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NOTICE OF MEETING



MAIDENHEAD AREA DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 20TH NOVEMBER, 2019

At 7.00 pm

in the

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD

TO: MEMBERS OF THE MAIDENHEAD AREA DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS PHIL HASELER (CHAIRMAN), LEO WALTERS (VICE-CHAIRMAN), GURPREET BHANGRA, MAUREEN HUNT, GREG JONES, JOHN BALDWIN, MANDY BRAR, GEOFF HILL, JOSHUA REYNOLDS, DONNA STIMSON AND HELEN TAYLOR

SUBSTITUTE MEMBERS

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

Karen Shepherd – Head of Governance – Issued: 12 November 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

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>To receive any apologies for absence.</p>	
2.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>To receive any declarations of interest.</p>	7 - 8
3.	<p><u>MINUTES</u></p> <p>To confirm the part I minutes of the meeting of 16 October 2019.</p> <p><u>PLANNING APPLICATIONS (DECISION)</u></p> <p>To consider the Interim Head of Planning's report on planning applications received.</p> <p>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</p> <p>Key:</p> <p><i>APP – Approval</i> <i>CLU – Certificate of Lawful Use</i> <i>DD – Defer and Delegate</i> <i>DLA – Defer Legal Agreement</i> <i>PERM – Permit</i> <i>PNR – Prior Approval Not Required</i> <i>REF – Refusal</i> <i>WA – Would Have Approved</i> <i>WR – Would Have Refused</i></p>	9 - 14
4.	<p><u>17/03903/OUT - BELLMAN HANGER, SHURLOCK ROW, READING, RG10 0PL</u></p> <p>Proposal: Outline application (access and layout) for the construction of x18 dwellings with associated access, parking, turning and landscaping following demolition of the existing buildings and hardstanding.</p> <p>Recommendation: REF</p> <p>Applicant: Mr Howells</p> <p>Member Call-in: N/A</p>	15 - 34

	Expiry Date: 31 July 2019	
5.	<p><u>19/01588/FULL - MARANDAZ HOUSE, CLIVEMONT ROAD, MAIDENHEAD, SL6 7BU</u></p> <p>Proposal: Side and roof extension to provide 23 residential dwellings with associated car parking, landscaping, cycle and refuse storage.</p> <p>Recommendation: PERM</p> <p>Applicant: Montreaux LTD</p> <p>Member Call-in: N/A</p> <p>Expiry Date: 13 September 2019</p>	35 - 52
6.	<p><u>19/01661/OUT - UNIT 1 AND 2 AND 3 FOUNDATION PARK, ROXBOROUGH WAY, MAIDENHEAD</u></p> <p>Proposal: Outline application for access, landscaping, layout and scale to be considered at this stage with all other matters to be reserved for the demolition of buildings 1, 2 and 3 and the erection of three class B1 (office) buildings, new decked car park and hub building, the reconfiguration of the car parking and internal road layout and associated works.</p> <p>Recommendation: PERM</p> <p>Applicant: FPM Investments Sarl Managed By JP Morgan Asset Management</p> <p>Member Call-in: N/A</p> <p>Expiry Date: 19 September 2019</p>	53 - 72
7.	<p><u>19/02361/FULL - HUCCLECOTE, SHOPPENHANGERS ROAD, MAIDENHEAD, SL6 2QE</u></p> <p>Proposal: Construction of 6 No. 2 bedroom apartments (Use Class C3) with associated parking, cycle parking, refuse/recycling store and new vehicular access following demolition of existing building.</p> <p>Recommendation: PERM</p> <p>Applicant: Mr. Pharm</p> <p>Member Call-in: N/A</p> <p>Expiry Date: 22 November 2019</p>	73 - 92
8.	<u>19/02442/OUT - LAND AT LOWER MOUNT FARM AND TO WEST OF</u>	93 - 104

UNIT 2B AND SOUTH OF LONG LANE, COOKHAM, MAIDENHEAD

Proposal: Outline application for access and layout only to be considered at this stage with all other matters to be reserved for a proposed new equine centre with worker accommodation.

Recommendation: REF

Applicant: Mr Copas

Member Call-in: N/A

Expiry Date: 11 December 2019

9.

ESSENTIAL MONITORING REPORTS (MONITORING)

105 - 110

To consider the Appeals Decision Report and Planning Appeals Received.

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.***

Agenda Item 3

MAIDENHEAD AREA DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 16 OCTOBER 2019

PRESENT: Councillors Donna Stimson (Chairman), Leo Walters (Vice-Chairman), Gurpreet Bhangra, Simon Bond, David Cannon, Maureen Hunt, John Baldwin, Mandy Brar, Geoff Hill, Gurch Singh and Helen Taylor

Officers: Neil Allen, Daniel Bayles, Tony Franklin, Jenifer Jackson and Shilpa Manek

APOLOGIES FOR ABSENCE

Apologies of Absence were received from Councillors Haseler and Reynolds. Councillors Bond, Cannon and Singh were substituting.

DECLARATIONS OF INTEREST

Councillor Bond declared a personal interest for Item 5 as he is a trustee of a charity an a church near the application.

Councillor Hill declared a disclosable pecuniary interest for item 5 as he owns a property near the application. Councillor Hill would leave the room before the item was discussed.

Councillor Hunt declared disclosable pecuniary interest for item 5 as she owns a property near the application and a personal interest for item 10 as her grandchildren attend the school and her daughter works at the school. Councillor Hunt would leave the room before item 5 was discussed.

Councillor Walters declared a personal interest for items 4, 6 and 8 as he was a Bray Parish Councillor. Councillor Walters was attending with an open mind.

MINUTES

RESOLVED: That the minutes of the meetings held on 21st and 28th August 2019 be approved. Councillor Hunt abstained from voting as she was not in attendance of the meeting.

PLANNING APPLICATIONS

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.

18/03725/FULL - LAND WEST OF OAK TREE FARM, GAYS LANE, MAIDENHEAD

ITEM 4

Proposal: Relocation of Maidenhead Target Shooting Club from Braywick Park including creation of car park, erection of clubhouse and toilets, shooting stands, bunds, fencing, landscaping and planting with access off Green Lane.

A motion was put forward by Councillor Walters to refuse the application for the proposed development as per Officers recommendation. Councillor Stimson seconded the motion.

A named vote was carried out.

It was agreed to DEFER and DELEGATE to Head of Planning to REFUSE the application subject to the views of the LLFA on the revised Sustainable Urban Drainage report.

PLANNING APPLICATION 18/03725/FULL - LAND WEST OF OAK TREE FARM, GAYS LANE, MAIDENHEAD (Motion)	
Councillor Donna Stimson	For
Councillor Leo Walters	For
Councillor Gurpreet Bhangra	Abstain
Councillor Simon Bond	Abstain
Councillor David Cannon	Against
Councillor Maureen Hunt	Abstain
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Geoffrey Hill	For
Councillor Gurch Singh	Abstain
Councillor Helen Taylor	For
Carried	

19/01156/OUT - MOOR FARM ASCOT ROAD HOLYPORT MAIDENHEAD

ITEM 6

Proposal: Outline application for a covered roof to the existing manege with all matters reserved.

A motion was put forward by Councillor Walters to refuse the application for the proposed development as per Officers recommendation. Councillor Hill seconded the motion.

A named vote was carried out.

It was Unanimously agreed to REFUSE the application.

19/01156/OUT - MOOR FARM, ASCOT ROAD, HOLYPORT, MAIDENHEAD (Motion)	
Councillor Donna Stimson	For
Councillor Leo Walters	For
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	For
Councillor David Cannon	For
Councillor Maureen Hunt	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Geoffrey Hill	For
Councillor Gurch Singh	For
Councillor Helen Taylor	For

Carried

19/01855/FULL - 51 GREAT HILL CRESCENT MAIDENHEAD

ITEM 9

Proposal: New front porch and single storey side/rear extension.

A motion was put forward by Councillor Hill to permit the application for the proposed development as per Officers recommendation. Councillor Baldwin seconded the motion.

A named vote was carried out.

It was agreed to APPROVE the application.

ITEM 9 - 19/01855/FULL - 51 GREAT HILL CRESCENT, MAIDENHEAD (Motion)	
Councillor Donna Stimson	For
Councillor Leo Walters	For
Councillor Gurpreet Bhangra	Against
Councillor Simon Bond	For
Councillor David Cannon	For
Councillor Maureen Hunt	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Geoffrey Hill	For
Councillor Gurch Singh	For
Councillor Helen Taylor	For
Carried	

19/00942/FULL - 70 - 72 HIGH STREET, MAIDENHEAD

ITEM 5

Proposal: Change of use and extension to the upper floors from ancillary retail use to form 8 apartments, alteration and extension of the ground floor retail unit with roof terrace over, alteration and extension of first and second floor, and construction of a block of 18 apartments with new pedestrian access.

A motion was put forward by Councillor Singh to defer and delegate a decision on the application to the Head of Planning to grant planning permission for the proposed development with the conditions listed in Section 13 of the main report subject to the views of the LLFA on securing a satisfactory detailed design for the proposed surface water drainage strategy and confirmation that a new connection to the existing surface water sewer system is acceptable (subject to any requisite conditions). Or to refuse planning permission if a satisfactory detailed design for the surface water drainage strategy and connection to the existing surface water sewer system cannot be secured. Councillor Stimson seconded the motion.

A named vote was carried out. Councillors Hill and Hunt did not vote on this item.

It was agreed to DEFER and DELEGATE to Head of Planning to APPROVE the application with the conditions listed in Section 13 of this report, subject to the views of the LLFA on securing a satisfactory detailed design for the proposed surface water drainage strategy and confirmation that a new connection to the existing surface water sewer system is acceptable (subject to any requisite conditions). Or to refuse planning

permission if a satisfactory detailed design for the surface water drainage strategy and connection to the existing surface water sewer system cannot be secured.

ITEM 5 - 19/00942/FULL - 70-72 HIGH STREET, MAIDENHEAD (Motion)	
Councillor Donna Stimson	For
Councillor Leo Walters	For
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	For
Councillor David Cannon	For
Councillor Maureen Hunt	Conflict Of Interest
Councillor John Baldwin	Against
Councillor Mandy Brar	Against
Councillor Geoffrey Hill	Conflict Of Interest
Councillor Gurch Singh	For
Councillor Helen Taylor	For
Carried	

19/01623/FULL CRUCHFIELD MANOR ASCOT ROAD WARFIELD BRACKNELL

ITEM 7

Proposal: Conversion of the southern wing of the existing stable block to ancillary residential accommodation including alterations to fenestration to the coach house.

A motion was put forward by Councillor Walters to permit the application for the proposed development as per Officers recommendation. Councillor Baldwin seconded the motion.

It was agreed Unanimously to APPROVE the application as per officers recommendation.

19/01624/LBC - CRUCHFIELD MANOR ASCOT ROAD WARFIELD BRACKNELL

ITEM 8

Proposal: Listed Building Consent to convert the southern wing of the existing stable block to a dwelling and internal and external alterations to the coach house.

A motion was put forward by Councillor Singh to permit the application for the proposed development as per Officers recommendation. Councillor Hill seconded the motion.

It was agreed Unanimously to APPROVE the application as per officers recommendation.

19/01865/FULL - ST EDMUND CAMPION CATHOLIC PRIMARY SCHOOL
ALTWOOD ROAD MAIDENHEAD

ITEM 10

Proposal: Single storey extension to existing nursery.

A motion was put forward by Councillor Bhangra to permit the application for the proposed development as per Officers recommendation. Councillor Hill seconded the motion.

It was agreed to APPROVE the application as per the officers recommendation.

Councillor Hunt did not vote on this item.

19/02043/FULL - LAND NORTH OF BRAY WATERSPORTS MONKEY ISLAND
LANE BRAY MAIDENHEAD- WITHDRAWN

This item was WITHDRAWN.

19/02104/FULL - 1 LONSDALE CLOSE MAIDENHEAD

ITEM 12

Proposal: First floor side extension and the sub division of the property into two separate dwellings with new boundary treatment, hardstanding and 2 no. bike stores.

A motion was put forward by Councillor Hunt to refuse the application for the proposed development as per Officers recommendation. Councillor Bhangra seconded the motion.

It was Unanimously agreed to REFUSE the application as per officers recommendation.

ESSENTIAL MONITORING REPORTS (MONITORING)

The reports were noted by the Panel.

The meeting, which began at 7.00 pm, finished at 8.45 pm

CHAIRMAN.....

DATE.....

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Agenda Item 4

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 November 2019

Item: 1

Application No.:	17/03903/OUT
Location:	Bellman Hanger Shurlock Row Reading RG10 0PL
Proposal:	Outline application (access and layout) for the construction of x18 dwellings with associated access, parking, turning and landscaping following demolition of the existing buildings and hardstanding
Applicant:	Mr Howells
Agent:	Not Applicable
Parish/Ward:	Waltham St Lawrence Parish/Hurley And Walthams Ward
If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk	

1. SUMMARY

- 1.1 While the proposal would make effective use of a previously developed site, by providing housing some of which would be affordable, and without harm to the Green Belt and without flood risk, it would result in harm to an ancient woodland, which is identified as an irreplaceable habitat. In addition, it has not been demonstrated that the proposal would not cause significant harm to biodiversity, specifically protected species and their habitats in and surrounding the application site. For these reasons the proposal is contrary to paragraph 175 of the NPPF. The proposed scheme also fails to adequately secure the protection of trees and ancient woodland which contribute positively to the character and appearance of the area contrary to adopted Policies N6 and DG1 of the Local Plan. Furthermore and in the absence of evidence to demonstrate otherwise, the proposal would have an unacceptable impact on highway safety, contrary to paragraphs 108 and 109 of the NPPF and Policy T5 of the Local Plan. In the absence of a completed legal agreement to secure affordable housing the proposal is contrary to adopted Policy H3 of the Local Plan.

It is recommended the Panel REFUSES planning permission for the following summarised reasons (the full reasons are identified in Section 11 of this report):	
1.	Harm to an irreplaceable habitat and protected species.
2.	Harm to the character and appearance of the area due to inadequate protection of trees.
3.	Unacceptable impact on highway safety.
4.	Lack of affordable housing.

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 Bellman Hanger is a 1940s, 2600sqm hanger originally used for storage in connection with the nearby airfield at White Waltham. It is now used as a permanent storage facility. The hanger is centrally positioned within the 0.72 hectare site and measures 39m wide by 54m long, with a height ranging from 6.1m at its lowest point to 8.1m at its peak. There is a considerable amount of outside storage to the sides and rear of the building and the site is bounded by mature trees to the north, east and south.
- 3.2 The application site is located on the east side of Shurlock Road. To the north, adjoining the site, is the ancient woodland of Crockford's Copse. To the east and south of the site are the land and buildings associated with the neighbouring farm, and to the west, on the opposite side of Shurlock Road, are open fields. The wider area around the site is predominantly open countryside with sporadic residential development.
- 3.3 The site is in the Green Belt and is in Flood Zone 1.

4. KEY CONSTRAINTS

- 4.1 The main planning constraints are associated with the site's rural location. Being in the Green Belt, the proposal will need to demonstrate that it would not have a greater impact on the openness of the area than the existing development on site. The proposal will also have to demonstrate that it would not harm the adjoining ancient woodland and any protected species habitats.
- 4.2 On previous applications the site has been considered to be in Flood Zone 3, where there is a high probability of flooding. However, following re-modelling of potential flooding in the area, (undertaken by the applicant in liaison with the Environment Agency (EA)), the site is now confirmed (by the EA) as being in Flood Zone 1.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks outline planning permission for the redevelopment of the site to provide 18 dwellings with the means of access and layout to be considered at this stage. Appearance, scale and landscaping are to be reserved matters.
- 5.2 The development would utilise the existing access to the site off Shurlock Road and provide parking for 36 cars. The proposed scheme would comprise three terraces, (made up of a terrace of 5 dwellings towards the west/front of the site, a row of 4 dwellings on the north side and a terrace of 8 dwellings to the east/rear), plus one detached house to the south. Indicative plans show the dwellings could have a chalet style / barn conversion appearance with a maximum ridge height of approximately 8.8m.

Planning History

Ref.	Description	Decision and Date
17/03734/CONDIT	Details required for conditions 2, 3, 4, 11, 13 and 15 of 14/03036.	Approved 21.01.2018.
16/02861/OUT	Outline application, with the consideration of access and layout matters only, for 20 dwellings.	Withdrawn 25.05.2017
14/03036/FULL	Erection of 3 dwellings with associated access and landscaping following demolition of the existing buildings and hardstanding.	Approved 16.03.2015
14/00350/FULL	Erection of 4 dwellings with associated access and landscaping following demolition of the existing buildings and hardstanding.	Refused 09.05.2014
12/01734/CLU	Certificate of Lawfulness to determine whether an existing external storage area is lawful	Approved 20.08.2012

12/00418/CLU	Certificate of Lawfulness to determine whether an existing external storage area is lawful.	Refused 11.04.2012
99/34780/VAR	Variation of Condition No. 1 of 429330 to allow permanent use of premises for storage purposes.	Approved 31.05.2000
98/33395/FULL	Demolition of existing warehouse and replacement with three detached houses and associated garages.	Withdrawn 16.06.1999
95/01606/TEMP	Storage use (renewal of permission 423475)	Approved 03.11.1995
95/01605/FULL	Demolition of existing warehouse and erection of 4 x five bedroom houses and associated parking.	Refused 22.08.1997
95/01604/FULL	Demolition of existing warehouse building and yard and construction of three detached houses and detached double garages and access road.	Refused 20.03.1995
94/01499/FULL	Demolition of existing warehouse building and yard and construction of three detached houses and triple garages and access road.	Refused 30.08.1994
92/01315/OUT	Replacement of storage/ warehouse building with 5 detached houses	Refused 22.02.1993
92/01314/OUT	Erect five detached houses and double garages. Demolition of existing building.	Withdrawn 08.04.1992
92/01312/FULL	Permanent consent to utilise B8 building for storage purposes.	Refused 29.07.1992

6. DEVELOPMENT PLAN

RBWM Local Plan, Adopted July 1999 (with Alterations adopted 2003))

6.1 The main strategic planning policies applying to the site are:

Issue	Adopted Local Plan Policy
Green Belt	GB1, GB2(A), GB3
Design in keeping with character and appearance of area	DG1, H10
Highways	P4 AND T5
Trees	NG

These policies can be found at

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

Adopted Hurley and the Waltham's Neighbourhood Plan, 2015-2030. Adopted December 2017.

Issue	Neighbourhood Plan Policy
Sustainable development	Env 1
Climate change, flood and water management	Env 2
Quality design	Gen 2
Accessibility and highway safety	T1

7. Material Planning Policy Considerations

7.1 **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 11 – Making effective use of land
- 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 15 - Conserving and enhancing the natural environment

7.2 Borough Local Plan: Submission Version

Issue	Local Plan Policy
Sustainability and placemaking	SP2
Character and design of new development	SP3
Development in the Green Belt	SP5
Housing mix and types	HO2
Affordable housing	HO3
Housing density	HO5
Managing flood risk and waterways	NR1
Trees, woodlands and hedgerows	NR2
Nature conservation	NR3

- 7.3 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 (BLPSD) was submitted to the Secretary of State for examination in January 2018. The BLPSD does not form part of the statutory development plan for the Borough, however weight can be afforded to relevant policies in the consideration of application proposals, taking account of any unresolved objections to those policies. This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

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

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

27 occupiers were notified directly of the application and re-notified on receipt of amended details.

The planning officer posted a notice advertising the application at the site on 12.01.2018 and the application was advertised in the Local Press on 11.01.2018.

18 letters were received objecting to the application, plus 1 petition (with 17 signatures) summarised as:

Comment	Where in the report this is considered
1. 18 dwellings on the site is too excessive.	9.2 – 9.8
2. The proposal would have a greater impact on the openness of the Green Belt, due to the scale of the development and material increase in the level of activity, contrary to Policy GB2.	9.5

3.	In 1995 application 426529 for 3 houses was refused on the grounds of being cramped and an intrusive form of development with an urban appearance harmful to the rural character of the area. This still applies and will be contrary to Policy GB3.	Superseded by NPPF 2019.
4.	Application 426529 also stated that the proposed development would result in an increased use of the access which is sub-standard in visibility at its junction with Shurlock Road, adversely affecting the convenience and safety of road users.	Superseded by Manual for Streets and NPPF.
5.	Insufficient sight-lines on the entrance for a 40mph speed limit road.	9.15 – 9.18, 9.20.
6.	Adverse impact on neighbouring farm through noise, light, dogs barking and traffic movements which would could distress the animals. The farm would also not provide a conducive environment to place 18 new houses in close proximity. Likely to be conflict between new residents and cattle – from noise and smells. This could potentially harm the livelihood of the farmer.	9.37 – 9.38
7.	Will increase the burden on the existing sewerage system, when there is already a serious problem with sewerage backing-up and foul water flooding the village. Thames Water has a record of pretending that the problem doesn't exist.	Noted but no objection received from Thames Water.
8.	Will create a considerable level of light pollution with significant impact to the rural nature and character of Shurlock Road.	9.31 – 9.36
9.	There are no footpaths on Shurlock Road within the proximity of the application site to Waltham St Lawrence and Shurlock Row – There is likely to be a high number of pedestrians using a very fast, dangerous road with low visibility.	9.43
10.	There are limited local services and facilities including lack of school places and very limited public transport making this a poor location for this volume of residents. The nearest shops, doctors, chemists are over 3 miles away.	9.43
11.	Neither the NPPF on replacement in the same use, nor the Local Plan, indicates this site is acceptable for major redevelopment.	9.2 – 9.8
12.	Waltham St Lawrence and Shurlock Row are under pressure from the effects of major developments in Reading, Twyford, Ruscombe, Maidenhead and Bracknell and therefore we should be protecting the character and environment in this small village from infill and urbanisation.	9.2 – 9.11
13.	The site is adjacent to an ancient woodland with TPO protections and an array of active native wildlife. Night time light and noise as well as dogs and cats could cause issues with this environment	9.22 – 9.36
14.	The woodland suffers from flooding and any increase in groundwater from the development could cause loss of trees.	9.12 – 9.13, 9.22 – 9.30
15.	Any development would need to be fully close-boarded to protect the neighbouring farm.	Noted.
16.	The scale, massing and height with such a large number of residents will create a cramped and enclosed location contrary to SP3. The location is in no way suitable for the number of people, cars and traffic movements that the development will create.	9.4
17.	The increased amount of traffic onto Shurlock Road from the proposed development will significantly increase the likelihood of serious accidents. The houses are bound to attract families with small children and there will be significant risk of accidents to pedestrians.	9.14 – 9.21
18.	There is no area for the children to play. The proposed gardens are very small and dark.	9.38
19.	Shurlock Road is a very busy road with a number of obscured access points. The road cannot take any more traffic. The site itself is on a bend in the road	9.14 – 9.21
20.	The developer has already been refused for 4 dwellings so how can 18 now be given consideration.	9.2 – 9.8

21	The development will double the number of residents in Shurlock Row village.	Noted.
22	Although this is a brownfield site and housing is required, the proposal is not suitable and should not be approved.	Noted.
23	The proposal is suburban in style, being in effect a mini housing estate. Is not in-keeping with the rural scale, style and character of properties within this part of Shurlock Row	9.4
24	This is not sustainable development. The development will have a need for 100% cars.	9.43
25	The access, due to lack of clear sight lines and speeds of passing cars, is dangerous.	9.15 – 9.20
26.	Will cause problems with flooding.	9.12 – 9.13
27.	Will significantly harm the openness of the Green Belt	9.5
28.	The tree survey refers to trees being removed and this has not been agreed with occupiers at Long Meadow Caravan, Shurlock Road	9.22 – 9.30
29.	There is no mains gas in the village, so the houses will have to be completely electric. If they have oil this will involve more movements to and from the site.	Noted.
30.	The proposal could have catastrophic consequences on the neighbouring Hereford cattle farm. The development will be 20-25ft from the stud breeding bull pens and 60-70ft from the cow shed. If we want a new barn it will have to be a minimum of 400m from the nearest dwelling. New residents of the houses should be made aware of the cattle farm next to their homes and that there will be noise, smells and long hours from the farm – they should sign a disclaimer so there is no come-back on the farm.	9.37
31.	Given the destruction of the pond and felling of veteran trees on the site by the applicant we have concerns in their ability to sufficiently abide by any protective conditions imposed.	Noted.
32.	<p>Waltham St Lawrence & Shurlock Row Preservation Society Comments summarised as:</p> <p>Isolated location – lack of facilities, shops and jobs; Cramped form of development; Harm to the character of the countryside due to intensification in level of activity on the site, contrary to Policy GB2(B); Harm to the neighbouring farm; Errors in the applicant's Transport Statement; Potential harm to the ancient woodland, a priority habitat. Environmental Protection concerns regarding odours from farm and impact on new residents. This location is totally unsuitable on this scale – paragraph 72 of the NPPF. The proposal is contrary to Policy T1 Accessibility and Highway Safety of the Hurley and The Waltham Neighbourhood Plan.</p> <p>A Technical Note by Railton dated 29/03/19 has been prepared and submitted on behalf of the Preservation Society. It concludes that the proposed visibility splays at the site fall short of absolute minimum standards. The proposed access arrangements are therefore unsafe and unacceptable in relation to local and national policy. The safety deficiencies cannot be adequately mitigated. Further, the site cannot be safely serviced and is deficient in relation to sustainable access since it is impossible to safely access facilities or bus services on foot.</p>	9.2 – 9.43

Consultee responses

Consultee	Comment	Where in the report this is considered
<p>Waltham St. Lawrence Parish Council</p>	<p>Comments summarised as:</p> <p>This site is wholly unsuitable for a development with this number of houses due to its rural location and dangerous junction. Development should be restricted to the existing permission for 3 houses.</p> <p>There is no information on the height as to whether it would be higher than the existing hanger. Some of the buildings will be outside the footprint of the existing buildings. The Parish Council strongly opposes any building outside the existing footprint, as this would have an impact on the openness of the Green Belt.</p> <p>The previous warehouse use was restricted by condition 6 of 99/34780 to one round trip per user per day, i.e. 18. The proposed use assumes an average of 5 trips per dwelling i.e. 90 a day = 400% increase in trips to and from the site.</p> <p>The visibility sightline to the south is inadequate for a 60mph speed limit on an unclassified road with no pavement. Visibility to the north is also below the required standard.</p> <p>The Highway Authority in previous applications has raised concerns in relation to increased traffic along Shurlock Road.</p> <p>A local resident traffic survey undertaken in 2017 highlighted 249 vehicle movements along the road between 8am and 9am, which was 50% above the figures quoted by the applicant. The Parish Council does not consider that there will be low levels of traffic at the access and Shurlock Road, but that the situation will be extremely dangerous for a junction with inadequate visibility splays.</p> <p>Traffic along the road will increase due to new homes being built in Ruscombe.</p> <p>The lack of footpaths in this rural location is dangerous.</p> <p>Any suggestion to reduce speed limits will not work due to lack of enforcement.</p> <p>The proposal would be contrary to Policy SP3 of the BLPSV and the proposal does not respect and enhance the local character of the area or encourage walking and cycling, minimise the visual impact of traffic and parking, protect trees, provide high quality amenity space.</p> <p>The applicant's assessments make no mention of the neighbouring farm and the impact the development would</p>	<p>9.2 – 9.43</p>

	<p>have on this. The application site would have to be enclosed by a 6ft barrier fence to stop dogs going on to the farm.</p> <p>Other matters of note: The developer paid for the reclassification of the site to Flood Zone 1. Only the EA should assess this.</p> <p>Local schools are either full or nearly full.</p> <p>The development will increase the amount of lighting in the rural area having a damaging and urbanising effect.</p> <p>A development of this scale would worsen an existing significant problem with the sewerage system in the area.</p> <p>Proposal does not accord with Policy SP3 in achieving a satisfactory living environment. The proposal is contrary to Policy GB2 (b) as it represents a material intensification in the level of activity on the site.</p> <p>A Transport and Highways Review on behalf of WSL Parish Council (by Railton TPC Ltd, dated 01/02/18) has been submitted. The report concludes the proposed visibility splays at the site access fall short of absolute minimum standards and therefore the proposed site access arrangements are unsafe. In order to achieve even sub-standard visibility splays it will be necessary to remove mature trees to the north of the access. It is likely that land out of the applicant's control would be required to achieve the substandard visibility to the south of the access. It is not acceptable to condition the required specified visibility splays as the splays are unlikely to be achievable in practice. The proposed development generates well over twice the level of traffic that had previously been judged the maximum permissible for the site. The site is entirely inaccessible by sustainable modes and residents would be totally dependent on the private car.</p>	
Highway Authority	No objection subject to acceptable visibility splays.	9.14 – 9.21
Council's Tree Officer	Recommends refusal – harm to trees important to character of the area. Contrary to policies N6 and DG1.	9.22 – 9.30
Council's Ecologist	Recommends refusal – harm to irreplaceable habitat and protected species. Contrary to 175 of the NPPF.	9.31 – 9.36
Environment Agency	No objection.	9.12
Lead Local Flood Authority	No objection subject to surface water drainage strategy condition.	9.13
Environmental Protection	No objection subject to contaminated land condition.	9.42
Thames Water	Recommends conditions in relation to waste and surface water if application to be approved.	Noted.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of development – whether the proposal is appropriate development in the Green Belt;
- ii Impact on the character and appearance of the area (not including trees);

- iii Flood risk;
- iv Highway safety and parking provision;
- v Impact on trees;
- vi Ecology;
- vii Impact on the amenities of future occupiers of the development and neighbours;
- viii Affordable housing;
- ix Other material considerations; and
- x Conclusion.

The principle of development – Appropriateness in the Green Belt

- 9.2 The application site is located within the Green Belt. Paragraph 145 of the NPPF states Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt, with the exception of certain types of buildings and, as outlined in paragraph 146, certain other forms of development. One of these exceptions is “limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: i) not have a greater impact on the openness of the Green Belt than the existing development; or ii) not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 9.3 In this case, the site is currently occupied by a large building which was originally used as an aircraft hanger, but is now, and has been for the last 30 years, used for storage purposes. In addition to the hanger there is a single storey lean-to structure immediately adjacent to it to the north, which is also used for storage, together with various smaller buildings scattered around the site. Outside storage to the east of the building was established as being lawful development under application 12/01734/CLU. Accordingly, the site is “previously developed land”.
- 9.4 The proposal involves the complete redevelopment of the site and is in ‘outline’, with layout and access only to be considered under this application. The scale, appearance and landscaping are ‘reserved matters’ for consideration under a separate application at a later date if the outline application is approved.
- 9.5 In terms of assessing the impact of the proposal on the openness of the Green Belt, the layout shows the proposed dwellings to be largely within the footprint of the existing hanger building. The exception to this are the dwellings proposed to the north and south (plots 6 to 12 and plots 1 and 18 respectively). In the case of the proposed dwellings to the north, these would be within the footprint of the existing lean-to structure, while plots 1 and 8 to the south would be partially outside the footprint of the hanger. While the lean-to is not authorised and the development would extend beyond the footprint of the southern elevation of the hanger, the site benefits from a lawful development certificate for outside storage extending onto the area of hardstanding to the east, and across the rear, of the existing hanger, plus the proposal involves the removal of six existing outbuildings. As such, the proposed development would be contained within the commensurate area of the existing development on site.
- 9.6 While elevations of the proposed dwellings have been submitted with the application, it should be stressed that these are indicative of how the development may appear, as the scale and appearance are not matters for consideration under this outline application. Nevertheless, it is reasonable and necessary, (given the assessment of the proposal on the openness of the Green Belt), to restrict the maximum height of the dwellings by way of a planning condition on any outline permission granted. Similar proposals approved in the Borough have tended to restrict the maximum height to be no more than the maximum height of the existing development on site,

so in this case it would be reasonable to restrict the height of the development to no more than 8.1m.

- 9.7 In addition to the layout and height, regard should be had to the fact that the proposal is assessed in terms of its impact on the openness of the Green Belt as a whole, not just the openness of the application site. With this in mind, it is material to the consideration that the site is well-contained being largely enclosed by close-boarded fencing to the eastern and southern boundaries and by woodland to the north, effectively limiting the harm of the proposal to the openness and visual amenities of the Green Belt.
- 9.8 Overall, and subject to conditions restricting the height, permitted development rights, means of enclosure and use of the open space, the proposal would not have a greater impact on the openness and visual amenities of the Green Belt than the existing development. Accordingly, the proposal complies with the first part of paragraph 145g) of the NPPF and is not inappropriate development in the Green Belt.

Impact on the character and appearance of the area (not including the impact on trees)

- 9.9 As set out in section 5 above, the application site is located in a predominantly rural area where there is sporadic residential development. However, as mentioned in paragraph 9.5 above, the site is well-contained and enclosed to the sides and rear by 2m high fencing and/or mature trees. It is also important to remember that scale and appearance of the development are not matters for this application, and it is material to the consideration to have regard to existing development on site and potential 'fallback' scenarios. For example, the Town and Country Planning (Use Classes) Order 2015 permits the change of use from B8 (storage or distribution) to B1 uses, including offices, research and development or for any industrial process that can be carried out in a residential area without causing detriment to the area.
- 9.10 Inevitably any redevelopment of the site would change its character and appearance. However, the development would be set well back into the site and the layout of the scheme, predominantly over existing built development and in a courtyard arrangement, would result in the majority of the parking and any domestic paraphernalia being largely screened.
- 9.11 With the use of appropriate conditions, such as a restriction on the maximum height of the dwellings, removal of permitted development rights and landscaping, and having regard to the site characteristics and potential fallback development, the proposal would not harm the character and appearance of the area.

Flood risk

- 9.12 Following the submission of the application and in collaboration with the Environment Agency (EA), the applicant undertook hydraulic modelling of the site and surroundings to establish the flood zone classification of the site. This established the application site to be in Flood Zone 1 (land having less than a 1 in 1000 year annual probability of flooding). National Planning Policy Guidance advises that residential development in Flood Zone 1 is appropriate.
- 9.13 With regard to potential risk from surface water flooding, the Lead Local Flood Authority has raised no objections to the scheme, subject to a pre-commencement condition being imposed with any permission granted, that requires full details of the proposed surface water drainage scheme to be submitted and approved by the Local Planning Authority.

Highway safety and parking provision

- 9.14 Shurlock Row connects the B3024 Broadmoor Road to the B3018 The Straight Mile. Within the vicinity of the application site Shurlock Row is subject to the national speed limit (60mph), however approximately 70m north of the site access the road has a 40mph speed limit.
- 9.15 The site is located to the east of Shurlock Row and is served by an existing vehicular access that offers visibility splays of 2.4m by 100m to the right (north), by 75m to the left. The Borough's Highway Design Guide sets a visibility splay of 2.4m by 215m in both directions, (based on

advice given in the Design Manual for Roads and Bridges (DMRB) and applicable to truck roads). The restricted visibility splays are primarily due to the horizontal alignment of the highway and the position of the site on the 'inside' of the bend.

- 9.16 The development would be served by the existing access and could achieve (according to the submitted Transport Statement), with the trimming or removal of boundary hedging or trees on the public highway, visibility splays of 2.4m x 107m to the right (north), by 91m to the left. These visibility splays have been accepted by the Highway Authority on the basis that Shurlock Row is not a trunk road and therefore the DMRB is not relevant. The Highway Authority has advised that advice contained in Manual for Streets (MfS) 2, published in 2010, is the most applicable to the access considerations for the site. Third party representations, (including A Transport and Highway Review plus Technical Note on behalf of Waltham St Lawrence Parish Council), have submitted that the guidelines in MfS are not appropriate in this case. The Highway Authority, however, maintains its advice that MfS is the appropriate guidance in this case and, on reviewing all the information submitted in respect of visibility splays, this is concurred.
- 9.17 The Highway Authority has made clear that the accepted visibility splays (suggested by the applicant as 2.4m by 107m to the right and by 91m to the left), can only be achieved by the trimming back and/or removal of the boundary vegetation and trees on the public highway, and has advised that a detailed plan indicating these visibility splays at the site access should be submitted and approved prior to commencement of the development, to be covered by a planning condition.
- 9.18 As access is a matter for consideration under this application and, as the acceptability of the visibility splays is reliant on works being undertaken on public highway land (owned by the Council), i.e. the trimming back and/or removal of trees and vegetation outside of the applicant's ownership, it is not appropriate to impose a condition requiring details to be submitted and approved at a later date. Furthermore, earlier this year trees and vegetation were removed from highway land to the north of the site access, without the Council's consent and it is understood this is under investigation separate to the consideration of this application. However, it is material to the consideration of the application that works required to make the development acceptable should be assessed 'in the round', in particular whether those works would have an adverse impact on matters such as the character of the area and/or ecological matters.
- 9.19 The submitted Transport Assessment reports that the development has the potential to generate 10 two way trips in the AM peak, 9 two-way trips in the PM peak and 85 daily movements. The Highway Authority's consultation response advises that, based on a trip analysis from a previous submission, the development would lead to 12 and 13 trips in the AM and PM peak periods respectively and 108 daily trips and that, based on a previous condition (imposed on application 99/34780), the development would lead to an increase in vehicular activity from the premises. It should be stressed however that the condition referred to restricting traffic movements at the site was imposed to protect the character of the Green Belt. Given the principle of redeveloping the site as proposed in the Green Belt is acceptable, such a condition would not now be appropriate. The relevant issue for consideration is the impact traffic generated by the proposal, (and having regard to potential fallback uses) would have on the local highway network.
- 9.20 Paragraph 109 of the NPPF states, "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." Notwithstanding the difference in estimated trips to and from the site presented by the applicant and Highway Authority, the proposal would not lead to a severe impact on the road network. However, notwithstanding potential fallback uses of the site which do not include the number of residential properties as proposed by this application, it has not been sufficiently demonstrated that a safe and suitable access to the site can be achieved, with or without causing other harm. Accordingly and in the absence of evidence to demonstrate otherwise, the proposal would have an unacceptable impact on highway safety.
- 9.21 With regard to other highway related matters, the proposal complies with the Council's adopted parking standards and the applicant has sufficiently demonstrated that a refuse lorry could enter, turn and exit the site in a forward gear.

Impact on trees

- 9.22 The Council's Tree Officer has provided the following advice: The Woodland (Crockford's Copse) to the north of the site is designated as an ancient woodland and is listed as Ancient and Semi-Natural Woodland. The woodland is also designated as a Deciduous Woodland 'Priority Habitat'. Trees growing within the woodland, adjacent to the site entrance and to the west of the site are subject to Tree Preservation Order 005/2017.
- 9.23 As set out in the NPPF and submitted Arboricultural Report, ancient woodland is defined as "any area that has been wooded continuously since at least 1600 AD", it includes semi-natural woodland and is considered to be an irreplaceable habitat. Since previous applications for the site, changes have been made to the NPPF and new guidance published to provide clear definitions of ancient woodland habitats and veteran trees, as well as recommendations and requirements for development around these irreplaceable habitats.
- 9.24 A buffer zone of at least 15m is advised for ancient woodlands. However, as a precautionary principle, a minimum 50m buffer should normally be maintained between a development and ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. A larger buffer may be required for particularly significant engineering operations or for after-uses that generate significant disturbance.
- 9.25 The buffer is a landscape feature used to protect a sensitive area from the impact of disturbance both during and after construction. The buffer can be planted with trees or shrubs, or it could be an area of land that the development is not allowed to encroach upon. The preferred approach is to create new habitat including native woodland around existing ancient woodland, as this helps to reverse historic fragmentation of the important habitat.
- 9.26 Development proposed on the application site should not have a significant impact on the existing trees including those growing on the edge of the woodland, due to the extent of the existing structures and hard standing. The removal of existing buildings and a significant proportion of hard surfacing within the curtilage of the site, and within the ancient woodland buffer one, will increase the available rooting environment and provide some benefit for on/off site trees. For this reason it is agreed that the minimum buffer to the ancient woodland could be reduced to the absolute minimum distance of 15m.
- 9.27 However, as set out in part 8 of the Arboricultural Report and shown on the Tree Protection Plan, the proposed development includes substantial incursions within the minimum buffer area for the ancient woodland, such a sections of the proposed new dwellings, private gardens and areas of hard surfacing. These incursions reduce the width of the buffer to as little as 7m for a large proportion of the length.
- 9.28 The use of small private gardens and car parking areas are not considered as suitable landscape features that would provide the level of protection for the woodland both during and after construction. The minimum acceptable buffer for ancient woodland, where pollution (for example from run-off during or after construction) and trampling (from increased public/residents use) are potential issues, needs to be at least 50m.
- 9.29 Works were taken earlier this year on adopted highway on Shurlock Row and within the boundary of TPO 005/2017, to clear trees and vegetation within the buffer zone of the ancient woodland. This work was not approved by the relevant section of the Highway Authority within the Council and may constitute criminal damage. If a tree subject to a TPO is removed without consent the landowner has a duty to plant another tree at the same place as soon as reasonably possible. In this instance, the intention of the Highway Authority is to enable trees and shrubs to grow back naturally within this area. As there is a direct seed source from plants within the adjacent ancient woodland, natural regeneration is to be encourage to preserve the local genetic diversity. It should be considered that in future the sight lines within this area will be similarly restricted as they were prior to the unauthorised works.

9.30 As set out in the NPPF, development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy. The proposed scheme fails to adequately secure the protection of trees and ancient woodland which contribute positively to the character and appearance of the area and it is therefore recommended the application be refused under policies N6 and DG1 of the Local Plan and paragraph 175 of the NPPF.

Ecology

9.31 As set out in the Tree Officer's comments above, the proposal would adversely impact the ancient woodland to the north of the site, which is an irreplaceable habitat. As there are no exceptional reasons and a suitable compensation strategy in this case, the proposal is contrary to paragraph 175 of the NPPF.

9.32 The application site was recorded as offering moderate value habitat for reptiles (the scrub and grassland areas). All species of common reptile are protected from killing and injury under the Wildlife and Countryside Act, 1981 (as amended). Although the submitted ecology report provides a method statement for dealing with reptiles during development, no reptile surveys were undertaken in line with best practice. Having reviewed the submitted documents and plans it does not appear that any habitats will be provided for reptiles following the development and there are no similar habitats within the vicinity of the site. The report advises that reptiles will be moved to the woodland to the south of the site, but it is not known who owns this and whether it contains suitable habitat for reptiles. As the site contains suitable habitat for reptiles and the development would break apart this habitat, the Council's Ecologist has recommended that reptile surveys be undertaken prior to the determination of the application, in order to fully assess the impact of the development on reptiles and to ensure appropriate mitigation post development is provided.

9.33 The submitted ecology report states that only buildings and hard standing are going to be removed as part of the development proposals, and therefore no further survey for Great Crested Newts (GCN) is required. However, although the pond on site was recorded as having negligible potential to support GCN, the report does not make an assessment of the ditch to the north of the application site or the pond within 100m for their potential to support GCN. GCN and their habitat are afforded protection under the Conservation of Species and Habitats Regulations 2017 and the Wildlife and Countryside Act 1981. Given the scrub and grassland habitats on the site are likely to have some potential to support GCN, and that they are to be removed to enable the area of open space to be established, it is recommended that further survey and assessment for GCN is undertaken prior to determination of the application, in order to assess the impact of the proposal on GCN and to ensure appropriate mitigation for GCN is provided post development if necessary.

9.34 Bats and their roosts are afforded protection under the previously mentioned Species and Habitats Regulations and Wildlife and Countryside Act. Accordingly, the site was assessed for the potential to support bats and found that the buildings on site had negligible potential and therefore no further bat surveys were required. The sub-station, outside of the application site but adjacent to it, was not assessed for roosting bats but the Council's Ecologist has advised that there is potential there. Having regard to the habitat potential of the sub-station and surrounding boundary features, the area is likely to support commuting and foraging bats. Accordingly, light pollution from external sources within the application site should be controlled and the Council's Ecologist recommends details of external lighting be submitted and approved prior to determination of the application. However, as this is an outline application external lighting can be covered by a planning condition will full details submitted and considered under a subsequent reserved matters application.

9.35 The ecology report states that the site is largely unsuitable for water vole and otter and the nearest suitable habitat is Twyford Brook, 270m north of the site. However, it is not clear as to whether the ditch immediately to the north of the application site is suitable to support these protected species and whether or not the ditch has been surveyed. Further clarification of this is required prior to the determination of the application.

- 9.36 In the absence of information to demonstrate otherwise, the proposal would lead to significant harm to biodiversity contrary to paragraph 175 of the NPPF

Impact on the amenities of future occupiers of the development and neighbours

- 9.37 Subject to appropriate design, (which is a reserved matter), the living conditions of future occupiers of the development will not be adversely affected in terms of loss of privacy, insufficient levels of daylight or from any development having a dominant or overbearing impact. While the private gardens relating to the individual dwellings would be small, further open space to the east of the site would provide additional amenity space for residents. Some concerns have been raised about potential complaints from residents of the proposed development regarding the noise and smells coming from the neighbouring farm, and the possible adverse impact this could have on this business. However, notwithstanding the fact that agricultural noises and smells are a frequent occurrence associated with living in the countryside and future residents should expect this, it is considered that with appropriate design and materials any noise or smells from the neighbouring farm could be largely minimised.
- 9.38 In terms of the impact of the development on the living conditions of any neighbours, given the separation distances involved, (the closest dwelling is to the south of the site approximately 20m away), the proposal will not result in any loss of light, loss of privacy nor having an overbearing impact.

Affordable housing

- 9.40 As the proposal is for 18 dwellings (and the site area is over 0.5 hectares), Policy H3 of the Local Plan is relevant and requires a proportion of the development to be delivered as affordable housing. In this case, the applicant has offered to provide 5 dwellings on a shared ownership basis and the legal agreement to secure this is being pursued. However, in the absence of the completed legal agreement for the affordable housing the proposal is contrary to Policy H3.

Other Material Considerations

- 9.41 Paragraph 11 of the NPPF makes clear that there is a presumption in favour of sustainable development. All housing applications are required to be considered within the context of this presumption and policies relating to the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. At the time of writing, the Council does not have a 5 year supply of deliverable housing sites.
- 9.42 Given the existing and previous use of the site, Environmental Protection has recommended that any permission granted should include a condition in respect of potential contaminated land. This would be a standard condition that requires an initial investigation and risk assessment of the site, and submission and approval of remediation measures if necessary. The condition is reasonable and necessary to ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised.
- 9.43 A number of representations received have referred to the site being unsustainable given the lack of pavement outside the site along the highway to facilitate safe walking, together with the lack of services and facilities within the local village. Although the NPPF promotes sustainable development which includes encouraging modes of transport other than the car, it also includes the effective re-use of previously developed land, such as the application site. The point raised by objectors is recognised but given the principle of the proposal is acceptable in this rural location, it would be difficult to substantiate an objection on these grounds.

Conclusion

- 9.44 Section 11 of the NPPF advises 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 without delay; or where there are no relevant development plan policies, or the policies which are the most important for determining

the application are out-of-date (footnote 7), granting permission unless: the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or 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.

- 9.45 Footnote 7 states: *“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.”*
- 9.46 Footnote 6 states: *“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”*
- 9.47 As the proposal is in the designated Green Belt and would also have an adverse impact on an irreplaceable habitat (the ancient woodland), the ‘tilted balance’, (which requires any adverse impacts to significantly and demonstrably outweigh the benefits of the proposal), is not applied in this case.
- 9.48 While the proposal would make effective use of a previously developed site, by providing housing some of which would be affordable, and without harm to the Green Belt and without flood risk, it would result in harm to an ancient woodland, which is identified as an irreplaceable habitat. In addition, it has not been demonstrated that the proposal would not cause significant harm to biodiversity, specifically protected species and their habitats in and surrounding the application site. For these reasons the proposal is contrary to paragraph 175 of the NPPF. The proposed scheme also fails to adequately secure the protection of trees and ancient woodland which contribute positively to the character and appearance of the area contrary to adopted Policies N6 and DG1 of the Local Plan. Furthermore and in the absence of evidence to demonstrate otherwise, the proposal would have an unacceptable impact on highway safety. In the absence of a completed legal agreement to secure affordable housing the proposal is contrary to adopted Policy H3 of the Local Plan. For these reasons, it is recommended planning permission is refused.

10 APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site layout
- Appendix C – Indicative elevations

11. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal by reason of its siting would result in harm to an ancient woodland, which is identified as an irreplaceable habitat. In addition, it has not been demonstrated that the proposal, by reason of its siting, would not cause significant harm to biodiversity, specifically protected species and their habitats in and surrounding the application site. In the absence of wholly exceptional reasons and a suitable compensation strategy in the case of the irreplaceable habitat, and lack of an alternative site, mitigation or compensation in relation to protected species and their habitats, the proposal is contrary to paragraph 175 of the National Planning Policy Framework 2019 and Policy Env 1 of the Hurley and The Walthams Neighbourhood Plan, 2015 - 2030, adopted December 2017.
- 2 The proposed scheme, by reason of its siting, fails to adequately secure the protection of trees and ancient woodland which contribute positively to the character and appearance of the area. Accordingly, the proposal is contrary to adopted Policies N6 and DG1 of the Royal Borough of

Windsor and Maidenhead Local Plan, 1999 (Adopted Alterations 2003) and Policy Env 1 of the Hurley and The Walthams Neighbourhood Plan.

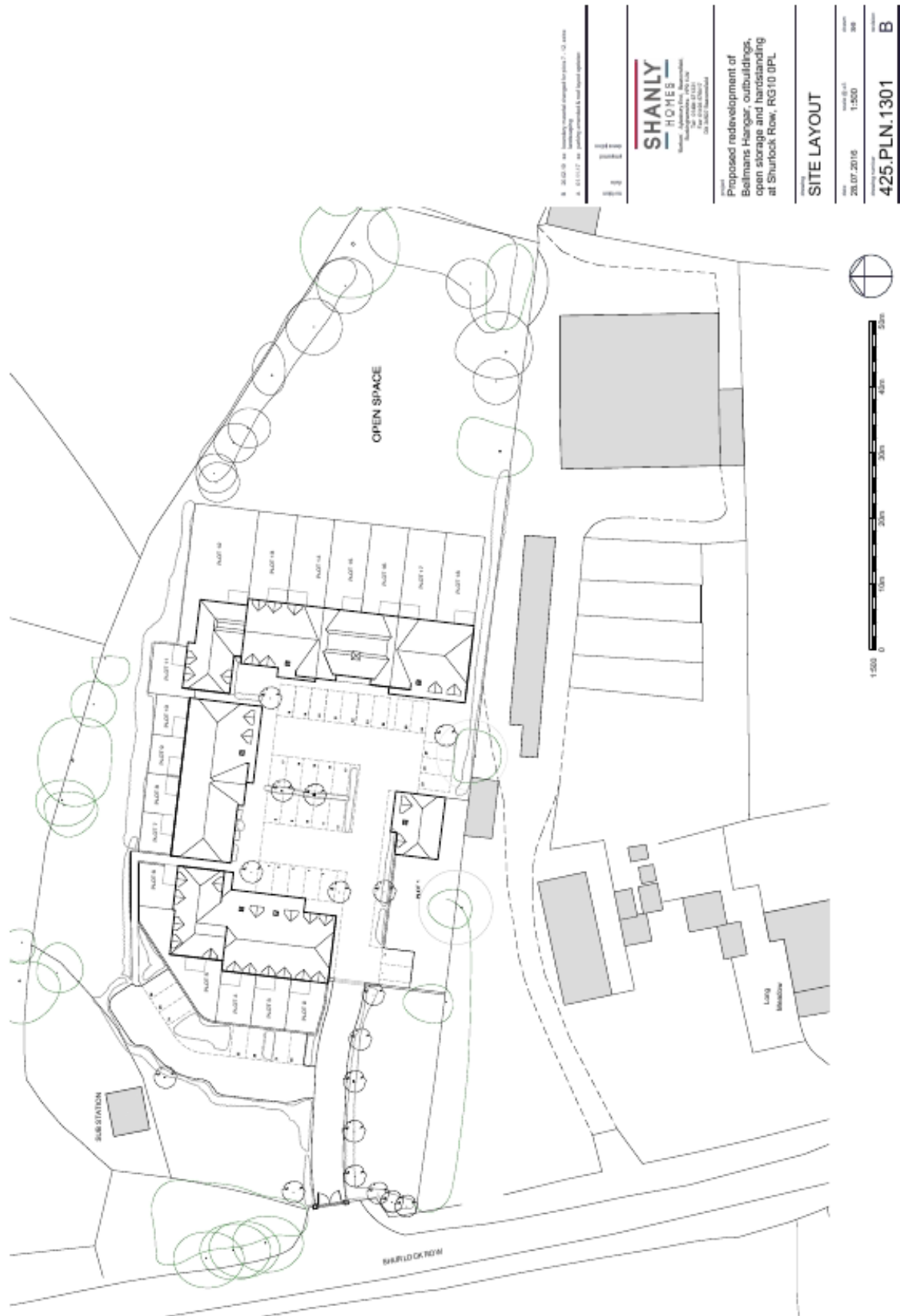
- 3 The proposal fails to sufficiently demonstrate that the appropriate visibility splays can be achieved at the access to the site. In the absence of evidence to demonstrate otherwise, the proposal would have an unacceptable impact on highway safety, contrary to paragraphs 108 and 109 of the NPPF, Policy T5 of the Local Plan and Policy T1 of the Neighbourhood Plan.
- 4 In the absence of a completed legal agreement to secure affordable housing the proposal is contrary to adopted Policy H3 of the Local Plan.



*Bellmans,
Shurlock Row,
RG10 0PL*

Dwg No. 425-LOC-BSR
Scale: 1:1250 [A4]

Location Plan



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**Proposed redevelopment of
 Bellmans Hangar, outbuildings,
 open storage and handstanding
 at Shurlock Row, RG10 0PL**

SITE LAYOUT

DATE	26.07.2016	SCALE	1:500	SHEET	008
PROJECT	425.PLN.1301				
REVISION	B				



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Agenda Item 5

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 November 2019

Item: 2

Application No.:	19/01588/FULL
Location:	Marandaz House Clivemont Road Maidenhead SL6 7BU
Proposal:	Side and roof extension to provide 23 residential dwellings with associated car parking, landscaping, cycle and refuse storage.
Applicant:	Montreaux LTD
Agent:	Miss Victoria Chase
Parish/Ward:	Maidenhead Unparished/Belmont
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 This current application is to provide an additional floor on top of the existing building to provide 9 residential units, with a further 14 flats provided in a three storey extension to the east. The design, layout, form and external appearance of the proposed second floor addition above the existing building is virtually identical to that already granted permission under application 19/00636/FULL.
- 1.2 The Council cannot demonstrate a 5 year housing land supply, and as such the tilted balance as set out in the National Planning Policy Framework 2019 is engaged. In this case the scheme would provide 9 additional residential units with an affordable housing contribution equivalent to 30% on-site provision (assuming shared ownership), which is regarded as a benefit of moderate weight, and the scheme makes efficient use of land which is also supported by National Planning Policy. In this case, there are not considered to be any significant adverse impacts arising from the scheme that would outweigh the benefits arising from this scheme.

Subject to the completion of a Legal Agreement to secure the provision of a financial contribution in lieu of affordable housing of an amount equivalent to 30% on-site provision (assuming shared ownership), it is recommended the Panel authorises the Head of Planning to: -

GRANT planning permission with the conditions listed in Section 12 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 situated within an allocated employment site within the Adopted Local Plan (Cordwallis Industrial Estate), which is allocated primarily for industrial and small scale distribution and storage uses. The application site measures circa 0.32 hectares. The existing building has an office use, which was in the process of being converted to residential use at the time of the officer site visit under the Prior Approval application ref. 19/00175/CLASSO and the subsequent planning permissions refs. 19/00237/FULL and 19/00636/FULL.
- 3.2 Adjacent (to the south) of the site is a vacant site, and this has planning permission to construct a building to accommodate B1c (light industrial), B2 (general industrial) and B8 (storage and distribution) uses. To the west (on the opposite side of the road) is an employment use. To the

north of the site (on the opposite side of the road) is a residential development in the form of a converted office building. The site to the east (Clivemont House) has recently been granted planning permission for the 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 units, with basement parking, refuse stores and associated landscaping including alterations to the existing site entrance. There are a number of buildings within this employment area which have changed use to residential, through the use of permitted development rights.

4. KEY CONSTRAINTS

- 4.1 Employment Area
Protected Trees

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 This application seeks planning permission to construct a three storey side extension and a roof extension to the existing building to accommodate 23 flats.
- 5.2 The proposed second floor extension would increase the height of the building to circa 10.2 metres. The scheme also includes a three storey extension to the east. The Design and Access Statement sets out that at ground floor, the wall materials will match the existing building. The second floor will be finished in panels, which would match the materials on the building on the opposite side of the road (Globe House).

Reference	Description	Decision
18/03372/CLASSO	Change of use of a building from Office Use (Class B1(a)) to a Dwellinghouse (Class C3) to create x34 apartments	Prior approval granted on the 21.01.19
19/00175/CLASSO	Change of use of ground and first floor from B1 (a) (offices) to C3 (8 x 2 bedroom and 16 x 1 bedroom dwellings).	Prior approval granted on the 7.03.19
19/00237/FULL	Changes to the facade, alterations to fenestration, new front entrance, canopy and wall lettering, balconies to the first floor, refuse store, hard standing and associated landscaping.	Permitted on the 03.05.19
19/00636/FULL	Addition of second floor to provide nine residential units (C3) and cycle store.	Permitted on the 30 th May 2019.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

- 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
 - 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)

Section 4- Decision-making

Section 5- Delivering a sufficient supply of homes

Section 9- Promoting Sustainable Transport

Section 11- Making efficient use of land

Section 12- Achieving well-designed places

Section 15- Conserving and enhancing the Natural Environment

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 (2019) 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

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Housing Mix and Type	HO2
Housing density	HO5
Makes suitable provision for infrastructure	IF1
Sustainable Transport	IF2
Noise	EP4
Trees	NR2

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 Submission 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 and 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 whilst further consultation is being undertaken on changes/ amendments to the BLPSV in the form of the Borough Local Plan (2013-2033) Submission Version Incorporating Proposed Changes, October 2019. This consultation runs for a six week period from Friday 1st November 2019 until Sunday 15 December 2019. The BLPSV policies therefore remain a material consideration in planning applications subject to the level to which they are consistent with the relevant version of the NPPF and the extent to which 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 material 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

73 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 18 June 2019. No representations have been received.

Consultees

Consultee	Comment	Where in the report this is considered
Tree Officer	No objection subject to a condition for tree protection measures.	9.10
Highways	Has no objections subject to conditions	9.11-9.14
LLFA	Has no objection subject to the imposition of a condition requiring the submission and approval of a proposed surface water drainage system.	
Environmental Protection	Has no objection, subject to a condition being imposed for the submission of a CEMP	A CEMP is not considered necessary.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of the residential development
- ii Impact on the character of the area
- ii Residential Amenity
- iii Impact on trees
- iv Transport
- v Planning balance

Principle of residential development

- 9.2 The site is situated within an allocated employment site within the Adopted Local Plan (Policy E2). The existing building was in employment use, but in 2019 prior approval was given for the change of use of this building to a residential use. On the 3rd May 2019, planning permission was granted for external alterations to the building (required in association with the residential conversion). At the time of the planning officer site visit, the building was in the process of being converted to residential use.
- 9.3 This current application is to provide an additional floor on top of the existing building to provide 9 residential units, with a further 14 flats provided in a three storey extension to the east. The office space that existed within the building has already been lost through the use of permitted development rights, and as such there is no objection in principle to further extensions to the building to accommodate residential units.
- 9.4 Within the Borough Local Plan Submission Version, the site is allocated as an Industrial Area under Policy ED2. This policy is given limited weight as a material consideration, due to the level of unresolved objections to this policy.

Impact on the character of the area

- 9.5 The proposed roof form (a flat roof) is considered to be acceptable, as the buildings in the locality generally have flat roofs. In terms of the height of the building, large buildings exist in the locality. To the north of the application site (Globe House), the building has a height of just under 9 metres. The building approved to the south of the application site would have a height of circa 8 metres. Given the buildings in the area are quite tall, and vary in height, it is considered that the resultant height of this building at 10.2 metres would be acceptable. The roof form and height has in any case been accepted under the granting of planning permission 19/00636.
- 9.6 The scheme also incorporates a proposed three storey extension to the east. This extension has been designed to have a similar appearance to the main building as extended. In the consideration of planning application 19/00636 it was acknowledged in the officer report that the extension was not of the highest quality design, but that given the context of the area and the variation in the appearance of surrounding buildings, it was considered acceptable. This current scheme would result in a large scale building that would bring the eastern elevation of the building at three storeys close to the site boundary; there would be a gap of between 1.4-1.9 metres with the eastern boundary of the site. It is considered that the resultant building would have quite a cramped appearance within the site. It is not considered that this is a high quality designed scheme; however, the proposed extensions would not be highly visible within the streetscene, and taking into account the context of this area, which has buildings of varying quality, the harm to the character of the area would not be significant. As the Council cannot demonstrate a 5 year housing land supply, policy DG1 of the Adopted Local Plan is given reduced weight. The impact on the character of the area is weighed up in the planning balance section of this report below.

Residential Amenity

- 9.7 There are existing businesses and planning permissions for new buildings in employment use; however, there are also buildings in residential use in the locality. The proposed residential units proposed at second floor level and the three storey extension the subject of this application are considered to be of an acceptable size.
- 9.8 The flats labelled units 3 and 8 would have one bedroom, and these bedrooms would only have one window which would be located on the eastern elevation of the proposed three storey extension. The eastern elevation of the three storey extension would currently be free from any built form on the neighbouring site, however, planning permission was recently granted on this neighbouring site for residential development which goes up to four storeys in height. It is appreciated that there is no indication that this development will start in the immediate future, however, it is considered poor planning when windows serving habitable rooms are located on side elevations of a building. This would be their only outlook and source of light, and it would be anticipated that a side elevation to a building would face onto the side elevation of any adjacent building.
- 9.9 It is not considered that the scheme would meet the requirements of paragraph 127 of the NPPF which seeks to provide a high standard of amenity for existing and future occupiers. Furthermore, two of the flats have bedrooms where the only window serving them will be on a side elevation in close proximity to a site boundary. This weighs against the proposal.

Impact on trees

- 9.10 Protected trees run along the northern and western boundaries of the site. It is not considered that the proposed second floor to the building or the three storey extension to the east would have an adverse impact on these trees. The protection plan and associated measures will need to be secured by planning condition (see condition 4), so that harm is not caused to these trees.

Transport

- 9.11 The submitted Transport Assessment at section 4 sets out the car parking requirements and provision. Taking into account the flats consented under prior approval, and the proposed 23 units subject to this planning application, there would be 33, 1 bedroom flats, and 14, 2 bedroom flats. This site would not be regarded as being in an area of good accessibility according to the Council's parking standards, and as such, based on the Council's parking strategy 2004, 61 car parking spaces would be required. However, the parking standards in the Council's Parking Strategy 2004 are 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, or for optimising the density of development in city and town centres and other locations that are well served by public transport. Policy P4 of the Adopted Local Plan which refers to the Council's Parking Strategy is therefore given limited weight in the determination of this application.
- 9.12 The proposal would provide 35 car parking spaces. The Highways Authority advise that according the Council's Parking Strategy a development is deemed to be within an accessible location if it is within 800m from a train station that provides a regular half-hourly or better service. Furze Plat provides a half-hourly service, but only during the peak periods. For this reason the area in the past has been considered to be in a reasonably accessible area, and Highways have taken a pragmatic approach by proposing the following parking ratio:
- 1 space per 1 bed room dwelling
 - 1.5 spaces per 2 bedroom dwelling (as reported in paragraph 9.7.2 of the Parking Strategy [PS]). However, for this application, the Highway Authority accept, and have previously accepted, that the parking levels can be based on this site being accessible, and as such raise no objection to the scheme on a lack of car parking spaces.
- 9.13 The proposed development is not expected to generate significant traffic movements that would adversely impact on the highway network.

- 9.14 The bin storage to the south of the site (adjacent to the cycle store) is approximately 30m from the fire exit. This is a fire exit and so is assumed that this door will only be used in emergencies and is for exiting the building only. Therefore, residents using this bin store will have to walk approximately 75m to this location (from the main entrance) to dispose of their waste.

Additionally, waste collection operatives will also have a drag distance of approximately 50m to the existing carriageway on Clivemont Road.

Both distances (for residents and waste operatives) fall outside of the recommended guidance as set out in Manual for Streets (2007) which states that waste collection vehicles should be able to get to within 25 m of the storage point and the distance over which containers are transported by collectors should not normally exceed 15m for two-wheeled containers, and 10m for four-wheeled containers. Residents should not exceed a carry distance of 30m. Whilst this is not ideal, it is not considered that this in itself is significant enough to warrant refusal on highway safety grounds.

Affordable Housing

- 9.15 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 advice over developments meeting an on-site 30% requirement. It also sets out that where 30% provision is not proposed to 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. The 30% on-site affordable housing provision for this 23 unit scheme would equate to 7 affordable housing units being provided on site.
- 9.16 The NPPF is a significant material consideration and at paragraph 63 it is made clear that affordable homes should be provided as part of this scheme. The emerging policy HO3 of the BLPSV is a relevant material consideration and is compliant with the NPPF, however, due to the number of objections received to it, it is given limited weight as a material consideration.
- 9.17 The application as submitted did not propose the provision of any affordable housing either in the form of on-site provision or in the form of a commuted sum in lieu of on-site delivery. A Financial Viability Appraisal was submitted in support of this position. This Appraisal was submitted on the basis of 47 new units, incorporating the 24 prior approval units and the 23 new units the subject of this application, rather than the 23 units in isolation.
- 9.18 An independent financial viability appraisal has been carried out on behalf of the Council. This concluded in simple terms that the 24 unit prior approval scheme does not create a viability surplus. The addition of 23 units (the subject of this application) to the prior approval scheme, providing 47 units in total, improves the viability of the scheme but does not create a viability surplus. The 23 unit scheme, when considered in isolation, is viable and can therefore provide an affordable housing contribution.
- 9.19 The applicants have stated in response to this conclusion that, in their view, it would not be practical or feasible to deliver the 23 units in isolation of the prior approval scheme and that they can only deliver the 23 unit scheme as part of a comprehensive redevelopment of the entire building. They therefore conclude that the 23 unit scheme cannot create a viability surplus and that the provision of affordable housing is not financially viable. However, in order to seek to reach an agreement with the Council on this matter the Applicants have offered to provide a financial contribution in lieu of on-site delivery equivalent to an on-site contribution of 30% affordable housing assuming shared ownership (rather than mixed tenure).
- 9.20 A financial contribution is proposed in lieu of on-site delivery in view of the constraints associated with managing a small number of affordable homes in isolation (due to efficiency) and the management of affordable housing in converted/extended buildings (due to separating management and service charges).

- 9.21 The Council's independent assessor agrees with the methodology used to calculate the contribution offered and has confirmed that this would equate to 30% on-site provision assuming shared ownership. Officers are of the view that this would amount to an acceptable offer and this is reflected in the wording of the recommendation being subject to the completion of a satisfactory legal agreement to cover these matters.

Planning Balance and conclusion

- 9.22 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. Paragraph 11 states that:

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

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

- 9.23 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..).'

- 9.24 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).

- 9.25 At the time of writing, the Council is able to demonstrate around 4.5 years of housing land supply. Therefore, for the purposes of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

- 9.26 The balancing exercise set out at paragraph 11 of the NPPF, commonly referred to as the 'tilted balance', does apply in this case.

- 9.27 The proposed extensions are not considered to be of a high standard of design, and the proposed building coming in such close proximity to the eastern boundary of the site at three storeys in height, is considered to amount to a quite cramped form of development. However, this needs to be considered within the context of the area it is within. The area comprises buildings in employment use which vary in quality and appearance. Also, recently granted on land adjacent to the site (to the east) is a residential development, where the buildings would be four storeys in height and would be situated in close proximity to the side boundaries of the site. There is some harm arising from the proposed development in respect of the design of the extensions to the building, however, owing to the context of the site it is considered that this harm is not significant.

- 9.28 Given the site is allocated as an employment site, and there are some businesses in the locality in industrial and storage and distribution uses, it is not considered future occupiers of the flats will have a high standard of amenity, as required by paragraph 127 of the National Planning Policy Framework. In addition, two of the flats in the three storey extension would have one bedroom, and the only windows to serve these bedrooms would be located on the eastern elevation of the building in close proximity to the site boundary; it is not expected that these bedrooms will receive a good outlook in the future. This also weighs against the scheme, however, it is only two of the flats, and so there is some harm, but this harm is limited.

- 9.29 This scheme will provide 23 residential units which will contribute to meeting the Council's five year housing land supply, and this is given moderate weight as a benefit. In addition, paragraph 118 of the NPPF sets out that in making effective use of land, planning decisions should support

opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, it should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. This scheme includes an upward extension and is considered to be of an acceptable scale within this location.

9.30 The application would also provide a financial contribution to affordable housing in lieu of on-site provision, equivalent to 30% on-site provision or 7 units, assuming shared ownership. This weighs in favour of the scheme.

9.31 It is considered that whilst the design of the extensions is not high quality and the standard of amenity for future occupants will not be high, as required by the NPPF, the harm arising from each is limited. The provision of 23 flats is given moderate weight as a benefit, and this scheme makes effective use of brownfield land which is supported in the NPPF, this is also a benefit of the scheme. The provision of a financial contribution to affordable housing in lieu of on-site provision is also given moderate weight as a benefit of this scheme. As such, when engaging paragraph 11 of the NPPF, there are not considered to be adverse impacts that would significantly or demonstrably outweigh the benefits of the scheme, and as such the application is recommended for approval.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is CIL liable. The proposed floorspace of the dwellings is 658 square metres.

11. APPENDICES TO THIS REPORT

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

12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

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

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

2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

3 No development above the existing ground floor slab level shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained 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 erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

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

- 5 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.

- 6 No other part of the development shall commence until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained as approved.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1

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

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

- 8 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.

- 9 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

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

- 10 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).

- 11 Prior to commencement (excluding demolition) a surface water drainage scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

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

o Supporting calculations confirming compliance with, the Non-statutory Technical Standards for Sustainable Drainage Systems, the agreed discharge rates, and the attenuation volumes to be provided.

o 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.

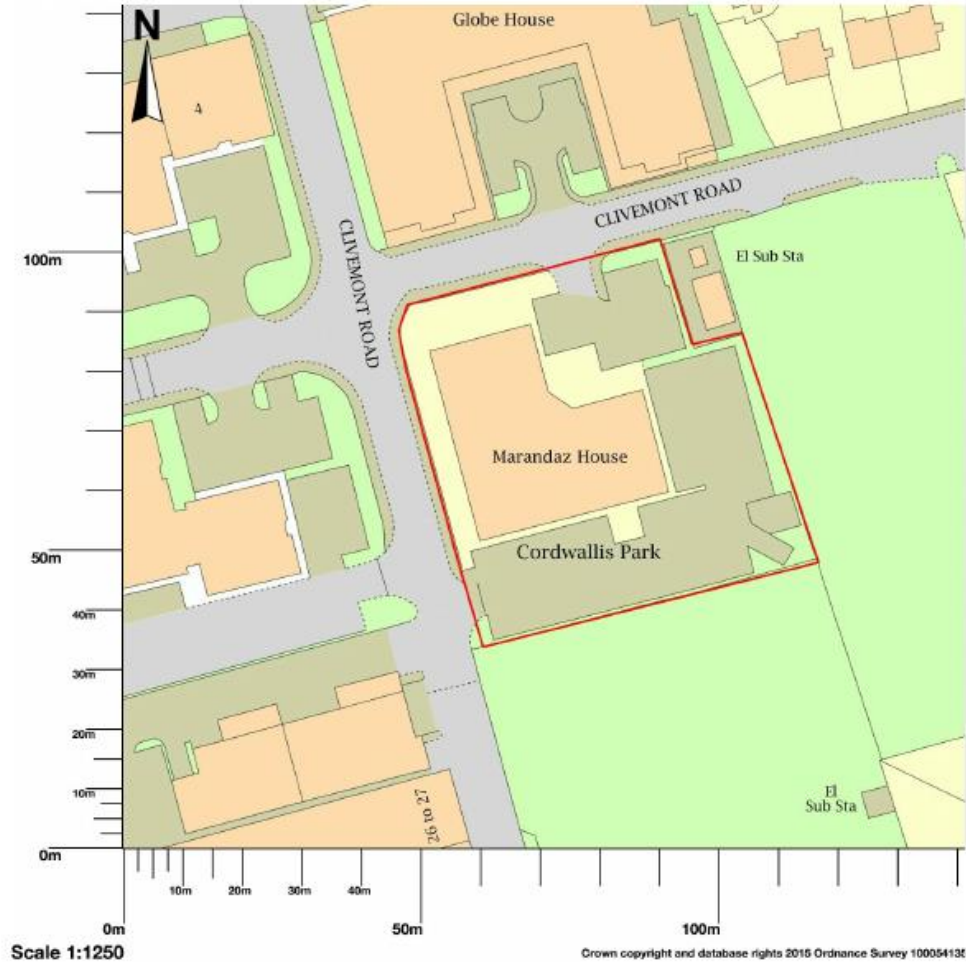
12 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

Informatives

- 1 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 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.
- 2 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.
- 3 Any planting, other than grass, in areas to be adopted by the Highway Authority may be considered to be an obstruction of the highway and action could be taken to remove it.
- 4 In order to protect the stability of the highway it is advised that no excavation is carried out within 15 metres of a public highway without the written approval of the Highway Authority. The Highway Manager should be contacted at the Town Hall, St Ives Road, Maidenhead, SL6 1RF tel: 01628 796595.
- 5 Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
- 6 Should any works require the erection of temporary traffic signals a licence must be obtained under Section 65/124 of the New Roads and Street Works Act of 1991. A licence can be obtained from the Highway Manager at the Town Hall, St Ives Road, Maidenhead, SL6 1RF tel: 01628 796595.
- 7 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
- 8 The granting of planning permission does not give the applicant/developer consent to carry out works on the public highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to the Royal Borough of Windsor and Maidenhead - Streetcare Section, (telephone 01628 683804) before any work is carried out, this shall include for materials and skips which are stored within the highway extents, hoarding etc. A charge will be made for the carrying out of inspections and the issue of permits.

Marandaz House, Clivemont Road, Maidenhead, SL6 7BU

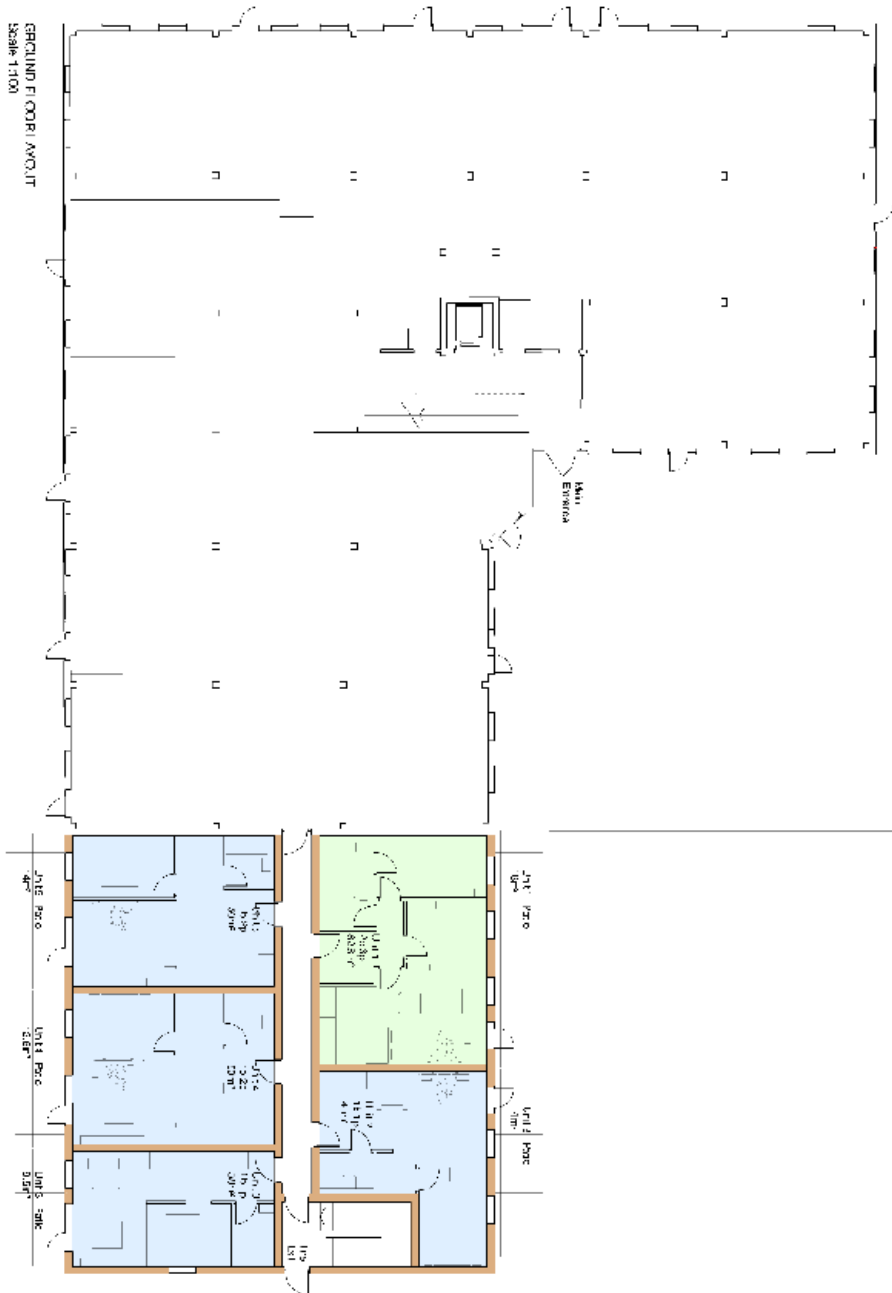


Appendix C. Proposed Elevations and Floor Plans





GRANDINO F. COOPER ASSOCIATES
SCALE: 1/8"=1'-0"



Grandino F. Cooper Associates 10/20/2011

Unit 1200



SECOND FLOOR LAYOUT
Scale 1:100

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Agenda Item 6

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 November 2019

Item: 3

Application No.:	19/01661/OUT
Location:	Unit 1 And 2 And 3 Foundation Park Roxborough Way Maidenhead
Proposal:	Outline application for access, landscaping, layout and scale to be considered at this stage with all other matters to be reserved for the demolition of buildings 1, 2 and 3 and the erection of three class B1 (office) buildings, new decked car park and hub building, the reconfiguration of the car parking and internal road layout and associated works.
Applicant:	FPM Investments Sarl Managed By JP Morgan Asset Manageme...
Agent:	Mrs Sarah Moorhouse
Parish/Ward:	Cox Green Parish/Cox Green
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 The application relates to the redevelopment and reconfiguration of an existing employment site in the Royal Borough, to provide Class A office space and provide services and facilities necessary to compete with other centres and attract businesses to the area.
- 1.2 While the proposal would result in the removal of some protected trees within the Business Park and lead to additional traffic on the local highway network, this does not outweigh the significant economic benefits of the scheme, for which National Planning Policy clearly supports.

Subject to there being no objection from the Lead Local Flooding Authority (LLFA), it is recommended the Panel authorises the Head of Planning to GRANT planning permission with the conditions listed in Section 11 of this report, plus any condition/s recommended in the update report to Panel or others considered necessary by the Head of Planning prior to the issuing of the decision.

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 forms part of Foundation Park, an established Business Park to the west of Maidenhead Town Centre. The Park is located on Roxborough Way which is accessed via Cannon Lane.
- 3.2 Foundation Park comprises 7 office buildings with separately demised car parking arrangements. Units 1, 2 and 3 are two-storey buildings, positioned on the south east side of the Park (Units 1 and 2) and south west corner (Unit 3). The buildings are similar in scale and appearance. Within the last four years Unit 4 has been demolished and rebuilt and Units 7 and 8 have had major refurbishment. Outline planning permission was granted in November 2014 (14/02514/OUT) and subsequent reserved matters approvals have been granted in January 2018 (17/03482) for the demolition of Units 5 and 6 and erection of a new B1 office building (Buildings 5/6) and decked car park; The scheme is currently under construction.

- 3.3 Roxborough Way runs through the centre of the Park with the 'older' office units set back from the road. The site is bounded by Cannon Lane to the east with residential beyond and the elevated railway line to the south. To the north are residential properties along Firs Lane with open countryside beyond. Open countryside also bounds the site to the west and south west. The land to the north (beyond Firs Lane) and west is designated Green Belt. Foundation Park is very much self-contained and sits at a noticeably lower level than the surrounding land at Firs Lane. The Park's boundaries are also well screened with banks of mature trees and hedgerows.
- 3.4 Foundation Park is a designated employment area identified in the Local Plan. The emerging Borough Local Plan retains the site's designation as an employment area. A site wide Tree Preservation Order (TPO) covers the Park (018/2017).

4. RELEVANT PLANNING HISTORY AND RATIONALE FOR DEVELOPMENT

4.1 Summary of recent planning history for Foundation Park

Reference	Description	Decision and Date
17/03482/REM	Reserved matters to 14/02514.	Approved 31.01.18.
17/02477/FULL	Installation of a parcel collection lockers.	Approved 29.09.17.
17/01395/VAR	Variation to application 16/02119.	Approved 17.11.17.
16/02508/FULL	Extension to Gate House and part change of use of Building 7 from B1 (office) to D2 (gym).	Approved 30.09.16.
16/02119/REM	Reserved matters (appearance and landscaping) application pursuant to outline planning permission 14/02514OUT.	Approved 30.09.16.
14/02514/OUT	Demolition of units 5 and 6 and erection of new B1 office building and decked car park.	Approved 10.11.14.
11/02529/FULL	Provision of 48 additional car parking spaces and 40 additional cycle spaces (Units 1, 2 and 3).	Approved 20.02.12
10/01885/FULL	Renewal of 08/01941/Full.	Approved 28.10.10.
08/01941/FULL	Refurbishment of building to include new roof and facades with infilling of internal courtyard and external stairs to provide additional 619sqm of B1 (office) space, resulting in a total of 4716sqm (Unit 5).	Approved 29.09.08.
08/00247/FULL	Construction of a three storey office building to provide 5129sqm of B1 (office) space following demolition of existing building (Unit 4).	Approved 10.06.08.
07/02831/FULL	Refurbishment of building to include new roof and facades with infilling of internal courtyard and external staircase to provide additional 619sqm of B1 (office) space resulting in a total of 4501sqm (Units 7 and 8).	Approved 20.12.07.

Rationale for the development

- 4.2 In recent years, Foundation Park has been the subject of considerable investment and redevelopment, resulting in the vacancy level of the Park being reduced by over 50%. However, as set out in the submitted Agents Report (prepared by Cushman and Wakefield), "the Maidenhead office market has been steady for several years, although the lack of Grade A office supply in 2018 saw a drop in take up. Supply in Maidenhead is less than three years the average take up and the majority of the available stock is Grade B office stock. Although there is a reasonable supply of out of town buildings, most are of a very modest quality on outdated business parks with poor amenities. Overall Maidenhead remains a desirable market for larger

office occupiers but without a better supply of Grade A buildings, the town will struggle to compete with locations such as Reading.”

- 4.3 The Agents Report advises “In order to be able to compete with city centre locations, over the last five years landlords of out of town office parks have had to dramatically improve their offering to attract new occupiers. Over the last few years, the applicant has therefore invested in a number of new amenities to improve the Park, including Amazon lockers, Foundation Park bikes, fitness classes, a new café, new landscaped picnic area, new gatehouse and new branding and signage. These new facilities have proved vital in attracting new tenants to the Park.”
- 4.4 As the quality of the office space on offer improves, it is important that the amenity offer also improves so as to keep ahead of competition such as Stockley Park, Arlington Business Park and Winnersh Triangle, where the amenity offering has also improved over the last few years. The application proposals will provide new Grade A market leading office accommodation along with new amenity facilities and space that potential new tenants expect on a premier Business Park.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT

- 5.1 The application proposes the demolition of buildings 1, 2 and 3 at Foundation Park and the erection of three Class B1 office buildings, new decked car park and hub building, the reconfiguration of the car parking and internal layout and associated works. The application is submitted in outline, with access, scale, layout and landscaping submitted in detail, (to be considered at this stage), and appearance/design reserved for a separate application, (accordingly, no detailed elevations of the proposed buildings have been submitted).
- 5.2 The Park currently has a relatively fragmented layout with cars and roads dominating the site. The applicant is seeking to redevelop Buildings / Units 1 to 3 and use this opportunity to develop a high quality public realm as the centralised focus to the Park and create a ‘campus’ environment.
- 5.3 The proposal seeks a net uplift in Class B1 office floorspace of 5,659 sq m (GEA). In addition, a central ‘hub’ building, which will provide amenity facilities for the Park, such as a gym, café, shop etc, ancillary to the B1 offices, will have a floorspace of 2,401 sq m (GEA). The scheme proposes to direct cars away from the new central plaza to provide a pedestrianised area linking the existing and proposed buildings.
- 5.4 The proposed decked car park will provide 456 car parking spaces. Following reconfiguration of the existing parking layout and proposed pedestrianised area, there will be a net increase of 271 car parking spaces on the Park, resulting in a total of 1,224 car parking spaces, of which 61 will be accessible. In addition, a further 140 cycles spaces are proposed resulting in a total of 250 spaces. 16 visitor cycle spaces and 61 motorcycle spaces are also proposed. Duct work to enable the introduction of electric car parking, if/when demand arises, is also proposed.
- 5.5 Each of the new office buildings would have a parapet height of 12.5m, with the floorplates being configured to allow flexibility in how they can be sub-divided for future tenants. The proposed ‘hub’ building would have a parapet height of 16.6m.
- 5.6 The proposed building arrangement creates a strong pedestrian spine that connects the existing and proposed buildings and provides an opportunity to create a landscaped pedestrianised environment. The landscape proposals include: Arrival square with space for busses to turn and a bus stand; Pedestrian spine including garden spaces, lawn areas and areas for events and activities; South facing lawn areas; Drop-off/concierge space; and new tree planting to car park. Roof terraces are also proposed on all four buildings to provide additional social space for tenants.

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
Location of Employment Development	E1
Employment Design and Development Guidelines	E10
Highway design and Parking	T5, P4
Trees and Development	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)

- 7.1 Section 4- Decision-Making
 Section 6 – Building a Strong, Competitive Economy
 Section 9- Promoting Sustainable Transport
 Section 11 – Making Effective Use of Land
 Section 12- Achieving well-designed places
 Section 14- Meeting the challenge of climate change, flooding and coastal change

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Sustainability and Placemaking	SP 2
Character and Design of New Development	SP 3
Economic Development	ED 1
Employment Sites	ED 2
Managing Flood Risk	NR 1
Trees	NR 2
Sustainable Transport	IF 2

- 7.2 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document (BLPSD) was submitted to the Secretary of State for examination in January 2018. The BLPSD does not form part of the statutory development plan for the Borough, however weight can be afforded to relevant policies in the consideration of application proposals, taking account of any unresolved objections to those policies. 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

- 8.1 9 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 25th July 2019 and the application was advertised in the Local Press on 27th June 2019.

No letters of representation have been received.

Consultee responses

- 8.2

Consultee	Comment	Where in the report this is considered
Cox Green Parish Council	No objection in principle, but concern is expressed at the resultant traffic generated. The applicant is strongly encouraged to enhance and expand the existing site bus	9.16

	services and explore alternative travel methods including connections to the public transport network.	
Highway Authority	No objections to access and layout arrangements. No objections to parking provision. Acceptable impact on local highway network.	9.2 – 9.17
Local Lead Flood Authority	Consultation response awaited.	To be reported. 9.34 – 9.38
Trees	Consultation response awaited.	To be reported. 9.27 – 9.33
Thames Water	Requests conditions in respect of foul water and surface water infrastructure to be added to any permission given.	9.40
Environmental Protection	No objections. Recommends conditions in relation to a site specific Construction Environmental Management Plan (CEMP) and contaminated land. Informatives in relation to smoke.	9.39

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of the proposed development;
- ii Parking provision and other highway matters;
- iii Scale and layout – Impact on character and appearance and adjoining amenities;
- iv Trees and landscaping;
- v Surface water drainage;
- vi Other material considerations; and
- vii Planning Balance and Conclusion.

The Principle of the Proposed Development

9.2 Foundation Park is an identified Employment Area in the adopted Local Plan. Policy E1 advises that business development will usually be restricted to the employment areas identified on the Proposals Map. Foundation Park is retained as an Employment Site in the emerging Borough Local Plan. Policy ED2 states that within business areas, intensification of employment activity will be encouraged subject to the provision of appropriate infrastructure and safe access. Development proposals that improve and upgrade the facilities available to support businesses will be supported.

9.3 Paragraph 80 of the NPPF states planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.

9.4 Accordingly, the principle of the proposed development is acceptable.

Parking Provision and Other Highway Matters

Access

9.5 The main access to Foundation Park on Roxborough Way is via Cannon Lane, a priority junction with a dedicated right turn lane to enter the site. The proposed development does not include changes to the location or layout of the site access, subject to local widening (an additional lane) on the minor arm (Roxborough Way), to help enable more efficient exit from the

site; The specific design of this is a reserved matter to be considered under a separate application, but the existing visibility splays will remain unchanged.

- 9.6 The site access strategy is that all traffic (pedestrians, cycles bus shuttles, servicing and staff cars) will enter and exit the site at the current junction. Pedestrians will use kerb-side footways and crossings to connect to the central pedestrian area then route to the various buildings accordingly. Cyclists will either route through the parking areas to the rear of the new buildings or dismount and walk through the central pedestrian area where a centralised staff cycle parking facility will be located. Cycle stands within the central pedestrian area will be available for visitors and the existing free bike hire for tenants will continue. The shuttle bus will arrive, stop immediately adjacent to the pedestrian area and turn to exit the site. Scheduled waste collection and deliveries will occur outside core office hours, outside peak arrivals/departures and outside shuttle operating hours. Staff cars will enter the Park, peel off into car parking areas located to the rear of the buildings then park in designated parking spaces, with visitors using designated visitor parking bays.
- 9.7 Swept path analysis has been undertaken for the main vehicle types expected to access the site which demonstrate these can access, circulate, park and exit the site without conflict. The Highway Authority has raised no objections to the proposed access arrangements, including the principle of an additional exit lane.

Parking provision

- 9.8 Foundation Park currently provides 953 parking spaces, (of which 25 are allocated disabled spaces), no motorcycle spaces, no visitor car parking spaces and 110 cycle spaces. Based on the estimated number of staff, (based on the proposed floorspace), the proposed development would involve an uplift of 271 parking spaces (totalling 1,224 across the Park), including 36 new disabled parking spaces (totalling 61 spaces). In addition, 61 motorcycle spaces would be provided plus 16 visitor parking spaces. The number of cycle spaces would increase by 140 to a total of 250 for the whole Park.
- 9.9 The Council's maximum car parking standard for B1 offices in this location is 1 space per 35m². The proposal would provide a parking ratio of 1 space per 27m², which was previously accepted by the Council in relation to the redevelopment of units 5 and 6 (approved under application 14/02514). It is also important to note that paragraph 106 of the NPPF states "Maximum parking standards for residential and non-residential development should only be set where there is 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."
- 9.10 The Highway Authority has raised no objections to the proposed parking provision, including the decked car park.

Traffic generation

- 9.11 The applicant has provided a detailed TRICS (Trip Rate Information Computer System) analysis of the proposal, indicating that there will be an increase of 229 trips in the AM peak and an increase of 364 trips in the PM peak over and above the existing trip rates to and from Foundation Park. In addition, the proposal will result in an additional 258 person trips in the AM peak and 392 person trips in the PM peak. For clarification, 'The Hub' building will be ancillary space for the proposed new offices and will not be open to the public. Accordingly, use of 'The Hub' will be linked to those trips already estimated as being generated by the proposed development.
- 9.12 The Highway Authority has concurred with the applicant's submitted estimates of the traffic generated as a result of the proposed development.

Junction Capacity Assessments

- 9.13 In order to determine the impact of the proposed development on the local road network, the following junctions were assessed for capacity as agreed at a pre-application scoping meeting between the applicant and RBWM Highway Authority:
- Cannon Lane / Roxborough Way T-junction;
 - Cannon Lane / Highfield Lane T-junction;
 - Railway Underpass Contraflow Signals;
 - A4 Bath Road / Henley Road / Cannon Lane roundabout; and
 - Cannon Lane / Woodlands Park Road / Waltham Road Mini-roundabout.
- 9.14 The detailed assessments and findings are set out in the submitted Transport Assessment document. In summary, the results of the assessments and the Highway Authority's advice indicates that:
- The Cannon Lane/ Roxborough Way T-junction, Cannon Lane / Highfield Lane T – junction and underpass railway signals, assessed as one network, already exceeds capacity under existing/permitted conditions and that this situation would continue with the proposed development traffic, i.e. it would be unchanged. The Highway Authority has confirmed this to be acceptable.
 - The A4 Bath Road / Henley Road / Cannon Lane roundabout exceeds capacity with the existing/permitted conditions, and this situation would continue with the proposed development. The Highway Authority has confirmed this is acceptable recommending a S.106 contribution towards a future junction improvement scheme to be agreed between RBWM and the applicant.
 - The Cannon Lane / Woodlands Park Road / Waltham Road mini-roundabout operates within capacity with existing/permitted development and would continue with the proposed development. The Highway Authority confirms this is acceptable.
- 9.15 Paragraph 109 of the NPPF makes clear that “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.” The applicant has sufficiently demonstrated, and the Highway Authority has agreed, that the proposed development would cause neither.

Other highway related matters

- 9.16 Notwithstanding the ‘unchanged situation’ on the local road network, the proposed development includes a number of attributes designed to reduce and manage development related impact, these include:
- A new site layout which places sustainable modes (walk, cycle and bus) at the heart of Foundation Park;
 - New facilities to enable staff to stay on-site and spread movements to outside the peaks;
 - A travel plan process which seeks to manage , monitor and promote sustainable access;
 - A popular and well-established shuttle bus service;
 - An existing bike hire scheme; and
 - Enabling electric car charging for future provision.
- 9.17 It is noted that the Highway Authority has advised that a financial contribution towards a future junction improvement scheme at the A4 Bath Road / Henley Road / Cannon Lane roundabout be secured, together with a Travel Plan for the site, by way of a S.106 legal agreement. However, in the absence of a specific Council approved and costed improvement scheme, and given the proposal would maintain the current situation at this junction, (albeit that it currently

exceeds capacity), it would be inappropriate to seek funding from the applicant towards this. In addition, it is not considered appropriate to secure a travel plan for the development through a legal agreement when a planning condition is sufficient and has been used for other redevelopment schemes for the Park. Subject to conditions 5, 6 and 10 in section 11 of this report, there are no highway objections to the scheme.

Scale and Layout - Impact on character and appearance and adjoining amenities

- 9.18 The scheme proposes to redevelop the existing units positioned along the southern side of the Park. Unit 1 would be sited in roughly the same position as the existing building, with its closest point set back from Cannon Lane by approximately 15m. The building would be 51m wide and a maximum of 51m deep on its south-west facing elevation, (37m on its north-east facing elevation towards Roxborough Way). The building would have three-storeys and have a parapet height of 12.5m. For comparison, existing Unit 8, positioned on the opposite corner of proposed Unit 1 and on a similar ground level, has a parapet height of 13m.
- 9.19 A central 'hub' building and decked car park would be sited between new Units 1 and 2 in roughly the same position as existing Unit 2 and, as the name suggests, would be positioned within the centre of the site over 100m back from the Park entrance. The Hub building would be approximately 50m wide and 12m deep, and would have 4 storeys having a parapet height of 16.6m. The Hub would directly face Units 5 and 6, (one building currently under construction), located on the opposite side of the proposed central pedestrian area. Both buildings are on a similar ground level and, for comparison, Units 5 and 6 will have a parapet height of 12m.
- 9.20 Directly behind the Hub building would be a decked car park providing 456 car parking spaces over 5 floors (4-storeys). The car park is 50m wide by 47.5m deep, with the top of the parapet at a height of 14.1m.
- 9.21 Unit 2 is an L-shaped building to be located opposite existing Unit 4. It has a maximum width (facing the pedestrian area) of 52m, and a maximum depth (on its north-east elevation) of 39.5m. The building would have three-storeys and a top of parapet height of 12.5m, compared to Unit 4 which has a height of 11.9m.
- 9.22 Unit 3 is also a three-storey building positioned in a similar location to the existing Unit 3 building, at the furthest end of the Park and to the west of existing Unit 4. It would be 43m wide by 48m deep and have a top of parapet height of 12.5m.
- 9.23 Having regard to the ground levels across the site, proposed Unit 1 would be 0.5m lower than the height of Units 7 and 8 opposite, while proposed Units 2 and 3 would each be 0.6m taller than existing Unit 4. Given the siting of proposed Units 1, 2 and 3 in roughly the same position as the existing Units 1, 2 and 3, together with the enclosed nature of the Park with established and retained trees along its boundaries, the scale of the proposed office buildings is acceptable and would not harm the character and appearance of the Business Park when viewed either internally or from outside the Park.
- 9.24 The proposed hub building would be 4m higher than Units 5 and 6 opposite, while the decked car park would be approximately 1.8m higher than the surrounding office buildings. However, having regard to the hub's central position within the Park and a minimum distance of 60m from the site boundary, the closest being adjacent to the existing railway embankment, this new building would not overly dominate the appearance of the business park, nor detract from the Park from beyond its boundaries. The proposed decked car park will equally be largely screened by the proposed new office buildings and the mature, tree screening along the site's boundaries and beyond south of the elevated railway line.
- 9.25 In addition to making more effective use of the site to provide additional office space, the proposal seeks to change the layout of Foundation Park from one that is dominated by the access road (Roxborough Way) and parking to the front of buildings to a 'campus' style business park. The new layout involves the creation of a pedestrian spine running through the centre of the Park connecting the existing and proposed buildings and providing an opportunity to create a landscaped pedestrianised environment. The Highway Authority has raised no

objections to the proposed layout, which will also not lead to any new buildings being sited closer to residential properties.

- 9.26 Subject to conditions 6 and 11 in section 11 of this report, the scale and layout of the proposed development is acceptable and will not lead to any harm to the character or appearance of Foundation Park itself nor the surrounding area outside the Park. The design and appearance of the proposed buildings is a reserved matter for a later application, however having regard to the proposed siting of the new buildings, the existing/approved new offices to be retained, separation distances involved, and established boundary trees to be enhanced, the proposal will not harm the character and appearance of the area, nor the living conditions of any residential properties within the locality of the site.

Trees and Landscaping

- 9.27 Foundation Park is covered by a Tree Preservation Order (018/2017). It is an Area Designation Order which covers all trees irrespective of their category or species. The application is supported by an Arboricultural Implications Assessment report which confirms that a total of 552 individual trees and small groups were inspected, ranging from young trees planted in the last five years through to original landscape planting of circa 40 years of age.
- 9.28 Most of the existing trees represent initial landscape planting with London Plane and Italian Alder the dominant species. Corsican Pine and Wild Cherry feature mainly around the site peripheries, with Ash and Field Maple dominant in the northern and western boundaries.
- 9.29 To create the proposed building arrangement and pedestrianised spine, the application proposes the removal of 88 individual trees and 3 groups of trees. Of these, 46 are category B, (retention desirable, of moderate quality and value as to make a significant contribution), 41 (and the 3 groups) are category C, (could be retained but of low quality and value), and there is one category U tree (dead, dying or dangerous trees).
- 9.30 Although there is an almost equal number of category B and C trees to be removed, the majority of the category B trees are not visible outside the site by the general public. Their amenity is primarily internal to the site and the people employed there. They have all been planted as part of landscaping schemes since the business park was constructed, mostly on built-up land and are therefore not natural components of the local landscape. As such, they do not carry the same weight in landscape terms as if they were hedgerow or woodland components in a natural environment.
- 9.31 The majority of existing trees will be retained and these are predominantly located along the boundaries of the Park. None of the proposed buildings will adversely impact on the retained trees. Existing parking and hard surfacing covers much of the theoretical root protection areas of the trees that extend into the body of the site. Where practical, the layout of new parking and hard surfacing has either reutilised existing kerb lines and surfaced areas or have been set into the site further from the trees. Providing existing surfacing is appropriately removed to avoid root impacts there will be no adverse impact on the retained trees. In many locations the existing surfacing will be replaced with soft landscaping, improving the rooting conditions for retained trees compared to the existing situation.
- 9.32 A Landscaping Plan and Statement have been submitted and are a matter for consideration under this application. A key feature of the proposal is a pedestrian, central spine through the Park, wherein it is proposed to plant a number of trees, including focal trees – large specimens with seasonal interest, trees to provide shade and shelter and specimens along and throughout the spine that provide spring blossom and autumn foliage. Additional tree planting is proposed along the southern and eastern boundaries and amongst some of the parking areas. The pedestrian spine itself, in addition to the proposed tree planting, will comprise multi-tone granite paving, combined with clay paving around garden spaces, lawn areas and areas for events and activities.
- 9.33 At the time of writing the Tree Officer's consultation response has not been received. If received in time, it will be reported to the Panel. However, it is anticipated that the Tree Officer

will likely object to the proposal on the grounds of the loss of protected trees, (based on comments provided at a pre-application stage). Notwithstanding this, the proposal is required to be considered 'in the round' having regard to all relevant local and national planning policy and this assessment is set out in the Planning Balance section of this report at paragraphs 9.43 to 9.49. Subject to the harm not outweighing the benefits of the scheme and to conditions 7 and 8 in section 11 of this report, the impact on trees is considered acceptable.

Surface Water Drainage

- 9.34 A Flood Risk Assessment has been submitted with the application and includes a surface water drainage strategy.
- 9.35 Foundation Park is served by soakaways for all surface water drainage, which are spread around the site as the layout permits. A new soakaway system has recently been constructed as part of the redevelopment of Units 5 and 6. There is no off-site storm drain connection.
- 9.36 The site lies within a Zone III Source Protection Zone and the bedrock beneath the site is classed as a Principal Aquifer. In order to protect the underlying aquifer's water quality, and continuing the practice of drain design serving the Park, oil interceptors will be provided for parking and road drainage prior to discharge to the soakaway.
- 9.37 The new access and parking will use a combination of tarmac and permeable block paving in a similar manner to the existing Park layout. The new soakaways will be sized to provide sufficient capacity to drain and store excess run-off for storm conditions up to and including a 100-year storm plus allowance for future climate change effects of 40%, in line with current planning policy. The soakaway design can be covered by planning condition, but as an example, the redevelopment of Units 5 and 6 used a series of chamber soakaways, 2.7m diameter and 5m deep. Twelve such soakaways were used to drain a gross catchment of about 1 hectare, of which the drained proportion is close to 100%. The physical separation of the new buildings limits the space available for a single soakaway so, as with Units 5 and 6, a number of smaller units will be used which will disperse the infiltration better.
- 9.38 The proposed redevelopment will have a comparable paved/built area to the existing and there will be no significant change in the drained area. The site levels will remain broadly as they are at present. The consultation response from the Lead Local Flood Authority (LLFA) is awaited and will be reported to the Panel but, as there is no effective change in the risk of surface water flooding generated from the proposal, it is not anticipated that the LLFA will object provided a condition is attached to any permission that details of the proposed soakaways are submitted and approved prior to installation.

Other Material Considerations

- 9.39 As set out in 8.2 above, Environmental Protection has recommended conditions in respect of a site specific Construction Environmental Management Plan (CEMP) and contaminated land, should planning permission be granted. While a CEMP is considered reasonable and necessary, given Foundation Park's proximity to residential properties on Firs Lane, a contaminated land condition is not, as the proposal involves redevelopment over land that is, and has been for over 30 years, in office use. Accordingly, there is unlikely to be any risk to future users of the site from contamination. The suggested informative in relation to smoke (from burning of demolition waste) is not necessary as this will not occur as the business park will operate, with existing tenants in situ, during demolition and construction works. The proposed CEMP is covered by condition 5 in section 11 of this report.
- 9.40 Thames Water has requested conditions be attached to any permission granted in respect of foul water and surface water. As the suggested foul water condition is beyond the remit of the Local Planning Authority, and could not be enforced, it is not considered reasonable and necessary to attach such a condition. The statutory consultee in respect of surface water matters is the Lead Local Flood Authority (LLFA). As Thames Water has suggested a condition to cover surface water, and given the existing developed situation of the application site, it is considered likely the LLFA will recommend a planning condition be attached to any permission

to cover this matter, which is reasonable and necessary. Any update received from the LLFA will be reported to Panel or, with the Panel's agreement, can be delegated to the Interim Head of Planning to resolve at a later date.

9.41 While not mandatory, the NPPF stresses the importance of early engagement between the applicant and all relevant parties in the application process. Prior to the application's submission the applicant and their agents consulted and met with the Planning case officer and officers from the Highway Authority and Tree section of the Council. A written response setting out the Council's advice was subsequently provided. In addition, the applicant undertook public consultation of their proposal, prior to submission, which involved a public exhibition. Feedback received after this event was generally positive, with no respondents specifically objecting to the proposal. Full details of the applicant's public consultation are set out in the submitted Statement of Community Involvement.

9.42 The development is not CIL liable, as it is not residential.

Planning Balance and Conclusion

9.43 Paragraph 11 of the NPPF explains how the presumption in favour of sustainable development applies: "For decision-taking this means: c) 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."

9.44 The application site is part of an identified employment area in the development plan and not in a protected area such as the Green Belt, Conservation Area or area at risk from flooding. However, as the development plan policies are out of date, an assessment of whether any adverse impacts of approving the proposal would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF as a whole is required.

9.45 In terms of adverse impacts, the proposal would involve the loss of 88 individual trees and 3 groups of trees that are covered by a Tree Preservation Order. These trees therefore make an important contribution to the amenities of the site. If the proposal were to retain the existing layout and arrangements of the site, the removal of the protected trees would have an adverse impact on the character and appearance of the business park. However, the application is to specifically change the layout of the Park and, in doing so, proposes significant replacement tree planting and landscaping. The trees to be removed are also ones that were previously planted as part of landscaping schemes associated with previous developments, and the majority are within the Park outside of public views. Having regard to these factors, limited weight is given to the adverse impact resulting from the loss of existing trees.

9.46 The highway implications of the proposal are set out in paragraphs 9.5 to 9.17 above. It is clear that the proposal will involve a significant increase in trips to and from the Park and add to the existing pressure on the surrounding local highway network. However, it is important to note that the NPPF makes clear (in paragraph 109) that "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." The applicant has sufficiently demonstrated, and the Highway Authority has agreed, that the proposed development would cause neither. Neutral weight is given to the impact of the proposal on highway safety and the impact on the local road network.

9.47 The application submission sets out the economic benefits of the proposal, which include approximately 185 construction jobs, 215 supply chain jobs during construction, 585 additional jobs at the Park once operational, 225 supply chain jobs once operational, an additional £46.7 million Gross Value Added per annum (once operational) and £750,000 in business rates revenues per annum.

- 9.48 Paragraph 80 of the NPPF states planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.
- 9.49 As the identified harm would not significantly and demonstrably outweigh the benefits of the proposal, the application is for sustainable development that should be approved.

10. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed block plan
- Appendix C – Proposed heights
- Appendix D – Proposed site sections
- Appendix E – Proposed vehicular circulation plan
- Appendix F – Proposed landscaping plan

11. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 An application for the approval of the reserved matters of appearance 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).
- 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).
- 1 Prior to the commencement of each phase samples of the materials to be used on the external surfaces of the development shall be 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 E10.
- 4 Prior to commencement of each phase of development a detailed specification of all the finishing materials to be used in the hard surfacing on the application site shall be submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan E10.
- 5 Prior to commencement, a site specific Construction Environmental Management Plan (CEMP) shall be submitted to and 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: i) Procedures for maintaining good public relations including complaint management, public consultation and liaison; ii) Arrangements for liaison with the Environmental Protection Team; iii) 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; iv) Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed in point iii); v) 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; vi) Procedures for emergency deviation of the agreed working hours; vii) 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; viii) Measures for controlling the use of site lighting whether required for safe working or for security purposes.
Reason: This is a pre-commencement condition to ensure details of construction management are considered prior to any work being carried out on site, so as to minimise the impact on traffic flows and highway safety and to protect the amenities of surrounding occupiers during the construction of the development. Relevant Policies - Local Plan T5, NAP3.
Reason: In the

interests of the amenities of surrounding occupiers during the construction of the development.

- 6 The buildings hereby approved shall not be occupied until the vehicle parking and turning space associated with that building 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.

- 7 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

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

- 8 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.

- 9 Prior to occupation an external lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented before any of the external lighting is brought into use and thereafter the lighting shall be operated in accordance with the approved scheme and maintained as operational. The scheme shall include the following: i) The proposed design level of maintained average horizontal illuminance for the site. ii) The proposed vertical illumination that will be caused by lighting when measured at windows of any properties in the vicinity. iii) The proposals to minimise or eliminate glare from the use of the lighting installation. iv) The proposed hours of operation of the light. There shall be no other external lighting other than that approved.

Reason: In the interest of the amenities of the area. Relevant policies Local Plan DG1.

- 10 The Foundation Park Buildings 1 - 3 Interim Travel Plan, dated 02/04/2019 and produced by Ramboll, and hereby approved shall be implemented in full and shall, subject to any changes made following an annual review, be maintained thereafter.

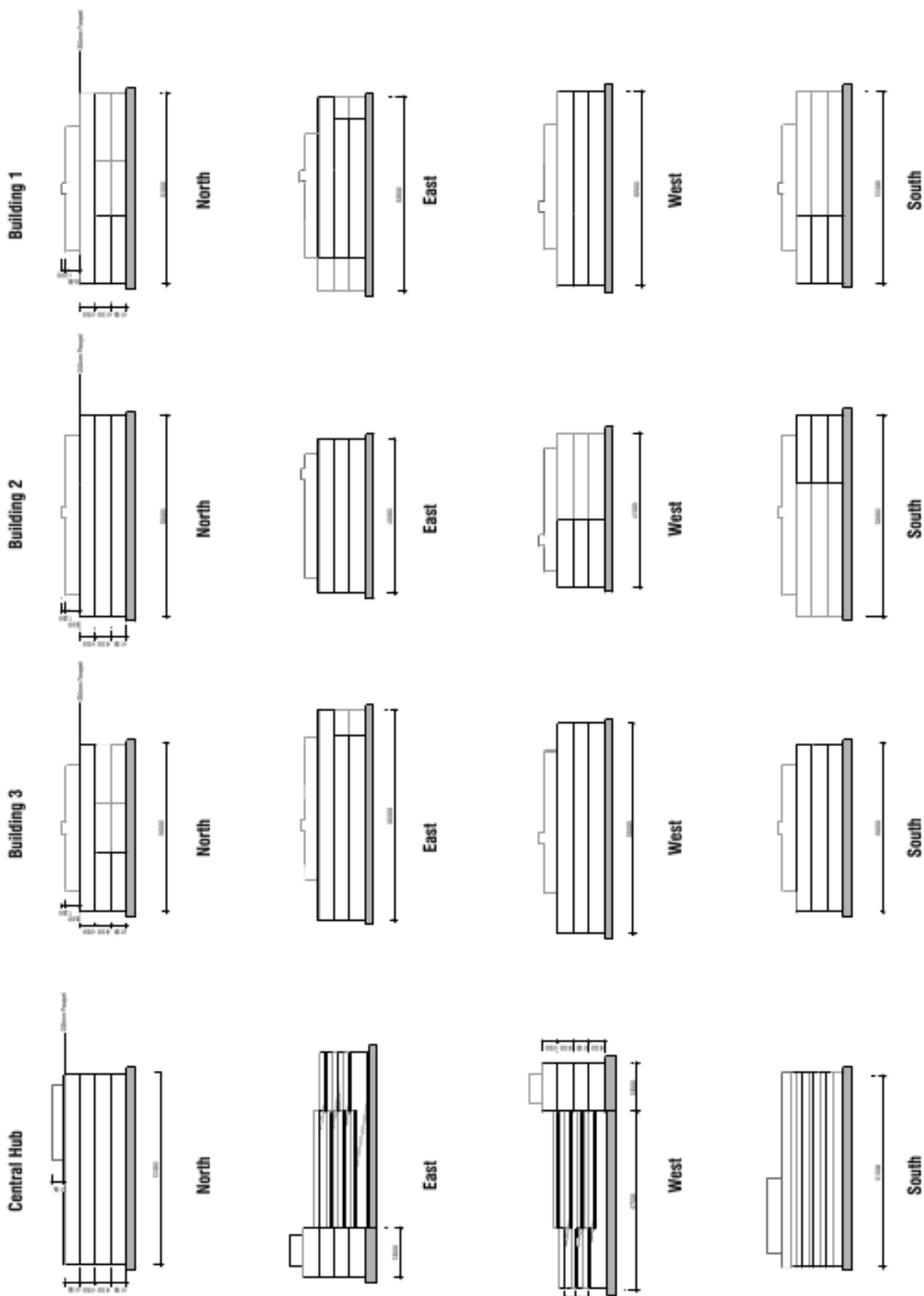
Reason: To ensure that the development provides an appropriate mix of travel modes, to limit dependency upon private motor vehicles and to increase the sustainability of the business park in accordance with the requirements of the NPPF.

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

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









Agenda Item 7

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 November 2019

Item: 4

Application No.:	19/02361/FULL
Location:	Hucclecote Shoppenhangers Road Maidenhead SL6 2QE
Proposal:	Construction of 6 No. 2 bedroom apartments (Use Class C3) with associated parking, cycle parking, refuse/recycling store and new vehicular access following demolition of existing building.
Applicant:	Mr Pham
Agent:	Mr Will Collins
Parish/Ward:	Maidenhead Unparished/Oldfield

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

1. SUMMARY

The proposed development is for the demolition of the existing house and the erection of a new two storey building with front and rear dormer roof additions to provide x6 two bedroom units. A new access is proposed to the eastern front corner of the site. 8 parking spaces are proposed to the rear and one to the front of the building.

The site is located in a sustainable urban location in close proximity to Maidenhead Town Centre, in an area where there are a number of other recent redevelopments for flats. The proposed density, layout and overall height and scale are considered appropriate for this location. The landscaping is considered appropriate for a scheme of this size.

In terms of highway safety the proposal does not raise any issues nor would it have a significant impact on existing highway capacity. Adequate parking is proposed for a scheme of this size, in this location.

The proposed development is not considered to have detrimental impact on the amenities of the adjoining residents in terms of loss of light, overbearing impact and/or privacy and would provide a suitable level of residential accommodation.

In terms of environmental considerations, the existing house is subject to bat roosting but subject to conditions it is considered that this can be suitably mitigated. It is also noted that the applicants do not wish to provide any biodiversity net gains as part of this proposal. The development does not set out any provision for renewable energy and therefore conditions on this matters are recommended. The proposed development does not raise any wider environmental concerns.

The proposed development would provide 6 new homes and contribute to the Council's windfall supply.

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. It is considered that in this instance the tilted balance should be applied. In view of this it is considered that the benefits of this scheme do outweigh any harm. On this basis the application is recommended for approval subject to conditions.

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

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to

determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site relates to a detached two storey dwelling. The application site is located in the urban area and in close proximity to Maidenhead Town Centre and its mainline train station. Shoppenhangers Road is a main road characterised by mixed use, predominately residential. Many sites in the locality have been redeveloped for flats over the years. There is a local college, hotel(s) and petrol station in close proximity to the site.
- 3.2 A number of local representations have made reference to a tree which was located in the rear garden area of this property which has been removed prior to this application. The tree was not afforded protection by a TPO and therefore could be removed without any prior consent from the Council.

4. KEY CONSTRAINTS

- 4.1 The main planning constraints are as follows:
- 1 Urban Area
 - 2 Classified Road
 - 3 Within 850m of Maidenhead Railway Station

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 This is a full planning application for the erection of a two storey building following the demolition of the existing building on site. The proposed new building would incorporate front and rear dormer windows to facilitate accommodation in the roof. The proposed development would be approximately 9m to the ridge, some 1.4m higher than the existing building on site. The design of the frontage would have three front gable ends and bay windows.
- 5.2 As part of this proposal new boundary walls are proposed to the frontage of the site, as well as a proposed new access and refuse store.
- 5.3 8 parking space are proposed to the rear of the site, as well as a proposed bicycle store and a further parking space is shown to the front (total of 9 spaces).

Reference	Description	Decision
18/03753/FULL	Construction of 6 No. 2 bedroom apartments (Use Class C3) with associated parking, cycle parking, refuse/recycling store and new vehicular access following demolition of existing building.	Withdrawn on the 06.03.2019

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

- 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
- 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.

Borough Local Plan: Submission Version

7.2 Paragraph 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 Submission 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 and 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.

7.3 However and whilst submitted, the examination is currently paused whilst further consultation is being undertaken on changes/ amendments to the BLPSV in the form of the Borough Local Plan (2013-2033) Submission Version Incorporating Proposed Changes, October 2019. This consultation runs for a six week period from Friday 1st November 2019 until Sunday 15 December 2019. The BLPSV policies therefore remain a material consideration in planning applications subject to the level to which they are consistent with the relevant version of the NPPF and the extent to which 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

7.4 Other Strategies or publications material 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 26 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 26.09.2019. A neighbour's re-consultation exercise was undertaken on the 09.10.2019 following the submission of additional information.
- 8.2 Objections from 5 individual residents were received objecting to this application. Comments made can be summarised as:

Comment		Where in the report this is considered
1.	A Large tree which was located within the rear garden area has now been removed.	See section ii on design considerations
2.	Proposed development has insufficient amenity space	See section iv Provision of a Suitable Residential Environment
3.	Insufficient parking provision for 6 units	See section v Highway consideration and parking provision
4.	Concerns about highway safety resulting from the proposed development	See section v Highway consideration and parking provision
5.	Concerns about sufficient utilises to support the development, including water pressure	See section 10
6.	Concerns about market saturation regarding flats.	See section I principle of development
7.	Concerns about limited neighbour notification	A full and comprehensive neighbours notification process has been undertaken
8.	Proposal is an overdevelopment of the site	See section ii on design considerations
9.	Concerns about bats	See section vi. Environmental Considerations
10.	Concerns about retaining trees	See section ii on design considerations
11.	The height proposed is to high	See section ii on design considerations
12.	The boundary treatment with dormer cottage is not within the applicants ownership and should not be removed	See section iii Impact on Neighbouring Amenity
13.	Concerns about accuracies in the submission	Noted

14.	The site could be developed for houses and not flats	See section I principle of development
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Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	No objections subject to conditions including access being built in accordance with the approved plans; construction management; provision of parking and turning; provision for cycle parking and refuse collection; stopping up of the existing access and the use of a sufficient bonded surface material.	See section v Highway consideration and parking provision
Environmental Protection	No objections subject to conditions regarding consultations and deliveries, as well as the submission of further details regarding the Air Quality Management Area.	See section vi. Environmental Considerations

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of development
- ii Design Considerations
- iii Impact on Neighbouring Amenity
- iv. Provision of a Suitable Residential Environment
- v. Highway consideration and parking provision
- vi. Environmental Considerations
- vii. Other Material Considerations

Issue i- Principle of development

Policy context

9.2 Paragraph 11 of the NPPF (2019) states that:

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

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

9.3 Footnote 7 of the NPPF (2019) clarifies that policies which are most important for determining the application are out-of-date includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

9.4 For the purposes of this application and based on the revisions of the NPPF (2019) the Council is currently unable to demonstrate a 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 engaged (this is discussed further in paragraphs 9.55-9.58). 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 and accordingly given reduced weight. These policies are those associated with the principle of the development and policies associated with design considerations for the residential 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 for why these are considered to be 'most important for determining the application' are because matters regarding the principle of the development and ensuing good design form the key considerations for this planning application.

9.5 The below assessment is made having due regard for the above.

Principle of the redevelopment of this site

9.6 The site is located in the urban area, in close proximity to Maidenhead Town Centre. There are a number of policies contained in the NPPF (2019) including section 11 on making effective use of land which emphasise the need to make efficient use of previously developed land in sustainable locations such as this. Therefore the principle of the redevelopment of this site for flats is, in principle, acceptable. This is of course subject to further detailed considerations, including design.

9.7 One of the objections received raised concerns that the site should be redeveloped for family housing as opposed to flats. Whilst the latest evidence contained in the Strategic Housing Market Assessment (SHMA) indicated the general need for the Borough is for 2 and 3 bedroom units, there is no planning policy which prevents the redevelopment of a site in this location for flats.

Issue ii- Design Considerations

9.8 Policies DG1 and H10 of the Borough's current 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.

9.9 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.

9.10 The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

9.11 The NPPF (2019) further states that Planning policies and decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it as well the desirability of maintaining an area's prevailing character and setting. Para. 123 of the NPPF (2019) continues that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

- 9.12 The National Design Guide sets out design criteria for considering applications having due regard for layout, form and scale, appearance, landscaping and materials and detailing.
- 9.13 The below considerations are made in the context of the above planning policy and other material considerations.

Density

- 9.14 Shoppenhangers Road, is characterised by mid density flatted developments and lower density detached housing, ranging from two- four storeys in height reflecting the character of the area being at the edge of the town centre, in a suburban context. The density of the area varies from large detached properties of around 20-30 dwellings per hectare and more modern infill and flatted development of 50- 65 dph. This proposed development would be 57 dwellings per hectare and would be compatible with the character of the area. Density of course is only one indication of the appropriateness of a scheme.

Layout

- 9.15 The north western side of Shoppenhangers Road is characterised by large buildings located on individual plots facing the road with most properties set back for the road to allow for planting and private driveways.
- 9.16 The proposed new building would largely be located on the footprint of the existing building and would maintain the established building line. Suitable spacing is also maintained between properties.

Scale and Massing and proposed architectural detailing

- 9.17 The area is characterised by 2-3 storey buildings and includes a number of flatted developments within close proximity up to 3 storey in height, many of which are characterised by buildings with gable articulations and large roof slopes with front dormer windows.
- 9.18 This proposed building would be 9m in height to the ridge and would be just over 1m greater in height than the two adjacent properties. However, within the wider street scene the proposed building would not appear to be of a height or scale which would be inconsistent with the character of the area. In view of this and the proposed layout of the development, it is not considered that the new building would appear overtly dominant or unduly out of character with the wider Shoppenhangers Road.
- 9.19 The architectural appearance with front gable articulations, bay windows and dormer windows is considered to have neutral impact on the character of the area. If permission were forthcoming a good quality material finish would likely assist in improving the facade. The application form, for instance states that concrete tiles are proposed whereas clay tiles are characteristic of the area and there appears to be no justification for a lesser quality material to be used. Plans also indicate a brick and render finish whereas the application form sets out a brick and tile hang finish. Overall it is considered both reasonable and necessary for a condition regarding the agreement of the proposed material finish prior to any works on site above ground level to be imposed (condition 2).

Landscaping

- 9.20 The proposed landscaping would be in the form of a new low brick wall and hedging to the front with some soft landscaping (shown as a lawn) and pathways. A proposed access to the side of the proposed site is shown to provide access to a parking area at the rear of the site. Much of the existing boundary hedges are shown to be retained, and given the extent of the built form and position to boundaries (including the drive and parking area and the bike store) officers remain unconvinced that it is practically possible for these hedges to be retained to the extent the applicants claim (plan PL-14). In view of this and the limited details provided it is considered both reasonable and necessary for a condition regarding the submission of further landscaping details prior to any works above ground floor level to be imposed (condition 3).

- 9.21 A number of objections have been made about the loss of an existing tree in the rear garden area. It is noted that a non TPO tree was removed prior to this application being submitted. The LPA are unable to control nor prevent a landowner from removing a non-protected tree prior to the submission of an application. Whilst a previous application may have showed this tree to be retained that application was withdrawn and as such has no bearing on this proposal.
- 9.22 A neighbour's letter has requested a tree protection condition, however given there are no other trees of amenity value with the application site a tree protection condition is not necessary nor reasonable.

Issue iii- Impact on Neighbouring Amenity

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

“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.

- 9.24 The properties nearest to the proposed development are Dormer Cottage located to the north and Melbreck located to the south. In regards to Dormer Cottage the proposed development would comply with the 45 degree angle which measures the potential loss of light from neighbouring dwellings, the proposed development is also positioned some 3-4m from this side boundary thus ensuring suitable spacing so the proposed development does not result in significant loss of light or have an overbearing impact on this dwelling. There are no side facing windows in this adjacent dwellings (which serve principle windows) which would be affected by the proposed development.
- 9.25 In regards to Melbreck the proposed development is designed so that the built form closest to the boundary of the proposal does not extend further to the rear than this property, thus ensuring the proposed development would not result in a significant loss of light. Located to the north of this adjacent dwelling the proposed development is unlikely to result in any significant degree of overshadowing to this dwelling.
- 9.26 There are no side facing windows proposed in this new building which would result in overlooking of the existing dwellings.
- 9.27 The residents of Dormer Cottage have raised some concerns about works to their boundary fence. Such matters are a civil matter and if there are any future concerns they should consult a Party Wall Act surveyor.
- 9.28 Policy NAP1 of the adopted Local Plan deals with noise and seeks to restrict developments in areas subject to external daytime noise levels. This is not considered to be up-to-date as it has been superseded by other advice and guidance over how to deal with developments near sources of noise. The NPPF (2019) seeks to 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. A residential redevelopment of 6 dwellings is unlikely to generate significant increased noise and disturbance.
- 9.29 Any issues regarding noise would likely be from construction and this can be dealt with under conditions and/or under separate control of pollution legislation, as appropriate.

Issue iv- Provision of a Suitable Residential Environment

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

- 9.31 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. The building faces south east which means that the two storey unit facing to the rear would receive limited sunlighting in winter months and only afternoon sun in the summer months. However all other units are dual aspect and should receive relatively good levels of daylighting.
- 9.32 In terms of the proposed amenity area, the applicants planning statement claims the development would provide a generous level of amenity space, the amended block plans shows an area of 301 sqm however this includes areas which would not serve as functional amenity space (i.e. where the proposed hedgerows are located and/or areas directly to the front of the property which would likely be landscaped adjacent to the pathways or where proposed tree planting would be). The likely usable amenity space, located to the rear of the property would be closer to 100sqm. Given the rear facing ground floor flat would have doors directly accessing this space it is unlikely that occupiers of the upper floor flats would use the onsite amenity space. The proposed development is considered to offer limited amenity space for future users, much of the space would be used for access drives, pathways and parking. However the proposed areas of landscaping would offer some level of amenity and setting for future occupiers.
- 9.33 Cycle and bins stores are proposed as part of the development commensurate to the number of units proposed. Conditions will secure their provisions and future retention (conditions 6 and 7).
- 9.34 Whilst Officers disagree that the proposed development would provide the generous amenity provision set out in the planning statement, the proposed development is considered to provide an adequate residential environment having due regard for the current policy context.

Issue v- Highway consideration and parking provision.

Highway Safety and Capacity

- 9.35 The NPPF (2019) 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.’*
- 9.36 The development will form a new access onto the road towards the eastern corner of the site. Subject to conditions it is considered that an access can be achieved with suitable visibility splays. It is not considered that vehicle movements associated with six new units (net gain of 5 units) would have a significant impact on the highway capacity along this road or the wider area.
- 9.37 The highway authority have recommended a condition regarding a construction method statement to be submitted. The site is located on a classified road and any potential impact the redevelopment of this site could have on the highway network is a highways issue and not in the remit of planning. It is therefore not considered necessary or reasonable for such a condition to be attached to a redevelopment of a site of this size.

Parking Provision

- 9.38 In terms of parking provision, the Council's Parking Strategy (2004) sets out the Council's recommended parking provision for new developments. In areas of good accessibility one space is required per 2 bedroom unit, this site just sits outside of this area (being just over 800m from Maidenhead Train Station). This development provides 9 parking spaces and is considered to accord with the Council's current guidance.
- 9.39 A number of concerns have been raised regarding impact on parking provision. This development provides sufficient parking for the proposed development in excess of out of date parking standards in a location in close proximity to Maidenhead Town Centre.

Issue vi- Environmental considerations

Ecology and biodiversity

- 9.40 Paragraph 170 of the NPPF (2019) 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. Paragraph 175 of the NPPF (2019) states that:

Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 9.41 Paragraph 175 states that:

When determining planning applications, local planning authorities should apply the following principles:... a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- 9.42 A Bat Survey Report prepared by Ethos Environmental Planning has been submitted in support of this planning application. The conclusion of this report set out in section 8 is that bats are present within the existing roof, but it is unlikely to be an important feature for bats within the local area. Recommendations are set out to ensure that the development would not affect protected species and highlights the need for separate bat licences. Subject to recommended condition 10 it is considered that the proposed development would not affect these protected species.

- 9.43 The Case Officer has sought to clarify if the proposed development would provide net gains as clearly required by paragraph 170 of the NPPF (2019). The response from the applicant is that:

the development avoids the loss of habitats (as recommended in the mitigation hierarchy) and as such, does not produce the need for offsetting. The house is a confirmed bat roost and the ecology report has made recommendations for mitigation and enhancement of the structure for roosting bats. It is the opinion of the clients ecologist that this resolves all ecological obligations both legal, and within the local planning framework.

- 9.44 Therefore the application does not provide any net gains of biodiversity as sought by the NPPF (2019). This is considered to weigh against the scheme (particularly given the recent removal of a large tree on this site). Given the current ecological value of this site the harm attributed to this is considered to be limited.

Sustainability and Energy

- 9.45 The NPPF (2019) 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.

- 9.46 The Council's adopted SPD on Sustainable Design and Construction expects new development to demonstrate how it has incorporated sustainable principles into its overall design including, construction techniques, renewable energy, green infrastructure and carbon reduction technologies.

- 9.47 Following the request from the Case Officer additional information was submitted on 10 October 2019. This report provides some indications of measures which could be taken at this site including efficient building measures from a thermal perspective. Such matters fall within the remit of Building Regulations. It does not set out a clear sustainability strategy but does recognise that PV panels or a heat pump could be installed at the property. Conditions are therefore recommended that further details be submitted prior to any works above ground floor slab level (see recommend condition 9).

Impact on Air Quality

- 9.48 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. Given the location and size of the proposed development the risk of a significant air quality effect would be low.

Sustainable Urban Drainage

- 9.49 Paragraph 165 of NPPF states that all 'major' planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development. In the event planning permission were to be forthcoming conditions could secure the provision of permeable paving and utilisation of sustainable drainage techniques as part of any conditions regarding hardstanding (condition 3).

Other matters

- 9.50 Whilst the Council's Environmental Protection Team have recommended a number of conditions regarding construction plans and hours and deliveries. Such matters are not within the remit of planning and therefore cannot be conditioned.

Issue vii- Other Material Considerations

Housing Land Supply

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

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

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

- 9.52 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..).'

- 9.53 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 (5yr hls) is the 'standard method' as set out in the NPPF (2019).

- 9.54 At the time of writing, the Council cannot demonstrate it has 5 years' worth of housing land supply. The LPA therefore accepts, for the purpose of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the so-called 'tilted balance' is engaged. The LPA further acknowledge that there are no 'restrictive' policies relevant to the consideration of this planning application which would engage section d(i) of paragraph 11 of the NPPF (2019). The assessment of this and the wider balancing exercise is set out below in the conclusion and planning balance.

Windfall

- 9.55 Paragraph 68 of the NPPF (2019) states 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 the NPPF (2019) is clear that 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. The site is identified as being in a suitable location given the site is within a residential urban area. Accordingly ‘great weight’ should be given to its redevelopment for housing.

Economic Benefits

- 9.56 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 6 units (net gain of 5) 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. INFRASTRUCTURE PROVISION

- 10.1 The site is liable for the Community Infrastructure Levy (CIL) at a rate of £100 per sqm (net increase of floor space), this is required under The CIL Regulations (2010, as amended) which goes towards the delivery of infrastructure needed to support development across the Borough. Accordingly the provision of CIL as part of this proposed development is seeking compliance with the relevant regulations in order to assist in meeting (not fully) the infrastructure pressures needed to support such development. Whilst a financial consideration it is considered a form of mitigation and not a benefit of a proposed development.

11. PLANNING BALANCE AND CONCLUSION

- 11.1 The site is located in a sustainable urban location in close proximity to Maidenhead Town Centre. The principle of redeveloping the site for flatted development is not considered unacceptable. In terms of design it is considered that the proposed density, layout and overall height and scale are considered appropriate for this location. Whilst the architectural approach to the building is considered acceptable it is recommended conditions be utilised to secure the submission of further details regarding the material finish.
- 11.2 The landscaping is considered appropriate for a scheme of this size, however it is again highlighted that the Case Officer remains unconvinced that the extent of the existing side boundary treatment proposed to be retained is feasible.
- 11.3 In terms of highway safety the proposed new access would offer suitable visibility and would not raise any issues in terms of highway safety. It is not considered that the vehicle movements associated with 6 dwellings would have a notable impact on existing highway capacity. Adequate parking is proposed for a scheme of this size, in this location.
- 11.4 The proposed development is not considered to have a detrimental impact on the amenities of the adjoining residents in terms of loss of light, overbearing impact and/or privacy and would provide a suitable level of residential accommodation.
- 11.5 In terms of environmental considerations, subject to conditions it is considered that the proposed development would not affect protected species and could contribute to utilising renewable energy sources. Whilst the Council’s Environmental Protection Team have queried details regarding the Air Quality Management Area given the site location and the scale of the proposal, it is not considered relevant in this instance. The development would not provide any biodiversity net gains, which does weigh against this scheme, although given the current ecological merit of this site, harm would be limited.

- 11.6 Against this the proposed development would provide 6 (net 5) new homes and contribute to the Council's windfall supply.
- 11.7 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out above it is considered that in this instance the tilted balance should be applied. In view of this it is considered that the benefits of this scheme clearly do outweigh any harm. On this basis the application is recommended for approval.

12. APPENDICES TO THIS REPORT

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

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 shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy DG1 and the National Planning Policy Framework (2019) and the associated National Design Guide

- 3 Prior to any development above ground finish floor level of the building hereby approved full details of hard and soft landscaping works (including walls gates and fences) 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 samples of all hard surfacing. The development shall be undertaken 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 (2018) and the associated National Design Guide.

- 4 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.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.

- 5 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.

- 6 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing (PL-12 REV A). These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1 and the National Planning Policy Framework (2019).

- 7 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 and the National Planning Policy Framework (2019).

8 The existing access to the site of the development 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 and the National Planning Policy Framework (2019).

9 Prior to the commencement of any works above slab level (as shown on the approved long section drawing) details of measures to incorporate sustainable design and construction shall be submitted to and approved by the Local Planning Authority. This should be based on the Sustainability Statement prepared by Property and Energy Services undated and received by the Local Planning Authority on 4.10.2019 or such other details as agreed in writing by the Local Planning Authority.

Reason: The aforementioned document provides no clear indication of what 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 the requirements of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009), along with the National Planning Policy Framework

10 The demolition of the existing building shall be undertaken in accordance with the Recommendations (section 8) of the Bat Survey Report prepared by Ethos Environmental Planning dated August 2019 and received by the Local Planning Authority on the 09.11.2019.

Reason: The site hosts a bat roost which will be affected by the proposals. This condition will ensure that bats, a material consideration, are not adversely impacted upon by the proposed development as required by policy NE1 of the Local Plan and the National Planning Policy Framework (2019).

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

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

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

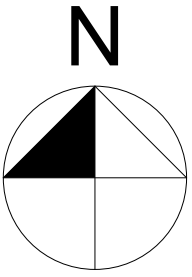
2 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.

3 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.

4 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables

the Highway Authority to recover expenses due to extraordinary traffic.

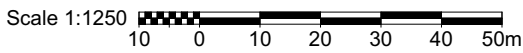
- 5 Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
- 6 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.



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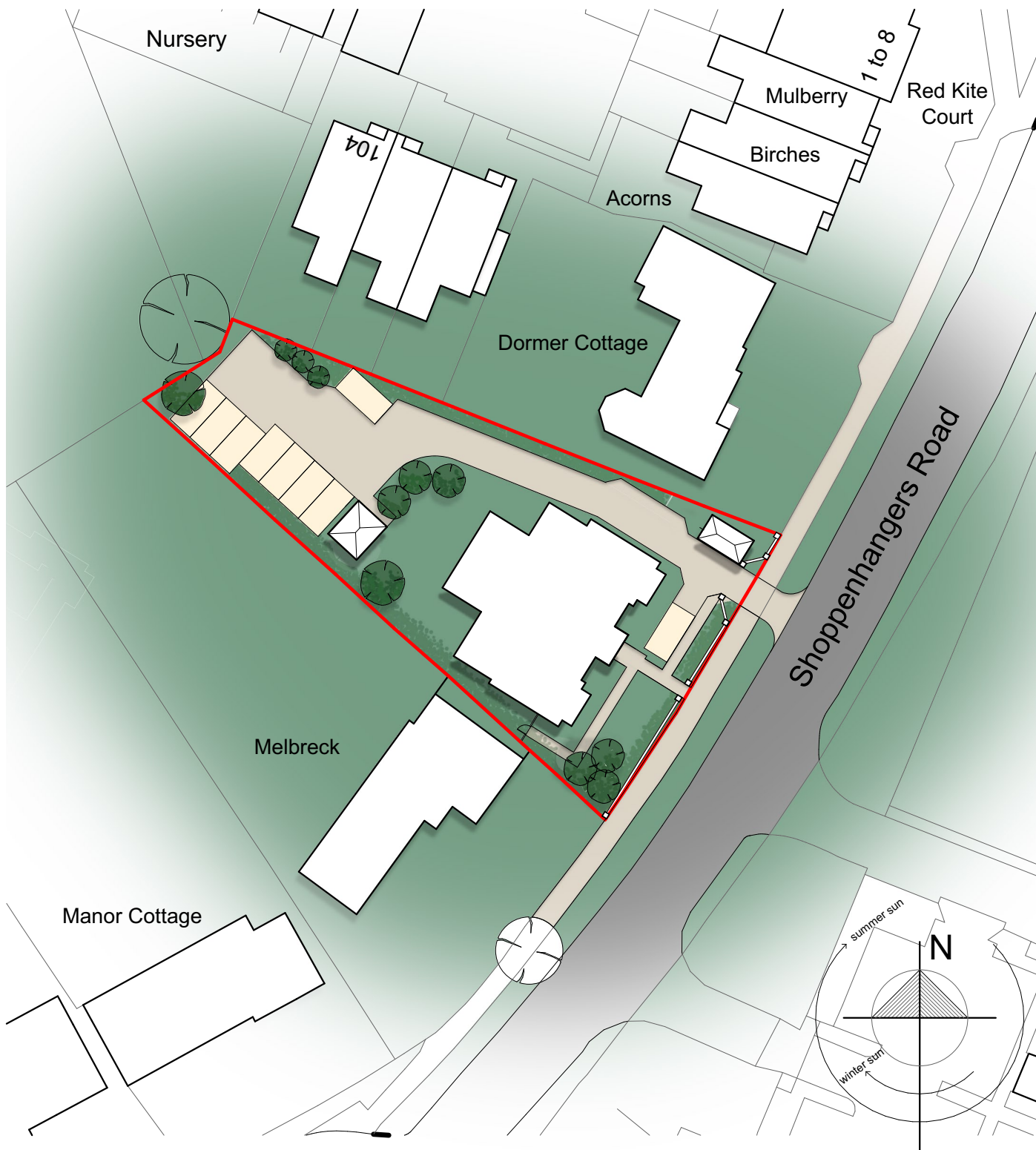


SITE AREA 0.1ha

Client Mr. Andy Pham	Layout Title Location Plan									
Project Hucclecote, Shoppenhangers Road, Maidenhead, SL6 2QE		Scales @ A4 1:1250	Drawn by MJ							
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Scale 1:500

Client
Mr. Andy Pham

Layout Title
Proposed Block Plan

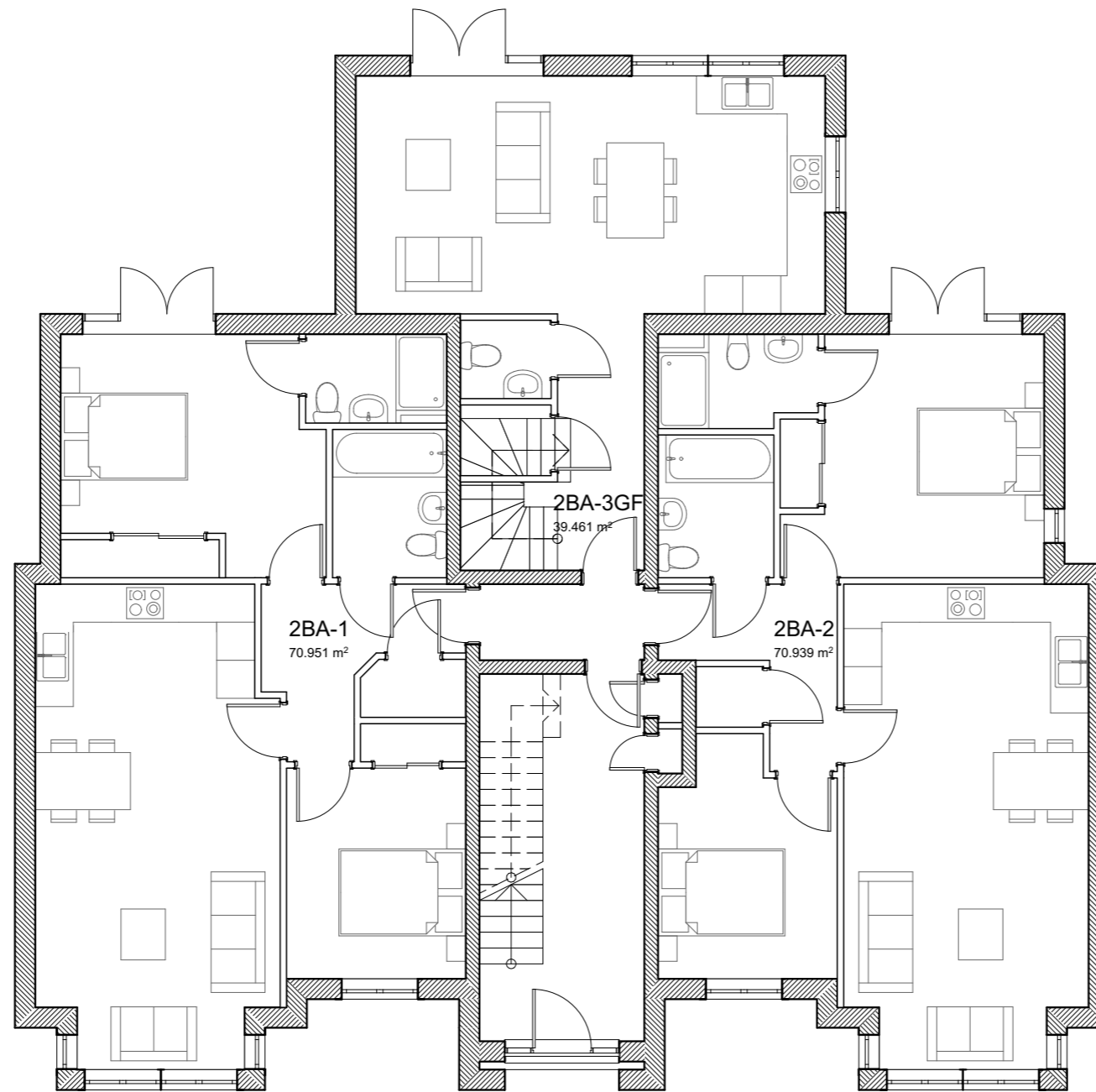
Project
**Hucclecote,
Shoppenhangers Road,
Maidenhead, SL6 2QE**



Rev	Description	By	Date
C	Passing bay added	MJ	30/09/2019
B	Indicative roof lines removed	MJ	30/08/2019
A	Design amended for resubmission	MJ	15/06/19

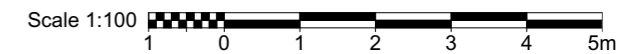
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project	number	rev
1215	PL-03	C



GROUND FLOOR PLAN 1:100

Hucclecote, Shoppenhangers Road, Maidenhead, SL6 2QE



88

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Scales @ A3

1:100

Project

**Hucclecote,
Shoppenhangers Road,
Maidenhead, SL6 2QE**



Client

Mr. Andy Pham

Layout Title

**Proposed Ground Floor
Plan**

A	Design amended for resubmission	MJ	15/06/19
Rev	Description	By	Date
Drawing Number			
project	number	rev	
1215	PL-05	A	



MELBRECK

HUCCLECOTE

DORMER COTTAGE

68



DORMER COTTAGE

HUCCLECOTE

MELBRECK



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Scales @ A3
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Project
**Hucclecote,
Shoppenhangers Road,
Maidenhead, SL6 2QE**



Client
Mr. Andy Pham

Layout Title
**Proposed Front and Rear
Elevations**

RevID	Comment	Issue Date
B	Eaves to Dormer cottage amended	25/01/2019
A	Adjacent roof line amended	22/01/2019
Drawing Number		
project	number	rev
1215	PL-08	B

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Agenda Item 8

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 November 2019

Item: 5

Application No.:	19/02442/OUT
Location:	Land At Lower Mount Farm And To West of Unit 2B And South of Long Lane Cookham Maidenhead
Proposal:	Outline application for access and layout only to be considered at this stage with all other matters to be reserved for a proposed new equine centre with worker accommodation
Applicant:	Mr Copas
Agent:	Mr Tom McArdle
Parish/Ward:	Cookham Parish/Bisham And Cookham
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 This application seeks outline planning consent for Access and Layout only to be considered for the erection of a new equestrian building to accommodate 2 foaling boxes, 30 looseboxes with individual tack cupboards, changing rooms, toilets, office, kitchenette with rest room, rug room/drying room, dual access hay, feed and bedding stores and first floor grooms accommodation.
- 1.2 The proposal is considered to be inappropriate development in the Green Belt and contrary to the purposes of the Green Belt, and would result in harm to openness. In balancing all the factors together, other considerations in this case do not clearly outweigh the harm identified. As a whole, it is considered that very special circumstances needed to justify the development do not exist.
- 1.3 The scale, layout and indicative design of the building is such that it would appear as an unduly dominant feature and would appear as a somewhat separate and distinct structure in this Green Belt countryside location, rather than as an integrated part of the wider commercial elements of the adjacent site. The proposal is considered an incongruous form of development in this open countryside location and would cause harm to the character and appearance of the area.
- 1.4 The site and areas adjacent are known to contain badgers and several birds listed as priority species. The extent to which these species may be affected has not been established, and the application would not be in accordance with planning policy in relation to biodiversity.

It is recommended the Panel REFUSES planning permission for the following summarised reasons (the full reasons are identified in Section 12 of this report):	
1.	The proposal represents inappropriate development in Green Belt, which is by definition harmful to the Green Belt and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment', and would be harmful to the actual openness of the Green Belt. No Very Special Circumstances have been demonstrated that clearly outweighs the harm to the Green Belt and any other harm.
2.	In the absence of any existing buildings on the site, the construction of the proposed building in an open field, set back from the road frontage, would not reflect the character and pattern of development on this side of Long Lane. The scale, layout and indicative design of the building is such that it would appear as an unduly dominant feature and would cause harm to the character and appearance of

	the area.
3	Insufficient ecological information has been received to establish the extent to which protected species may be affected by the proposals.

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 comprises an area of land measuring approximately 33.71 acres to the west of units 2 and 2B at Lower Mount Farm to the south of Long Lane. The land was granted planning consent on the 12th April 2018 for the use of land for the keeping of horses under planning application reference 17/02729/FULL. To the north of the application site are commercial units and the land to the west is open fields. To the east are further commercial units.
- 3.2 The site is designated Green Belt land. According to the planning statement, the land was laid down to grass in autumn 2018 which was evident to see during the site visit. Fencing works were due to be completed in September 2019 in readiness for the equestrian use, although no evidence of this was seen during the site visit. At present, the site remains absent of horses.

4. KEY CONSTRAINTS

- 4.1 The main constraints related to this site are its siting within the Green Belt.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 This application seeks outline planning consent for Access and Layout only to be considered for the erection of a new equestrian building to accommodate 2 foaling boxes, 30 looseboxes with individual tack cupboards, changing rooms, toilets, office, kitchenette with rest room, rug room/drying room, dual access hay, feed and bedding stores and first floor grooms accommodation incorporating two bedrooms.
- 5.2 The proposed building, according to the layout drawing, would measure 40.0m in length by 36.4m in width covering a ground floor area of 1456sq.m. It would incorporate a first floor with a floor area of 127.5sq.m resulting in a building with a gross floor area of 1583.5sq.m. The building is illustrated as having a consistent ridge height of 7.0m.
- 5.3 As can be seen below permission was granted under application 17/02729/FULL for the change of use of this site on which the building is proposed for the keeping of horses. It is of note that in the information submitted with this application and subsequent correspondence the following was stated in support of the application.

- The application was solely for the keeping of horses similar to any other animal grazing on the land.
- Persons caring for the horses would utilise the car park of the adjacent Tack Shop and would utilise this shop for supplies.
- Horses would be exercised on the Cookham Bridleway circuit.
- There would be no impact on openness or visual amenity.
- Agreed to accept a condition to ensure that no jumps are kept on the land in order to ensure no impact on the openness of the Green Belt or any detrimental visual impact.
- The application was not to provide shelter for the horses; there was simply a need for equestrian grazing. Horses may be transported to the site by horsebox but no horseboxes would be stored at the property.

- 5.4 There are 2 applications relevant to the consideration of this application which are listed below:

Reference	Description	Decision
17/01543/FULL	Change of use of agricultural land for the keeping of horses.	Refused 04.08.2018
17/02729/FULL	Change of use of agricultural land for the keeping of horses.	Approved 12.08.2019

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
Character and appearance of area	DG1
Highways	P4 AND T5
Green Belt	GB1, GB2
Equestrian uses	GB6

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
Appropriate development in the Green Belt	SP1, SP5
Farm Diversification	ED4

7.1 Paragraph 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 Submission 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 and 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 whilst further consultation is being undertaken on changes/ amendments to the BLPSV in the form of the Borough Local Plan (2013-2033) Submission Version Incorporating Proposed Changes, October 2019. This consultation runs for a six week period from Friday 1st November 2019 until Sunday 15 December 2019. The BLPSV policies therefore remain a material consideration in planning applications subject to the level to which they are consistent with the relevant version of the NPPF and the extent to which 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 material to the proposal are:

- RBWM Parking Strategy

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

8 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 16.10.19

No letters were received from this consultation.

Consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection subject to conditions to secure CMP and parking/turning as any approved drawings.	Section iii
Berkshire Archaeology	Site falls within an area of archaeological significance and remains may be damaged by ground disturbance. A condition is recommended on any consent to secure a programme of archaeological works to be undertaken.	Noted
Environmental Protection	No objection subject to conditions to secure adequate arrangements for disposal of animal waste.	Noted
Ecology	There are known badgers present on the site and birds registered as priority species. No information has been received to assess the impact on these species.	Section iv
LLFA	Have raised concerns and currently recommends refusal of the application. Any updates on this situation will be reported in a Panel Update.	
Parish Council	No objection	Noted

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt;
- ii Character and appearance;
- iii Highways;
- iv Ecology.

PLANNING ASSESSMENT

i Green Belt

Appropriate Development in the Green Belt

- 9.2 The site lies within the designated Metropolitan Green Belt as shown on the Local Plan Proposals Map. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 of the NPPF states that new buildings in the Green Belt would be regarded as inappropriate development with some exceptions. Further to paragraph 145 of the NPPF, paragraph 146 of the NPPF goes on to state that certain other forms of development are appropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Local Plan policy GB1 and GB3 and BLPSV policy SP5 also set out appropriate development in the Green Belt, however, the Local Plan was prepared in accordance with the cancelled PPG2: Green Belts while the BLPSV was prepared in accordance with the NPPF (2012). While the Development Plan comprises of the Local Plan, policies GB1 and GB3 are not entirely consistent with the NPPF and are not given full weight for the purposes of this assessment. Under transitional arrangements the BLPSV is assessed against the NPPF (2012) and therefore policy SP5 is considered to be consistent in this respect, but due to unresolved objections policy SP5 should only be given moderate weight as a material consideration. The NPPF is considered to be a more up-to-date expression of Government intent and is afforded significant weight as a material consideration.
- 9.3 One of the exceptions to inappropriate development listed under paragraph 145 of the NPPF is the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sports and recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.4 In relation to the first test of whether the proposed equine centre represents appropriate facilities for outdoor sport and recreation; it is clear that in principle stabling and other ancillary buildings could be considered as appropriate. However, in this case, the sheer scale of the proposed facilities in the absence of any conclusive justification, ensures that the building cannot be considered as providing appropriate facilities.
- 9.5 Turning to the second test of the exception of whether the proposed equine centre would preserve the openness of the Green Belt and whether it would conflict with the purposes of including land within it, the NPPG advises that the impact on openness of the Green Belt should be assessed by taking into account both its spatial and visual impact, while paragraph 133 of the NPPF makes it clear that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The Green Belt purposes are set out in para. 134.
- 9.6 The overall loss of openness from the significant footprint and volume of the proposed equine centre, where there is presently no built development, is not considered to preserve the spatial openness of the Green Belt. The consequent spatial reduction in openness would also be visually evident from Long Lane, across the adjacent site from the B447 and from the existing fields to the west.
- 9.7 Overall, it is considered that the spatial and visual aspect of openness of the Green Belt would not be preserved. It is also considered that the intrusion of the equine centre building into what is currently an open field would also encroach into the countryside, contrary to the third purpose of the Green Belt listed in paragraph 134 of the NPPF.
- 9.8 Although the final scale, appearance and landscaping of the site are reserved, from the information under consideration and indicative drawings, it is considered that introducing a building and significant areas of hardstanding around the entire site for parking, external lighting etc., where there is currently no building or development, would result in a significant loss of openness across the site. Consequently, the proposal amounts to inappropriate development in the Green Belt.

ii Character and appearance

- 9.9 In the absence of any existing buildings on the site, the construction of the proposed building in an open field, set back from the road frontage, would not reflect the character and pattern of development on this side of Long Lane. The scale, layout and indicative design of the building is such that it would appear as an unduly dominant feature and would appear somewhat separate and distinct from them, rather than an integrated part of the wider commercial elements of the adjacent site.
- 9.10 Therefore, and given its otherwise open surroundings and separation from the adjacent buildings, the proposal is considered an incongruous form of development in this open countryside location and would cause harm to the character and appearance of the area. The proposal would therefore be contrary to policies DG1, and GB2 of the Local Plan.

iii Highways

- 9.11 The site is to utilise the existing 10m wide vehicular access from Long Lane to serve the new equine centre and workers dwelling. The existing access provides excellent visibility splays to the left and right and far exceeds the current requirement which is set at 2.4m x 43m to the left and right. None of the proposals will affect the existing access arrangements or visibility splays and therefore when considered on its own merits, the access to the site is considered acceptable.
- 9.12 There are no parking standards for an equine facility therefore, an individual assessment has been made. The plans provided show a two-bedroom workers dwelling will be provided together with 30 loose boxes and 2 foaling boxes.
- 9.13 The proposed site plan shows 29 car parking spaces together with 5 disabled spaces. A separate area to the rear of the site will also be provided to accommodate at least 4 trailer parking spaces. Ample space is also provided on site to facilitate vehicles entering and leaving the site in a forward gear. This level of parking is believed to be acceptable to accommodate the new development. The site also has spare capacity to accommodate more vehicles if needed.

iv Ecology

- 9.14 Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System (this document was not revoked by the National Planning Policy Framework) states that:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted."

- 9.15 Paragraph 175(d) of the NPPF states that "*opportunities to incorporate biodiversity improvements in and around developments should be encouraged*", and Policy NR3 of the submitted Local Plan states:

"Development proposals:

a. Will be expected to demonstrate how they maintain, protect and enhance the biodiversity of application sites"

- 9.16 The Councils records indicate that there are badgers and several birds listed as priority species on the site and also close to the development site. No ecological information has been provided as part of this application. Given the known presence of protected and priority species on the site that could be affected by the development, surveys are required to be carried out to assess the impact on known species present and also details of any biodiversity enhancements following development, in order to ensure a net gain in biodiversity.

9.17 In this case because the extent to which species may be affected has not been established, the application would not be in accordance with the above planning policy, or other planning policy in relation to biodiversity.

10. PLANNING BALANCE AND THE CASE OF VERY SPECIAL CIRCUMSTANCES

10.1 In accordance with guidance contained in the in the NPPF, a balancing exercise needs to be undertaken on whether the 'very special circumstances' (VSC) clearly outweighs the harm to the Green Belt and any other harm. As inappropriate development, which would conflict with one of the purpose of the Green Belt, paragraph 143 indicates that substantial weight should be set against the proposal.

10.2 The applicant considers that the proposal can be considered appropriate development in the Green Belt under paragraph 145 of the NPPF and so has not presented a specific case for VSC. As has been detailed within sections 9.2-9.8 of this report, Officers disagree with this conclusion. Notwithstanding such, a number of 'material considerations' has been detailed in the planning statement which provides a case to justify the development, which are as follows:

- Immediate need for a new outdoor sport and recreation facility in the locality to replace the much needed and continued demand for equestrian facilities lost as a result of the closure of Cannon Court Farm Stables and Woodlands Farm stables as well as the closure of White Farm Stables;
- The loss of equine facilities in the area has resulted in a loss of outdoor recreation and leisure facilities, without making allowance for any replacement facilities to satisfy the continued demand;
- Resultant deficit in equine stabling to be used for outdoor sport and recreation purposes has resulted in a loss of facilities for the community to enjoy equine related leisure pursuits;
- The design and location of the proposal on low ground levels, near to an existing entrance, within existing substantial mature screening, next to existing equestrian related development and existing non -residential accommodation;
- Consolidation of appropriate facilities in connection with the permitted use results in a minimal impact upon openness compared with the applicants fall-back position of installing structures under Part 4, Class A of the General Permitted Development Order 2015 (GPDO). The latter would result in a spread of ad hoc buildings which would be more visually intrusive;
- Proposal presents farm diversification;
- Facilities will create a direct net increase in rural employment including for grooms, administration staff, maintenance staff etc. It will also enhance associated rural businesses including those connected with construction, vets, equine dentists, feed merchants, etc.

10.3 In relation to points a) to c) and demonstrating a demand and need for the keeping of horses, it is noted that at the time of the original submission for the change of use in August 2017, the local demand demonstrated to Officers and Members was for land for equestrian grazing not for the additional equine facilities and the outdoor sport and recreation facilities referred to in this application. This application is not supported with any evidence to corroborate the demand for the equine facilities of the size and scale proposed. Furthermore, as these farms have been closed for a while and the grazing of horses on the land at Lower Mount Farm not yet commenced, the question is raised as to whether the same demand still exists or whether previous enquirers have found alternatives. Further to this, both Cannon Court Farm and Woodlands Farm had already ceased operation at the time of the submission of application 17/02729/FULL. Consequently, in the absence of evidence to demonstrate such, the weight that can be attributed to these considerations is only limited.

- 10.4 In relation to point d), the siting and scale of the proposal has been discussed above. The applicant states that these factors should be afforded significant weight in favour of the development. As this is an outline application with matters relating to appearance, landscaping and scale reserved, this is only given limited weight.
- 10.5 In relation to point e), the applicant has put forward an argument that as the land already benefits from a planning consent for the keeping of horses, there is an opportunity for temporary mobile stables and other structures to be brought onto the land and placed wherever required, which may be more harmful to the Green Belt. This requirement for such temporary buildings or moveable structures would be removed if planning permission is granted. This is considered to be a spurious point with no evidence to suggest that it would happen on the ground. Indeed, the same agent made it clear in his supporting information submitted regarding application 17/02729/FULL that it was predicated on there being no loss of openness or visual amenity. As such, limited weight is given to these fall back options.
- 10.6 It is stated in point f) that the proposal would support farm diversification. Given the size of the proposed site and its ability to support up to 32 horses, it is considered that the proposed use would exceed an ancillary use. No evidence has been submitted to support the need for diversification of the farming activities and this point is afforded limited weight.
- 10.7 In relation to point f), it has not been demonstrated that there is a demand for a facility of the size and scale sought within this application. Whilst such factors would be a benefit of a scheme, at the time of this application and on the basis of the evidence provided, it is only afforded limited weight.
- 10.8 The NPPF states that development should not be approved except in very special circumstances and the Government have repeatedly emphasised the importance of protecting the Green Belt. In balancing all of these factors together, other considerations in this case do not clearly outweigh the harm identified. As a whole, it is considered that very special circumstances needed to justify the development do not exist.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Illustrative layout plan
- Appendix C - Illustrative elevations

12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal represents inappropriate development in Green Belt, which is by definition harmful to the Green Belt and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment', and would be harmful to actual openness of the Green Belt. No Very Special Circumstances have been demonstrated that clearly overcomes the harm to the Green Belt and any other harm. The proposal is therefore contrary to paragraphs 143, 144 and 145 of the National Planning Policy Framework (2019), saved policies GB1 and GB2(a) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and SP1 and SP5 of the Borough Local Plan (Submission Version).
- 2 Given its otherwise open surroundings and separation from the adjacent buildings, the proposal is considered an incongruous form of development in this open countryside location and would cause harm to the character and appearance of the area. The proposal would therefore be contrary to policies DG1, and GB2 of the Local Plan.
- 3 Insufficient ecological information has been received to establish the extent to which protected species may be affected by the proposals. The scheme is thereby contrary to Paragraph 99 of Circular 06/05: Biodiversity and Geological Conservation: Statutory Obligation and their impact within the Planning System and paragraph 175 of the NPPF (2019)

APPENDIX A – Proposed site plan

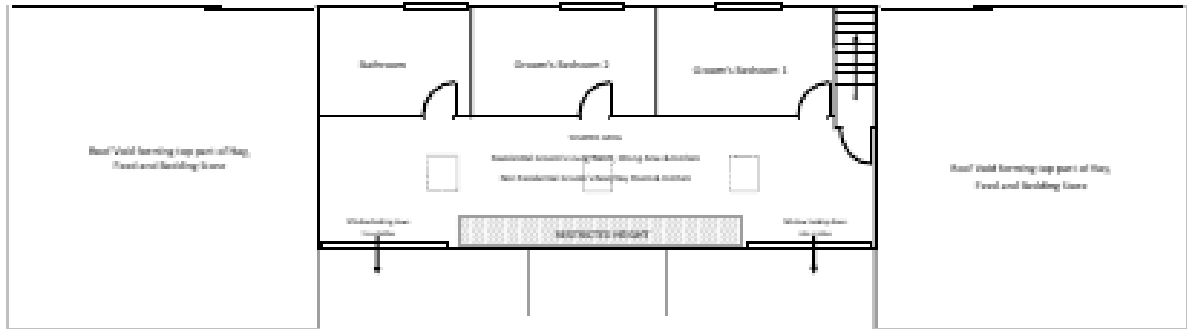


Promap

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APPENDIX B – Illustrative Site Layout

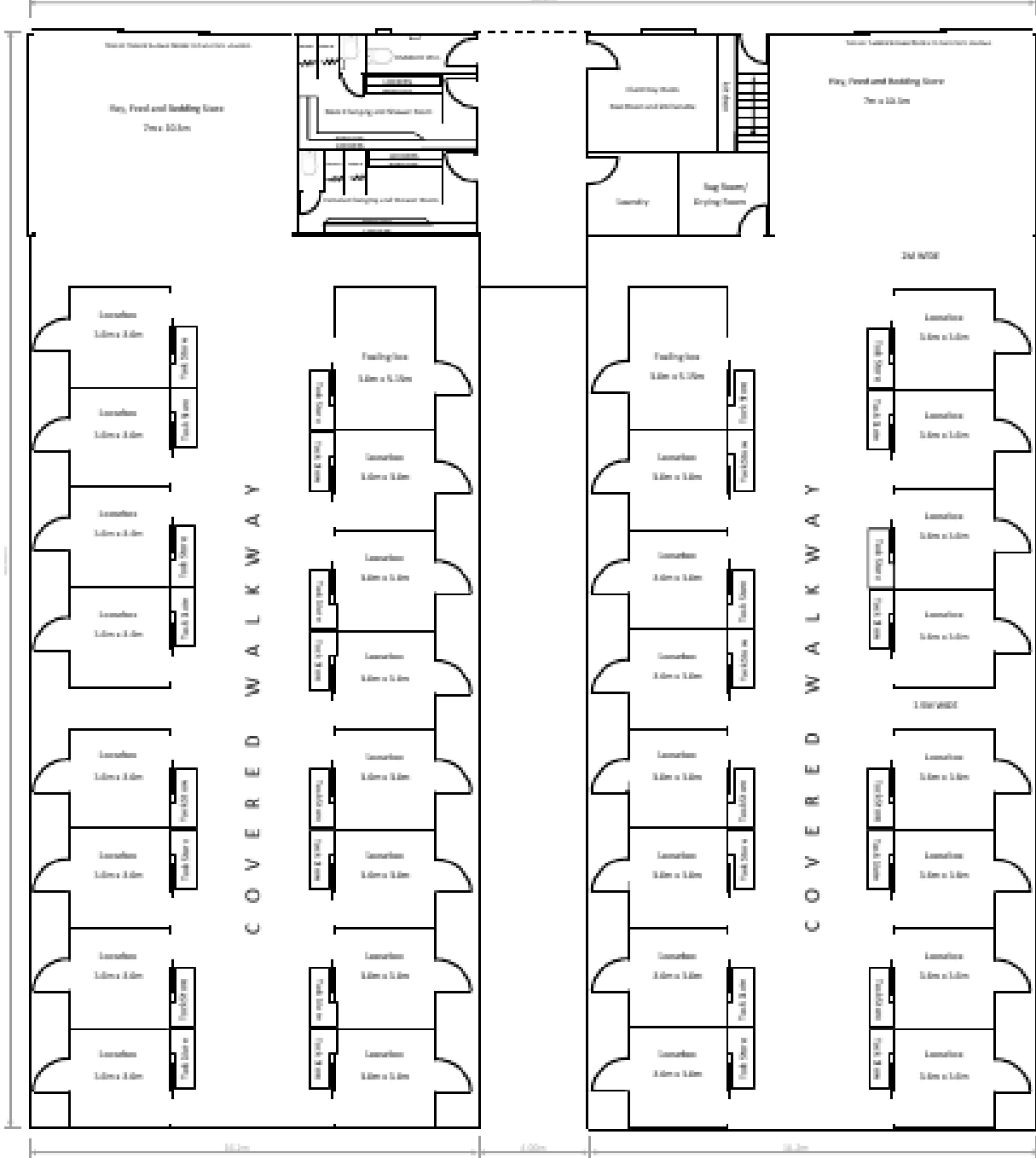
SCALE: 1:100



GROUND-FLOOR PLAN

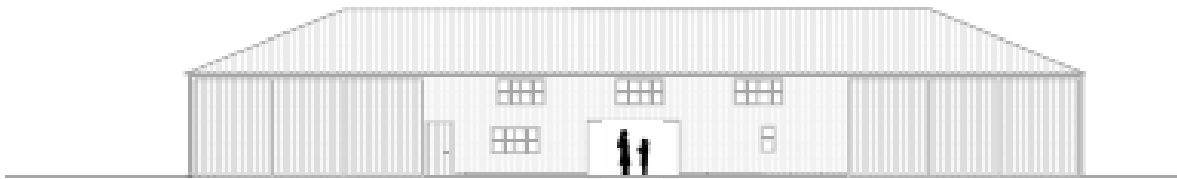
Regularly Complex

SCALE: 1:100

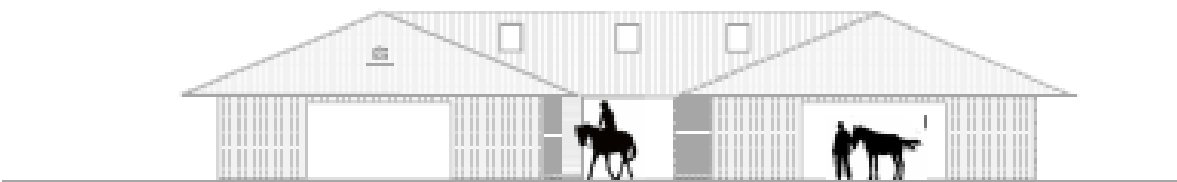


APPENDIX C – Illustrative Elevations

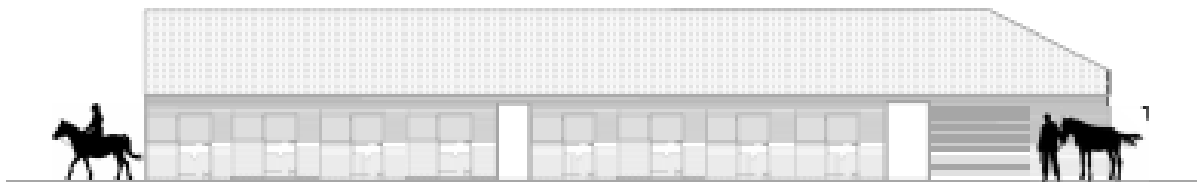
NORTHERN ELEVATION
1/800 scale A1



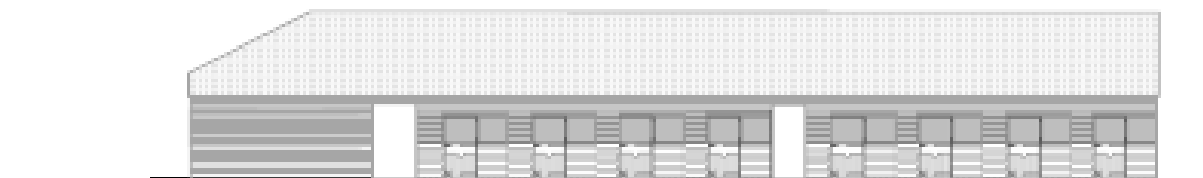
SOUTHERN ELEVATION
1/800 scale A1



EASTERN ELEVATION
1/800 scale A1



WESTERN ELEVATION
1/800 scale A1



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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

Planning Appeals Received

3 October 2019 - 11 November 2019

MAIDENHEAD

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

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

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

Ward:
Parish: Waltham St Lawrence Parish
Appeal Ref.: 19/60106/REF **Planning Ref.:** 19/00757/FULL **Plns Ref.:** APP/T0355/D/19/3235843
Date Received: 9 October 2019 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Erection of a Pool House with flue and hardstanding following the demolition of the existing outbuildings.
Location: **West End Farm Mire Lane Waltham St Lawrence Reading RG10 0NJ**
Appellant: Mr & Mrs Davies **c/o Agent:** Mr Richard Murray Murray Planning Associates Ltd Office 7 Capron House North Street Midhurst GU29 9DH

Ward:
Parish: Bisham Parish
Appeal Ref.: 19/60111/ENF **Enforcement Ref.:** 16/50097/ENF **Plns Ref.:** APP/T0355/C/19/3235815
Date Received: 24 October 2019 **Comments Due:** 5 December 2019
Type: Enforcement Appeal **Appeal Type:** Public Inquiry
Description: Appeal against the Enforcement Notice: 1. The use of the haystore as a tea room, kitchenette, office, washroom and rest room in breach of condition 9 of planning permission 425597. 2. The use of surfaced 'open' areas for the erection of buildings and open storage in breach of condition 10 of planning permission 425597.
Location: **Fairview Stables Darlings Lane Maidenhead SL6 6PB**
Appellant: Mr Robert Johnston **c/o Agent:** Mr John Andrews John Andrews Associates 22 Harvest Hill Road Maidenhead Berkshire SL6 2QQ

Ward:
Parish: Bisham Parish
Appeal Ref.: 19/60107/REF **Planning Ref.:** 19/01465/TPO **Plns Ref.:** APP/TPO/T0355/7654
Date Received: 1 November 2019 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Fast Track Appeal
Description: (T1) Cupressus Macrocarpa - cut back overhanging branches.
Location: **Hollow Drift Hockett Lane Cookham Maidenhead SL6 9UF**
Appellant: Mr Alan Langton Chalkwood House Hockett Lane Cookham Maidenhead SL6 9UF

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 19/60108/REF **Planning Ref.:** 19/01376/FULL **Plns Ref.:** APP/T0355/W/19/
3236926
Date Received: 1 November 2019 **Comments Due:** 6 December 2019
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of a four bedroom dwelling with altered vehicular access following the
demolition of the existing dwelling and garage.
Location: **46 Twynham Road Maidenhead SL6 5AS**
Appellant: Mr Amir Mohazab **c/o Agent:** Mr Martin Gaine Just Planning Suite 45 4 Spring Bridge Road
London W5 2AA

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 19/60089/REF **Planning Ref.:** 16/03297/FULL **Plns Ref.:** APP/T0355/W/19/
3223912
Date Received: 5 November 2019 **Comments Due:** 10 December 2019
Type: Refusal **Appeal Type:** Hearing
Description: Change of use and alterations of hotel building to create 15 apartments; demolition of annex
and replacement with new residential building containing 11 apartments; alterations to
Guardhouse building to provide 2 x 2 bed dwelling houses; and provision of associated car
parking and landscaping
Location: **Guards House And Waterside Lodge And Thames Riviera Hotel 162 Bridge Road
Maidenhead**
Appellant: Arena Racing Company/Galleon Hotels **c/o Agent:** Nicola Insley CMS Cannon Place 78
Cannon Street London EC4N 6AF

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 19/60114/REF **Planning Ref.:** 19/01941/FULL **Plns Ref.:** APP/T0355/D/19/
3238049
Date Received: 7 November 2019 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Raising of the roof with x1 side dormer and x3 side rooflights, garage conversion and single
storey extension to the existing garage
Location: **34A Rutland Road Maidenhead SL6 4HY**
Appellant: Mr Jigar Chheda **c/o Agent:** Mr Allen Watson Buttery And Watson Berry House 78 Altwood
Road Maidenhead Berkshire SL6 4PZ

Appeal Decision Report

3 October 2019 - 11 November 2019

MAIDENHEAD

www.rbwm.gov.uk



Royal Borough
of Windsor &
Maidenhead

Appeal Ref.: 19/60041/REF **Planning Ref.:** 18/02513/FULL **Plns Ref.:** APP/T0355/W/18/3216170

Appellant: Mrs Helen Kendall Smith **c/o Agent:** Mr Tom Mcardle Pike Smith And Kemp Rural The Old Dairy Hyde Farm Maidenhead Berkshire SL6 6PQ

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

Description: Construction of permanent essential workers dwelling, new access and track with entrance gates, hard standing and new boundary treatment

Location: **Land To The West of Mullberry Coningsby Lane Fifield Maidenhead**

Appeal Decision: Dismissed **Decision Date:** 14 October 2019

Main Issue: The Government attaches great importance to Green Belts. The proposed development would cause harm to the Green Belt due to its inappropriateness. It would cause further harm to the openness of the Green Belt and to the purposes of including land within it. No other considerations have been demonstrated which would outweigh the harm to the Green Belt, therefore very special circumstances do not exist to justify the development. For these reasons the proposed development is considered contrary to Local Plan Policies GB1, GB2, GB3, and the relevant Green Belt guidance contained within the NPPF (2019). Due to its height, location, separation from other properties and lack of surrounding development, the proposed dwelling would appear as an unduly dominant feature which would be out of scale with the other buildings proposed, and would appear somewhat separate and distinct from them, rather than an integrated part of that wider farm complex. It would result in an incongruous form of development in this open countryside location, and would cause harm to the character and appearance of the site and its surroundings. The proposal would therefore conflict with Local Plan Policies DG1, H10, H11 and GB2 of the Local Plan which, amongst other things, state that permission will not be granted for new development if it would harm the character of the countryside because of its scale or siting, and require the design of new buildings to have regard to the scale and height of adjacent properties and retain important views. The application for the award of costs was also refused for the following reasons: Unreasonable behaviour, as described in the PPG, was not demonstrated. Accordingly the appellant has not been put to unnecessary or wasted expense in the appeal process. An award of costs is therefore not justified.

Appeal Ref.: 19/60042/NOND **Planning Ref.:** 18/03324/FULL **Plns Ref.:** APP/T0355/W/19/3227886
Appellant: Mrs Helen Kendall Smith **c/o Agent:** Miss Eva Gascoigne Pike Smith And Kemp Rural Hyde Farm Marlow Road Maidenhead Berkshire SL6 6PQ
Decision Type: Committee **Officer Recommendation:** Application Permitted
Description: Rural workers dwelling
Location: **Land To The West Of Mullberry Coningsby Lane Fifield Maidenhead**
Appeal Decision: Dismissed **Decision Date:** 14 October 2019
Main Issue: The Government attaches great importance to Green Belts. The proposed development would cause harm to the Green Belt due to its inappropriateness. It would cause further harm to the openness of the Green Belt and to the purposes of including land within it. No other considerations have been demonstrated which would outweigh the harm to the Green Belt, therefore very special circumstances do not exist to justify the development. For these reasons the proposed development is considered contrary to Local Plan Policies GB1, GB2, GB3, and the relevant Green Belt guidance contained within the NPPF (2019). The application for the award of costs was also refused for the following reasons: Unreasonable behaviour, as described in the PPG, was not demonstrated. Accordingly the appellant has not been put to unnecessary or wasted expense in the appeal process. An award of costs is therefore not justified.

Appeal Ref.: 19/60061/REF **Planning Ref.:** 19/00362/FULL **Plns Ref.:** APP/T0355/W/19/3231492
Appellant: Mrs Victoria Egarr **c/o Agent:** Mr Mark Borthwick Borthwick DBM 6 Rushmere Cottages Colemans Moor Road Woodley Reading RG5 4BZ
Decision Type: Committee **Officer Recommendation:** Refuse
Description: Change of use from agricultural to (D1) education with associated parking and boundary treatment.
Location: **Land South of Holyport Allotments Gays Lane Maidenhead**
Appeal Decision: Dismissed **Decision Date:** 9 October 2019
Main Issue: The proposal would be inappropriate development in the Green Belt and substantial weight should be given to any harm. The proposal would also lead to a small loss of openness to the Green Belt, harm to the character and appearance of the area and to highway safety. There are no other considerations in this case to outweigh the harm and no very special circumstances necessary to justify the development exist. The proposal would be contrary to Local Plan Policies GB1, GB2, DG1, T5 and N6 and emerging policies SP5, SP3, IF2 and NR2.

Appeal Ref.: 19/60066/REF **Planning Ref.:** 19/00275/FULL **Plns Ref.:** APP/T0355/D/19/3230522

Appellant: Mr & Mrs Hall **c/o Agent:** Mr Richard Simpson RJS Planning 132 Brunswick Road London W5 1AW

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

Description: Single storey rear extension and alterations to fenestration.

Location: **20 Fullbrook Close Maidenhead SL6 8UE**

Appeal Decision: Dismissed **Decision Date:** 9 October 2019

Main Issue: The Inspector considered that the proposed extension together with the previous conversion of the 'patio' at the appeal property would result in an increase in GCA, or a decrease in floodable area, greater than 30m². Furthermore, whilst the appellant had prepared a flood risk assessment, the Inspector agreed with the Council that it was limited and lack details in terms of predicted flood levels, internal floor levels and any mitigation or compensation measures that might be necessary and therefore the FRA did not demonstrate that the proposed development would not increase flood risk. On the basis of the above, it was not demonstrated that the proposal would not increase the risk of flooding in the area. It would therefore conflict with policy F1 of the Local Plan and the Framework.

Appeal Ref.: 19/60071/REF **Planning Ref.:** 18/03459/FULL **Plns Ref.:** APP/T0355/W/19/3233483

Appellant: Mr Roderick Ting **c/o Agent:** Mrs Anjali Gupta AG Architecture Studio 8 Suffolk House 54 - 55 The Green Wooburn Green High Wycombe Bucks HP10 0EU

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

Description: Single storey front extension with replacement second floor front gable. First and second floor rear extensions and raising of part of the main ridge.

Location: **White Lodge Bisham Road Bisham Marlow SL7 1RP**

Appeal Decision: Dismissed **Decision Date:** 29 October 2019

Main Issue: The Inspector found that the proposal would bring clear benefits to the care home. However, he also found that the proposal would be inappropriate development within the Green Belt, and that it would result in a limited degree of harm to the openness of the Green Belt. Moreover, the proposal would harm the character and appearance of the CA. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm. Moreover, it also states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. For the reasons identified above, the Inspector considered the harm to the Green Belt would outweigh the other considerations. Consequently, the very special circumstances necessary to justify the proposal did not exist and therefore the proposal fails to accord with the Green Belt protection aims of the Framework.

Appeal Ref.: 19/60072/REF **Planning Ref.:** 18/03163/FULL **Plns Ref.:** APP/T0355/W/19/3232226

Appellant: Mr L Lika **c/o Agent:** Mr P Haran 5 St Bartholomews Road Reading RG1 3QA

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

Description: Two storey front and rear extension following conversion to form 7no. dwelling units

Location: **29 - 31 Harrow Lane Maidenhead**

Appeal Decision: Dismissed **Decision Date:** 14 October 2019

Main Issue: The Inspector found that the scale of new building at the rear of the existing houses would give rise to a visually imposing and overdeveloped appearance which would harm the character of the host buildings and the wider area. In addition, the proposed parking solution would be significantly harmful to their appearance in the street scene of this local part of Harrow Lane. The development proposed would not make adequate provision for parking on-site to accommodate the scale of development proposed. This would be likely to lead to further parking on the highway in the vicinity of the site which would not be in the interests of highway safety. This outweighs the social and economic benefits.

Appeal Ref.: 19/60079/REF **Planning Ref.:** 19/01253/FULL **Plns Ref.:** APP/T0355/D/19/3234272

Appellant: Mr P Akhtar **c/o Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead Berkshire SL6 5EY

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

Description: Proposed single storey front and first floor rear extension with addition of 1 no. new window to right elevation.

Location: **47 Cookham Road Maidenhead SL6 7EW**

Appeal Decision: Dismissed **Decision Date:** 22 October 2019

Main Issue: The Inspector concluded that the single storey front extension, would reduce the size of the hard surfaced area to the front of the dwelling and accordingly the space within which to park vehicles. Whilst the Appellant has failed to demonstrate that off-street parking could be provided at the level required by the Council, based upon the evidence before the Inspector, this would not affect the safe and efficient operation of the highway. Accordingly there would be no conflict with the purpose of Policy P4 of the Royal Borough of Windsor Local Plan (2003) which sets out maximum parking standards.

Appeal Ref.: 19/60088/REF **Planning Ref.:** 19/00468/FULL **Plns Ref.:** APP/T0355/D/19/3233993

Appellant: Mr M Herridge **c/o Agent:** Mr Richard Regan 67 Green Road High Wycombe HP13 5AZ

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

Description: New carport.

Location: **53 Windsor Road Maidenhead SL6 2DN**

Appeal Decision: Dismissed **Decision Date:** 22 October 2019

Main Issue: The Inspector concluded that the proposed development would not be likely to adequately secure the protection and future health of a protected tree. It would be contrary to Policy N6 of the Royal Borough of Windsor and Maidenhead Local Plan (2003) which requires that new development should allow for the retention of existing suitable trees that form a feature of a site where this is practicable. Furthermore, harm to and/or ultimate loss of the tree would also conflict with Policy DG1 of the Local Plan, which requires that development should not cause harm to the character and appearance of an area through the loss of important features.
