site Plan

Campmoss Property Ltd
phone 01344 425988
fax 01784 439157
email ed.goodwin@deepwood.co

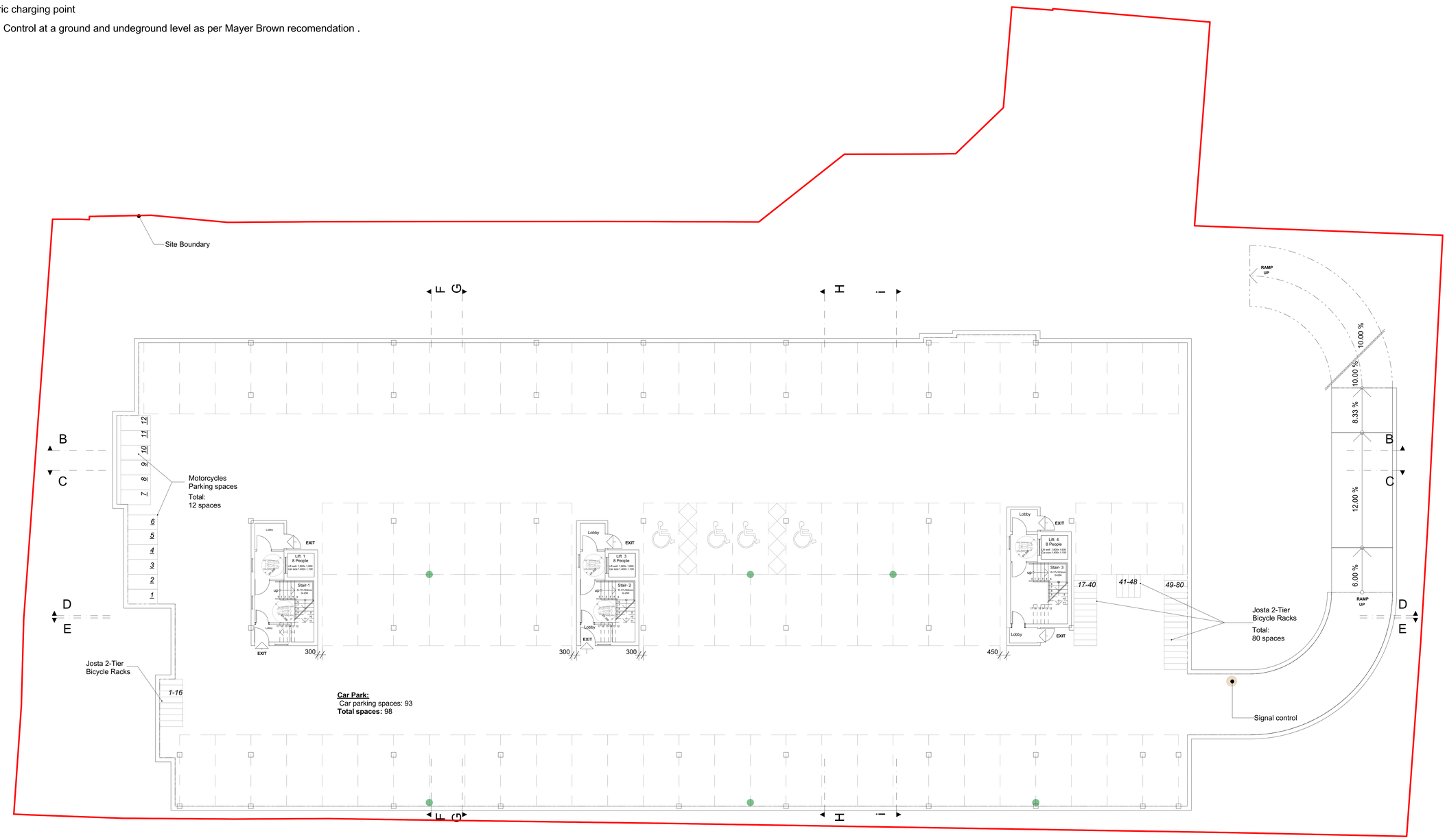
scale 1:200 @ A2
date 23 May 2019
Drawn by TK

2019 / CH /1
rev **Z**

Note:

Lighting in car park to be provided with min 300 Lux and to be time clock controlled with PIR censors.
Floor in car park to be a power floated concrete with smooth finish.
Walls to be painted , ceiling to be exposed concrete with fire protection to all structural elements.

- Electric charging point
-Signal Control at a ground and undeground level as per Mayer Brown recomendation .



Car Park:
Car parking spaces: 93
Total spaces: 98

UNDEGROUND CAR PARKING

Scale:
0 1 2 3 4 5

N

P	24.05.2019	Layout updated
O	02.05.2019	Layout updated
N	03.04.2019	Layout updated
M	14.03.2019	Layout updated
L	22.02.2019	Layout updated
K	31.01.2019	Layout updated
J	04.07.2018	notes updated
I	03.07.2018	layout & notes updated
H	27.06.2018	layout & notes updated
G	25.05.2018	layout & notes updated
F	24.07.2016	layout updated
E	06.06.2016	Sections added
D	18.06.2016	Sections added
C	07.06.2016	Ramp levels added. Notes added. Signal control added. Stair N3 layout changed. Lift at Stair N1 removed
B	19.05.2015	Layout updated
A	20.03.2015	Drawing updated

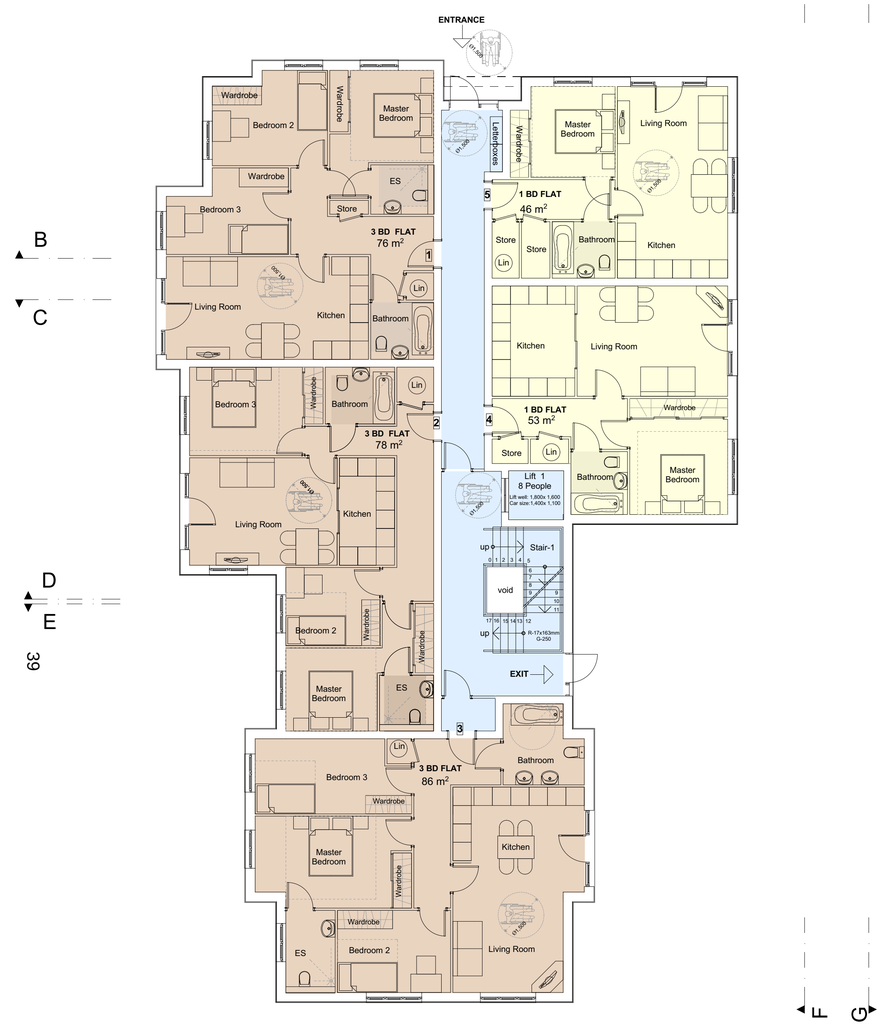
No	date	revision

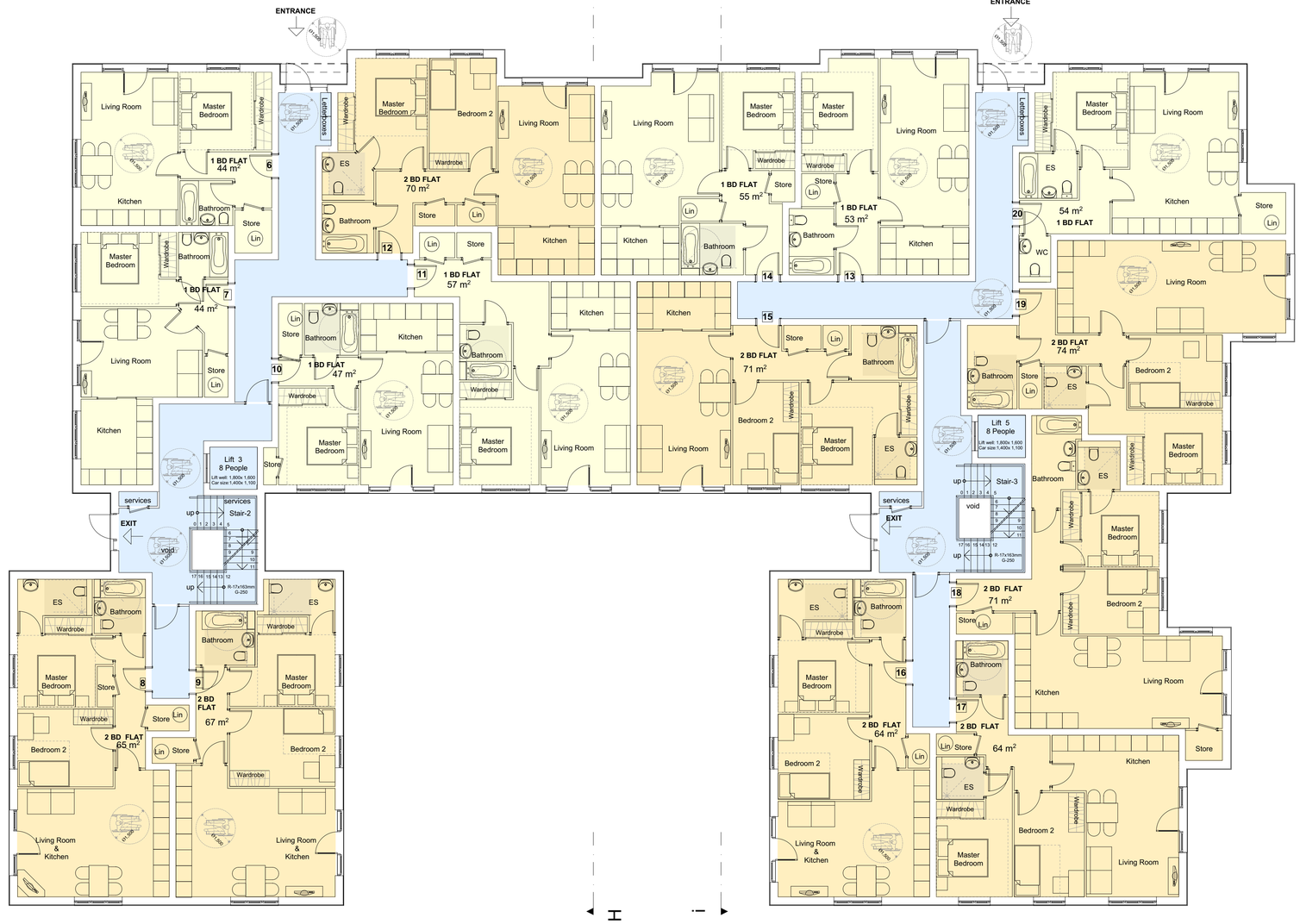
Project
Clivemont House
Clivemont Road,
Maidenhead, SL6 7BZ

Drawing Title
Proposed Underground Car Parking

phone 01344 625988
fax 01784 625107
email ed.goodwin@tetlepenod.co
Campmoss Property Ltd

scale	1:100 @ A0	date	24 May 2019
		Drawn by	TK
2019 / CH /2		rev	P



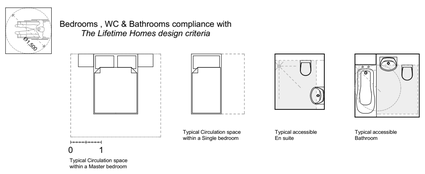


Legend to Floor Plan Areas:

	1 Bedroom Flat	No 9
	2 Bedroom Flat	No 8
	3 Bedroom Flat	No 3
	Communal Area	

Total :20 Flats

Note:
Design to comply with the current Building Regulations part Q (Security-Dwelling) and Secure by Design`s New Homes 2014 & Lifetime Homes Design.



GROUND FLOOR PLAN

Scale:

0 1 2 3 4 5

N

No	date	revision
Y	24.05.2019	Layout updated
X	25.04.2019	Layout updated
W	03.04.2019	Layout updated
V	14.03.2019	Layout updated
U	22.02.2019	Layout updated
T	31.01.2019	Layout updated
S	24.10.2018	Layout updated
R	27.06.2018	Layout updated
Q	24.07.2017	Layout updated
P	18.07.2017	Layout updated
O	04.07.2017	Layout updated
N	06.06.2017	Patio door and a window in a living room at Flat N18 relocated
M	03.03.2017	Layout updated
L	28.02.2017	Floor Plan updated
G	19.10.2016	Floor Plan updated
F	18.06.2016	Sections added
E	07.06.2016	Floor plan updated
D	20.03.2015	Drawings updated
C	13.03.2015	Drawings updated
B	12.03.2015	Drawings updated
A	12.03.2015	Drawings updated

Project **Clivemont House**
Clivemont Road,
Maidenhead, SL6 7BZ

Drawing Title
Proposed Ground Floor Plan

phone 01344 425988
fax 01784 439157
email ed.goodwin@deepwood.co
Campmoss Property Ltd

scale 1:100 @ A1
date 24 May 2019
Drawn by TK
2019 / CH /3
rev Y

Living Room & Kitchen
Bedroom 2
Wardrobe
2 BD FLAT 71 m²
61
ES
Master Bedroom
Bathroom
Store
Lin
Bedroom 3
3 BD FLAT 78 m²
62
Living Room
Kitchen
Roof acces
Stair-1
up
R-17x163mm G-250
Lift well: 1,800x 1,600 Car size:1,400x 1,100
Bedroom 2
Master Bedroom
63
Bathroom
3 BD FLAT 91 m²
Kitchen
Bedroom 3
store
Living Room
ES
Bedroom 2
Master Bedroom
65
2 BD FLAT 67 m²
Store
Kitchen
Bathroom
Living Room
64
1 BD FLAT 46 m²
Store
Bathroom
Master Bedroom
Living Room
Bedroom 2
Master Bedroom
Wardrobe
ES
Store
Bathroom
Lin
66
2 BD FLAT 62 m²
Kitchen
72
Master Bedroom
Bathroom
67
1 BD FLAT 44 m²
Store
Lin
Living Room
Kitchen
71
1 BD FLAT 58 m²
Lift 3 8 People
Lift well: 1,800x 1,600 Car size:1,400x 1,100
Store
70
Bathroom
1 BD FLAT 47 m²
Kitchen
Wardrobe
Master Bedroom
Living Room
27
Bathroom
Wardrobe
Master Bedroom
Living Room
services
Roof acces
Stair-2
up
R-17x163mm G-250
ES
Bathroom
Wardrobe
Master Bedroom
68
Store
2 BD FLAT 65 m²
Bedroom 2
Living Room & Kitchen
69
Bathroom
2 BD FLAT 67 m²
Store
Lin
Bedroom 2
Wardrobe
Master Bedroom
Living Room & Kitchen
Living Room
Bedroom 2
Wardrobe
Master Bedroom
Store
Lin
Bathroom
2 BD FLAT 68 m²
Kitchen
Living Room
Kitchen
Bathroom
1 BD FLAT 55 m²
Store
Lin
Master Bedroom
Wardrobe
Store
Lin
Bathroom
1 BD FLAT 53 m²
Kitchen
Living Room
Kitchen
Bathroom
74
Store
Lin
2 BD FLAT 71 m²
Bedroom 2
Wardrobe
Master Bedroom
ES
Wardrobe
Wardrobe
Lift 5 8 People
Lift well: 1,800x 1,600 Car size:1,400x 1,100
services
Roof acces
Stair-3
up
R-17x163mm G-250
Bathroom
78
Store
Lin
ES
2 BD FLAT 70 m²
Bedroom 2
Wardrobe
Master Bedroom
Bathroom
ES
Wardrobe
Master Bedroom
77
2 BD FLAT 71 m²
Store
Lin
Bedroom 2
Wardrobe
Kitchen
Living Room
Store
ES
Bathroom
Wardrobe
Master Bedroom
75
2 BD FLAT 64 m²
Lin
Store
Bedroom 2
Wardrobe
76
2 BD FLAT
Lin
Store
64 m²
Kitchen
ES
Wardrobe
Bedroom 2
Wardrobe
Living Room & Kitchen
Master Bedroom
Living Room
Store
Kitchen
Lin
Living Room
Bedroom 2
Wardrobe
Master Bedroom
Store
Lin
Bathroom
2 BD FLAT 70 m²
Kitchen
Living Room
Store
Lin
Kitchen
Living Room
Bedroom 2
Wardrobe
Master Bedroom
Bathroom
ES
Wardrobe
Master Bedroom
Bedroom 2
Wardrobe
Kitchen
Living Room
Store
Lin
Bathroom
2 BD FLAT 70 m²

Proposed North Elevation

Scale:

0 1 2 3 4 5

Schedule of External Finishes:

Walls- through colour render & through colour stock facing brick

UPVC Windows & Doors .Grey Colour
UPVC Capping. Grey Colour.
Wrought iron balcony balustrade. Black Colour

No	date	revision
J	**24.05.2019**	**Elevation updated**
i	25.04.2019	Elevation updated
H	03.04.2019	Elevation updated
G	24.10.2018	Elevation updated
F	27.06.2018	Elevation updated
E	31.05.2018	Elevation updated
D	24.07.2017	Elevation updated
C	03.03.2017	Elevation updated
B	19.10.2016	Elevation updated
A	06.06.2016	Elevation updated

Project
Clivemont House
Clivemont Road,
Maidenhead, SL6 7BZ

Drawing Title
Proposed North Elevation

phone 01344 425988
fax 01784 439157
email ed.goodwin@deepwood.co
Campmoss Property Ltd

scale 1:100 @ A2
date 24 May 2019
Drawn by **TK**

2019 / CH /15
rev J

Proposed South Elevation

Scale:

0 1 2 3 4 5

Walls- through colour render & through colour stock facing brick

UPVC Windows & Doors .Grey Colour
UPVC Capping. Grey Colour.
Wrought iron balcony balustrade. Black Colour

No	date	revision
K	24.05.2019	Elevation updated
J	03.04.2019	Elevation updated
i	27.06.2018	Elevation updated
H	31.05.2018	Elevation updated
G	24.07.2017	Elevation updated
F	06.06.2017	Elevation updated
E	03.03.2017	Elevation updated
D	28.02.2017	Elevation updated

Project
Clivemont House
Clivemont Road,
Maidenhead, SL6 7BZ

Drawing Title
Proposed South Elevation

phone 01344 425988
fax 01784 439157
email ed.goodwin@deepwood.co
Campmoss Property Ltd

scale 1:100 @ A2
date 24 May 2019
Drawn by TK

2019 / CH /16
rev K

Proposed East Elevation

Scale:

0 1 2 3 4 5

Schedule of External Finishes:

Walls- through colour render & through colour stock facing brick

UPVC Windows & Doors .Grey Colour
UPVC Capping. Grey Colour.
Wrought iron balcony balustrade. Black Colour

No	date	revision
R	24.05.2019	Layout updated
Q	03.04.2019	Layout updated
P	27.06.2018	Layout updated
O	31.05.2018	Layout updated
N	24.07.2017	Layout updated
M	03.03.2017	Layout updated
L	28.02.2017	Layout updated
D	19.10.2016	Layout updated
C	07.06.2016	Layout updated
B	19.05.2015	Layout updated
A	20.03.2015	Drawing updated

Project: **Clivemont House**
Clivemont Road,
Maidenhead, SL6 7BZ

Drawing Title
Proposed East Elevation

phone 01344 425988
fax 01784 439157
email ed.goodwin@deepwood.co
Campmoss Property Ltd

scale 1:100 @ A1
date 24 May 2019
Drawn by TK

2019 / CH /10
rev R

Proposed West Elevation

Scale:

0 1 2 3 4 5

Schedule of External Finishes:

Walls- through colour render & through colour stock facing brick

UPVC Windows & Doors .Grey Colour
UPVC Capping. Grey Colour.
Wrought iron balcony balustrade. Black Colour

No	date	revision
i	24.05.2019	Layout updated
H	03.04.2019	Layout updated
G	27.06.2018	Layout updated
F	31.05.2018	Layout updated
E	24.07.2017	Layout updated
D	18.07.2017	Layout updated
C	06.06.2017	Layout updated
B	03.03.2017	Layout updated
A	19.10.2016	Elevation updated

Project:
Clivemont House
Clivemont Road,
Maidenhead, SL6 7BZ

Drawing Title
Proposed West Elevation

phone 01344 425988
fax 01784 439157
email ed.goodwin@deepwood.co
Campmoss Property Ltd

scale 1:100 @ A1
date 24 May 2019
Drawn by TK
2019 / CH /14
rev i

Location Plan

0 10 20 30 40 50 60 70 80 90 100

N

Street View "1"

Scale:

0 1 2 3 4 5 6 7 8 9 10

Street View "2"

Scale:

0 1 2 3 4 5 6 7 8 9 10

Location Plan

0 10 20 30 40 50 60 70 80 90 100

N

No	date	revision
B	29.05.2019	Layout updated
A	24.10.2018	Layout updated

Project

Clivemont House

Clivemont Road, Maldenhead, SL6 7BZ

Drawing Title

Proposed Street Views

phone 01344 425988
fax 01784 435157
email ed.goodwin@sheerwood.co

Campmoss Property Ltd

scale 1:1250, 1:1000, 1:250 @ A1	date 29 May 2019
	Drawn by TK
2019 / CH /13	rev B

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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

MAIDENHEAD DEVELOPMENT CONTROL PANEL

17 July 2019 **Item:** 2

Application No.:	18/03525/OUT
Location:	Moor Farm Ascot Road Holyport Maidenhead SL6 2HY
Proposal:	Outline application for access, appearance, layout and scale to be considered at this stage with all other matters to be reserved for a replacement equestrian building following demolition of existing equestrian buildings.
Applicant:	Mr Frankham
Agent:	Mr Jack Clegg
Parish/Ward:	Bray Parish/Bray Ward

If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk

1. SUMMARY

1.1 Outline consent is sought to erect a replacement equestrian building on part of Moor Farm to accommodate 19 stables, tack room, rest room, office etc. and associated car parking following the demolition of existing equestrian buildings. The replacement building would not be materially larger than the buildings it is proposed to replace and the number of stables would remain the same. The proposal would constitute appropriate development in the Green Belt and would have no greater impact on the openness of the Green Belt and would not conflict with the purposes of including land within it.

1.2 The application site currently comprises a number of buildings, some of which are in a poor state of repair. The proposals would amalgamate the buildings into one L shaped building and the siting, size, height, design and materials would be sympathetic to the character and appearance of the site itself and the rural character of the area.

1.3 The proposal is acceptable in terms of flood risk, its impact on a veteran oak tree and highway and parking grounds.

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 Walters, if the recommendation is to grant approval, in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 Moor Farm lies on the edge of Holyport village and comprises an enclave of buildings in various uses. The uses include stables/equestrian, the selling and parking of cars, car repairs, residential, a gymnasium and storage. Moor Farm extends to 31.4 acres of land in total of which 27.93 acres is understood to be paddock. The application site itself comprises only part of the wider site and includes a collection of timber buildings which have been in equestrian use and include a total of 19 stables, tack room, laundry room, solarium and grooms kitchen/ rest area. The equestrian use on this part of the site has ceased in recent years however an equestrian use (approximately 8 stables) remains on another part of the site. Access to the site is via an existing driveway off Ascot Road which serves the whole site.

4. KEY CONSTRAINTS

4.1 The site lies within the designated Green Belt and within the Holyport Conservation Area. The dwellings close to the site entrance are grade II listed. The site lies within Flood Zones 2 & 3. There is a veteran Oak tree within the application site.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 Outline consent is sought to demolish the existing equestrian buildings and build a replacement equestrian building. Access, appearance, layout and scale are to be considered at this stage with landscaping to be dealt with as a reserved matter. The replacement building would be L shaped and would include 19 stables, 2 tack rooms, an office, solarium, laundry/dry room and grooms kitchen/rest room. The building would have an overall height of 4.2m and would be constructed of timber feathered board cladding with a red brick plinth. 15 car parking spaces are shown to be provided, including 1 disabled space and the car park would be constructed using a permeable material. A post and rail fence is proposed to run along the front of the building to ensure the horses are contained. The proposals have been amended during the course of the application and the footprint of the proposed building has been reduced. The extent of the grazing land will remain unchanged and is outlined in blue on the proposed location plan.

5.2 There is an extensive planning history relating to Moor Farm set out below. More recently an Enforcement Notice has been issued relating to unauthorised importation of soil, rubble and other materials for the purposes of raising of land levels, formation of bunds, the erection of two barns, the stripping of land to create earth bunds, formation of hardstanding and a change of use of the land for the parking/storage of vehicles.

5.3

Reference	Description	Decision
88/00292/FULL	Conversion of redundant farm barns to 3 self-contained holiday units	Permitted
90/00419/FULL	Change of use redundant storage barn into holiday home	Permitted
90/00420/FULL	Conversion of farm buildings to stables, one new stable block and menage	Permitted
92/00346/TEMP	Change of use of building to storage of new cars	Refused
93/00396/TEMP	Change of use of redundant livestock building to the storage of new cars	Permitted
94/00427/TEMP	Change of use of redundant livestock building to storage use (retrospective)	Permitted
95/00456/FULL	Change of use and conversion/alterations to disused research building into holiday accommodation	Refused
96/30019/CLU	For proposed use of building within B1 (b) Use Class.	Refused
98/33131/FULL	Replacement hay barn for hay storage	Permitted
02/39199/FULL	Conversion of stables to 3no. Residential units for holiday accommodation.	Permitted
03/40884/FULL	Replacement of an equestrian building (retrospective)	Permitted
05/02731/FULL	Construction of block of 6 stables	Permitted

	following demolition of existing stable building.	
07/03209/FULL	Erection of block of six stables	Permitted
18/02881/FULL	Erection of barn (retrospective)	Refused. Appeal submitted.
18/02882/FULL	Erection of a barn (retrospective)	Refused. Appeal submitted.
18/03291/FULL	Temporary change of use for a period of six months from D2 (equestrian) to B8 (car storage)	Refused
19/01156/OUT	Outline application for a covered roof to the existing menage with all matters reserved.	Pending Consideration
19/01172/FULL	Land restoration	Pending Consideration
19/01208/FULL	Noise abatement/screening bund along the northern boundary of the site	Pending Consideration

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Impact on Green Belt	GB1, GB2 and GB6
Design in keeping with character and appearance of area	DG1
Conservation Area and Listed buildings	CA1,CA2 & LB2
Flooding	F1
Highways	P4 AND T5
Trees	N6

These policies can be found at
https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (NPPF) (2019)

Section 4- Decision–making
Section 9- Promoting Sustainable Transport
Section 12- Achieving well-designed places
Section 13- Protecting Green Belt land
Section 14- Meeting the challenge of climate change, flooding and coastal change
Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Historic Environment	HE1
Managing Flood Risk and Waterways	NR1
Trees, Woodlands and Hedgerows	NR2
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.

7.2 This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary Planning Documents

- RBWM Interpretation of Policy F1

Other Local Strategies or Publications

7.3

- 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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

15 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 21st December 2018 and the application was advertised in the Local Press on the 27th December 2018.

No comments have been received.

Statutory consultees

Consultee	Comment	
Conservation Officer	No objection in principle. Roof covering should be red clay tile.	Noted
Highways	No objection.	Noted
Environmental Protection	Conditions & informatives suggested	Conditions suggested can be adequately dealt with by the Considerate Constructors Scheme Informative
Environment Agency	No objection subject to the imposition of a condition.	Noted and condition

		imposed.
Lead Local Flood Authority	No objection	Noted
Tree officer	Following initial concerns relating to the protection of a veteran oak on the site additional tree information has been supplied and no objection is raised to the proposal subject to suitable tree protection. A condition is recommended	Noted and condition imposed.

Consultees

Consultee	Comment	
Parish Council	Recommended for approval	Noted

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

i Impact on the Green Belt

ii Impact on the character and appearance of the site itself, the locality in general and the Conservation Area and setting of the listed buildings.

iii Impact on the living conditions of the neighbouring properties

iv Flooding Risk

v Impact on trees

vi Highways/Parking

i Impact on the Green Belt

9.2 The site lies within the designated Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.3 Paragraph 145 of the NPPF, which is given significant weight as a material planning consideration, regards the construction of new buildings as inappropriate in the Green Belt and lists exceptions which includes:

'b) 'the provision of appropriate facilities in connection with the existing use of land or a change of use for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;'

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;'

9.4 Local Plan policies GB1 and GB2 (a), which permit, under certain circumstances, the construction and/or the replacement of buildings that would not have a greater impact on the openness of the Green Belt or the purposes of including land in it, are broadly in line with the NPPF and should be given greatest weight.

9.5 The tables set out below provide calculations for the size of the existing and proposed buildings. There were formally 19 stables on the site (Buildings P, Q, R & T), a hay barn (building O) and a mess room/tack room (building S).

9.6 Only part of building P is still in situ. The rest of it has been demolished recently and evidence remains on site of the dismantled building. This building has therefore been included in the calculations for 'existing buildings'.

Existing Buildings

Building	Use	Height	Footprint	Volume
O	Former Hay Barn	5.5m	166.5 sq.m	791 cu.m
P (recently part demolished)	4 stables	3m	62.54 sq.m	156.35 cu.m
Q	6 stables	4.72m	110.9 sq.m	421.47 cu.m
R	6 Stables	4.72m	110.9 sq.m	421.47 cu.m
S	Mess Room	3m	42.5 sq.m	112 cu.m
T	3 stables	3m	50 sq.m	131.3 cu.m
U	Container - removed from the site	-	-	-
Total			**543.34 sq.m**	**2,003.89 cu.m**

Proposed building

Building	Use	Height	Footprint	Volume
L shaped building	19 stables, tack rooms, office, grooms easting/rest room, laundry/dry room, solarium, store	4.25m	532.61 sq.m	1,842.6cu.m

9.7 The proposed replacement building would result in a slight reduction in footprint of 10.73 sq.m and a reduction in volume of 161.29 cu.m when compared to the existing buildings. The replacement building would be in the same use as the existing buildings and would not be materially larger than the buildings it would replace and therefore the development would constitute appropriate development in the Green Belt. It also would result in the effective amalgamation of a variety of buildings into one single L shaped building which would help to preserve the openness of the Green Belt by reducing the spread of buildings on the site.

9.8 The number of stables proposed (19) would be the same as the number of stables which were on this part of the site and it would therefore not result in a greater level of activity/ intensity than previously existed on the site when it was in equestrian use. Car parking for 15 cars is shown to be provided to the front of the building. It is unclear where cars parked previously in connection with the equestrian use although it seems likely that they would have parked informally around the buildings and the wider site. Given that the number of stables remains unchanged it is accepted that the proposal would have no greater requirement for parking and the associated parking would have no greater impact on the openness of the Green Belt than the previous equestrian use.

9.9 The level of activity generated by the proposal would be no greater than the previous equestrian use and it is considered that it would have no greater impact on the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. On this basis the proposal would accord with local plan policies GB1 and GB2, given greatest weight and emerging policy SP5 and the guidance set out in the NPPF, given significant weight as material planning considerations.

ii Impact on the character and appearance of the site itself, the locality in general and the Conservation Area and setting of listed buildings

9.10 Local Plan policy GB6 requires new equestrian buildings to be carefully sited and designed to avoid harm to the open, rural or countryside character of the area. Local Plan policy DG1 sets out design guidelines and requires new buildings to be compatible in terms of the scale, height

and building lines of adjacent properties and materials should be sympathetic to the traditional materials of the area. Harm should not be caused to the character of the surrounding area through development which is cramped or which results in the loss of important features which contribute to that character.

9.11 Local Plan policy CA2 requires that any development will enhance or preserve the character and appearance of the Conservation Area and requires new buildings to be of a high standard of design which is sympathetic in terms of siting, proportions, scale, form, height, materials and detailing to adjacent buildings and the character of the area in general. In line with Local Plan policy LB2 development proposals should not adversely affect the setting of listed buildings.

9.12 Emerging policy SP5 requires new equestrian development to be unobtrusively located and designed so that it does not have a significant adverse effect on the character of the locality, residential amenity, highway safety and landscaping quality. Any new buildings should be located in or adjacent to an existing group of buildings and have minimal visual impact within the landscape and sufficient land should be available for grazing and exercising.

9.13 The application site lies within an existing enclave of buildings known as Moor Farm and is situated within the Holyport Conservation Area, identified as significant due to its green open spaces and rural atmosphere. The Conservation Area encloses not only the historic core of the village, but also a number of historic farms, including Moor Farm. Moor Farm is centred on a 14th century former Hall House. The setting of the farm contributes positively to the significance of the Grade II listed farm house (Moor Farm/ Elizabethan Cottage) and the Grade II listed converted barn numbers 1-4.

9.14 The application site is set well back from the road frontage and the site is partially screened by other buildings.

9.15 The site currently comprises buildings, some of which are in a poor condition. The proposal would amalgamate all the buildings into one L shaped building which would be timber clad. The applicant has agreed to a change in the roofing material from corrugated green fibre cement to red clay tiles to address the requirements of the Conservation Officer.

9.16 Overall it is considered that the size, siting, height, design and materials of the proposal building would be sympathetic to the character and appearance of the site itself and the rural character of the area. In addition it would cause no harm to the Heritage Assets. As such the proposal would accord with Local Plan policies CA2, LB2, DG1 and GB6, given greatest weight and emerging policies SP3, SP5 and HE1 of the Borough Local Plan together with Section 16 of the NPPF, given significant weight as material planning considerations.

iii Impact on the living conditions of the neighbouring properties

9.17 In line with paragraph 127 of the NPPF it is necessary to ensure that development provides a high standard of amenity for existing occupiers. Emerging policy SP3 requires development 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 sunlight and daylight.

9.18 The proposed building is sited close to residential properties situated to the south of the application site. Given however that the proposal would replace existing former equestrian buildings it is not considered that the proposed development would have an unacceptable impact on the living conditions of these properties in terms of light, outlook, privacy, noise and smell.

9.19 The proposal would accord with the guidance in the NPPF and emerging policy SP3.

iv Flooding Risk

9.20 Local Plan policy F1 states that within areas liable to flood, development will not be permitted unless it can be demonstrated that the proposal would not of itself, or cumulatively in conjunction with other development 1) impede the flow of flood water; or 2) reduce the capacity of the flood plain to store flood water; or 3) increase the number of people or properties at risk from flooding.

9.21 The application site lies within Flood Zone 3a which is land defined by the planning practice guidance as having a high probability of flooding. The property is understood to have the benefit of flood defences/bunds. The nearest main watercourse is the River Bourne which crosses the farm. The application has been accompanied by a Flood Risk Assessment (FRA).

9.22 The guidance in the NPPF requires development to be directed away from areas at highest risk of flooding. Paragraph 158 of the NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. A sequential test is required to be provided in this case. The FRA sets out that *'the proposed site is the only location suitable for the replacement equestrian building. Locating the replacement building in other available sites, in terms of flood risk, would require also relocating the remainder of the yard at Moor Farm in order to ensure continued efficiency.'*

9.23 Stables are an essential facility for outdoor sport and recreation and the development would therefore come within the category of 'water-compatible development' under Table 2: Flood risk vulnerability classification as set out in the PPG. It would be appropriate development and an exceptions test would not be required in this case.

9.24 When determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere and the proposal needs to accord with the guidance set out in paragraph 163 of the NPPF. The overall built footprint will not increase as a result of this proposal. Given that it will replace existing buildings the proposal will have no adverse impact on flood flow paths or flood storage. The Environment Agency is satisfied that the risk of flooding to the site and the surrounding area has been adequately considered. The development will be required to be carried out in accordance with the Flood Risk Assessment and the flood resilience measures, including materials and construction methods described in section 7.2.2 of the FRA and there shall be no raising of existing ground levels on the site. This can be adequately dealt with by the imposition of a suitable condition (condition 10).

9.25 Since this is not a major development it does not need to meet the requirements of the Non-statutory Technical Standards for Sustainable Drainage Systems. It will however be expected that adequate surface water drainage provisions should comply with Building Regulations. The LLFA has raised no objection to the application on this basis.

9.26 The site is already understood to benefit from EA approved flood defences and the use of a flood emergency plan is considered sufficient for this type of proposed development. This would comprise the EA Flood Warning Direct Service Subscription. Safe egress to Flood Zone 1 is a 4 minute walk in a southerly direction on the Ascot Road.

9.27 It has adequately been demonstrated that the proposal will not impact on local flood risk and the proposal would accord with local plan policy F1 and the guidance set out in section 14 of the NPPF.

v Impact on trees

9.28 There is a veteran Oak tree which lies within the application site and the tree is shown to be retained. Following initial concerns raised by the tree officer a revised Arboricultural Report and Method Statement has been submitted. The existing buildings are already sited close to the veteran Oak tree and the proposed building is to be sited outside the Root Protection Area. A permeable surface is proposed to be laid in the vicinity of the tree to provide a car parking area/turning area. This should increase the permeable area around the tree to its benefit. The method of tree protection is set out in the Method Statement and a suitable condition to ensure adequate tree protection measures are carried out can be imposed (condition 11).

9.29 On this basis no objection is raised to the application on tree grounds and the proposal accords with local plan policies N6 and DG1 and emerging policy NR2 and paragraph 175 c) of the NPPF.

vi Highways/Parking

9.30 During the course of the application it has been clarified that all the buildings included in the application site were in equestrian use in line with the historic commercial equestrian use of Moor Farm. The proposal is simply replacing the existing buildings already on site and there will be no additional traffic generated by the proposal and no change in how the site is serviced in terms of deliveries, horse transporters etc. No objection is therefore raised to the application in terms of highway safety.

9.31 It appears that car parking in association with the equestrian use has been informal in the past and cars have parked around/adjacent to the buildings. The parking provision for equestrian uses is considered on an individual basis. The proposal includes the provision of 15 car parking spaces and this is considered to be adequate to serve the proposed development.

9.32 The proposal would accord with local plan policies T5 and P4 and emerging policy IF2.

vii Other considerations

9.33 It has been confirmed that the extent of the grazing land remains unchanged and the land has been outlined in blue on the submitted drawing. It is understood that waste disposal would remain the same and these details can be conditioned as part of any planning permission (condition 8).

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is not CIL liable.

11. CONCLUSION

For the reasons set out above it is considered that the replacement stable building is acceptable and would comply with local plan policies GB1, GB2, GB6, DG1, CA2, LB2, F1, P4,P5 and N6, which should be given greatest weight, and emerging policies SP5, SP3, HE1, NR1, NR2 and IF2 together with the relevant sections of the NPPF, which should be given significant weight as material considerations.

12. APPENDICES TO THIS REPORT

- Appendix A - Location plan
- Appendix B – Existing site plan
- Appendix C - Proposed site plan
- Appendix D – Existing floor plans and elevations
- Appendix E - Proposed floor plans and elevations
- Appendix F – Tree protection plan

13. 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 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).

3 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).

4 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).

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

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

6 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy CA2

7 Details of the permeable materials to be used in the car park/turning area shall be submitted to and approved in writing by the Local Planning Authority prior to installation and thereafter maintained.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to preserve the visual amenity of the site. Relevant Policies - F1,CA2 and DG1.

8 The development shall not be occupied until details of the arrangements for the storage and disposal of animal and other waste have been submitted to and approved in writing by the Local Planning Authority. Such approved arrangements shall be maintained thereafter.

Reason: To protect the visual and residential amenities of the area Relevant Policy ¿ Local Plan NAP3.

9 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.

10 The development shall be carried out in accordance with the submitted flood risk assessment prepared by Pike Smith and Kemp and the following mitigation measures:

- Flood resilience measures described in section 7.2.2
- There shall be no raising of existing ground levels on the site

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk fo flooding to the proposed development and future occupants. Relevant Policies - Local Plan F1.

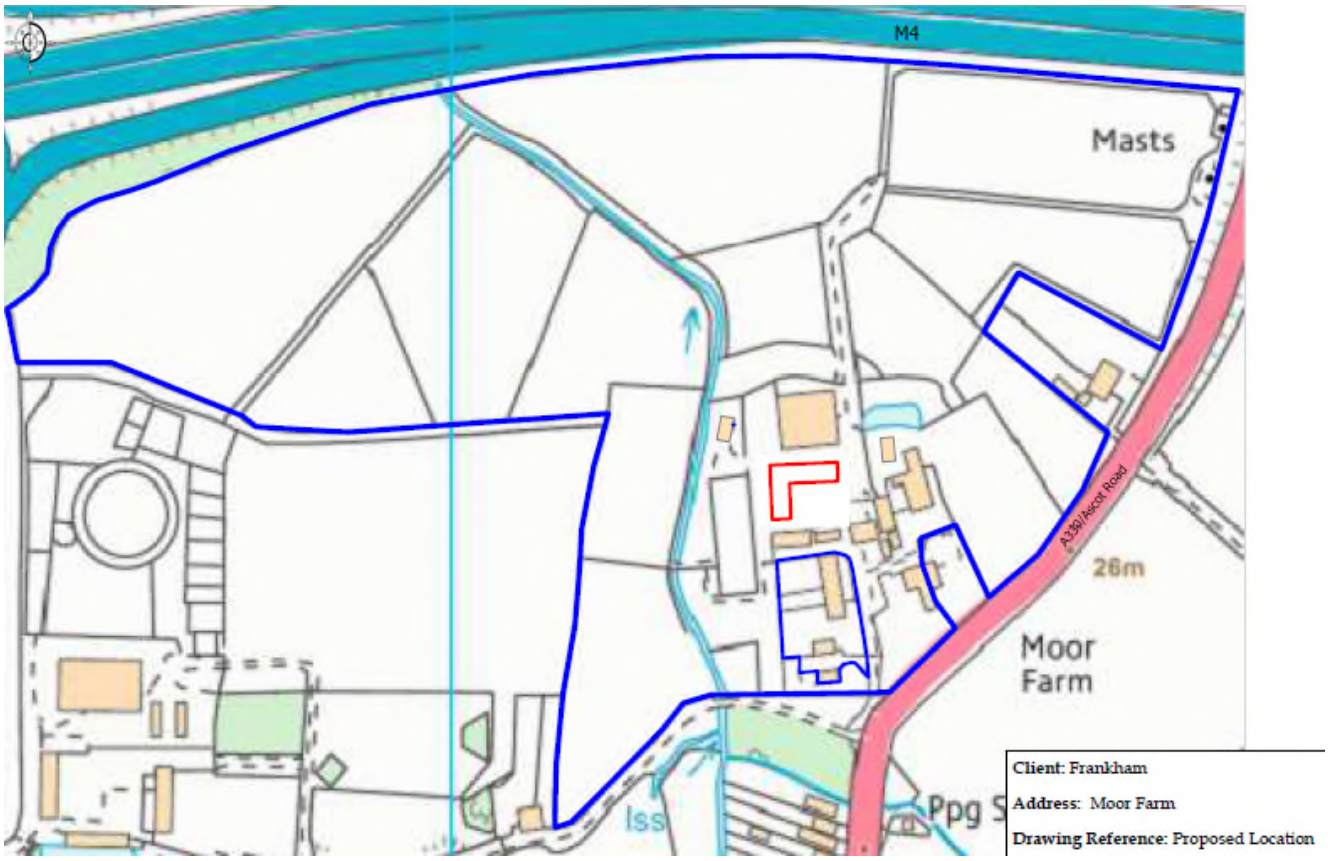
11 The tree protection measures shall be carried out in accordance with the measures set out in section 6 of the Arboricultural Report and Method Statement and the proposed site plan provided in Appendix 2 received on the 8th March 2019 and thereafter maintained until the completion of all construction 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 consent of the Local Planning Authority.

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

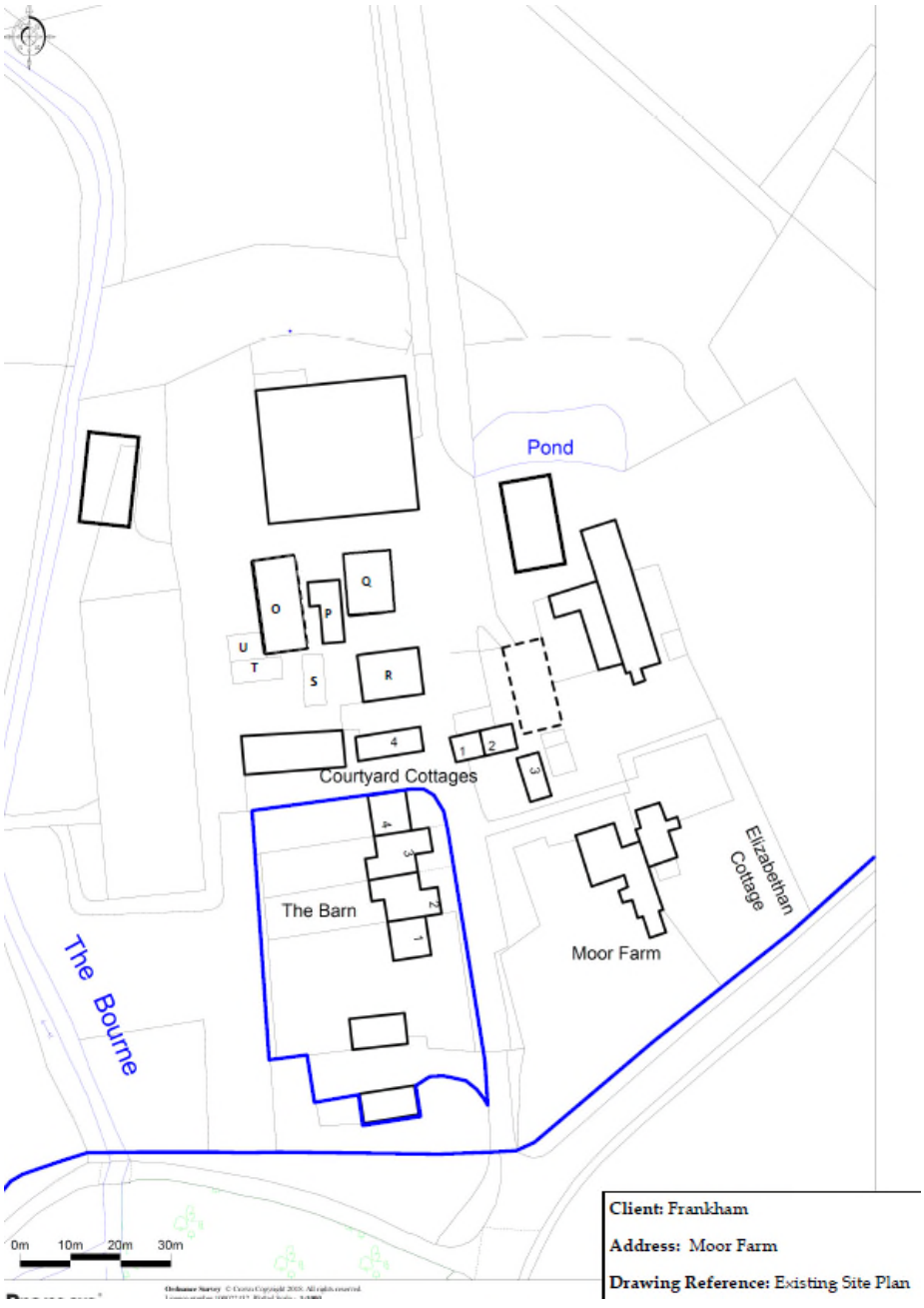
Informatives

1 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk

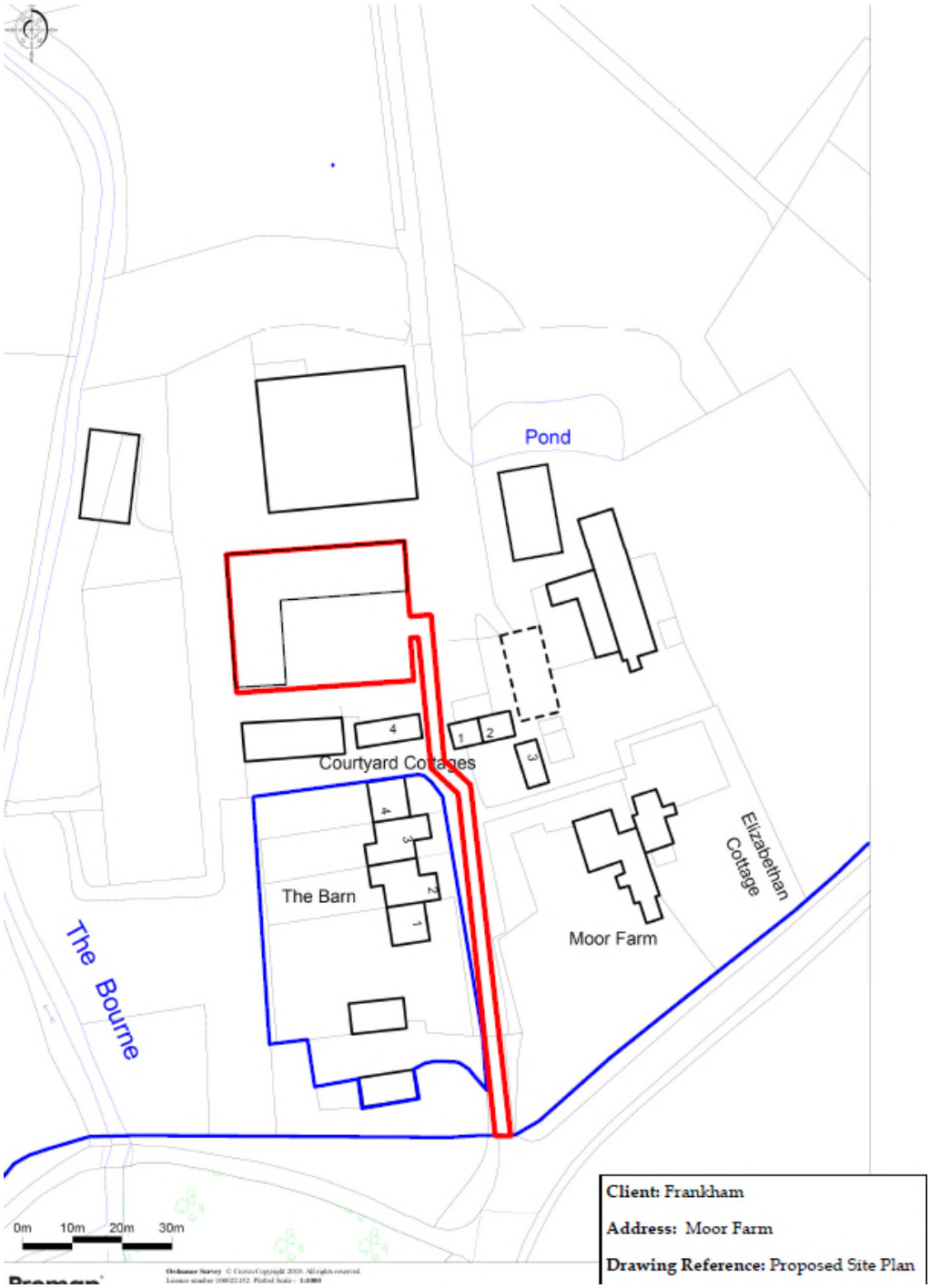
APPENDIX A – LOCATION PLAN



APPENDIX B – EXISTING SITE PLAN



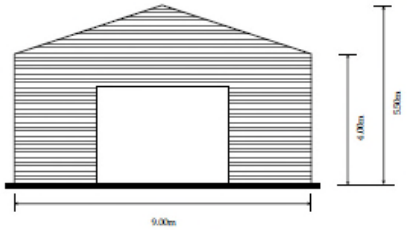
APPENDIX C – PROPOSED SITE PLAN



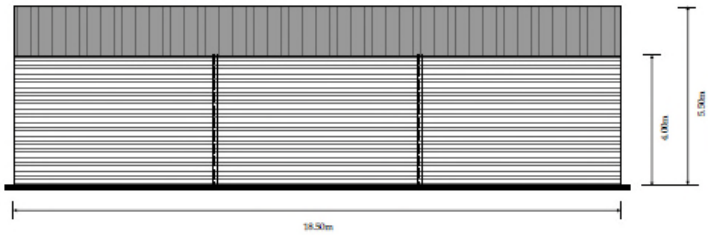
APPENDIX D – EXISTING FLOOR PLANS AND ELEVATIONS

Building O Elevations

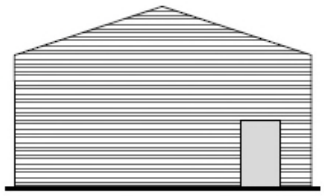
North Elevation



East Elevation

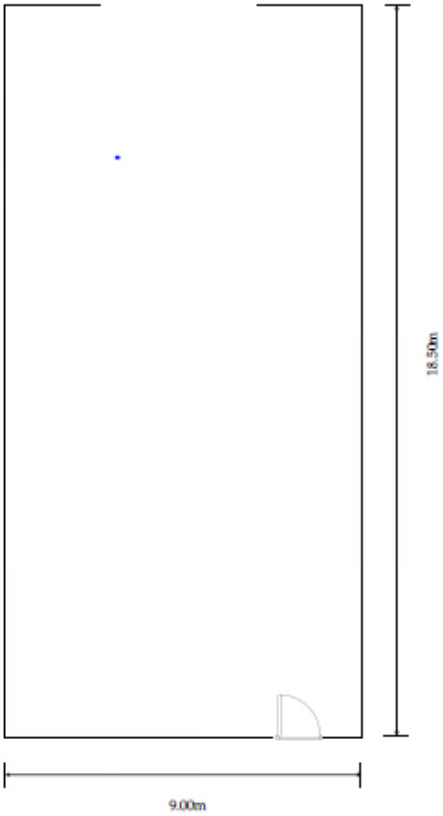


South Elevation



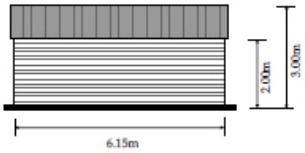
West Elevation

Building O Floor Plan



Building P Elevations

North Elevation



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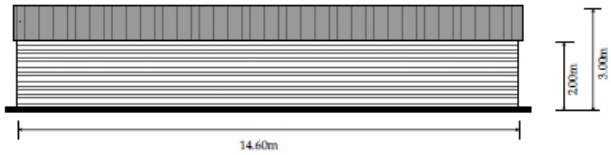

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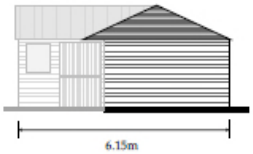

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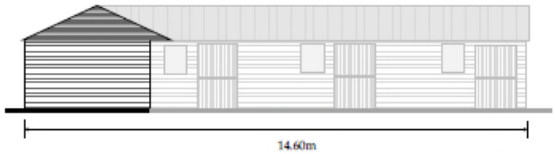
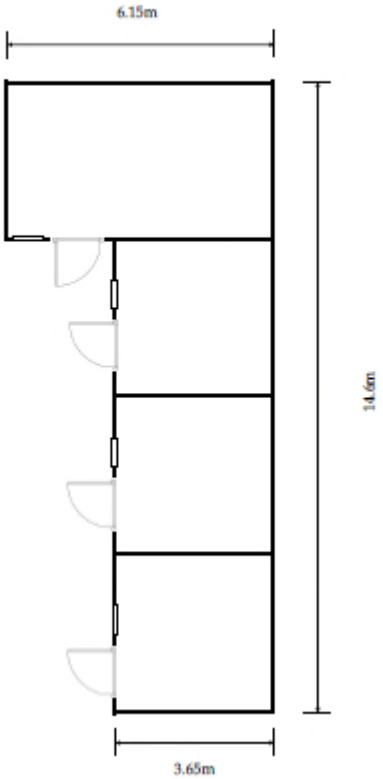
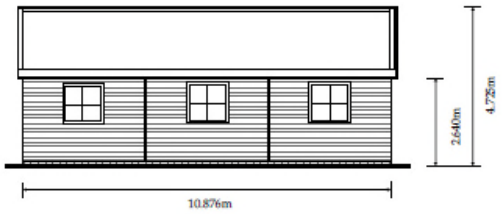


Building P Floor Plan



Building Q Elevations

North Elevation



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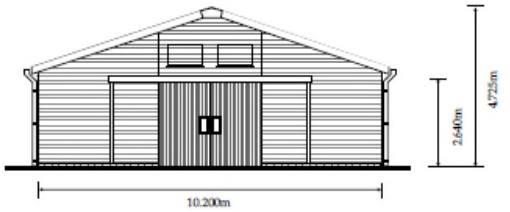

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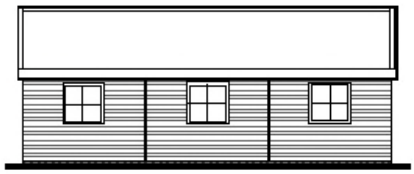

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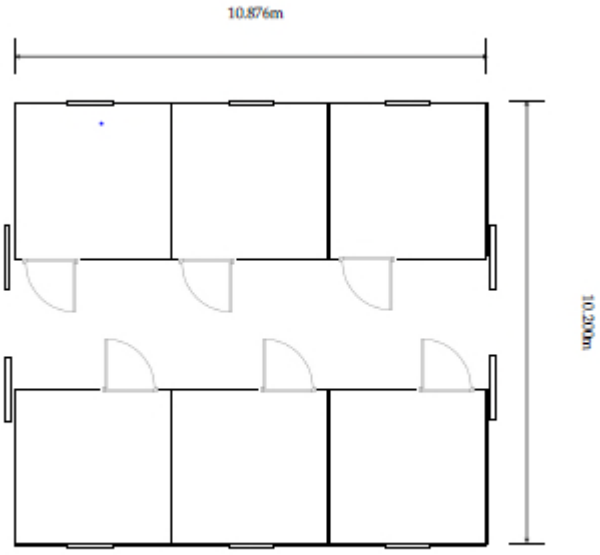
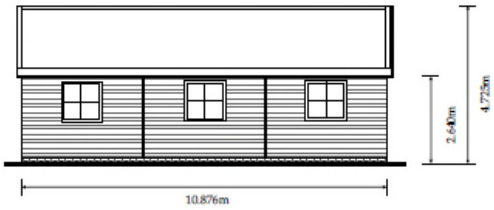


Building R Elevations

North Elevation



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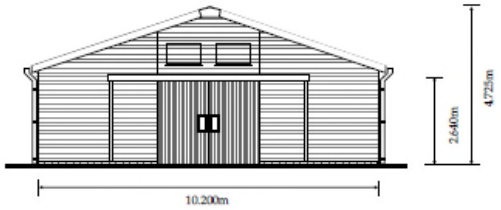

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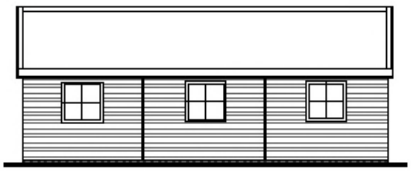

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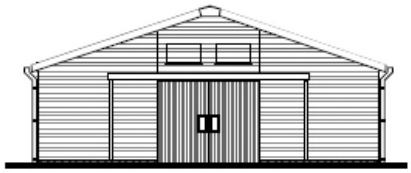

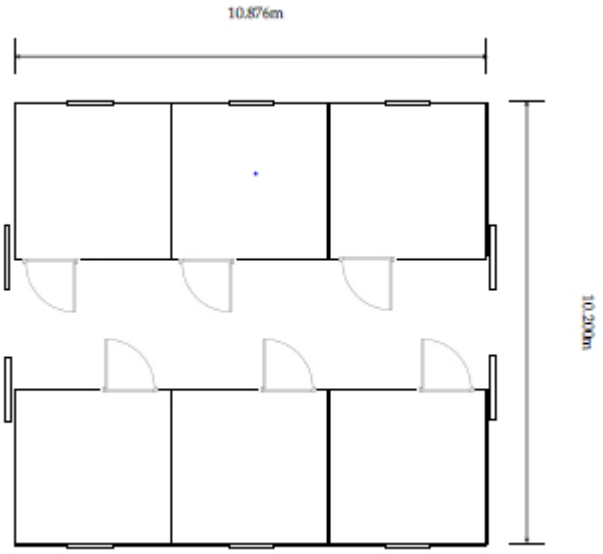

Building S Elevations

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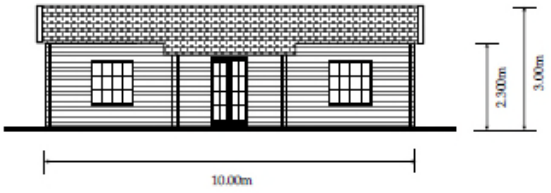

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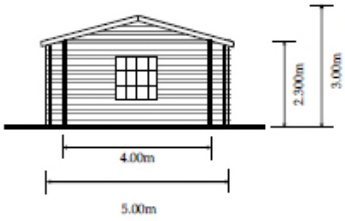

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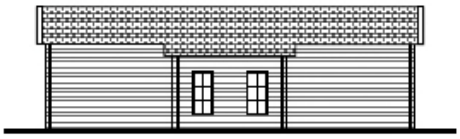

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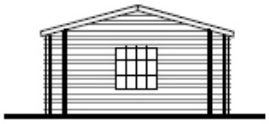
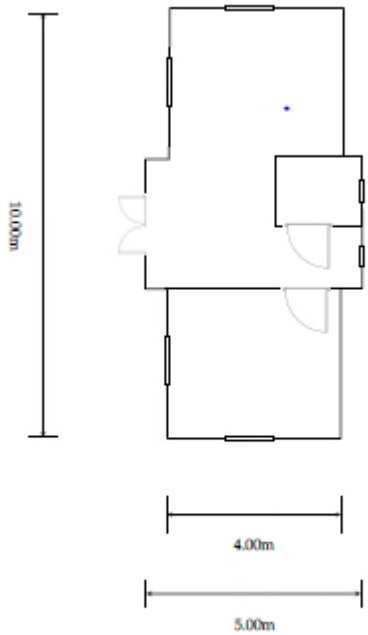
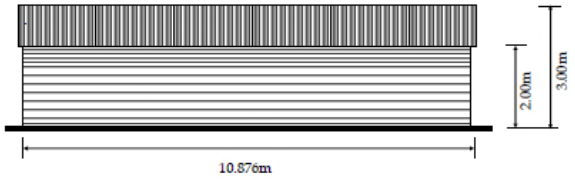




Building T Elevations

North Elevation



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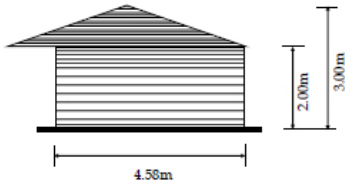

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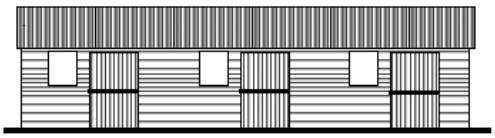
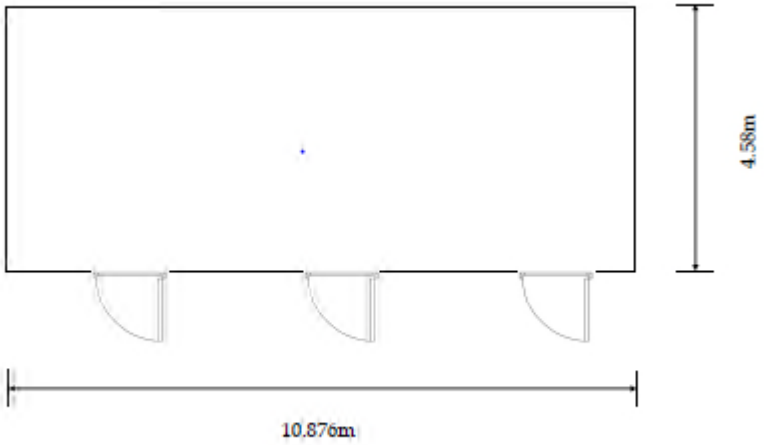
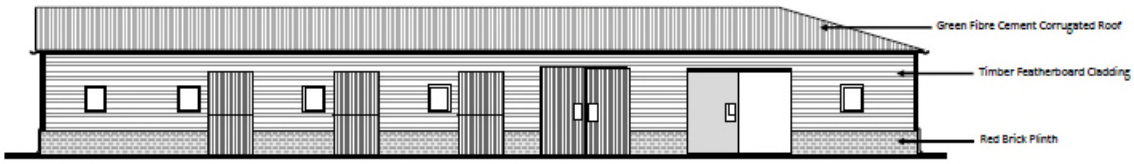


West Elevation

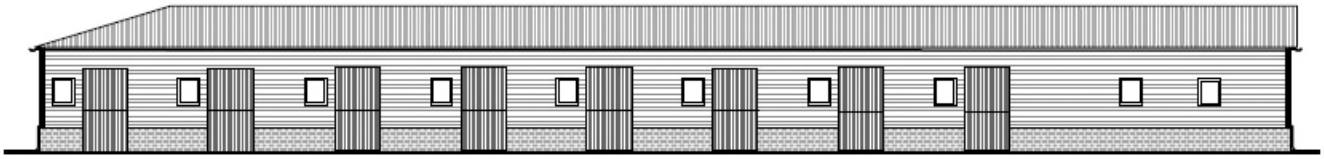


APPENDIX E – PROPOSED FLOOR PLANS AND ELEVATIONS

Proposed Elevations

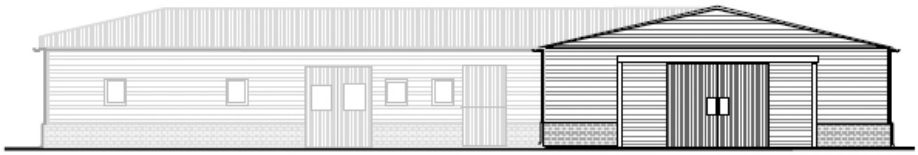


Western Elevation

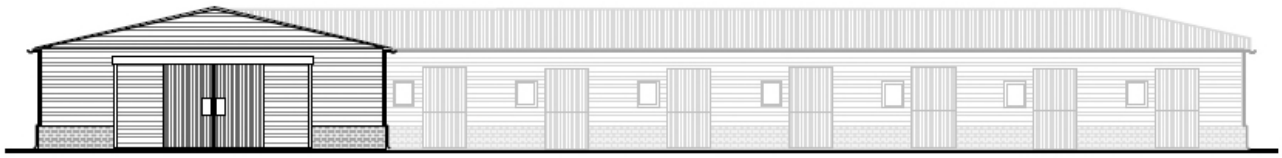


Northern Elevation

Proposed Elevations



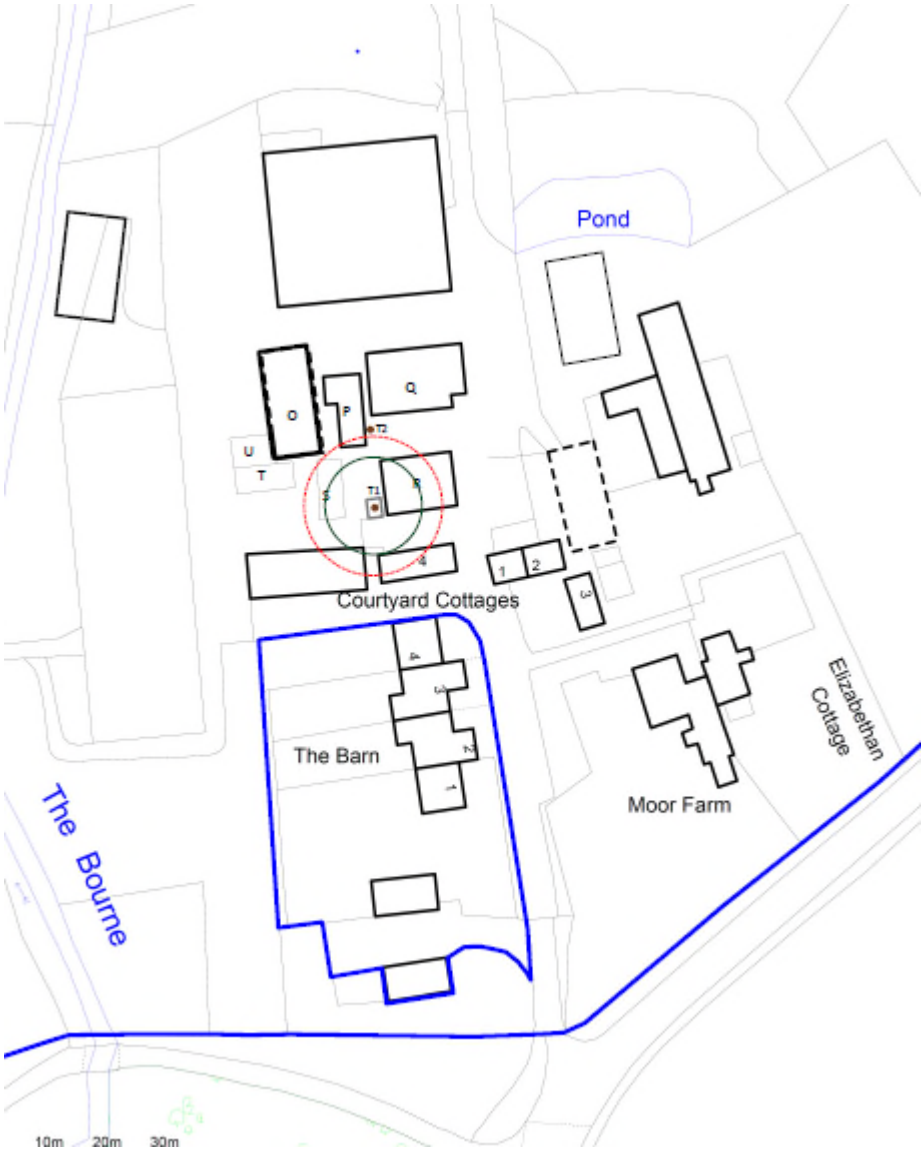
Eastern Elevation



Southern Elevation

APPENDIX F – TREE PROTECTION PLAN

Root protection area and tree canopy spread – existing site plan



Root Protection area, root protection fencing and tree canopy spread – proposed site plan

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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

MAIDENHEAD DEVELOPMENT CONTROL PANEL

17 July 2019 **Item:** 3

Application No.:	19/00148/FULL
Location:	Gardner House Harrow Lane Maidenhead SL6 7NX
Proposal:	Demolition of existing 33 x 1 bed sheltered housing and erection of 23 x 2 bed affordable homes
Applicant:	Mr Stritch
Agent:	Mrs Jennifer Thompson
Parish/Ward:	Maidenhead Unparished/Furze Platt Ward

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

1. SUMMARY

1.1 Paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development and that, for decision-taking, this means approving development proposals that accord with an up-to-date development plan; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

1.2 In this case the tilted balance is engaged. The proposal would have some harm to the visual amenities of the area and there would be some harm arising from the limited amenity space provided on site for the future occupiers of the development. However, the proposal would make more efficient use of a previously developed site which the NPPF affords substantial weight, and the site is within a sustainable location and would contribute to meeting the need for high quality, affordable homes in the Royal Borough. Accordingly, the benefits of the scheme are not outweighed by the harm.

It is recommended the Panel authorises the Head of Planning:	
1.	**To GRANT planning permission on the satisfactory completion of an undertaking to secure the affordable housing referred to in Section 9 of this report and with the conditions listed in Section 13 of this report.**
2.	**To refuse planning permission if an undertaking to secure the affordable housing has not been satisfactorily completed by 20th September 2019 (or as otherwise agreed by the Head of Planning) for the reason that the proposed development would not provide affordable homes.**

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.
- At the request of (former) Councillor Ilyas, irrespective of the recommendation of the Head of Planning, to consider the impact of the proposed development on the local area and in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The application site covers an area of 0.42 hectares and is located on the north side of Harrow Lane in Furze Platt, Maidenhead. The site is currently occupied by Gardner House, a former retirement/sheltered housing development built in 1972 comprising 33 x one bedroom flats and day centre. The existing, and now vacant, buildings include two x two-storey blocks, within the centre and towards the western end of the site, together with a three-storey block towards the eastern side. All three blocks are linked by single storey hallways. Former communal gardens surround the existing buildings to the front and rear.

3.2 The main vehicular access is currently taken off Harrow Lane and leads to the front car park. Access to garage parking also exists via Connaught Close to the north. The site slopes downwards from west to east.

3.3 The application site is located in a predominantly residential area, with mainly terraced and semi-detached houses to the north and south. The Furze Platt train station and railway line into and out of Maidenhead are immediately to the east of the site, with some mature trees along the shared boundary. Queensway road bounds the site to the west.

4. KEY CONSTRAINTS

4.1 The main planning policy constraints to development in the Royal Borough are the Green Belt and the risk from flooding. The application site is not located in either of these areas, or any other special designation area, and therefore there are no key planning policy constraints to the site. The site does, however, have archaeological potential the details of which are set out further in this report.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 The application seeks planning permission for the demolition of Gardner House and its replacement with two flatted blocks containing 23 x 2 bedroom dwellings. Block A would be positioned on the western side of the site and would be an L-shaped, two-storey building of 8 dwellings. At its maximum, it would be approximately 25m wide and 18m deep with a ridge height of 9.5m. Block B would be positioned on the eastern side of the site and have three-storeys, accommodating 15 dwellings. It would be approximately 35m wide, 16m deep and have a ridge height of 11m.

5.2 The central part of the site, between the two blocks of flats, would provide the main parking area to the development comprising 31 spaces. A further 15 spaces would be provided in the location of the existing garage block (to be demolished). The existing access off Harrow Lane would be closed off to vehicles, with vehicular access to the site provided solely from Connaught Close. The application submission includes a landscaping plan for the development.

5.3 The density of development is 55 dwellings per hectare. The applicant, Housing Solutions, is a local Registered Social Landlord (Housing Association) and all units would be affordable, available for either social rent and shared ownership.

Planning history

Reference	Proposal	Decision
384/70	35 Old People flats and 1 warden flat	Approved – 30.06.1970
04/00969/COU	Change of Use of three ground floor flats to a Day Centre facility to include a single storey front extension and a rear/side conservatory plus parking and new access	Approved - 24.11.2004

	from Harrow Lane.	
05/00698/FULL	Construction of a single storey sun lounge	Approved - 11.05.2005

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

6.1 The main development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4,T5
Trees	N6

These policies can be found at
https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 2- Achieving sustainable development
Section 4- Decision–making
Section 5- Delivering a sufficient supply of homes
Section 9- Promoting Sustainable Transport
Section 11- Making effective use of land
Section 12- Achieving well-designed places

Borough Local Plan: Submission Version

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

7.1 Paragraphs 48 of the NPPF (2019) sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submissions Version (BLPSV) was submitted for examination in January 2018. The BLPSV does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. 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.

7.2 However and whilst submitted, the examination is currently paused and the Inspectorate has yet to reach final view on the Plan's soundness. The BLPSV policies therefore remains a material consideration in planning applications subject to the level to which it is consistent with the relevant version of the NPPF and the extent there are unresolved objections to relevant policies. Where relevant this is considered further below.

This document can be found at:
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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

36 neighbours were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 8th February 2019 and the application was advertised in the Local Press on 30th January 2019.

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

Comment	Where in the report this is considered

1.	<u>Parking:</u> There is a huge ongoing traffic/parking issue on Queensway with the junction with Harrow Lane. Commuters using Furze Platt station park their cars in the area causing significant disruption throughout the day. There is also a parking problem in the Connaught Close area. If residents can't even park on main roads (due to commuters parked) and can't park on Connaught Close, it causes tension in the community. Allowing more vehicles in the area will make the situation worse. Parking will become even more chaotic in the area as cars from the development will have to negotiate parked cars on Queensway and close to the junction with Harrow Lane. Although Furze Platt station is not busy, the impact of additional cars entering Queensway when the barriers are down could cause a lot of traffic congestion. Since the application has been submitted, the applicant has begun evicting tenants parking in the garage blocks, *(to be demolished as part of the proposal).* Tenants in Connaught Close now have to park on the streets and are often unable to park near their homes, making it particularly difficult for the elderly, disabled and people with young children. The parking spaces should be for existing residents. Housing Solutions should sort out the existing parking problem. Due to the parking problems in the area waste management services and emergency services have problems reaching people and properties in the locality. The parking issue must be solved. Residents will be left with nowhere to park. Garages and parking spaces are being taken away from residents in Connaught Close, leaving them nowhere to park in an already very busy area, due to commuters parking. Loss of parking to existing residents. Residents rent or have bought their properties on the premise that allocated parking has always been in place, were not consulted by the applicant on this and no explanation has been provided. The whole ground area should be given over to provide garages and parking spaces.	9.15 – 9.23

2.	<u>Impact on amenities of neighbours:</u> Loss of privacy and loss of daylight to 14 Connaught Close. The entrance to the development is only 5m from our home (12 Connaught Close) and there are serious concerns about the noise that will be created from this, and the impact it will have on the quality of our lives. Houses from No.6 to No.16 on Connaught Close will be directly facing the proposed development and there are concerns regarding privacy, especially as there will be 5 dwellings in the roof of proposed Block B, windows for which will be at a higher level and will directly overlook the houses on Connaught Close. Significant loss of light (No.12 Connaught Close), from the proposed silver birch tree to be directly outside our home 1.5m away. This will also make the walkway/footpath in front of the house dark and damp. There is no mention of numbers 12, 14 and 16 Connaught Close in the proposed plans. There has been a total disregard to current residents closest to the development and who will be affected the most The entrance to the site will be right in front of our house (No.6 Connaught Close). This means more cars passing in and out of the road and more noise pollution. This is also a serious risk to health and safety.	9.11 – 9.14 9.32
	Housing Solutions have properties in the area and there are problems with anti-social behaviour to environmental damage, for example, drug dealings, fly tipping, dog fouling. There have been a number of police raids in the area. Housing Solutions does not seem to do anything about addressing these problems. In light of this, the situation can only get worse with the new development	9.33
	The footpath linking Connaught Close to Queensway is in a bad state, with uneven slabs, litter and dog fouling – It is not safe for children or other users. It is also narrow and the hedge has become overgrown. Housing Solutions have not done anything about these problems. Groups congregate on the walkway and behind Gardner House as it is secluded and dark.	9.33
	Concerned for the safety of pedestrians crossing the entrance to the development.	9.17
	Concerned about the impact of this proposed development on the quality of life of existing residents, who have formed a residents group to strongly object to the proposal. The main concerns are the effects on parking, traffic and noise the proposed development will have.	Noted.
	Connaught Close is not designed to cope with the volume of traffic from the development.	9.15-9.23
	Planning has been going on behind closed doors. No consultation was undertaken by the applicant with local residents.	Pre-application advice was provided by the Council. Although the applicant is encouraged to consult with local residents it is not required.

	Construction traffic will create extra noise and hassle making any kind of injury or accident more likely.	This can be mitigated by way of a construction management condition.
	The local schools are already too full and could not cope with more children. This also applies to local doctors and dentists.	Noted.

Consultee responses

Consultee	Comment	Where in the report this is considered
Highway Authority	No objections. The site is located in a reasonably accessible location and the provision of 46 car parking spaces is considered appropriate provision for the area. The applicant has undertaken a TRICS analysis of the site showing the existing, proposed and net increase in the number of trips (two way) anticipated at the site. RBWM highways are satisfied with the assessment and the results presented. It is considered that the proposal will not raise any significant highway concerns in relation to the number of vehicles anticipated on the local highway network. The main existing vehicular and pedestrian access to the site is from Harrow Lane, with a secondary vehicular access from Connaught Close (a cul-de-sac). The proposed new vehicle access onto Connaught Close provides an access with less vehicular conflicts in comparison to the existing access on Harrow Lane. It is considered the proposed access is suitably placed with adequate visibility to left and right, and no visibility issues for those pedestrians exiting the footpath to the west of the site access. The cycle and refuse provisions are acceptable.	9.15 – 9.23 Section 13, conditions 7 – 12 inclusive.
Berkshire Archaeology	There are potential archaeological implications associated with this proposed scheme. It is recommended a condition be attached to any planning permission requiring a written scheme of investigation to be submitted and approved that sets out a programme of archaeological mitigation to be implemented.	9.29 – 9.31 Section 13, condition 6.
Lead Local Flood Authority	Further consultation response pending – to be reported in Panel Update.	9.24-9.31
Environmental Protection	Recommends conditions in respect of a site specific construction environmental management plan, noise report, plant noise and deliveries and collections to and from the building site be attached to any permission granted, plus informatives in relation to dust and smoke controls.	Section 13, condition 8.
Trees	No objections subject to conditions in relation to protection of trees and landscaping scheme.	9.27-9.28 Section 13, condition 13 and 14.

Thames Water	No objections with regard to waste water network and waste water process infrastructure capacity. Advises the developer to follow the sequential approach to the disposal of surface water. There are public sewers crossing or close to the development. The development is also within 15m of a sewerage pumping station and therefore habitable rooms should be at least 15m away from the station to minimise harm the to the living conditions of future occupants.	Noted.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

i The principle of the development;

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

iii The impact on the living conditions of neighbours and future occupiers of the development;

iv Highway implications and parking provision;

v Sustainable drainage;

vi The impact on trees;

vii Archaeological implications, and

viii Other material considerations.

The principle of development

9.2 Local Plan Policy H7 states planning permission will not be granted for development that would result in the loss of residential land or accommodation in residential use, other than in exceptional circumstances. The 33 flats within Gardner House were previously available for social rent by persons over 55 years and, as they were self-contained with no on-site personal care provided, fell within Use Class C3, dwellinghouses. Accordingly, the proposal will not involve a material change of use of the land and the site will remain in residential use.

9.3 Although technically there will be a loss of residential units from 33 to 23, the existing units currently fall below the Nationally Described Spacing Standards 2015 and have shared bathroom facilities, thus they could not be rented out in their current state, and substantial works would need to be undertaken to bring them up to modern standards. In addition, and as explained in the application submission, there has been a general decline in the demand for sheltered housing, (as identified in a Borough wide assessment undertaken jointly by RBWM and the applicant, Housing Solutions). This decline has been attributed to residents increasingly staying in their homes for longer and, at the point at which additional care is required, a traditional sheltered housing scheme was found not to meet the needs of individuals, and either extra care housing or a care home were required. Potential occupiers favour larger, open plan units and the demand for housing people over 55 years old has reduced as people now prefer to stay and adapt their homes as their needs change. As a result, the local housing need prevalent in the Borough is for general occupation by persons of any age. The applicant, Housing Solutions, is a local Registered Social Landlord (Housing Association) and all units would be affordable housing, available for either social rent or shared ownership.

9.4 As the proposal is for housing and would help meet an identified local need for affordable housing (to be secured by a legal agreement), the principle of development is acceptable.

The impact on the character and appearance of the area

9.5 Local Plan Policy H10 requires new residential development schemes to display a high standard of design and landscaping in order to create attractive, safe and diverse areas and, where possible, enhance the existing environment. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area. General design policy DG1 states that harm should not be caused to the character of the surrounding area through cramped development or the loss of important features which contribute positively to the area. The NPPF advises planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of the area and the way it functions.

9.6 In terms of established character, the site falls within an area classified in the Council's Townscape Assessment as being an 'Early Post War Suburb'. Key features of these areas are medium density development, two-storey semi-detached dwellings and short terraces set in regular plots on a network of curvilinear streets (roads, avenues or drives) with dead-end roads (closes) and cul-de-sacs. Built form is defined by unified and simple architectural lines with steeply-moderated pitched, hipped or gabled roofs with chimneys which add visual interest on the skyline. Façade detailing is sparingly used although occasionally feature gables to mark the end of terraces. Parking is predominantly off-street. Shared amenity greenspace in and around buildings, grass verges and small ornamental street trees contribute to the street scene. Generally, the area is characterised by its spacious character and simple aesthetic.

9.7 The proposed 23 x 2 bedroom flats would be accommodated in two blocks following the demolition of the existing building. There is no objection to the loss of the existing building which is not considered to have any particular architectural or historic merit to warrant its retention. Block A, which accommodates 8 x 2 bed flats, comprises of a two-storey, L-shaped building with a hipped roof positioned to the west of the site. At its maximum, it would be approximately 25m wide and 18m deep with a ridge height of 9.5m. Block B would be positioned on the eastern side of the site and comprise a rectangular block of three-storeys, accommodating 15 dwellings. It would be approximately 35m wide, 16m deep and have a ridge height of 11m. Areas of soft landscaping are proposed around both blocks, with communal amenity space provided to the west of Block A adjacent to Queensway and to the east of Block B. In between the two blocks a car-parking area is proposed with the main vehicular access from Connaught Road.

9.8 The proposed blocks of flats would be sited in similar positions to the western and eastern ends of the existing building, with the two-storey Block A at the higher end of the site, (similar to the two-storey part of the existing building), and the three-storey Block B positioned at the lower level adjacent to the railway line, (similar to the three-storey section of the existing building). Both blocks of flats would be sited slightly closer to Harrow Lane than the existing building, however this is similar to buildings on the same side of the road to the east of the site, and relief is provided by Queensway Road and an open verge to the west. In context, the height, scale, mass and bulk of the proposed buildings are generally out of keeping with the wider area. However, given the height, scale mass and bulk of the existing building on site, the replacement blocks, while somewhat larger, would not be materially dissimilar. Overall, it is considered that while there would be some harm to the visual amenities of the area as a result of the higher density development this would not be significant.

9.9 Following pre-application advice, the design of the blocks has been simplified to reflect the simple architectural lines and facades found on development in the surrounding area. Proposed soft landscaping within and around the boundaries of the site has been strengthened and is sufficiently comprehensive to adequately soften the appearance of the blocks of flats and hardsurfacing. Materials would largely reflect those found in the area, with a palette including red brick and off-white rendered panels. Grey concrete interlocking tiles are not appropriate for the development, however this can be controlled by planning condition 2, as recommended in Section 13 of this report.

9.10 Conditions 2, 3, 4 and 14 in Section 13 of this report will help ensure the proposal is sympathetic to the character and appearance of the area.

Impact on the living conditions of neighbours and future occupiers of the development

9.11 Paragraph 127 (f) of the NPPF states that planning decisions should ensure that developments provide "a high standard of amenity for existing and future users".

9.12 Block A would be approximately 14m from the front elevations of numbers 14 and 16 Connaught Close. This is a sufficient gap to ensure the development would not result in loss of daylight or sunlight to these neighbouring properties. At two-storeys, and at a similar ground level to the immediate neighbours, Block A will not appear dominant or overbearing. No windows are proposed in the north side elevation of the building closest to Connaught Close and this can be conditioned to ensure this is maintained in the future. The furthest first floor side window on Block A facing Connaught Close would be approximately 28m away, while first floor windows on Block B would be approximately 27m away. These distances are comparable to front to front distances of properties facing each other on opposite sides of the road in the surrounding area. Accordingly, the proposal would not result in loss of privacy to the immediate neighbours.

9.13 Each flat would exceed the Nationally Described Space Standards and provide versatile living accommodation with open plan kitchens and living areas. Block B would include a lift to ensure suitability for persons with limited mobility. Although there is limited communal space, the site is in a sustainable location, well served by public transport and in close proximity to shops, services and schools.

9.14 Conditions 5 and 13 attached in Section 13 will help safeguard the amenities of existing residents in close proximity to the site.

Highway implications and parking provision

9.15 Local Plan Policy T5 expects all development proposals to comply with the Council's adopted highway design standards in the interests of highway safety, while Policy P4 requires all development to comply with the Council's adopted parking standards. The NPPF (paragraph 109) states "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

9.16 Harrow Lane is a classified unnumbered local distributor road, with a 30mph speed limit. The site is located 1.6km north of Maidenhead Town Centre and is accessed via Harrow Lane. The site is well served by the surrounding road network, with the A404 (M) located 5km to the west and the M4 motorway 5km to the south. The nearest bus stop is located directly outside the site on Harrow Lane and provides regular services to Maidenhead town centre and High Wycombe. Furze Platt train station bounds the site to the east and provides two services per hour to Maidenhead and to Bourne End or Marlow. Accordingly, the site is located in a reasonably accessible area.

9.17 The main existing vehicular and pedestrian access to the site is from Harrow Lane, with a secondary vehicular access from Connaught Close. The application proposes that the main vehicular access will be provided from a new access off Connaught Close, with pedestrians and cyclists primarily accessing the site from Harrow Lane. The Highway Authority has advised that the proposed new vehicular access from Connaught Close provides an access with less vehicular conflicts in comparison to the access from Harrow Lane, as this section of Connaught Close is a cul-de-sac with no through road for other vehicles. The access is suitably placed with adequate visibility to the left and right, and with no visibility issues for those pedestrians exiting the footpath to the west of the site access.

9.18 The Highway Authority has advised that the site is in a reasonably accessible location. The applicant proposes 46 car parking spaces which is appropriate provision for the area and compliant with Policy P4.

9.19 TRICS analysis to assess the existing, proposed and net increase in the number of trips (two-way) anticipated at the site has been provided. The Highway Authority is satisfied with the assessment and results, and has advised the proposal does not raise any significant highway concerns in relation to the number of vehicles anticipated on the local highway network.

9.20 The proposal would provide 32 cycle parking spaces which is acceptable. The proposal would also provide suitably located refuse stores and the applicant has demonstrated, with the submission of a swept path analysis, that a Council refuse lorry could enter and leave the site in a forward gear.

9.21 All of the local resident representations received in connection with this application have expressed concerns about parking problems within the vicinity of the site, particularly along Queensway as a result of commuters parking to use Furze Platt station. It is important to note, however, that this is an existing problem which, with sufficient off-street parking provision, the proposal would not add to. Refusing the application on the grounds of an existing problem could not be justified or substantiated if the application were to go to appeal. If there is an existing problem with on-street parking this can be addressed through other ways, such as resident's permits.

9.22 With regard to loss of parking to existing residents, it is unclear from planning records what properties the existing block of garages (proposed to be demolished) within the application site originally served. It appears that some properties were originally provided with their own off-street parking, while some were not, however at the time planning permission was granted for the estate, in the 1960s and 70s, parking arrangements would have been more relaxed compared to today's requirements, such that the garages are highly unlikely to have been tied to specific properties in the original planning permission. Essentially, this is a matter between the individual owners/occupiers of the existing neighbouring properties affected and the applicant, Housing Solutions and is not fatal to the acceptability of this application.

9.23 The Highway Authority has raised no objections to the proposed development which would not have an unacceptable impact on highway safety or a severe impact on the local road network. Subject to conditions 7, 8, 9, 10, 11 and 12, the proposal complies with adopted policies.

Sustainable drainage

9.24 The initial consultation response from the Lead Local Flood Authority (LLFA) requested clarification on the surface water discharge rate. For development sites which were previously developed, the Non-Statutory Technical Standards for sustainable urban drainage systems requires the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event to be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall.

9.25 In response to the LLFA request, the applicant has advised flows from the site cannot be reduced to a green field rate due to spatial constraints on site. Due to the lack of space at the lower part of the site and required offsets from the existing services, electricity cables and building in this area, no more storage at the outfall location can be provided and as a result, a discharge rate lower than 10l/s cannot be achieved. Infiltration cannot be used to reduce the rate or volume from site due to the risk of dissolution features in the chalks. Further attenuation upstream of the tank would have a limited impact on the downstream storage, due to the limited flows from the upper site areas. However, the development will reduce flows, to 10l/s, acceptable in a 1 in 100 plus climate change event, and almost half the existing 1 in 1-year rate, representing a significant reduction. This will ensure that the flood risk both to and from the site is not increased as a result of the development.

9.26 Thames Water has not raised any objections to the proposed development, and as the proposal represents a betterment on the existing situation on site, it is not anticipated the LLFA will object. Accordingly, the LLFA formal response will be provided in an update report to the Panel and, if necessary appropriate planning conditions added.

The impact on trees

9.27 There are established trees along the east boundary adjacent to Furze Platt station which the application shows to be retained. Although the trees are not worthy of specific protection in terms of their amenity value (by way of a Tree Preservation Order), they will help soften the appearance of Block B when viewed from the east, and will provide effective screening to the development, helping to ensure privacy of future occupants is maintained from the adjacent railway station. It is therefore recommended these trees are protected during the construction of the development.

9.28 The Tree Officer has no objections to the proposal and subject to condition 13 it complies with Policies DG1 and N6 of the Local Plan.

Archaeological implications

9.29 Berkshire Archaeology has advised there are potential archaeological implications associated with this proposed scheme. Previous consultation at the site concluded that Gardner House "is in an area of some moderate archaeological potential, for features of most periods." This is evidenced through nearby important finds, such as a Neolithic ground axe c.3000m north-west of the proposals. A numbers of shards of early Saxon pottery were found in Moorside close (c. 300m east of the site) during a watching brief, and a small prehistoric hand axe has been discovered c.400m south of the site. However, the Berkshire Historic Environment Record does not note any known archaeological features or monuments within the site boundary or directly adjacent, although as noted in the previous consultation "this is more likely due to a lack of previous field investigations in the area rather than that the archaeology is not necessarily present."

9.30 The application site therefore falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. Berkshire Archaeology has therefore recommended that a condition is applied that mitigates the impact of the development should permission be granted (see condition 6). This is in accordance with paragraph 141 of the NPPF which states that local planning authorities should require "developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and make this evidence (and any archive generated) publicly accessible."

9.31 Subject to condition 6 the proposal complies with Policy ARCH 4 of the Local Plan.

Other Material considerations

9.32 Environmental Protection has not raised any objections to the proposal in respect of noise or air pollution. The proposal therefore complies with Policy NAP3 of the Local Plan.

9.33 Some representations received have commented on existing problems with anti-social behaviour in the area and that, as a result of the new development, this could become worse. It is considered however that as the site will become occupied, (having been vacant for residential use for 7 years), the development will in fact provide natural surveillance of the area, which in-turn should help to reduce anti-social behaviour.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 As the proposed development is for affordable housing, the development is exempt from CIL.

11. CONCLUSION – PLANNING BALANCE

11.1 Paragraphs 10 and 11 of the NPPF 2019 set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the

policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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.

11.2 Footnote 7 of the NPPF (2019) clarifies that:

'out-of-date policies 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..).'

11.3 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply is the 'standard method' as set out in the NPPF (2019), this gives a Local Housing Need of 71 units per year.

11.4 At the time of writing, the Council is able to demonstrate 4.74 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate 5% buffer).

11.5 As such, paragraph 11 d (ii) of the NPPF (2019), including footnote 7, the 'tilted balance' is engaged. As such, this sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.2 The proposal would have some harm to the visual amenities of the area and there would be some harm arising from the limited amenity space provided on site for the future occupiers of the development. However, the proposal would make more efficient use of a previously developed site which the NPPF affords substantial weight, and the site is within a sustainable location and would contribute to meeting the need for high quality, affordable homes in the Royal Borough. Accordingly, the benefits of the scheme are not outweighed by the harm.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site plan
- Appendix C – Existing and proposed block plans
- Appendix D – Block A floor plans
- Appendix E – Block A elevations
- Appendix F – Block B ground and first floor plans
- Appendix G – Block B second floor plan
- Appendix H – Block B elevations
- Appendix I – Proposed street elevation

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 submitted with the application, no development above slab level shall take place until details of the roof tiles to be used on the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies DG1, H10, H11.

3 The materials to be used on the external elevations 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, H10, H11.

4 The development shall be carried out and maintained in accordance with the details of slab levels as shown on drawing no. PD03 Revision P2.
Reason: In the interest of the visual amenities of the area. Relevant Policies Local Plan DG1, H10, H11.

5 No window(s) shall be inserted at first floor level or above in the north elevation of Block A , on its flank closest to properties in Connaught Close.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.

6 No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological mitigation (which may comprise more than one phase of work), in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority.
Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric and Medieval remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy. Relevant Policy - Local Plan ARCH4.

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

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

i) Hours of working and periods of the year;
ii) A layout plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works;
iii) Hours of deliveries and collections to and from the site;
iv) Site security arrangements, including hoardings and other means of enclosure;
v) Health and safety;
vi) Measures to control dust;
vii) Measures to control noise, including plant noise; and
viii) Details of temporary lighting

Reason: To protect the environmental interests (noise and air quality), the amenities of the area and for highway safety and convenience. Relevant Policies - Local Plan DG1, NAP3,T5, T7.

9 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.

10 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1

11 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety

and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

12 The existing vehicular access to the site off Harrow Lane shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1.

13 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

14 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme first agreed in writing by the Local Planning Authority, and retained in accordance with the approved details.
Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. Relevant Policies - Local Plan DG1.

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.

Informatives

1 The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday - Friday 08.00 - 18.00; Saturdays 08.00 - 13.00 and no working on Sundays or Bank Holidays.

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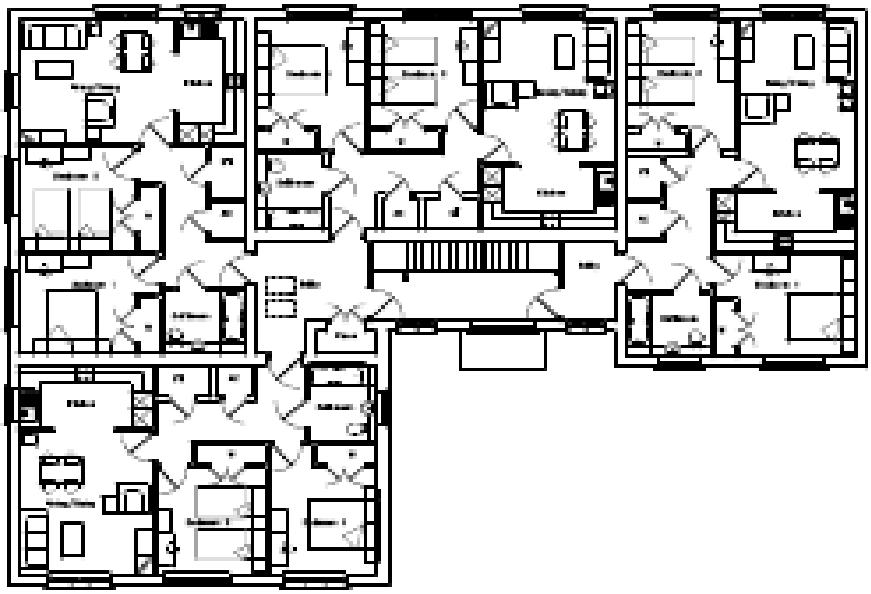
Appendix B
Proposed Site Plan

Appendix C
Comparison Block Plans

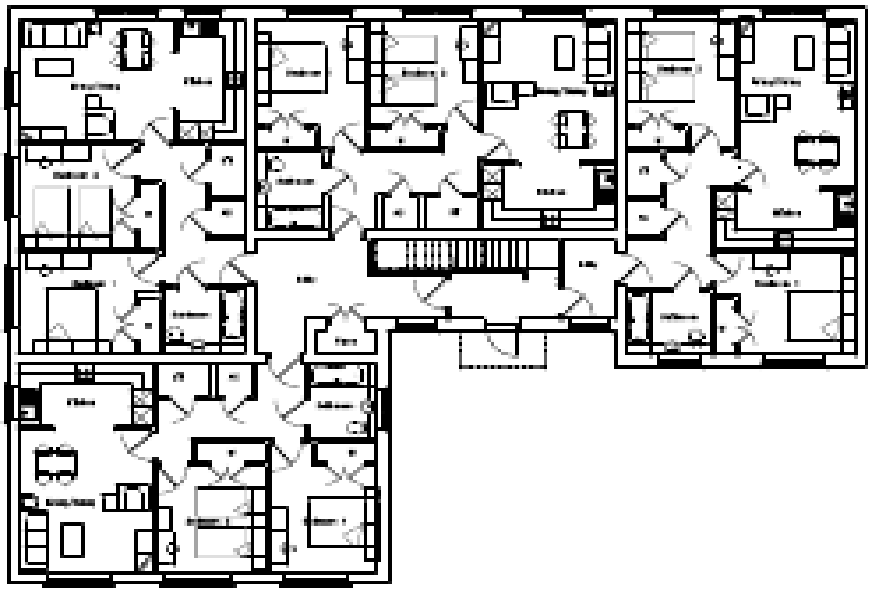
Existing block plan

Comparison block plan

Appendix D
Block A Floor Plans

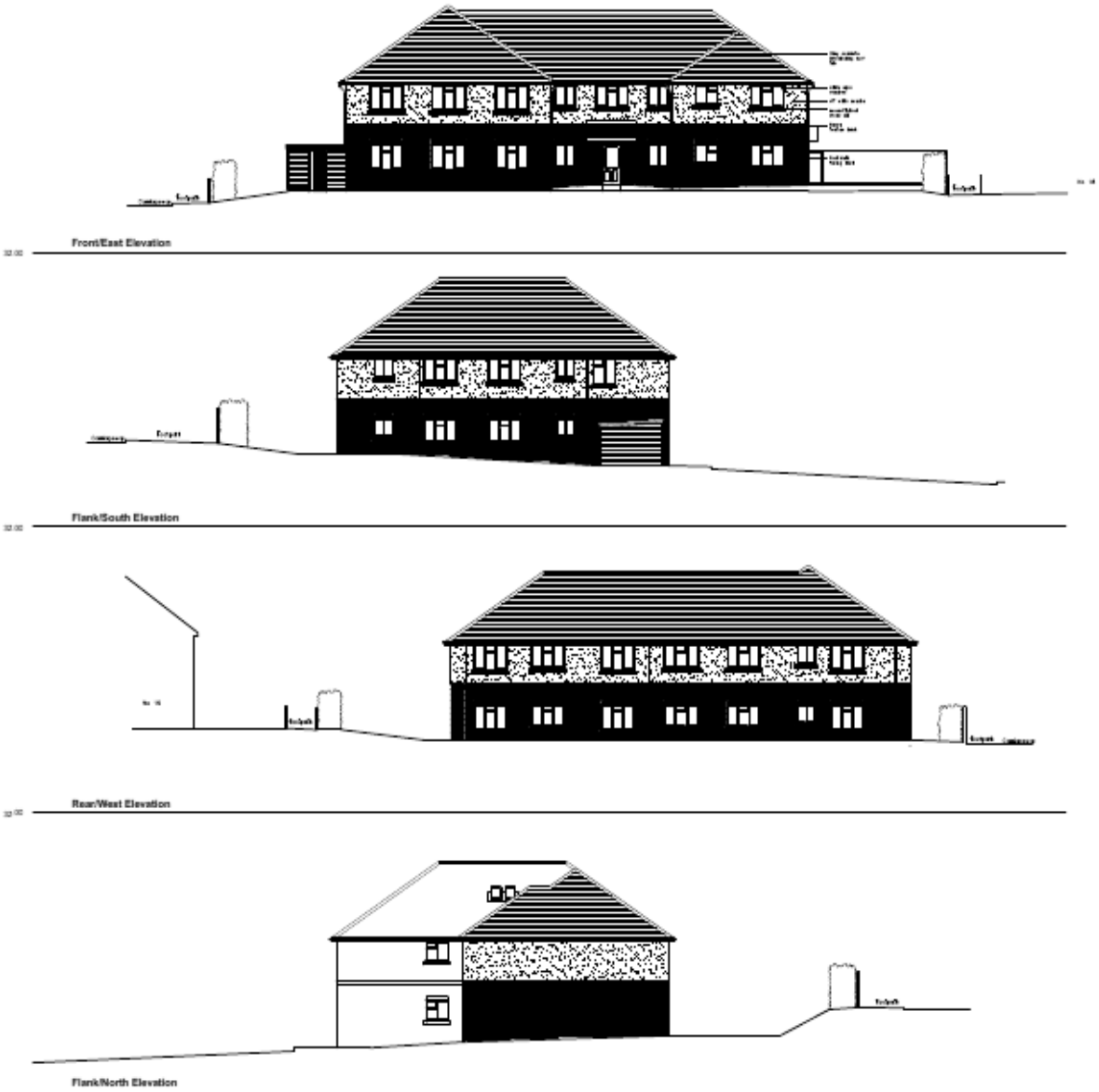


First Floor Plan



Ground Floor Plan

Appendix E
Block A Elevations



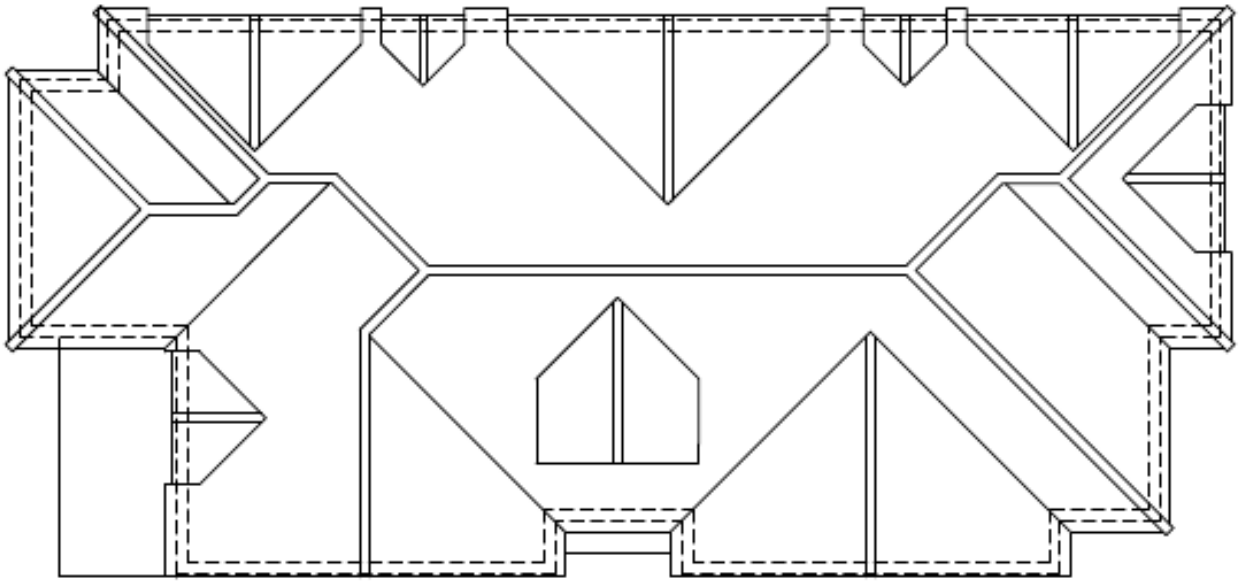
Appendix F
Block B Ground & 1st Floor Plans

Ground Floor Plan

First Floor Plan

Appendix G
Block B 2nd Floor & Roof Plans

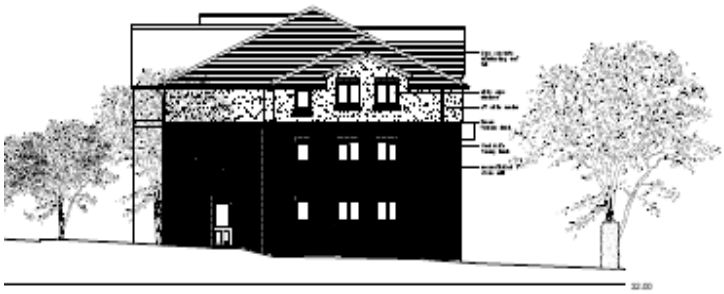
Second Floor Plan



Roof Plan

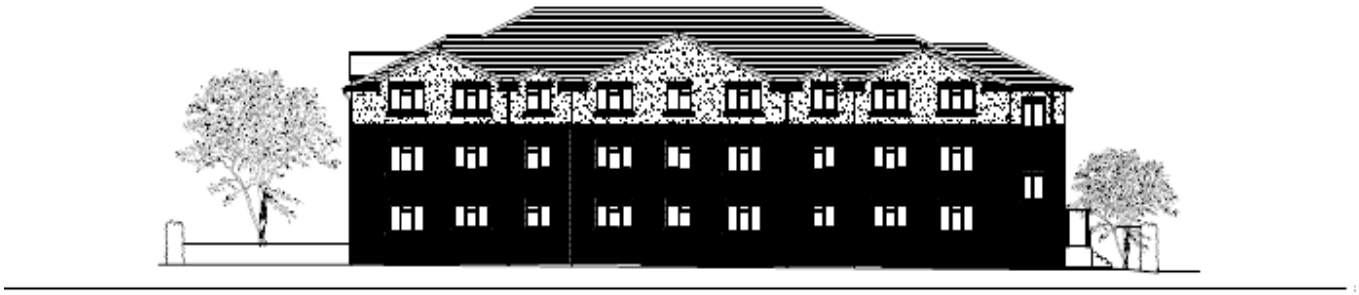
Appendix H
Block B Elevations

Front/West Elevation

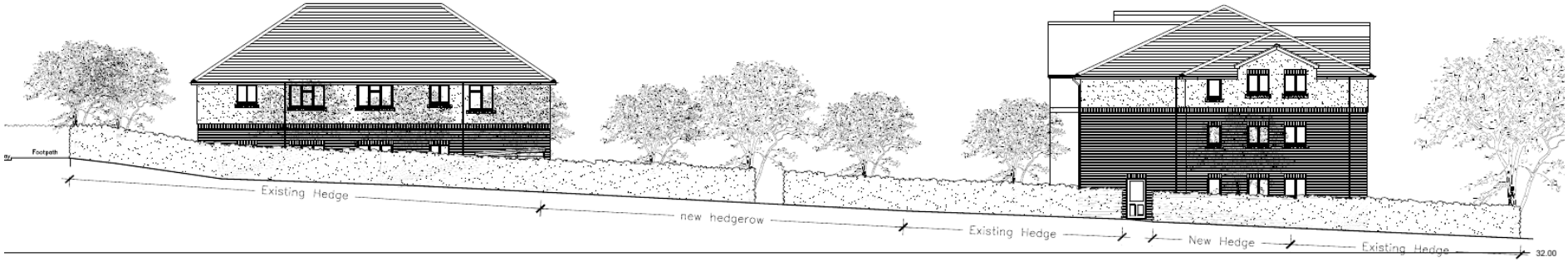


Flank/South Elevation

Flank/North Elevation



Rear/East Elevation



Appendix I

Proposed Street (Harrow Lane) Elevation

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

MAIDENHEAD DEVELOPMENT CONTROL PANEL

17 July 2019 **Item:** 4

Application No.:	19/00989/FULL
Location:	Units 9 To 27 Clivemont Road Maidenhead
Proposal:	Demolition of the existing buildings and redevelopment of the site to provide a 3,010 sqm GEA warehouse building in use class B1c/B2/ B8 with associated lorry, car and cycle parking and landscaping.
Applicant:	Ioan Rees
Agent:	Georgia Barrett
Parish/Ward:	Maidenhead Unparished/Belmont Ward

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

1. SUMMARY

1.1 The scheme is for the demolition of the existing buildings, and the construction of a new building for flexible use in B1c (light industrial), B2 (general industrial) and B8 (storage and distribution), together with an associated car parking area. The site is within a designated employment area within the development plan, and the proposed flexible use for these types of employment areas would be acceptable and in accordance with Local Plan policy.

1.2 The building would have a functional appearance, and is considered to be appropriate in the context of this area. The scheme is considered to provide an adequate level of car parking and servicing area so as not to result in a danger to highway safety, or a severe impact on the road network.

1.3 The scheme would provide for adequate Sustainable Drainage, and would have an acceptable impact on neighbouring amenity.

It is recommended the Panel GRANTS planning permission with the conditions listed in Section 11 of this report.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The site measures approximately 0.55ha and forms part of the Cordwallis Industrial Estate. The Cordwallis Estate is a designated employment site within the Adopted Local Plan, which is allocated primarily for industrial and small scale distribution and storage uses. The existing units are provided in a terrace of single storey industrial units dating from the 1920s as well as two linked detached units sited to the north. The terrace is finished in painted brick. The two detached units are two storey in height, dating from the 1990s, and are modular in form and clad in corrugated metal. The existing buildings have a floorspace of circa 3,527m2 and the highest part of the building has a height of 9.6m.

3.2 The site and its immediate surroundings are a mix of B2 and B8 employment uses, and other non-residential uses. Residential uses, not adjacent, but close to the application site have, or are in the process of being introduced.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The proposal seeks the demolition of the existing buildings which have an employment use, and the construction of one new building, together with car parking and servicing area. The proposed building would have an internal floorspace of circa 2,934square metres, and would provide a flexible use to accommodate a B1c (light industrial) /B2 (general industrial) or B8 (storage and distribution) use, or a combination of all three uses.

4.2 The building would have a height of circa 12.5metres from ground level to the ridge of the roof, and 9.7 metres to the eaves. The external walls would be finished in predominantly grey cladding, together with some blue cladding. The site levels would be altered between 15cm to 50cm. The most notable change in levels would be between the building floor level and the new footpath on Clivemont Road, where there is a 50cm difference in level.

4.3 The existing vehicular access to the south of the site will be stopped-up, with the access to the north retained. The scheme also includes a 2.5m wide footway to the west of Clivemont Road, across the site frontage.

4.4 Two site layout plans are submitted; one for the B1c/B2 use, and one for a B8 use. The site layout plan for the B1c/B2 use has more car parking spaces, whereas the layout plan for the B8 use has less car parking spaces, and more space for lorry parking.

Reference	Description	Decision
12/00443/FULL	Change of use from B1(c) light industrial use to D1 (Police training centre) for a temporary period of 3 years (Unit 14 Clivemont Road)	Approved - 23.4.12
12/00309/FULL	Demolition of an industrial unit. Formation of an access road. (unit 8)	Approved on the 30th March 2012.

5. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Employment Land	E1, E2, E5, E10
Highways	P4, T5, T7
Environmental Protection	NAP3

These policies can be found at
https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

6. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 2- Achieving Sustainable development
Section 4- Decision–making
Section 6- Delivering a strong, competitive economy
Section 9- Promoting Sustainable Transport
Section 11- Making effective use of land
Section 12- Achieving well-designed places
Section 15- Conserving and enhancing the natural environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Employment site	ED1, ED2
Environmental Protection	EP1
Noise	EP3

6.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

6.2 This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

6.3 Other Strategies or publications material 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

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

14 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 3rd May 2019.
The application was advertised in a local paper distributed in the borough on the 18th April 2019.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	Has no objection subject to a condition being imposed to secure the detail of the Sustainable Drainage strategy.	8.23-8.24

Consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection subject to conditions.	8.11-8.22
Environmental Protection	Offers no objection, subject to conditions being imposed to secure: 1 Construction Environmental Management Plan 2 Protection from any contaminated land 3 Details of a lighting scheme to be submitted 4 Details of ventilation and filtration if paint spraying is to be carried out 5	See recommended conditions
Tree officer	No objection, subject to a condition being imposed to secure the landscaping scheme.	8.7

8. EXPLANATION OF RECOMMENDATION

8.1 The key issues for consideration are:

i Principle of development

ii Design

iii Amenity

iv Transport

v Sustainable Drainage

vi Planning balance and conclusion

Principle of development

8.2 The site is located within a designated employment area within the Adopted Local Plan, which is allocated primarily for industrial and small scale distribution and storage uses. As the proposal is to redevelop the site for the purposes of B1(c), B2 and B8 use, there is no conflict (for any of these uses) with Local Plan policies E1 and E5 which seek to ensure that the Borough maintains a diverse local economy by reinforcing existing employment land use. Policy E2 is considered to be largely consistent with the requirements of the NPPF, and so is given significant weight. The proposal would result in the loss of employment floor space. There would be a net loss of circa 593 square metres of employment floorspace as a result of the redevelopment. However, the application sets out that the proposed building would provide high quality and modern employment floor space, currently not offered by the existing building. It is set out that the existing building is run-down, not fit for modern business needs, and that improvement is beyond what renovation alone can achieve. The justification for the smaller amount of employment floor space is because the new development is subject to more stringent requirements on parking and servicing to serve development, which means that the site is not capable of accommodating any further quantum of floor space whilst retaining the supporting infrastructure required. These points are accepted.

8.3 Policy E2 of the Adopted Local Plan also sets out that within redevelopment schemes, the Council will require the provision of a variety of types and sizes of accommodation, including small units in a range of sizes up to 300 square metres. This scheme does not include the provision of smaller units, however, the NPPF 2019 at paragraph 80 sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development, and that the approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. The applicant advises that the building is a large single warehouse and given its primary use is likely to be for logistics and distribution. They advise that

recent shifts in spending habits and a move towards online shopping, means that a logistics warehouse is needed to cater for this rapidly growing demand in the market. This scheme is considered to accord with paragraph 80 of the NPPF, which is a material consideration of significant weight. The site is also allocated for employment purposes in the Borough Local Plan Submission Version, which is also a material consideration.

Design

8.4 The building would have a functional appearance, and this is considered to be appropriate to its employment use, and within the context of this allocated employment site.

8.5 Building heights vary in the local area. On the site opposite (to the east) the building with planning permission will have a height of around 8-9 metres. Marandaz House which is to the north east will have a height of 10.2 metres when the additional storey is added to the building. The building would be one of the taller buildings in this part of Clivemont Road, however, given the spacing between buildings, and owing to the fact that there are larger scale buildings in the area, the height of the building is considered to be acceptable.

8.6 The proposed cladding is considered to be acceptable in the context of this site. Cladding is a material that is present within this area. The materials proposed in this case, are similar to that for a building approved opposite to this site.

8.7 The scheme provides for a new soft landscaping strip to be provided along the eastern boundary of the site (facing Clivemont Road) which will help soften the appearance of the development. Condition 13 secures this detail. Largely across the site, the change to the ground levels are quite minor the most noticeable change in levels will be between the floor level of the building and the new footpath on Clivemont Road, however, owing to the set back of the building and the landscape buffer, the change in level will not appear very noticeable when viewed from Clivemont Road.

Amenity

8.8 For future occupiers of the proposed building, it is important to ensure that any contaminated land at the site is remediated before the building is occupied. There is no development plan policy of relevance, however, the NPPF at paragraph 178 sets out the requirements for contaminated land. Condition 3 is recommended to secure details of the investigation and any remediation measures for contaminated land.

8.9 Although the site is within an allocated employment area, there are buildings within the local area that have been or are being converted to residential use (this has been through the use of permitted development rights to change office to residential.) Marandaz House is the closest residential building (which is in the process of being converted) to the application site, which is to the North-east on the opposite side of the road. Given this application would allow a flexible use of B1c, B2 or B8 use, conditions 6, 7 and 9 are recommended to ensure there is no unacceptable impact on nearby residential amenity.

8.10 Subject to certain conditions, the use of the building for B1c, B2 or B8 would be acceptable, given that non- residential properties adjoin the site, and this site is in a designated employment area, where employment uses are in operation.

Transport

8.11 The site currently operates with a mix of uses including warehousing, distribution and manufacturing. The existing vehicular access to the south of the site will be stopped-up, with the access to the north retained.

8.12 The site is in Cordwallis Industrial Estate and has access to the wider highway network via Clivemont Road. The site is circa 1km from Maidenhead town centre and a further 0.5km from

Maidenhead Station. As such the site is considered to be in an area of poor accessibility, when considered against the Council's Parking Strategy 2004.

Parking provision

8.13 **B1 (c) and B2 use class**
With reference to the Council's Parking Strategy (2004), both use classes attract a maximum parking demand of 1 space per 35m2 (areas of poor accessibility), which leads to a requirement for **86** spaces. The layout plan for the B1c/B2 use shows **64** car parking spaces set at a ratio of 1 space per 47m2 for these uses. The Transport Assessment reports that parking for an HGV will also be accommodated within the site.

B8 use class

8.14 For storage and distribution use the Parking Strategy sets a requirement of 1 car parking space per 90m2, plus 1 lorry space per 200m2. For the B8 use this results in a demand for **34** cars and **15** lorry parking spaces. The site layout plan for the B8 use shows **33** car parking and **7** lorry parking spaces. The lorry parking provision is less than 50% of the Borough's maximum standard.

8.15 Policy P4 of the Adopted Local Plan requires schemes to provide parking spaces in accordance with the Council's Parking standards. The Council's Parking standards are based on maximum parking standards. The NPPF 2019 at paragraph 106 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. In this instance, the Highway Authority have not identified that there is a compelling justification for the scheme to comply with the maximum parking standards, and as such Policy P4 is given reduced weight.

8.16 The Council's parking standards date from 2004, and are somewhat out of date. The Employment Densities Guide 3rd Edition (2015) is National guidance. It is not planning policy, but it is a useful document in working out employment densities, and is more up to date than the Council's Parking Strategy 2004. It is a material consideration to the determination of this application.

8.17 The Guide suggests typical occupancy levels of 1 FTE per 47 sqm (NIA) for a B1c use and 1 FTE per 36 sqm (GIA) for B2. Using these standards, based on a scenario of 80% of staff travelling to work by car (which would be an upper percentage of people travelling to work), this would attract a demand for **50** car parking spaces for a B1c use, and a **66** car parking spaces for a B2 use. The plans show that for a B1c or B2 use, 64 car parking spaces would be provided. This would provide more than likely requirement for a B1c use, and would be 2 parking spaces short for a B2 use. This shortfall is not considered to be a significant under provision, and it is unlikely it would result in overspill parking onto the roads that would result in danger to highway safety. With regard to the shortfall of lorry parking spaces for the B8 use, the Highway Authority does not consider this shortfall would result in harm to warrant refusal on highway safety grounds.

8.18 Given the constraints for car parking, condition 13 is recommended to ensure that the mezzanine floor within the proposed building cannot be increased further, without applying for planning permission.

Traffic generation

8.19 Table 4-1 [Proposed Vehicle Trip Rates and Generation] of the submitted Transport Assessment, provides a comparison between the trips generated by the existing site and the proposed B8 and B2 units. It is noted that despite the existing site's mixed usage, it has been assessed as a B2 use. Nevertheless, the results show that the proposed units are predicted to lead to a reduction in vehicular activity, if any of the uses are implemented. It is noted, the floorspace figures in the Transport Statement differ slightly from that specified in this report, however, this would not affect the conclusions of the Transport Statement.

8.20 The Transport Statement includes a Highway Impact Assessment section that assesses the impact of the development on the local highway network. This section reports that given the predicted reduced traffic generation, the impact of the development in the 2023 Future Year is also likely to be reduced.

8.21 In addition to the above a sensitivity assessment of the development's impact was undertaken that assumed all the trips generated by the site are new to the highway network. Given the reduced size of the facility the Highway Authority concurs with the applicant's conclusion that the traffic arising from the development is unlikely to affect the existing traffic levels on the highway network.

8.22 The NPPF at paragraph 109 sets out 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. This scheme would not result in an unacceptable impact on highway safety, and would not result in a severe impact on the road network. The scheme is considered to be acceptable on transport grounds.

Sustainable Drainage

8.23 As the scheme is a major development, there is a requirement to provide a satisfactory Sustainable Drainage scheme. In this case, the submitted drainage strategy sets out that the existing site impermeable area is 5512 m2., and that the proposed impermeable area of the development is 4730 m2. The reduction in impermeable area has been achieved by the incorporation of landscaping strips, particularly along the eastern boundary with Clivemont Road, and the addition of the porous gravel surface between the building and the west boundary.

8.24 The Lead Local Flood Authority are satisfied with the proposed Sustainable Strategy, but have recommended that a condition is imposed to secure further detail on this (see condition 5).

9. PLANNING BALANCE AND CONCLUSION

9.1 The proposal for the flexible use of this building to accommodate a B1c, B2 or B8 employment use is considered to generally accord with Policies E1, E2 and E5 of the Adopted Local Plan. The scale and appearance of the building is considered to be acceptable within the context of this area. The principle of the Sustainable Drainage Scheme proposed is considered to be acceptable. The scheme is considered to have an acceptable impact on neighbouring residential amenity.

9.2 The scheme is considered to provide enough on-site parking for the proposed uses, so that it would not result in a level of overspill car parking onto the surrounding road network that would cause a danger to highway safety. In addition, the proposal is not considered to result in a severe impact on the road network.

9.3 The scheme is considered to comply with the relevant policies in the development plan, given greatest weight, and the relevant provisions of the NPPF, given significant weight as a material planning consideration, and is accordingly recommended for approval.

10 APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed layout
- Appendix C – Elevations and floor plans

11. 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. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.

3 Prior to the demolition of the building, a site walkover to identify potential sources of contamination shall be submitted to and approved in writing by the Local Planning Authority.

Unless otherwise agreed by the Local Planning Authority, construction of the building, other than that required to be carried out as part of the 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 in the approved in the timetable of works (in accordance with the approved details under point 2 of this condition)

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report shall be submitted to the LPA for approval in writing in accordance with the timetable of works (in accordance with the approved details under point 2 of this condition).

4. Reporting Unexpected Contamination. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the LPA. 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 subject to the approval of writing of the LPA.

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 time which shall be agreed in writing by the Local Planning Authority under point 2 of this condition

(Submission of the Remediation scheme) , 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.

.

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. As per the requirements of paragraph 178 of the NPPF.

4 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.
- 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
  vii. 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

- the use of operators that are members of TfL's Freight Operator Recognition Scheme (FORS)

  Reason: In the interests of highway safety. Local Plan Policy T5, and in the interests of the amenities of surrounding occupiers during the construction of the development.

5 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels,
  cover levels and relevant construction details.
- Supporting calculations confirming compliance with, the Non-statutory Technical Standards for Sustainable Drainage Systems, the agreed discharge rates, and the attenuation volumes to be provided.
- Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented

The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

6 Prior to the installation of any external lighting, a written scheme of the proposed lighting, including siting, height, design, a drawing showing Isolux lines, position of lights, details of lights fittings, lamps and hours of use shall be submitted to and approved in writing by the local planning authority. The lighting shall be implemented in accordance with the approved scheme.

Reason: To protect the residential amenities of the area and to prevent light according to the Local Plan Policy NAP3.

7 In the event that paint spraying operations are to be carried out within the premises, details of the plant and equipment to be installed for the filtration and ventilation of paint spray and fumes from the building shall be submitted to the Local Planning Authority and approved in writing before the use is implemented. The details approved shall be implemented before the paint spaying use commences, and shall be retained thereafter and shall be maintained in good working order at all times.

Reason: To protect the amenity of the area and to prevent any nuisance from odours and to accord with the Local Plan Policy NAP3.

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

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

9 Prior to the installation of any plant on the building hereby approved , details of the plant and a scheme of insulation in accordance with British Standard (BS) 4142:20142, "Methods for rating and assessing industrial and commercial sound to the plant, shall be submitted to and approved in writing by the Local Planning Authority. The plant shall be installed in accordance with the approved details.

Reason: To protect the amenities of the area and prevent nuisance arising from noise and to accord with the Local Plan Policy NAP3

10 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 spaces 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.

11 The existing access to the south of the site shall be abandoned, stopped up and made good immediately upon the new access being first brought into use.

Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1.

12 All hard and soft landscape works shall be carried out as approved within the first planting

season following the substantial completion of the development and retained thereafter in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the im mediate vicinity, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. Relevant Policies - Local Plan DG1.

13 The mezzanine floor as shown on approved drawing KP-175-TP2-02 Revision A shall be constructed in accordance with this drawing, and there shall be no increase in the area of this mezzanine floor.

Reason: To ensure the adequate parking is provided for the development. Local Plan Policies P4 and T5.

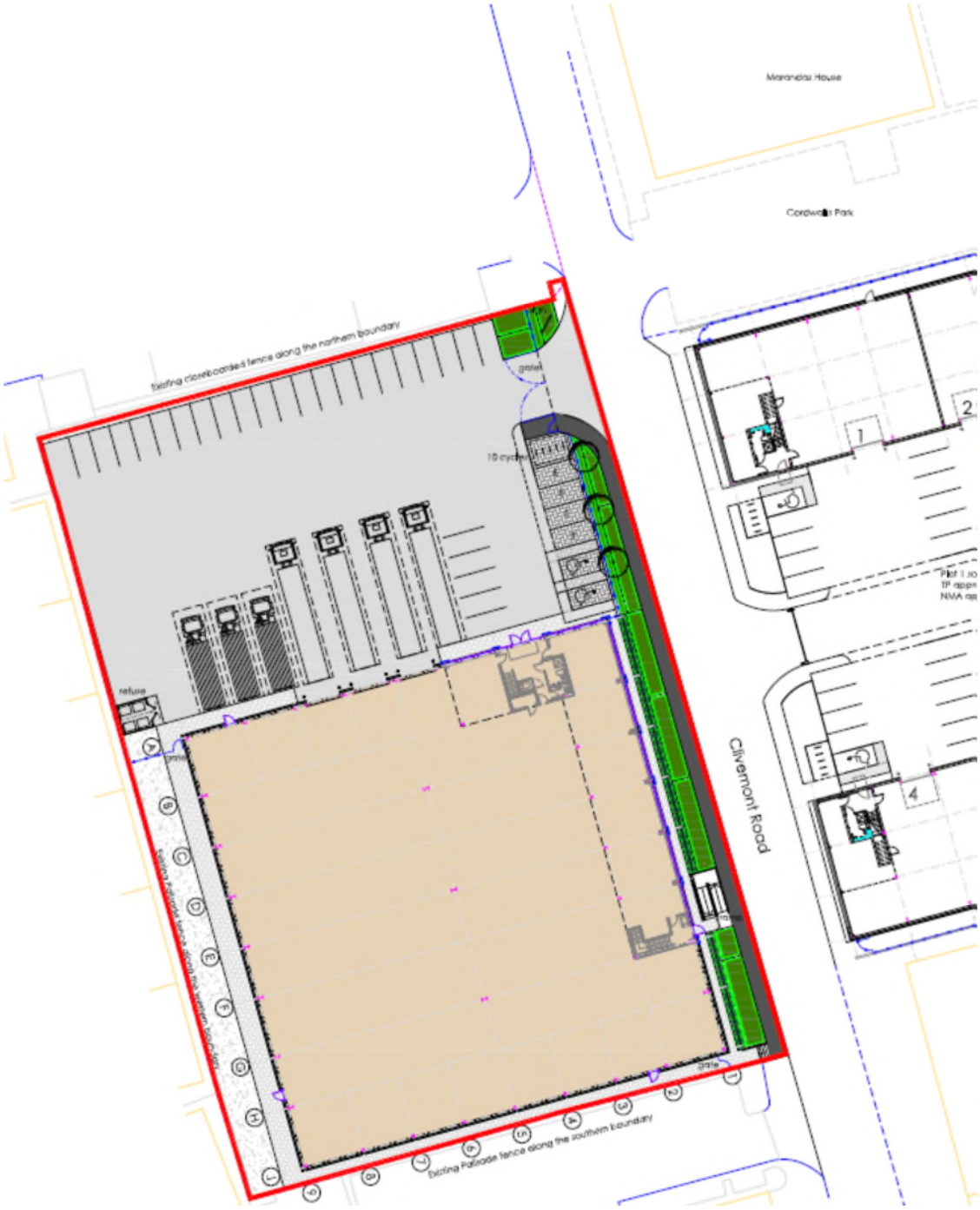
14 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

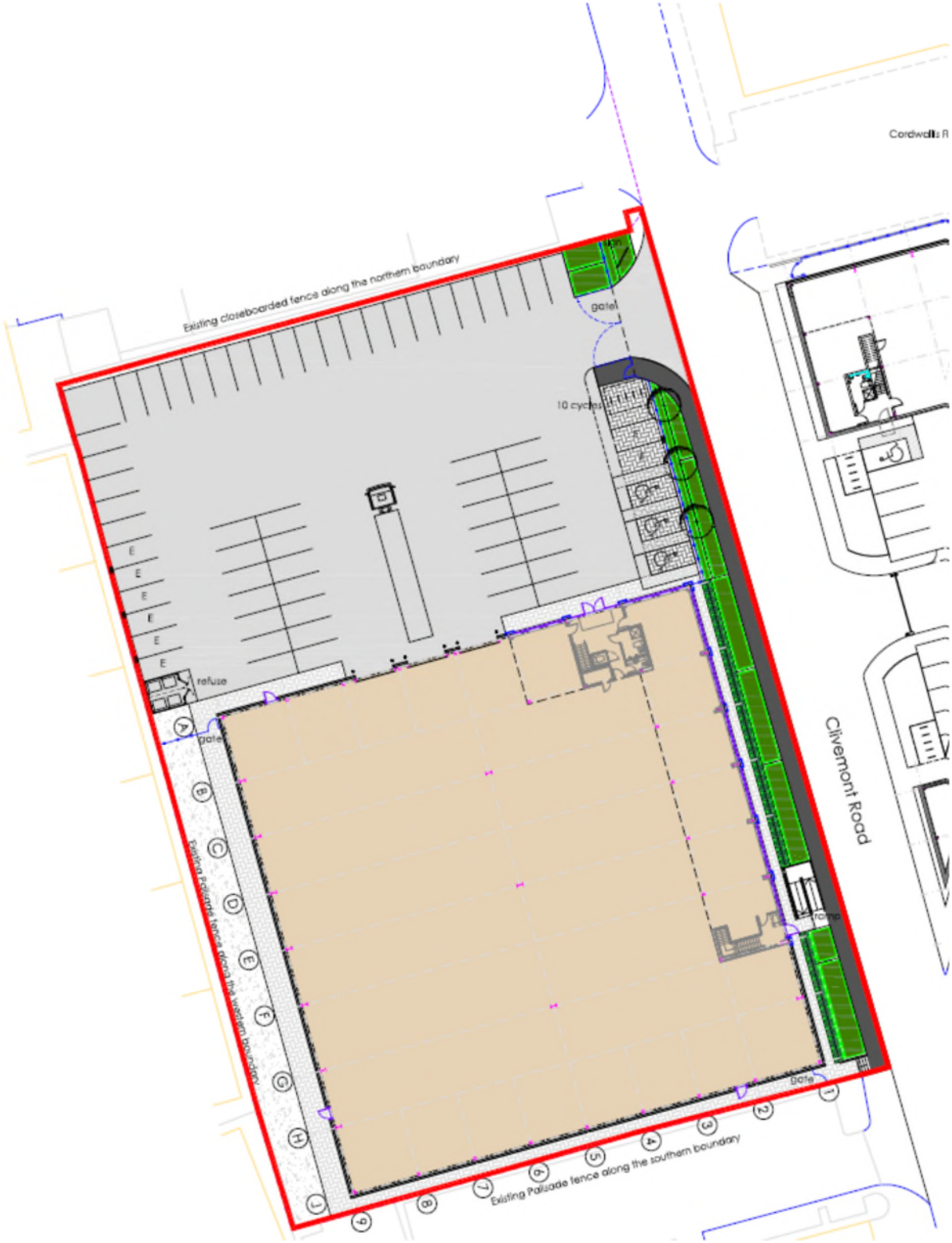
Appendix A- site location plan

Appendix B- Proposed layout

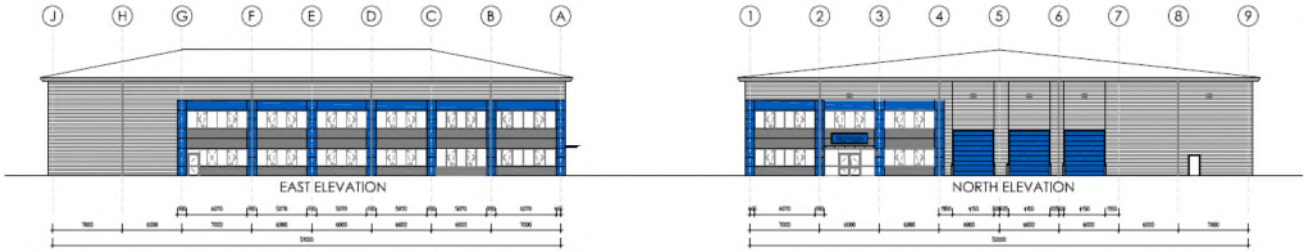
For B8 use

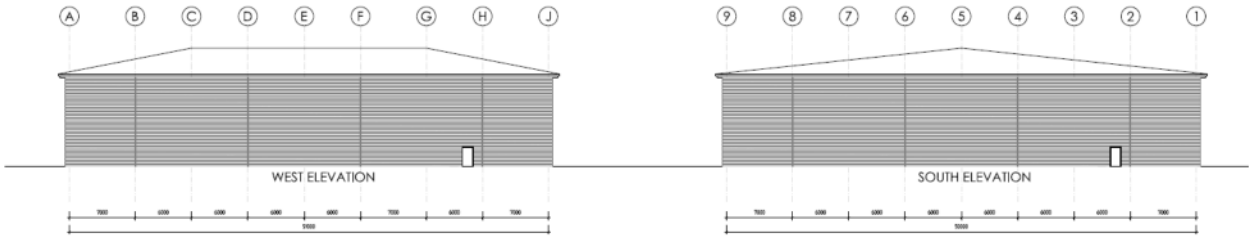


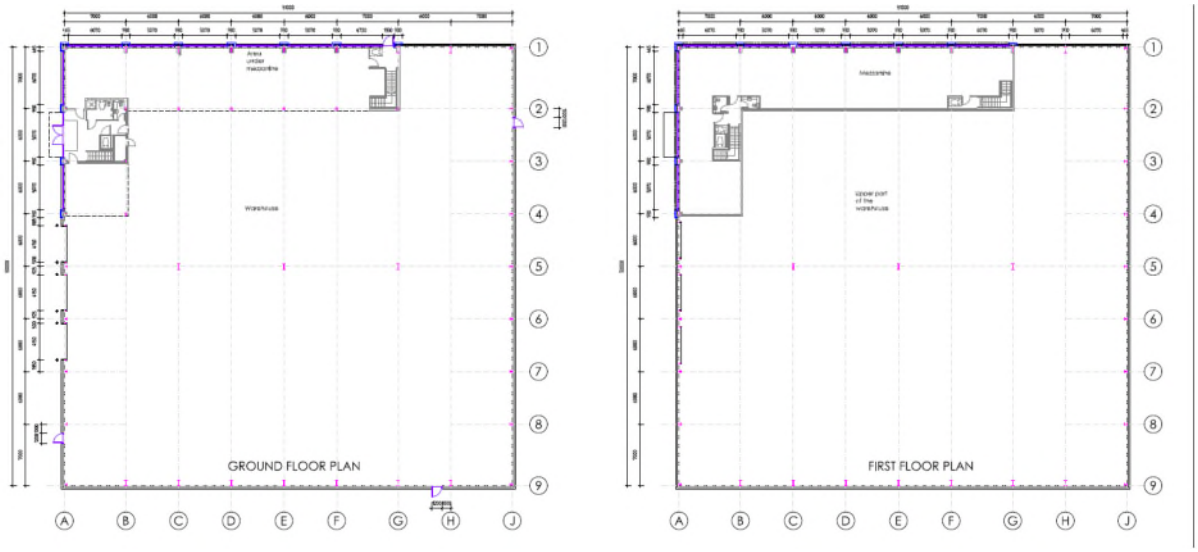
For B1c/B2 use



Appendix C- Proposed elevations and floor plans







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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

MAIDENHEAD DEVELOPMENT CONTROL PANEL

17 July 2019 **Item:** 5

Application No.:	19/01102/FULL
Location:	Forest Green Farm Forest Green Road Holyport Maidenhead SL6 2NN
Proposal:	Change of use from agricultural to mixed agricultural and Equestrian use, new stable block and manege. (Part Retrospective).
Applicant:	Mrs Craig
Agent:	Fergus Hodge
Parish/Ward:	Bray Parish/Bray Ward

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

1. SUMMARY

1.1 Planning permission is sought for the change of use of the land from agricultural to a mixed agricultural and equine use, erection of a stable block and manege (retrospective)

1.2 The proposal, in accordance with paragraph 145(b) of the National Planning Policy Framework (NPPF) and Policies GB1 and GB2 (A), would constitute an appropriate form of development within the Green Belt preserving openness and not conflicting with the purposes of including land in the Green Belt;

1.3 The proposed development is not considered to have any detrimental impact on the character and appearance of the area and complies with policies DG1 and GB6 and paragraphs 127 and 130 of the NPPF.

1.4 It is not considered that the change of use and associated stables and manege would have any direct impact on the amenities of neighbouring properties or the existing highway network.

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

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The application site is located to the south of Forest Green Road and to the north of arable fields. The main access to the site is via the access road to the east which serves the storage and other farm units.

3.2 The surrounding area is rural in character and designated Green Belt land.

4. KEY CONSTRAINTS

4.1 The main site constraints associated with this site, are that the development is located within the Green Belt.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 This application seeks consent for the change of use of the land from Agricultural use, to a Mixed Agricultural and Equine use and the erection of a new stable block. Retrospective consent is also sought within this application for the installation of a manege for private recreational use only.

5.2 The proposed hay store and stable block will be an L-shaped building approximately 133 square metres in area. The stables will be approximately 2.2 metres to the eaves and 4 metres in height to the ridge, and be of a timber construction to match the existing farm house, with clay tile roof. The manege has already been installed at the site and is 40m by 20m. Both the stables and riding arena will be used for private use by the applicants and their family only.

5.3 A mixed use of the land is sought as the applicants also use the land to the east of the stables and manege for the grazing of sheep and horses.

5.4 Much of the landscaping around the application site has already been carried out and includes the addition of native mixed hedges and semi mature trees. The trees have been erected on the bund around the ménage and it is proposed to install additional hedges following the completion of any works.

5.5 There have been a number of planning applications on this site, relating to the farm house and storage units to the east. Of most relevance to the consideration of this application are two applications relating to the erection of the stable blocks:

Reference	**Description**	**Decision**
16/01851/FULL	Erection of stable block and manege	Withdrawn
17/01590/FULL	Erection of 4 stables and manege for private recreational use, using existing gated access	Withdrawn

5.6 The above applications were withdrawn as it was unclear from the information as to the specific land use of the site. The applicant has considered the land uses of this part of the farm, and this application clarifies that a mixed use is sought. This is so that grazing by the sheep and horses can still occur as and when grass needs to be controlled in line with the wider grazing management practices on the farm, in addition to the private equine use.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Trees	NG
Green Belt	GB1, GB2
Equestrian uses	GB7

These policies can be found at
https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision–making
Section 9- Promoting Sustainable Transport
Section 12- Achieving well-designed places
Section 13- Protecting Green Belt land

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Trees, woodlands and hedgerows	NR2
Development in the 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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

12 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 7th May 2019.

No letters were received from residents in response to the consultation.

Consultees

Consultee	Comment	Where in the report this is considered
Trees	As trees and hedgerows can be damaged during development works, condition is recommended to ensure protection. Further details of the landscaping are required.	9.14
Lead Local Flood Authority	Clarification sought on the increase in impermeable area created by the development.	9.16
Highways	No objections	9.11
Bray Parish Council	Recommend refusal due to overdevelopment of the site. New house and subsequent building (including PD detached building) already over 100% of original house, affecting the openness of the Green Belt.	9.2-9.8

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

1 Green Belt

2 Impact on the character and appearance of the area;

3 Highways and parking

4 Impact on residential amenity;

5 Trees and Landscaping.

PLANNING ASSESSMENT

- **Green Belt**

9.2 The proposal site is situated in the Green Belt, the main characteristics of which are 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. Paragraph 145 lists exceptions to when construction of new buildings are inappropriate which includes *"the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it"*

9.3 Policies GB1 and GB2 of the Local Plan as well as Policy SP5 of the Borough Local Plan Submission Version are largely consistent with the NPPF. Policy GB7 of the Local Plan allows for the erection of stables for keeping horses for private recreational use, up to a maximum of 4 stables, plus one tack room and one feed store per site.

Change of use

9.4 In terms of the change of use of the land from agriculture to a mixed agriculture and equine use, this is considered appropriate in terms of the impact on the Green Belt under paragraph 146 of the NPPF. Equine use of the land is considered to be an outdoor sport, whether a public or private use. The assessment is therefore based on whether it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Paragraph 141 of the NPPF states that *"…Local Planning Authorities (LPA) should plan positively to enhance the beneficial use of the Green Belt such as looking….to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged or derelict land"*.

9.5 The proposed change of use, when considered on its own merits, would not alter the character and appearance of the site, the area would remain rural in character, and would not have any greater impact on the openness of the Green Belt or the purposes of including land in the Green Belt than the existing use solely for agriculture. The addition of the manege and stable building associated with the equestrian use will be considered in the following paragraphs.

Stables and manege

9.6 The proposed stables and manege would be used in connection with the equestrian use sought as part of this application. As an appropriate facility for outdoor recreation such facilities are not regarded as inappropriate in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

9.7 The proposed stable building has 4 stables, a tack room and feed store. The size of the stables and spaces for the horses and storage are appropriate for the intended use in accordance with DEFRA Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids (2017). The building is modest in scale and is viewed against the backdrop of the existing farm house building. There is an existing small stable block and hay store on the site which are temporary and will be required to be removed by condition prior to the first use of the proposed stables should permission be forthcoming (see condition 5). From outside the site, the proposed stable would not be readily visible or noticeable as a result of the mature planting and set back from the highway. By reason of the modest height and scale of the stable building proposed, and its siting

viewed in the context of the existing farmhouse and buildings, it is considered to preserve the openness of the Green Belt and not to conflict with the purposes of the Green Belt.

9.8 In terms of the manege, similar to the stables, this would not appear prominent in views from the surrounding landscape as a result of its location and existing screening. No fencing is proposed around the manege and its size is considered appropriate for recreational riding of horses. Overall it is considered to preserve the openness of the Green Belt and not conflict with the purposes. The Courts have held that there is both a spatial and a visual dimension to the consideration of openness in Green Belt terms. For the reasons opined in this and the foregoing paragraphs referencing the appearance and siting of both the manege and the proposed stable building in the context of their surroundings, it is considered that the proposed development would preserve openness. In spatial terms, the manege is un-fenced and the stables would replace an existing temporary structure and would be of an appropriate scale and appearance. In visual terms, the stable building would not be readily visible from outside of the site.

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

9.9 Paragraph 127(c) of the NPPF states that decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 30 of the NPPF state that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area. Local Plan policy DG1 states, inter-alia that harm should not be caused to the character of the surrounding area.

9.10 The stables would be positioned adjacent to the menage and be of a traditional appearance. They would be set away from the boundaries of the site, which are enclosed by the substantial screening along the northern boundary with Forest Green Road. The proposed stables would be reflective of the use and in keeping with the rural character of the area. As mentioned above, the proposed use of materials would allow the building to blend in with its surroundings. Overall, it is considered that the proposed development is appropriate for the area.

- **Highways and Parking**

9.11 The proposal would use the existing eastern access to the site from Forest Green Road, which is a 13m gated access. There is an existing 7m wide automatic gateway set back 16.5m from the highway and visitors to the stables will be limited given that they are proposed for private use. Parking is to remain as existing in front of the existing farmhouse.

9.12 The highways team have been consulted on the application and no objection is raised to the proposed parking arrangement.

- **Impact on residential amenity**

9.13 The proposed structure would be set back a significant distance from the boundaries of the site and neighbouring properties. As a result of this and the modest size and scale of the stable proposed the scheme is not considered to have a detrimental impact on the amenities of nearby occupiers. With such uses, there is often concern with waste disposal from the horses/ponies. The applicant has confirmed that manure will be stored on a moveable purpose built muck trailer which will be moved elsewhere on the farm, to be spread alongside the livestock manure.

- **Trees and Landscaping**

9.14 The site already benefits from considerable screening from neighbouring properties/public viewpoints as a result of the existing planting that exists and has recently been added to the site. The application states that further landscaping will take place along the northern boundary of the site to further reduce the visual impact of the proposal which will consist of a mixed native hedgerow and some semi mature trees.

9.15 The Councils Arboricultural Officer has reviewed the proposal and has confirmed that as there are established trees and hedgerows along the boundaries, these should be protected as part of

any development on the site. A condition to ensure adequate tree protection is maintained on site is proposed, in addition to details of any additional landscaping proposed (conditions 3 and 4).

- **Sustainable Urban Drainage (SUDs)**

9.16 The Lead Local Flood Authority has been consulted on the application and requested clarification on whether there is an increase in impermeable area created by the development. The applicant has confirmed that the only increase will be the stables which will total 140m^2. The stable is proposed to have rainfall harvesting tank and also there is sufficient land to allow for suitable area to dissipate any surface water. At the time of writing this report, the LLFA has not provided comments on whether this addresses their comments and an update to this will be provided at the Panel meeting.

10. CONCLUSION

10.1 The proposal, by reason of its appropriate use and modest size, scale and siting of the stables and manege, is considered to accord with paragraph 145(b) of the National Planning Policy Framework (NPPF), given significant weight as a material planning consideration, and Policies GB1 and GB2(A), given greatest weight. The proposal constitutes an appropriate form of development within the Green Belt that would preserve openness and would not conflict with the purposes of including land in the Green Belt. The scheme would be acceptable in terms of its impact on the character and appearance of the surrounding area and would have no detrimental impact on the amenities of the nearby residences or highway network.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – plan and elevation drawings

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED (delete as appropriate)

1 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.

2 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees and hedgerows growing within and adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

3 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.
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.

4 The stables and menage hereby approved shall be used for private purposes only and shall not be used for commercial purposes in connection with a trade or business or any other purpose at any time.

Reason: In order to protect the character and appearance of the area. Relevant Local Plan Policy GB2.

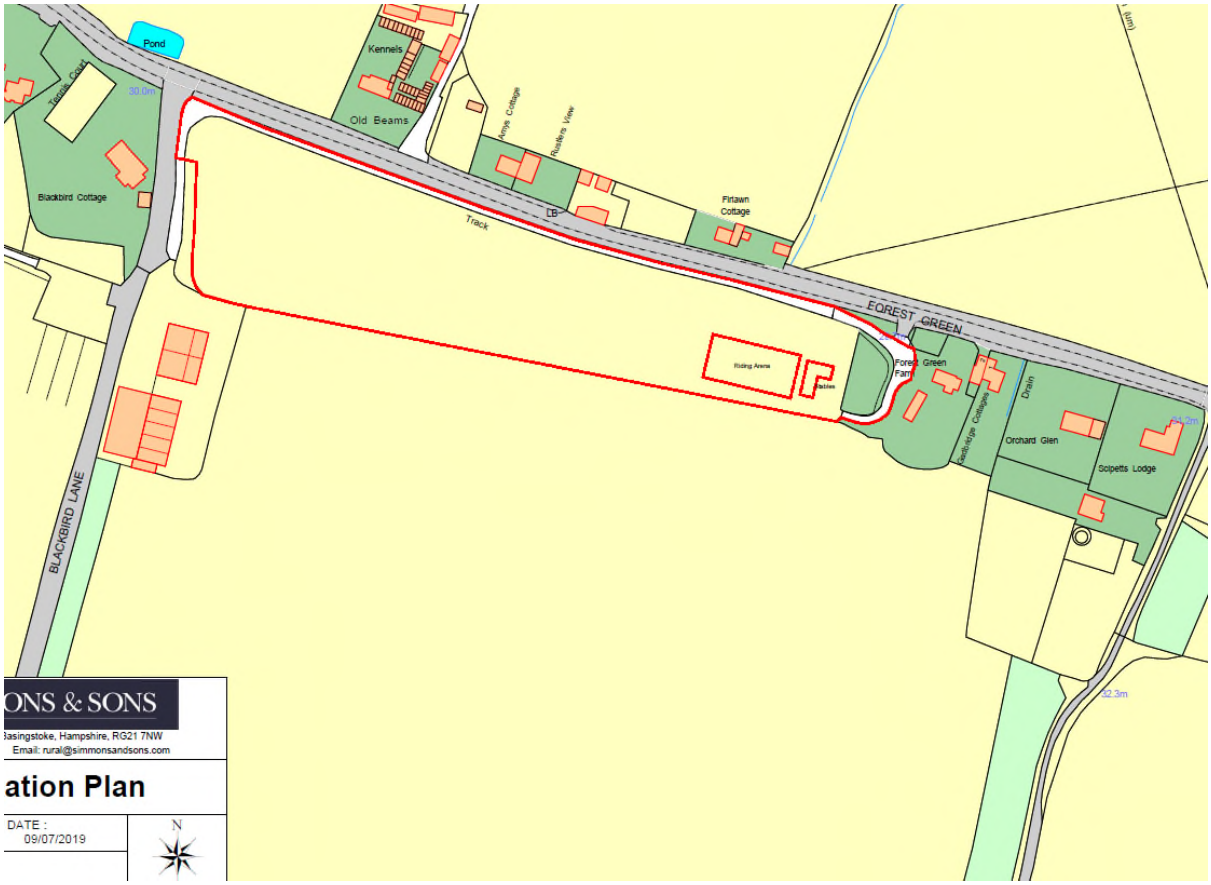
5 The existing stable block and hay store on the land, proposed to be removed as part of this proposed development, shall be dismantled and removed from the site in their entirety prior to the first use of the stable building hereby permitted.

Reason: In order to preserve the openness of the Green Belt and to protect the character and appearance of the area. Relevant Local Plan Policy GB2.

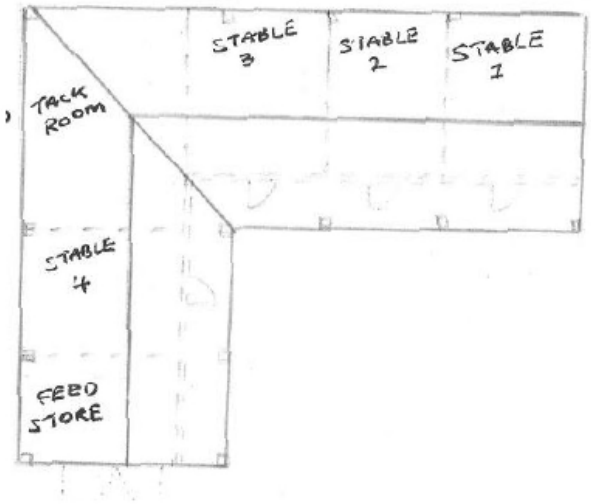
6 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

APPENDIX A – LOCATION PLAN



APPENDIX B PROPOSED ELEVATIONS AND FLOOR PLAN



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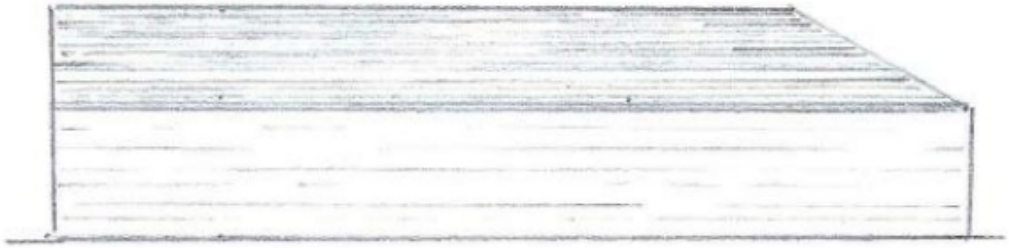

NORTH WEST ELEVATION

NORTH EAST ELEVATION

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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

MAIDENHEAD DEVELOPMENT CONTROL PANEL

17 July 2019 **Item:** 6

Application No.:	19/01343/FULL
Location:	The Crooked Billet Westborough Road Maidenhead SL6 4AS
Proposal:	Construction of x6 dwellings with associated landscaping, amenity space and parking, following demolition of the existing building.
Applicant:	Clearview Residential Limited
Agent:	Mr Ben Stonebridge
Parish/Ward:	Maidenhead Unparished/Boyn Hill

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

1. SUMMARY

1.1 An application (18/02588) for 7x 4 bedroom dwellings was refused planning permission on the 19th December 2018, on grounds of the loss of a community facility, a cramped overdeveloped form of development, and on transport grounds. This scheme is currently at appeal.

1.2 This current application is for 6 x 3 bedroom dwellings. Based on the additional marketing on the premises that has been undertaken, it is considered that it has been demonstrated that the loss of the public house as a community facility is justified. This scheme has sufficient car parking, and accords with the Council's Parking standards, and there is no objection to this scheme on transport grounds.

1.3 With regard to the appearance of this scheme, the amount of development is considered to be acceptable within the context of this area. The height of the proposed dwellings is considered to be acceptable, and the appearance of the front elevations of the dwellings picks up on the features of other dwellings in the area.

1.4 The rear elevations of the proposed dwellings would appear quite cluttered, with the use of two storey flat roofed rear projections and flat roof dormer windows, and is not considered to constitute good design. The rear elevations will be visible from Rutland Gate, Rutland Place, and partly from the Public Right of Way, and so there will be some harm caused to the character of the area.

1.5 As the Council cannot demonstrate a five year housing land supply at this time, paragraph 11d of the National Planning Policy Framework (NPPF) is engaged, where it states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This scheme makes use of a previously developed windfall site and this is supported in the NPPF. The harm that arises from the appearance of the rear elevations of the dwellings is not considered to significantly and demonstrably outweigh the benefits of the scheme, and as such, it is recommended that planning permission is granted.

It is recommended the Panel GRANTS planning permission with the conditions listed in Section 12 of this report.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Stuart Carroll for the reason that the application involves significant over-development and is hardly an improvement on the previously rejected application. A huge number of Boyn Hill residents in the immediate areas are vociferously opposed as this will have a deleterious impact on their quality of life and local community.

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 its boundaries. A row of leylandi 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 20th 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 20th 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 roof-scape.

-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 scheme proposes 6, 3 bedroom dwellings which would be provided in three pairs of semi-detached houses. The proposed dwellings would have a ridge height of circa 9 metres, and an eaves height of around 5.4 metres. The dwellings would have gable roofs, with bay windows provided to the front elevations. To the rear, there would two storey flat roofed rear projections, and flat roof dormer windows.

5.2 The dwellings would have slate style roof tiles with conservation rooflights, and the elevations would be finished in a dark brown/red multi stock brickwork with plain arches and dentil details.

5.3 12 car parking spaces would be provided along the frontage of the site. Some soft landscaping is also indicated along this frontage. The dwellings would be set back around 10 metres from the pavement, and would be roughly in line with number 37 Westborough Road, but set back further than number 21 Westborough Road.

5.4 The tree protection plan shows the row of leylandi cypress at the rear of the site to be removed. Sheds are indicated to the rear of the site.

Reference	Description	Decision
18/02588/FULL	Construction of x7 four-bedroom dwellings including associated landscaping, amenity space and parking following demolition of the existing building.	Refused on the 19th December 2018 on grounds of: -Loss of the community facility -Harm to the character of the area - Highway Safety grounds. The application is currently at appeal.
18/02897/FULL	Erection of a temporary hoarding around the site for a period of 18 months (Retrospective).	Permitted 30th November 2018.
17/03997/DEM	Demolition of existing Bouchra Indian Restaurant	Application withdrawn on the 18th January 2018.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 and T5
Community Facility	CF1

These policies can be found at
https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 2- Achieving Sustainable Development
Section 4- Decision–making
Section 5- Delivering a sufficient supply of homes
Section 8- Promoting Healthy and Safe communities
Section 9- Promoting Sustainable Transport
Section 11- Making effective use of land
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. 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

Other Local Strategies or Publications

7.3 Other Strategies or publications material 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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

34 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 5th June 2019 and the application was advertised in the Local Press on the 6th June 2019.

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

Comment		Where in the report this is considered
1.	Scheme is overdevelopment of the site.	9.14-9.21
2.	The height of the building is still a big concern; it would be out of keeping with other properties	9.14-9.21
3.	Concerned about overlooking to number 44 Westborough Road (opposite to the rear of the site).	9.27-9.34

4.	The application makes contradictory statements about whether the premises is a public house or restaurant.	Noted.
5.	There has not been a 12 month period of marketing and therefore this application should be rejected until such time that this has been completed.	9.2-9.13
6	The third floor terrace will look onto Rutland Gate which is a private road.	9.27-9.34
7.	The row of trees to the rear of the site will be removed, and will affect the privacy of properties on Rutland Gate.	9.27-9.34
8.	Parking is big concern, and there are already parking pressures in the area.	9.22-9.26
9	Two schools in close proximity use the Public Right of Way next to the site- there will be danger to pedestrian safety when cars reverse onto the road.	9.22-9.26
10	Why can't the building be used for a community/commercial use?	This LPA has to consider the application before them which is for residential development.
11	Concerns that the car parking for the site is inadequate.	9.22-9.26
12	If this scheme is approved, residents cannot park in front of the Crooked Billet which happens at present.	9.22-9.26. This on-street parking is not allocated for residents.
13	Rubbish will increase, as will car and noise pollution.	The scheme is for residential development within a predominantly residential area; the scheme is not considered to cause harm to the environment.
14	Development should only be two storeys at this location.	9.14-9.21
15	The tree report is confusing- please clarify.	Not understood what clarification is sought.
6	Has the council looked into using the existing building as a nursery, as part of the two local schools, so Boyn Hill infants could gain more space for their school? The nursery could also be utilised as a before/after school club for all the primary school children	This is not a relevant planning consideration.
17	Has the building been placed on the market only for housing development?	The marketing exercise is summarised in this report.
18	Has the council considered other uses of the building?	This is not a relevant planning consideration.
19	Have the Council ensured that all potential buyers/developers are aware that Rutland Gate is a privately owned and maintained road?	This is not a relevant planning consideration.

20	The temporary hoarding has been attached to Rutland Gate property without submitting any request to the householders.	This is a private matter, and not relevant to the planning consideration.

Consultees

Consultee	Comment	Where in the report this is considered
Highways	Has no objection, subject to conditions.	9.22-9.26
Environmental Protection	No objections for a Construction Environmental Management Plan, and a condition on Deliveries/Collection times	These conditions are not considered necessary.
Council's Ecologist	No objection, subject to conditions.	9.35-9.36
Public Rights of Way Officer	No objection.	noted

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

i Loss of the Public House as a Community Facility

ii Design and impact on the character of the area, including impact on trees

iii Transport

iv Impact on residential amenity

v Planning balance and conclusion

Loss of the Public House as a Community Facility

9.2 Planning application 18/02588/FULL was refused for the reason that it was not demonstrated that there is no longer a need for the Public House which is regarded as a community facility.

9.3 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.

9.4 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.

9.5 Policy IF7 of the Borough Local Plan provides guidance on the loss of community facilities, and is a material consideration.

Marketing that had been done when application 18/02588 was determined

9.6 The Planning Viability report set 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.

9.7 An open house viewing was arranged for Thursday 19th October 2017, however, it was 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 bar 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 for less than 12 months. It was not considered that the marketing of the premises as a Public House was sufficiently extensive or undertaken for a long enough period to demonstrate it was no longer needed. This marketing evidence was not considered to be sufficiently robust to justify the loss of this Public House, application 18/02588 was therefore refused.

Further marketing

9.8 Following refusal of the previous application, the marketing of the premises with Fleurets recommenced on the 25th January 2019. It is advertised with the price outlined as 'Offers Invited'. It is advised that this is purposely open ended to attract all potential purchasers to maximise the audience that may have interest in the site. Fleurets advise that each party that contacts them is talked through the site; how it traded previously as a food led unit, the large trading space on the ground floor with substantial accommodation above and the strong draw of Crossrail in the area.

9.9 Fleurets advise that some parties that have been interested in continued use, have further investigated the area and decided it is facing strong competition from the multiple pubs and restaurants surrounding. Parties that have past knowledge of the property when it was open have stated it would not be suitable to operate without full refurbishment, especially to compete with other units and trade successfully and profitably. In the letter produced by Fleurets dated 22nd February 2019, it is stated that they had not received strong expressions of interest to view, and that enquiring parties had mainly been interested in the redevelopment of the site for residential conversion and/or for demolition.

9.10 In an attempt to generate more interest in the property, a for sale board was erected on the site on 4th March 2019 and an advert was placed in the Caterer for publication on 8th March 2019. Fleurets also included it in their e-mail shot campaign on the 26th March 2019.

9.11 Following the additional marketing, Fluerets advise that they had two parties who made expressions of interest to view. Both were for residential use; one for conversion and another for demolition and rebuild.

9.12 On the 1st July 2019, an update report from Fleurets was provided. In this update report it is set out that a viewing session was held at the property on Wednesday 3rd April 2019 where four parties attended, and that all parts of the property were available to view both externally and internally.
Party 1 - No bid was submitted but the party would only be interested in a conditional offer for development for residential use.
Party 2 - Unconditional offer at £825,000 was made with no funding proven. This party would not commit to their future use of the site. They mentioned the need for their interior designer and project manager to visit to determine the 'estimate of the conversion costs'. This suggested alternative use.
Party 3 - Conditional offer for development for residential use was made at £825,000. However after viewing the site they withdrew their offer.
Party 4 - An unconditional bid for the company that owns the property, of £800,000, for residential development purposes.

9.13 Fluerets advise that based on additional marketing that has been undertaken since January 2019, most enquiries have been for residential development of the site. They also advise that there would need to be a huge investment to bring the building up to a trading standard to be

economically viable as a public house. Based on the length of time, and range of methods that Fluerets have been through to market the premises, it is considered that the marketing meets the policy requirements. The loss of the Public House is considered to comply with Policy CF1.

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

9.14 Planning application 18/02588 was refused on the basis that the scheme, by virtue of the scale of the buildings and extent of car parking, represented a cramped, overdevelopment of the site. Furthermore, it was considered that the height of the buildings would appear incongruous within the street scene.

9.15 This current scheme is different from the previously refused scheme. The main differences are summarised below:

- A reduction of 1 residential unit.
- The dwellings are provided in 3 blocks of semi-detached buildings, as opposed to two blocks of terraces.
- All dwellings have 3 bedrooms instead of 4 bedrooms.
- A reduction in the number of car parking spaces from 14 to 12.
- A reduction in the ridge height of the dwelling from 10.2 metres to 9 metres.
- The dwellings have been sited further forward on the site, and the rear gardens are deeper by 1-2 metres.

9.16 With regard to the height of the proposed dwellings, it is acknowledged that they will be taller than neighbouring dwellings, as indicated in the street scene elevation. The ridge height will be around 1.2-1.6 metres taller than numbers 37 and 21 Westborough Road (north-west and south-east of the application site respectively). The ridge height of the proposed dwellings would be lower than the existing building on site. Given the gaps at two storey level between the proposed dwellings and these neighbouring dwellings, it is not considered the variation in height between the proposed buildings and these neighbouring buildings would look incongruous when viewed in the context of the street-scene.

9.17 However, height cannot be considered in isolation. The scale of the proposed buildings needs to be considered. The proposed dwellings would be around 13 metres deep at two storey level, which is considered to be deep when compared against other dwellings in the locality. However, the two storey flat roof projections are inset, and when the buildings are viewed in side profile, they would not appear as bulky as shown on the plans of the side elevations.

9.18 The front elevations of the proposed dwellings picks up on features in the locality, the use of gable roofs and bay windows is considered to be in keeping with other dwellings on this road.

9.19 The use of the flat roof two storey rear projections and flat roof dormer windows make the rear elevations of the dwellings appear quite cluttered. The appearance of the rear elevations are not positive elements of the scheme. These elevations will be visible from Rutland Gate and Rutland Place and the adjacent public right of way. In addition, the leylandi along the rear of the site are proposed to be removed and so the rear elevations will be visible in public views. It is considered that this would cause some harm to the character of the area.

9.20 In terms of the amount and layout of parking spaces, this is considered to have an acceptable appearance on the character of the area. The removal of tandem car parking along the frontage in this scheme is an improvement over the previously refused scheme and considered to be acceptable.

9.21 With regard to the Leyland cypress and willow hedge (G7) to the rear of the site, these trees are not subject to a Tree Preservation Order. In the previously refused application, the tree officer commented that the 10-15m high Leyland cypress and willow hedge (G7) that is shown to be retained on the eastern boundary will only be 8m from the rear boundaries of the proposed new dwellings, and that this hedge would significantly overshadow the rear gardens of the proposed new properties and is likely to be removed by future residents. It was recommended that more sustainable planting on this boundary be considered as part of a detailed landscaping plan for the

site. It is clear from these comments that the Council's tree officer did not object to this hedge being removed. As such, on the basis a satisfactory soft landscaping scheme is secured, there is no objection to the loss of this hedge. Condition 3 would secure details of the landscaping scheme.

Transport

9.22 Planning permission 18/02588 was refused on the basis that the application failed to demonstrate that the car parking provision was adequate, and owing to insufficient detail on refuse and recycling being provided.

9.23 Existing vehicular access to the site is provided off Westborough Road to the sites surface car park to the south of the main building. The application proposes that each dwelling would have individual direct access to parking via vehicle crossovers from Westborough Road. The proposed access arrangement allows for two vehicles to be parked per dwelling.

9.24 The level of parking (12 car parking spaces) is in accordance with RBWM's parking standards for 3 bedroom dwellings.

9.25 A short TRICS review has been undertaken by the applicant. The proposals indicate that there will be 4 vehicle trips in the AM peak and 3 in the PM peak. If a worst-case scenario (based on car parking spaces) was taken forward there could be 12 trips in the AM peak and 12 trips in the PM peak. The net impact of trips is unlikely to have an adverse impact on the local highway network, and therefore it is considered that the likely trips expected to be generated is acceptable.

9.26 Cycle storage and refuse storage is shown within the rear gardens of the properties. Pathways are shown on the proposed layout plans, which means future occupiers could take the bins to the front of the site in the areas of hardstanding shown on the layout plan on refuse collection day. This arrangement is considered to be acceptable.

Impact on residential amenity

9.27 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.

9.28 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.

9.29 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 of obscurity would need to be erected along this part of the terrace in order to avoid unacceptable overlooking (see condition 6).

9.30 With regard to the dwelling to the south-east of the site (beyond the footpath), number 37, there is a first floor 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 this neighbouring property, and so a privacy screen would also need to be erected on the terrace facing this property (see condition 6).

9.31 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. Concern is raised over the windows within the roof, however, these are roof-lights placed in the slope of the roof, and there would not be any direct views out from these windows.

9.32 Turning to the properties to the east (Rutland Gate and Rutland Place), the most affected 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 to ensure that there would be no unacceptable levels of overlooking, or overbearing impact on this property.

9.33 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.

9.34 The roof terraces at second floor level are not ideal, however, provided privacy screens are erected, it is considered this would prevent unacceptable levels of overlooking to numbers 21 and 37 Westborough Road.

Ecology

9.35 A single dusk emergence survey was undertaken in August 2018, during the appropriate surveying season. No bats were observed emerging from the building, and the surveyors recorded limited bat activity overall. The Council's Ecologist advises that since a year would have passed since the last survey that an updated roost assessment is undertaken prior to demolition of the building to ensure no bats have started to utilise the building. However, the bat survey is not out of date, and so it would not be reasonable to require further surveys to be submitted before determination of the application. The Council's Ecologist advises that as a precautionary approach the roof should be 'soft stripped' (dismantled by hand) to ensure there are no bat roosts present before the building is demolished. It is not considered that this can be secured by planning condition as it would not pass the relevant tests. The surveys undertaken last year did not reveal evidence of bats within the building. If bats are discovered, the developer will need to cease work and contact Natural England to apply for a licence.

9.36 The ecology report sets out that any external lighting scheme is designed so as not to illuminate gardens and boundary features to enable bats to continue to use these as navigational features to pass through and round the site (see condition 7). With regard to biodiversity enhancement, the ecology report sets out that 2 bat boxes will be erected in the trees, or integrated with the buildings, this is in accordance with the requirements of paragraph 170 of the NPPF, and recommended condition (5) would secure this detail to be approved and erected on site.

Planning balance and Conclusion

9.37 Paragraphs 10 and 11 of the NPPF 2019 set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

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

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.38 Footnote 7 of the NPPF (2019) clarifies that:

'out-of-date policies 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..).'

9.39 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply is the 'standard method' as set out in the NPPF (2019), this gives a Local Housing Need of 71 units per year.

9.40 At the time of writing, the Council is able to demonstrate 4.74 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate 5% buffer).

9.41 As such, paragraph 11 d (ii) of the NPPF (2019), including footnote 7, the 'tilted balance' is engaged. As such, this sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.42 At paragraph 68 of the NPPF, it is stated that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions, giving **great weight** to the benefits of using suitable sites within existing settlements for homes.

9.43 Paragraph 118 of the NPPF sets out that planning decisions should give **substantial weight** to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

9.44 This scheme is a windfall site, and is brownfield land, and the NPPF promotes development of such sites for housing. It is considered that the scheme when viewed from Westborough Road would have an acceptable impact on the streetscene. The scheme has adequate on-site parking and would have an acceptable impact on highway safety. It is considered that sufficient marketing has now taken place to show that there is no longer a need for the public house as a community facility.

9.45 Whilst the appearance of the front elevations are considered to be acceptable, the appearance of the rear elevations is not considered to constitute good design for the reasons explained in this report, and there will be some harm caused to the character of the area when viewed from the Public Right of Way and from Rutland Gate and Rutland Place. However, this harm identified is given limited weight and would not be considered to significantly and demonstrably outweigh the benefits of the scheme. As such, when assessed against 11(d) of the NPPF, it is recommended that planning permission is granted.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is CIL liable.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed layout
- Appendix C – Elevations
- Appendix D – Previously refused scheme

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 construction of the external surfaces of the building(s) hereby permitted shall not be commenced until written details of the materials to be used have first been submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy DG1.

3 Prior to the substantial completion of the dwellings hereby approved, full details of both hard and soft landscape works, shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

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.

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

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

5 Prior to the construction of the buildings hereby approved, details of the location and types of bat boxes to be installed shall be submitted to and approved in writing by the LPA. The bat boxes approved shall be installed before first occupation of the dwellings hereby approved, and shall be retained in perpetuity.

Reason: In the interests of biodiversity, as per the requirements of the NPPF.

6 Prior to the substantial completion of the dwellings hereby approved, details of the privacy screens, with a minimum height of 1.8 metres, to be erected on the north-west boundary of the second floor terrace of block 1, and the south-eastern boundary along the second floor terrace of block 3 shall be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be erected in accordance with the approved details prior to the first occupation of the dwellings, and thereafter maintained and retained in perpetuity.

Reason: To protect the privacy of neighbouring occupiers.

7 Prior to the installation of any external lighting, details of the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity, as per the requirements of the NPPF.

8 No part of the development shall be occupied until the visibility splays shown on the approved drawing SK01 REVA have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

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

9 No part of the development shall be occupied until vehicle parking spaces has been provided in accordance with the approved drawing. The spaces approved shall be retained for parking in association with the development.

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.

10 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.

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

11 No window(s) shall be inserted at first floor level or above in the north west (flank) elevation of block 1 or the south east (flank) elevation of block 3.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.

12 Irrespective of the provisions of Class A of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration of or

to any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.
Reason: The site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1, and any extension that would increase the bedroom numbers would need to be considered carefully in this location. Local Plan Policy P4.

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

Informatives

1. The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.

2. Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk

Appendix A- site location

Appendix B- Proposed layout

Appendix C- Elevations and floorplans

Proposed front elevation

Proposed rear elevation

Side elevations to block 1

Appendix D- Previously refused scheme

South west facing)

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Appeal Decision Report

18 May 2019 - 11 June 2019

MAIDENHEAD

Appeal Ref.:	19/60017/REF	**Planning Ref.:**	18/02912/FULL	**Plns Ref.:**	APP/T0355/W/18/3218709
Appellant:	Mrs Lucy Pickering 116 Woodlands Road Ashurst Southampton SO40 7AL				
Decision Type:	Delegated		**Officer Recommendation:**		Refuse
Description:	Construction of 2 x dwellings				
Location:	**Land Opposite Lenore Cottage Rolls Lane Holyport Maidenhead SL6 2JQ**				
Appeal Decision:	Dismissed		**Decision Date:**		6 June 2019
Main Issue:	The Inspector concluded that the proposal would amount to inappropriate development in the Green Belt and that it would conflict with saved Policy GB2(A) of the Local Plan. Additionally, the development would conflict with Policies SP1 and SP5 of the Borough Local Plan 2013 – 2033 Submission Version which each seek to protect the Green Belt from inappropriate development as defined in the Framework.				

Appeal Ref.:	19/60024/REF	**Planning Ref.:**	18/02771/FULL	**Plns Ref.:**	APP/T0355/W/19/3221054
Appellant:	Group One Ltd **c/o Agent:** Mr Chris Frost Future Planning And Development Ltd 2 Wardrobe Place London EC4 5AH				
Decision Type:	Committee		**Officer Recommendation:**		Defer and Delegate
Description:	Infill and side extensions to lodges to provide 7 x one bedroom and 2 x two bedroom dwellings and associated bin stores				
Location:	**Berkshire To Somerset And Kent And Sussex And Hampshire To Devonshire Lodges Courtlands Maidenhead**				
Appeal Decision:	Dismissed		**Decision Date:**		21 May 2019
Main Issue:	The Inspector concluded that the development would cause unacceptable harm to the character and appearance of the area. It would therefore conflict with saved Policy DG1 of the Local Plan, which amongst other things states that harm should not be caused to the character of a surrounding area through development which results in the loss of important features which contribute to that character; saved Policy H10 of the Local Plan, which amongst other things states that development will be required to retain important views into and out of a site; and Policy H11 of the Local Plan, which states that planning permission will not be granted where the scale or density of new development would be to cause damage to the character of the area. An application for a full award of costs was submitted by Group One Limited against the Council and is dismissed.				

Appeal Ref.:	19/60025/REF	**Planning Ref.:**	18/00554/FULL	**PIns Ref.:**	APP/T0355/W/19/3221974
Appellant:	Mr Burgess **c/o Agent:** Mr Matt Taylor Bell Cornwell Unit 2 Meridian Office Park Osborn Way Hook RG27 9HY				
Decision Type:	Delegated		**Officer Recommendation:**		Refuse
Description:	New dwelling				
Location:	**Land At Chestnuts Berries Road Cookham Maidenhead**				
Appeal Decision:	Dismissed		**Decision Date:**		21 May 2019

Main Issue: The Inspector concluded that the proposed development would cause unacceptable harm to the character and appearance of the Conservation Area, including a non-designated heritage asset and trees. The Inspector also considered that the adverse effects of flood risk would be unacceptable. They considered that the scheme would conflict with saved Policy F1 of the Local Plan, which amongst other things states that development in areas subject to flooding will not be permitted where this would increase the number of people or properties at risk from flooding; and national policy related to flooding within the Framework. The Inspector noted that the Council could not demonstrate a 5 year housing land supply, but that paragraph 11 of the NPPF was not engaged, as in this case policies relating to both development in areas of flood risk and the protection of designated heritage assets provide clear reasons for refusal.

Appeal Ref.:	19/60027/COND	**Planning Ref.:**	18/02659/FULL	**PIns Ref.:**	APP/T0355/W/19/3221234
Appellant:	Mr Peter McCormack **c/o Agent:** Miss Eva Gascoigne Pike Smith And Kemp Rural Hyde Farm Marlow Road Maidenhead SL6 6PQ				
Decision Type:	Delegated		**Officer Recommendation:**		Application Permitted
Description:	Two storey side extension				
Location:	**Farm House Gadbridge Farm Forest Green Road Holyport Maidenhead SL6 2NW**				
Appeal Decision:	Allowed		**Decision Date:**		11 June 2019

Main Issue: The Inspector found that it was unnecessary to remove Class E permitted development by condition, as it has little relevance to the development permitted, and is not necessary to make the development acceptable in planning terms. He varied the two conditions to remove reference to Class E, and added Class D to both conditions instead. The Inspector awarded costs against the Council, as he considered that the imposition of conditions restricting Class E permitted development was unreasonable.

Planning Appeals Received

18 May 2019 - 11 June 2019

MAIDENHEAD

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Should you wish to make additional/new comments in connection with an appeal you can do so on the Planning Inspectorate website at https://acp.planninginspectorate.gov.uk/ please use the PIns 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:	Hurley Parish				
Appeal Ref.:	19/60046/REF	**Planning Ref.:**	18/03594/FULL	**PIns Ref.:**	APP/T0355/D/19/3226482
Date Received:	3 June 2019		**Comments Due:**	Not Applicable	
Type:	Refusal		**Appeal Type:**	Householder	
Description:	Single storey front/side extension to the garage, x4 rooflight to the garage, single storey side infill extension to connect the garage to the dwelling and alterations to fenestration.				
Location:	**Shepherds Cottage Jubilee Road Littlewick Green Maidenhead SL6 3QU**				
Appellant:	Ms Anoushka Healy **c/o Agent:** Mr Richard Simpson RJS Planning 132 Brunswick Road London W5 1AW				

Ward:					
Parish:	Hurley Parish				
Appeal Ref.:	19/60048/REF	**Planning Ref.:**	18/02370/FULL	**PIns Ref.:**	APP/T0355/W/19/3228199
Date Received:	5 June 2019		**Comments Due:**	10 July 2019	
Type:	Refusal		**Appeal Type:**	Hearing	
Description:	Siting of a temporary agricultural worker's dwelling (static caravan) and associated parking				
Location:	**Warren Wood Farm Warren Row Road Knowl Hill Reading RG10 9YJ**				
Appellant:	Mr William Newman **c/o Agent:** Mr Alan Bloor Reading Agricultural Consultants Ltd Beechwood Court Long Toll Reading RG8 0RR				

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