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NOTICE OF MEETING

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MAIDENHEAD AREA DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 18TH DECEMBER, 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: 10 December 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 20 November 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>APP = Approval CLU = Certificate of Lawful Use DD = Defer and Delegate DLA = Defer Legal Agreement PERM = Permit PNR = Prior Approval Not Required REF = Refusal WA = Would Have Approved WR = Would Have Refused</p>	9 - 12
4.	<p><u>18/03167/MINW ~ LAND SOUTH OF WINDSOR ROAD INCLUDES EAST OF THE GUILD HOUSE AND EAST OF FIFIELD ROAD, BRAY, MAIDENHEAD</u></p> <p><i>Proposal: Sand and gravel extraction and restoration to agriculture by infilling with inert waste, portable site office building, parking, fencing and gate, new vehicular access and public rights of way.</i></p> <p>Recommendation: DD</p> <p>Applicant: Summerleaze Limited</p> <p>Member Call in: N/A</p>	13 - 42

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5.	<p><u>19/01144/FULL ~ RIDERS COUNTRY HOUSE HOTEL, BATH ROAD, LITTLEWICK GREEN, MAIDENHEAD SL6 3QR</u></p> <p><i>Proposal: Change of use from C1 (Hotel) to C2 (Residential Care Home), together with associated parking, landscaping, provision of amenity space and a rear porch extension (part retrospective).</i></p> <p>Recommendation: PERM</p> <p>Applicant: Windsor Clinic And Home Care Services Group Ltd</p> <p>Member Call In: N/A</p> <p>Expiry Date: 31 October 2019</p>	43 - 60
6.	<p><u>19/01181/FULL ~ QUEENS HEAD, WINDSOR ROAD, WATER OAKLEY, WINDSOR, SL4 5UJ</u></p> <p><i>Proposal: Change of use of the land to allow for the siting of up to x55 residential park homes, following demolition of existing buildings.</i></p> <p>Recommendation: REF</p> <p>Applicant: Mr Davidson</p> <p>Member Call In: N/A</p> <p>Expiry Date: 20 December 2019</p>	61 - 80
7.	<p><u>19/01276/OUT ~ ST JOHN AMBULANCE, YORK ROAD, MAIDENHEAD, SL6 1SH</u></p> <p><i>Proposal: Outline application for access, appearance, layout and scale to be considered at this stage with all other matters to be reserved for the construction of x53 apartments with associated landscaping and car parking (landscaping reserved)</i></p> <p>Recommendation: PERM</p> <p>Applicant: Shanly Homes Limited</p> <p>Member Call In: N/A</p> <p>Expiry Date: 31 October 2019</p>	81 - 114
8.	<p><u>19/01588/FULL ~ MARANDAZ HOUSE, CLIVEMONT ROAD, MAIDENHEAD, SL6 7BU</u></p>	115 - 126

	<p><i>Proposal: Side and roof extension to provide 23 residential dwellings with associated car parking, landscaping, cycle and refuse storage.</i></p> <p>Recommendation: PERM</p> <p>Applicant: Montreaux LTD</p> <p>Member Call In: N/A</p> <p>Expiry Date: 13 September 2019</p>	
9.	<p><u>19/01660/FULL ~ ST CLOUD GATE, ST CLOUD WAY, MAIDENHEAD, SL6 8XD</u></p> <p><i>Proposal: Demolition of the existing office building, and the construction of a new grade A office building with associated cafe, communal roof terrace, car parking, new pedestrian access and landscaping.</i></p> <p>Recommendation: REF</p> <p>Applicant: Ms Broughton</p> <p>Member Call In: N/A</p> <p>Expiry Date: 16 October 2019</p>	127 - 158
10.	<p><u>19/02570/FULL ~ 15 RAY DRIVE, MAIDENHEAD, SL6 8NG</u></p> <p><i>Proposal: Replacement single storey side/rear extension (Retrospective).</i></p> <p>Recommendation: PERM</p> <p>Applicant: Mr Azam</p> <p>Member Call In: N/A</p> <p>Expiry Date: 12 November 2019</p>	159 - 164
11.	<p><u>19/02641/VAR ~ EXCLUSIVE HOUSE, OLDFIELD ROAD, MAIDENHEAD, SL6 1NQ</u></p> <p><i>Proposal: Variation (under Section 73) of Condition 24 (approved plans) to substitute those plans approved under 19/00016/VAR for 'Proposed residential redevelopment to provide 37 new apartments' as approved under 17/02698/FULL with amended plans . [Alterations to eastern elevation-addition of four balconies and window alterations]</i></p> <p>Recommendation: PERM</p>	165 - 176

	<p>Applicant: Mr Nason</p> <p>Member Call In: N/A</p> <p>Expiry Date: 23 December 2019</p>	
12.	<p><u>19/02646/FULL ~ WOODLANDS PARK VILLAGE CENTRE, MANIFOLD WAY, WHITE WALTHAM, MAIDENHEAD, SL6 3GW</u></p> <p><i>Proposal: Two storey extension with undercroft to the South-East Elevation.</i></p> <p>Recommendation: PERM</p> <p>Applicant: Pat McDonald</p> <p>Member Call In: N/A</p> <p>Expiry Date: 18 November 2019</p>	177 - 182
13.	<p><u>ESSENTIAL MONITORING REPORTS (MONITORING)</u></p> <p>To consider the Appeals Decision Report and Planning Appeals Received.</p>	183 - 188

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act

1985, each item on this report includes a list of Background Papers that have been relied

on to a material extent in the formulation of the report and recommendation.

The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper,

although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as

“Comments Awaited”.

The list will not include published documents such as the Town and Country Planning Acts

and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance,

as the instructions, advice and policies contained within these documents are common to

the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading “Remarks”.

STATEMENT OF THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect

for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

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

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

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

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

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

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

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

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

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

Prejudicial Interests

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

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

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

Personal interests

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

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

Agenda Item 3

MAIDENHEAD AREA DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 20 NOVEMBER 2019

PRESENT: Councillors Phil Haseler (Chairman), Gurpreet Bhangra, Maureen Hunt, Andrew Johnson, Greg Jones, John Baldwin, Mandy Brar, Geoff Hill, Joshua Reynolds and Helen Taylor

Officers: James Carpenter, Tony Franklin, Rachel Lucas, Shilpa Manek and Ashley Smith

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Stimson and Walters. Councillor Johnson was substituting.

DECLARATIONS OF INTEREST

Councillor Jones declared a personal interest for item 8 as he had known the applicant. Councillor Jones was attending the meeting with an open mind.

Councillor Taylor declared a personal interest for item 5 as she works close by the application address. Councillor Taylor was attending the meeting with an open mind.

MINUTES

RESOLVED: That the minutes of the meeting held on 16th October 2019 be approved.

17/03903/OUT - BELLMAN HANGER, SHURLOCK ROW, READING, RG10 0PL

This item was withdrawn from the agenda.

19/01588/FULL - MARANDAZ HOUSE, CLIVEMONT ROAD, MAIDENHEAD, SL6 7BU

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.

Proposal: Side and roof extension to provide 23 residential dwellings with associated car parking, landscaping, cycle and refuse storage.

A motion was put forward by Councillor Hunt to defer the application for the proposed development to enable officers to explore the potential for the provision of additional car parking to be provided to serve the development. This was seconded by Councillor Hill.

It was Agreed Unanimously to DEFER the application to a future panel.

19/01588/FULL - MARANDAZ HOUSE, CLIVEMONT ROAD, MAIDENHEAD, SL6 7BU (Motion)	
Councillor Phil Haseler	For
Councillor Gurpreet Bhangra	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor John Baldwin	For

Councillor Mandy Brar	For
Councillor Geoffrey Hill	For
Councillor Joshua Reynolds	For
Councillor Helen Taylor	For
Carried	

19/01661/OUT - 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.

A motion was put forward by Councillor Hill to permit the application for the proposed development as per Officers recommendation contained in the Panel Update. This was seconded by Councillor Hunt.

Councillor Hunt specifically requested that her comments explaining her disappointment that electric charging points have not been incorporated in the submitted scheme and that there is no mechanism to provide requisite junction improvements be included in these minutes.

It was Agreed Unanimously to APPROVE the application as per Officer's recommendation.

19/01661/OUT - UNIT 1 and 2 and 3 FOUNDATION PARK, ROXBOROUGH WAY, MAIDENHEAD (Motion)	
Councillor Phil Haseler	For
Councillor Gurpreet Bhangra	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Geoffrey Hill	For
Councillor Joshua Reynolds	For
Councillor Helen Taylor	For
Carried	

19/02361/FULL - 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.

A motion was put Councillor Hill to refuse the application against Officers recommendation. This was seconded by Councillor Taylor.

A second motion was put forward by Councillor Hunt to permit the application as per Officers recommendation. This was seconded by Councillor Reynolds.

A named vote was carried out.

The first motion fell.

The second motion was carried.

Councillor Taylor specifically requested that the Members view that parking provision is deficient for this proposal (despite it being in accord with the adopted standard) be minuted.

It was agreed to APPROVE the application.

19/02361/FULL - HUCCLECOTE, SHOPPENHANGERS ROAD, MAIDENHEAD, SL6 2QE (Motion)	
Councillor Phil Haseler	Against
Councillor Gurpreet Bhangra	For
Councillor Maureen Hunt	Against
Councillor Andrew Johnson	Against
Councillor Greg Jones	Against
Councillor John Baldwin	Against
Councillor Mandy Brar	Abstain
Councillor Geoffrey Hill	For
Councillor Joshua Reynolds	Against
Councillor Helen Taylor	For
Rejected	

19/02361/FULL - HUCCLECOTE, SHOPPENHANGERS ROAD, MAIDENHEAD, SL6 2QE (Motion)	
Councillor Phil Haseler	For
Councillor Gurpreet Bhangra	Abstain
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor John Baldwin	For
Councillor Mandy Brar	Abstain
Councillor Geoffrey Hill	Against
Councillor Joshua Reynolds	For
Councillor Helen Taylor	Against
Carried	

19/02442/OUT - 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.

A motion was put forward by Councillor Brar to refuse the application as per Officer's recommendation. This was seconded by Councillor Reynolds.

It was Agreed Unanimously to REFUSE the application.

19/02442/OUT - LAND AT LOWER MOUNT FARM AND TO WEST OF UNIT 2B AND SOUTH OF LONG LANE, COOKHAM, MAIDENHEAD (Motion)	
Councillor Phil Haseler	For
Councillor Gurpreet Bhangra	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Geoffrey Hill	For
Councillor Joshua Reynolds	For
Councillor Helen Taylor	For
Carried	

ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel noted the reports.

Officers were congratulated by the Panel for all their hard work.

The meeting, which began at 7.00 pm, finished at 8.20 pm

CHAIRMAN.....

DATE.....

Agenda Item 4

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 December 2019

Item: 1

Application No.:	18/03167/MINW
Location:	Land South of Windsor Road Includes East of The Guild House And East of Fifield Road Bray Maidenhead
Proposal:	Sand and gravel extraction and restoration to agriculture by infilling with inert waste, portable site office building, parking, fencing and gate, new vehicular access and public rights of way
Applicant:	Summerleaze Limited
Agent:	Mr Steve Lamb
Parish/Ward:	Bray Parish/Bray Ward
If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

1. SUMMARY

- 1.1 Planning permission is sought for the use of the land for sand and gravel extraction for a period of 7 years following which the land would be infilled and restored back to agricultural use. A new access would be created off the A308 to serve the site for the duration of the works. No processing plant is proposed, with all materials to be processed off-site at the nearby processing plant on Monkey Island Lane. Extracted material would be transported via Heavy Goods Vehicles from the site to this processing plant.
- 1.2 Whilst the proposed development is for mineral extraction which can constitute appropriate development under section 146 of the NPPF, it cannot be deemed to preserve the openness of the Green Belt or not to conflict with the purposes of including land within the Green Belt, albeit for a temporary period of time. As such the proposal constitutes inappropriate development. The harm to the Green Belt by virtue of inappropriateness, harm to openness and harm to purposes, should be held collectively in **substantial weight**.
- 1.3 In all other respects the proposal is considered to be acceptable, including its impact on the character of the area, impact on the highway network, impact on trees, conservation, ecology and flooding.
- 1.4 In this case, officers consider that there are material considerations which collectively form Very Special Circumstances such that the harm to the Green Belt is outweighed. Firstly, the proposal would bring about the benefits of mineral extraction, which in line with paragraph 205 of the NPPF should be afforded great weight. However, in this specific case because there is a recognised need for minerals and a lack of suitable sites within the Local Authority Area and indeed the application site itself is included as an allocation within the Draft Minerals and Waste Plan, the extraction of sand and gravel from the application site would make a significant contribution to meeting an identified need within the local authority area. The contribution towards mineral extraction in this specific case is therefore attributed **substantial weight**. In addition, there are other benefits associated with the proposed development including biodiversity enhancements, improved public access, restoration of the land and the use of sustainable waste in the restoration of the site. Collectively these additional benefits are afforded **moderate weight**. As such it is considered in this case that there are Very Special Circumstances which justify the approval of inappropriate development in the Green Belt.

It is recommended the Panel authorises the Head of Planning:

1.	To GRANT planning permission subject to the following: <ul style="list-style-type: none"> - The completion of a satisfactory section 278 legal agreement securing details of the proposed access onto the A308 and with the conditions listed in Section 12 of this report.
2.	To refuse planning permission if: <ul style="list-style-type: none"> - A satisfactory section 278 legal agreement securing details of the proposed access is not completed

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.
- Also at the request of Councillor Walters in the event that the recommendation is to grant planning permission for reasons of public interest

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site consists of 55.36 hectares of agricultural land on the south-west side of the A308 (Windsor Road) and to the south-east of Fifield Road. The site is roughly rectangular in shape with two parcels of land excluded from the site; The Guild House and Queens Acre Caravan and Camp Site.
- 3.2 The site lies entirely within the Metropolitan Green Belt. A very small portion of the south-east part of the site lies within flood zones 2 and 3. There are public footpaths crossing the site.

4. KEY CONSTRAINTS

- 4.1 Green Belt

Flood Zones 2 and 3

Public Rights of way

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 Planning permission is sought for the extraction of 1.7 million tonnes of sand and gravel at the site, at a rate of about 250,000 tonnes per annum. The site will be worked in phases, from east to west, finishing with land at the north of the site closest to the access point. Extraction from the site would take approximately 7 years, each phase being infilled immediately after cessation of extraction. Following completion of the works, the site will be fully restored to agricultural use at original ground level. Infill material will be imported to the site also at a rate of 250,000 tonnes per annum. The total duration of the works would be approximately 10 years (including preparation of the land, removal of top soil and sub soil, extraction of sand and gravel, infilling and restoration).
- 5.2 No processing plant is proposed at the site with all material to be processed off-site. Sand and gravel extracted from the site would be transported by road along the A308 to the existing Summerleaze processing plant site at Monkey Island Lane where it would be processed and sold. The processing plant at Monkey Island Lane benefits from a permanent unconditional permission for the importation, processing and exportation of sand and gravel.
- 5.3 A new access to the application site is proposed off the A308 Windsor Road. Top soil (3m high) and subsoil (4-5m high) banks are to be erected around the site perimeters. These are shown to be erected prior to the working of each phase it would screen.

- 5.4 The existing public rights of way around the peripheries of the site are to be fenced off from the operational areas during the course of the development. The public right of way crossing the site is to be diverted for the duration of the works.
- 5.5 There is no relevant planning history relating to the application site. However the following applications relate to the Monkey Island Lane processing plant:

Reference	Description	Decision
19/01213/CONDIT	Details required by Condition 2 (Details of fleet) and Condition 3 (Contamination) of planning permission 17/00514/FULL for the demolition of existing sheds and offices, re-location of weighbridge and construction of workshop building for servicing and maintenance of vehicles based at the site, with attached canteen / restroom.	Application approved
17/00514/FULL	Demolition of existing sheds and offices, re-location of weighbridge and construction of workshop building for servicing and maintenance of vehicles based at the site, with attached canteen / restroom.	Application permitted
88/00066/FULL	Extraction of sand and gravel	Application refused

- 5.6 The lawful use of the site is as a plant site and processing area used in connection with the Company's extraction operations, both at Monkey Island and elsewhere. The existing use was established under a planning permission granted in 1971 and is not conditional as to where material is extracted, nor does it specify an 'end date' for this use, nor any requirement to restore the site.
- 5.7 It is relevant to note that outline planning permission has been granted for a residential development of 127 dwellings on land opposite the application site (land north of the Windsor Road known as Water Oakley Farm), ref: 18/01804/OUT.
- 5.8 Furthermore, planning permission has been granted for the relocation of phoenix gym club immediately to the south-west of the application site, ref: 15/02107/FULL.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Green Belt	GB1 and GB2
Design in keeping with character and appearance of area	DG1
Highways	P4 and T5
Trees	N6
Flood Risk and Groundwater	F1, NAP4
Archaeology	ARCH2, ARCH3 and ARCH4
Listed Buildings	LB2
Noise, dust and other pollution	NAP3 and NAP4

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

The Berkshire Replacement Minerals Local Plan (Incorporating the Alterations Adopted in December 1997 and May 2001):

- 6.2 This is referred to as the Berkshire Minerals Plan or BMP within this report. The following policies are of relevance to this application:

BMP6	Planning permission to be granted only where an acceptable balance is achieved between all relevant planning considerations and appropriate site restoration is provided for
BMP7	Criteria for assessment of minerals applications
BMP8	Presumption in favour of permission within Preferred Areas subject to criteria in BMP6 and specific requirements for each of the Preferred Areas
BMP10	Presumption against minerals development outside the identified Preferred Areas
BMP11	Presumption against minerals development within identified designated areas
BMP12	Strong presumption against sand and gravel extraction in other protected areas such as Areas of Special Landscape Protection etc.
BMP13	This policy states that there will be a strong presumption against sand and gravel extraction on other adversely affected land.
BMP18	Restoration of mineral workings, including provision of legal agreements to secure the restoration
BMP19	Public benefits to be secured through restoration schemes
BMP20	Restoration schemes to be in accordance with specific proposals for each Preferred Area identified in the Plan.
BMP21	Documentation required to accompany applications
BMP28	Erection of processing and manufacturing plant at minerals sites

The Waste Local Plan for Berkshire (adopted December 1998)

- 6.3 This is referred to as the Waste Local Plan or WLP within this report. The following policies are relevant:

WLP24	Proposals for temporary recycling facilities on inert landfill sites.
WLP25	This policy that that the disposal of inert waste by landfilling will be permitted in Preferred Areas in the Minerals Local Plan and other extraction sites where necessary for restoration.

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2018)

Section 4- Decision-making
Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places
 Section 13- Protecting Green Belt land
 Section 14- Meeting the challenge of climate change, flooding and coastal change
 Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Natural resources	NR1, NR2 and NR3
Environmental Protection	EP2, EP4 and EP5
Makes suitable provision for infrastructure	IF2

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1 and QP5
Design in keeping with character and appearance of area	QP1, QP3
Sustainable Transport	IF2
Natural Resources	NR1, NR2 and NR3
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Rights of Way and Access to the Countryside	IF5

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 This document can be found at:
<https://www3.rbwm.gov.uk/blp>

Emerging Joint Minerals and Waste Plan

- 7.4 RBWM together with Bracknell Forest Council, Reading Borough Council and Wokingham Borough Council are working collectively to produce a new Joint Minerals and Waste Plan (JMWP) for the period up to 2036.

- 7.5 The draft Joint Central and Eastern Berkshire Minerals and Waste Plan (CEBMWP) has been subject to three rounds of consultation, an issues and options consultation in 2017, a draft plan consultation in 2018 and an additional site specific consultation on the potential allocation of Bray Quarry Extension which ended in August 2019. Comments are still being reviewed on this final round of consultation. In addition due to a shortage of suitable sites identified, a further call for sites exercise was undertaken in October 2019.

Minerals Delivery Strategy:

M3, M4 (*this includes the application site as a proposed sand and gravel allocation*)

Development Management Policies:

DM1, DM2, DM3, DM4, DM5, DM6, DM7, DM8, DM9, DM10, DM11, DM12, DM13.

Supplementary Planning Documents

- RBWM Interpretation of Policy F1

Other Local Strategies or Publications

- 7.6 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

57 occupiers were notified directly of the application.

The planning officer posted site notices advertising the application at the site on 20th November 2018 and the application was advertised in the Local Press on 22nd November 2018.

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

Comment		Where in the report this is considered
1.	The proposed access is approximately 90m west of the approved entrance to the Water Oakley residential development. The access for the sand and gravel extraction should be located further west nearer to the processing plant	See section vii
2.	A conveyor belt over the A308 should be seriously considered to ease the potential heavy lorry movements. The impact on the highway from the lorries will be considerable when considered in conjunction with other housing developments on the A308	A conveyor belt is not proposed as part of the application nor is it considered necessary as the impact on the Highway is considered acceptable. For further review of the Highway impacts see section vii
3.	The Highways report is unclear regarding the total number of HGV movements particularly regarding backfilling as these will be arriving at the site from a different direction.	See section vii
4.	Lorry movements shall not be allowed on the Oakley Green Road	See section vii
5.	Wheel washing of all vehicle should be a condition	Noted

6.	A bund along the A308 with native planting should be considered to mask the site	Bunding is proposed as part of the application
7.	Although not directly related to the application a speed limit of 40mph on this stretch of the A308 and a double white line preventing overtaking would be welcomed.	The assessment of the application must be directly related to the potential impacts of the proposed development
8.	The gravel extraction will be an inconvenience for residents for up to 10 years	The visual impact, noise and disturbance and vehicular movements have not been found to have an adverse impact on the living conditions of neighbouring residents.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No objection subject to conditions relating to groundwater pollution and flood risk	Noted. See section viii
Natural England	No objection subject to conditions to secure mitigation methods	Noted
LLFA	No objection subject to a condition relating to groundwater and surface water runoff management measures	Noted. See section viii

Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Recommend for refusal: Due to the increased number of vehicular movements, Bray Parish Councillors recommend that a conveyor system is used and that until the review of the A308 has been completed, there should be no additional routes directly onto the A308.	See section vii for assessment of impact on the highway
Highways	The development is likely to lead to an additional 34 HGV trips per day (17 to and 17 from the site). Based on the distance travelled, and the daily variance in traffic flows on Windsor Road, the above predicted trips are unlikely to prejudice road users or lead to an appreciable increase in vehicular activity across this section of the A308. The construction of the temporary access onto the A308 shall be the subject of a Section 278.	See section vii
Trees	No objections, however the Tree Protection Plan will need to be updated	See section ix
Conservation	The additional heritage information provided is welcomed. It is agreed that the works would cause less than substantial harm to the setting of Oakley Court and Down Place lodge and there is likely to be little impact on the wider setting of Bray Studios and the adjoining property. There is still a level of harm to the setting of Oakley Court and the lodge such that the site should be well screened. The current screening is still very immature and would need to be supplemented with additional tree planting. The	Cross-sectional drawings have now been provided

	bunding should be wide enough to be planted. Cross-section of the bunds and other structures would be helpful. It is unclear whether the site will be secured with a fence.	
Ecology	No objections subject to conditions regarding biodiversity enhancements and an ecological management plan	See section x
Archaeology	No objection subject to a condition requiring a written scheme of investigation and programme of archaeological work.	Noted. Condition recommended
Planning Policy	Although the proposal is not within a preferred area for mineral extraction in the adopted Minerals Local Plan, there may be sufficient justification to make an exception to the general presumption against extraction in this area. Moreover, if the site is considered to be inappropriate development due to openness not being preserved, there are significant material considerations, such as the proposed allocation of the site in the emerging Minerals and Waste plan (although the plan itself has limited weight), the great weight given to the benefits of mineral extraction in the NPPF and the local need for mineral supply to weigh against any harm. These benefits may together constitute 'Very Special Circumstances' As such, there is no objection to the planning application from the Planning Policy team.	See main report
Public Rights of Way	The dedication of the two new footpaths are welcomed. Recommended that the proposed new footpath running parallel with Windsor Road should extend further westwards to enable walkers to avoid walking directly alongside the busy road. In addition a further footpath should be provided along the western boundary of the site so walkers could avoid walking along the edge of the carriageway on Fifield Road.	See section vii

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i. EIA regulations and matters for consideration
- ii Green Belt
- iii Need for minerals
- iv Impact on the Character of the Area
- v. Heritage
- vi. Impact on Residential Amenity
- vii. Highways and Public Rights of Way
- viii. Flooding/Drainage
- ix. Trees
- x. Ecology
- xi Soils, Land Quality and Reclamation
- xii. Very Special Circumstances

i EIA regulations and matters for consideration

- 9.2 The proposed development constitutes EIA development under Schedule 1 of the EIA Regulations due to it comprising a mineral extraction activity of 25 hectares or larger. Thus an Environmental Statement (ES) has been submitted with the application. The various submissions that form the ES have been scrutinised by the statutory and non-statutory consultees and the impacts of the proposed development on the Environment are considered throughout this report.

ii Green Belt

- 9.3 The entirety of the application site lies within the Green Belt and no part of the site can be described as previously developed land. Starting with the development plan, policy GB1 of the adopted Local plan states that within the Green Belt, approval will only be given, save for in very special circumstances, for a few limited forms of development. This includes engineering operations and other operations and the making of material changes in use of the land which maintain openness and do not conflict with the purposes of including land in the Green Belt. Furthermore, policy GB2 states that permission will not be granted for new development or for the redevelopment, change of use, or replacement of existing buildings within the Green Belt if it would, a) have a greater impact on the openness of the Green Belt or the purposes of including land in it than the existing development on the site and b) harm the character of the countryside.
- 9.4 Turning to the NPPF, paragraph 146 states that mineral extraction and material changes in use of the land are not inappropriate development in the Green Belt provided that they would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
- 9.5 A further consideration, albeit of limited weight, is policy QP5 of the Borough Local Plan submission version which states that the Metropolitan Green Belt will continue to be protected, as designated on the Policies Map, against inappropriate development. Permission will not be given for inappropriate development (as defined by the NPPF), unless very special circumstances are demonstrated.
- 9.6 As such, the aforementioned national and local Green Belt policy only deems mineral extraction to be appropriate development provided it preserves the openness and purposes of the Green Belt. This is discussed in further detail below.

Impact on openness and purposes

- 9.7 Whilst the concept of openness is not defined in Section 13 of the NPPF, it is commonly accepted through case law that openness has both a spatial and visual dimension. The spatial impact on the Green Belt is more easily assessed and can be derived by an assessment of the quantum of physical structures proposed within a site. Visual impact on the openness of the Green Belt however is ascertained through a consideration of how visible something is within the landscape and will be dependent very much on the positioning/location of the proposed development or activity and whether there is any screening or vegetation which would screen the proposed development.
- 9.8 In a recent court case (Sam Smith Old Brewery and Oxton Farm v North Yorkshire CC and Darrington Quarries Ltd, 16 March 2018), the Court of Appeal found that the visual effects of mineral extraction in the Green Belt must be considered when assessing whether openness is preserved, but that ultimately whether the visual effects of a particular project of mineral working would be such as to harm the openness of the Green Belt is a matter of planning judgement for the decision maker.
- 9.9 The use of the site for sand and gravel extraction would involve the following works taking place:
- A new access into the site off the A308
 - The siting of an office and welfare building
 - Weybridge/wheel washing facilities
 - Car parking and lorry parking
 - The extraction of the sand and gravel involving the use of machinery

- Vehicular movements within and to and from the site
- The construction of bunds around the extremities of the site
- Stockpiling of materials

- 9.10 Whilst the development would be of a temporary nature, that in itself would not take it out of the realms of inappropriate development if it were found to have an impact on openness and purposes, moreover the duration of the works may have a bearing on the amount of weight attributed to any harm to openness. In this case, extraction is to take place over a period of 7 years. Infilling will occur concurrently as each phase of works is progressed and restoration will occur on completion of the works, the total time period for operations being approximately 10 years.
- 9.11 In comparison to the current state of the land as an open agricultural field, the proposed works listed above would result in the physical presence of buildings, structures, machinery, materials and vehicles on the land. Whilst the welfare and parking area would be stationed in close proximity to the Windsor Road and therefore away from the more sensitive and open parts of the site, their presence could not be said to preserve the openness of the Green Belt. Furthermore, whilst the development would be completed in phases, the working of each parcel of land itself would not preserve the openness of the Green Belt due to the use of machinery and the stockpiling of materials. It is therefore considered that the proposed works and development would have a greater spatial impact on the openness of the Green Belt than the existing site which is permanently free from buildings and activity.
- 9.12 The proposed development would generate additional activity within the site and on the roads which would be visible to the surroundings. Whilst the buildings are single storey, their presence alongside the other structures and vehicular movements as listed above would generate activity on a site which currently has none. Visible presence of the land being worked and materials taken from the site by HGVs would have a visual impact on the openness of the Green Belt.
- 9.13 Regarding harm to the purposes of the Green Belt, it is considered that there would be a temporary encroachment of the countryside as a result of the proposed works.
- 9.14 It is accepted that the spatial and visual harm to openness would be limited given the nature of the works and that encroachment into the countryside would also be limited and of a temporary nature. Nonetheless, it is concluded that the proposed development does not preserve the openness of the Green Belt and thus constitutes inappropriate development in the Green Belt for which Very Special Circumstances are required. The case for Very Special Circumstances is considered at section xii below.

iii Need for Minerals

- 9.15 The adopted minerals and waste plans for the Berkshire area are the Berkshire Replacement Minerals Local Plan (BMP) (adopted in 1995 and subsequently adopted alterations in 1997 and 2001) and the Waste Local Plan for Berkshire (adopted in 1998). Although these plans covered the period until 2006, the Secretary of State directed that a number of policies in them should be saved indefinitely until replaced (these are cited at 6.2 and 6.3 above).
- 9.16 Policy 6 of the BMP sets out the basic principles which should be taken into account in considering applications for sand and gravel extraction. This essentially is a 'balancing act' between need and environmental concerns. Policy 7 of the BMP sets out the material environmental considerations for assessing the merits of sand and gravel applications, to assist in this balancing act. This includes having regard to impacts on living conditions, traffic effects, character of settlements, ecology/archaeology, agricultural land, landscape, recreation, the water environment and minimising disturbance. (An assessment of all these matters is considered further in this report below).
- 9.17 Policy 8 of the BMP states that in Preferred Areas indicated on the Proposals Map, there will be a presumption in favour of allowing applications for the extraction of sand and gravel provided that the requirements of Policy 6 are satisfied. The application site is not listed as a 'Preferred Area' for mineral extraction as it was not required at the time the plan was prepared. However, as

stated in the applicant's Planning Policy Report, part of the application site falls within an area shown on the Proposals Map (in light pink) as 'All other Sand and Gravel Deposits'. Importantly, no part of the site falls within the dark pink or red areas where there is a strong presumption against allowing sharp sand and gravel extraction. In any case limited weight is afforded to the adopted minerals and waste plan due to its date and the fact that it pre-dates the NPPF.

- 9.18 Policy 10 of the BMP states that applications for sharp sand and gravel extraction outside of the Preferred Areas will normally be refused. However, it adds that in considering whether or not to make an exception to this general presumption, LPAs will take account of factors such as (i) whether there is a need to disturb land outside the Preferred Areas in order to maintain a landbank figure (at least 7 years), (ii) whether the need could be more acceptably met elsewhere or (iii) whether the proposals overcome considerations in Policy 7.
- 9.19 Regarding point (i), the LPA currently have a landbank of 9.4 years, however after the current reserves have been used, there is a requirement for approximately 7.5 million tonnes of sharp sand and gravel from the remainder of the plan period to 2036. The sites listed in Policy M4 of the draft JCEB MWP, which includes the application site, would contribute to meeting this shortfall; however, they would not meet it entirely.
- 9.20 Regarding point (ii), there are four Preferred Areas within RBWM, all of which have extant permissions for mineral extraction (Sheephouse Farm, Maidenhead, Riding Court Farm, Datchet; North of Horton (which includes Horton Brook and Poyle Quarry), and Railway Land, Kingsmead, Horton (which includes Kingsmead Quarry). All these areas are being worked out now and there are no further Preferred areas within RBWM.
- 9.21 Regarding point (iii), the impact of the development on living conditions, traffic effects, character of settlements, ecology/archaeology, agricultural land, landscape, recreation, the water environment and minimising disturbance is assessed throughout this report, but provided these matters can be addressed, there is a clear case for using the application site for sand and gravel extraction to meet the needs of the Local Authority Area.
- 9.22 Turning to national policy, in relation to facilitating the use of natural materials, paragraph 205 of the NPPF states that local planning authorities should, inter-alia, give great weight to the benefits of mineral extraction, including to the economy; ensure that there are no unacceptable impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality; and provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through application of appropriate conditions, where necessary. It is clear therefore that the NPPF places great importance on the extraction of minerals.
- 9.23 While there are clear general benefits arising from mineral extraction, there is a specific recognised need for minerals sites within the Local Authority area and indeed the wider plan area. The length of time it has taken for the new plan to be brought forward is significant and it should be noted that few objections have been received to the Water Oakley Consultation and therefore significant weight should be given to the fact that this is one of a few suitable sites for mineral extraction. In this case therefore, not only is there justification to use the site for the extraction of sand and gravel despite the allocation not yet being adopted, but there is a clear need and therefore a recognised benefit to the Local Authority if this site were to be worked and this should be recognised within the Case for Very Special Circumstances and Planning Balance.

iv. Impact on the landscape and the character of the Area

- 9.24 The application site does not contain any formal landscape or nature conservation designations, however a thorough assessment of the effect on local landscape character has been carried out and included within the ES submissions and entitled 'Landscape and Visual Impact Assessment'. The desktop review and field assessment indicate that the potential landscape effects at the operations phases include the temporary loss of Grade 2, 3 and 3b agricultural land within the proposed Extraction Area but that this would progressively be restored. The greatest impact on landscape character would occur within the extraction area and beyond the site the effects would

be limited due to the presence of boundary screening in the form of woodland and hedgerows and the erection of perimeter bunds.

- 9.25 The construction of the access onto the A308 would open up views into the site and the temporary welfare and office buildings would be visible from the road. In addition as the different phases of the development are worked, the location of the machinery and stockpiling would move around the site and be partially visible from various locations around the peripheries of the site. There would also be the presence of HGV movements within the site and onto the A308.
- 9.26 It is accepted that the character of the area would be altered as a result of the proposed development, however, due to the presence of boundary screening and the proposed erection of bunds, the impact on the local landscape character is not considered to be adverse and the temporary nature of the operations is taken into account. It is therefore concluded that the proposed use of the site for sand and gravel extraction and the associated works and development would be acceptable with regard to the impact on the character of the area.

v. Heritage

Impact on listed buildings

- 9.27 The site lies in proximity to nearby listed buildings Oakley Court Hotel, which is grade II* listed and also Down Place, which is grade II listed. These listed building lies to the north of Windsor Road. The outbuildings to both of the listed houses lie close to Windsor Road. The original lodge to the Oakley Court Hotel is located just across the road from the north east corner of the site, the stables are directly to the north of this and there are other outbuildings to the east that could also be considered as listed. These heritage assets have some views towards the proposed workings.
- 9.28 Whilst some concern was expressed initially regarding the impact on the setting of Oakley Court and Down Place Lodge, a Heritage Impact Assessment of Listed Buildings document and cross-sections of the proposed site operations have been submitted and it has been demonstrated that due to the presence of boundary screening and the erection of bunds coupled with the distance between the site and the nearby listed buildings, these adjacent heritage assets would not be harmed. A request has been made for additional planting on the outer slopes of the bunds however to further mitigate the harm.

Archaeology

- 9.29 Berkshire Archaeology have assessed the application, including the ES. The Heritage Impact Assessment and the Cultural Heritage chapter of the ES note that the impacts of the proposal on the buried archaeological resource will be 'substantial' in that all buried remains within the area proposed for gravel extraction will be entirely destroyed. The application therefore proposes a programme of archaeological mitigation, which includes archaeological excavation and an archaeological watching brief.
- 9.30 Buried archaeological remains have been recorded in widespread locations across the site but none of the remains so far identified are of sufficient significance that they merit preservation in situ. However the remains will require suitable investigation and recording prior to their loss. Furthermore, there is also the potential for other remains to exist in un-evaluated parts of the site, and therefore is it appropriate that a strip, map and sample exercise is undertaken when topsoil/subsoil is stripped. Berkshire Archaeology have therefore recommended a condition requiring a Written Scheme of Investigation be submitted, prior to commencement of development (condition X).

vi. Impact on Residential Amenity

- 9.31 It is acknowledged that noise from mineral extractions and landfill works vary as the phases are worked. Noise in the centre of the site would not result in undue impact on nearby residents, however it is considered that noise can be an issue as the areas near the boundary are worked.

- 9.32 The nearest residential properties to the site include those on the west side of Fifield Road and the north side of Windsor Road. These residential properties would have the benefit of the intervening road in-between their boundaries and the application site to mitigate the noise and visual impacts of the development.
- 9.33 Longlea Nursing Home lies to the south of the application site but not immediately adjacent to the boundary. There is a parcel of land of approximately 100m in width in-between the nursing home and the application site (where planning permission has been granted for the relocation of phoenix gym). In addition there is a mature tree screen on the north boundary of the nursing home such that noise, disturbance and visual impacts from the proposed operations (during phase 4) would be of an acceptable level. The working of other phases would be at an even greater distance from this neighbouring nursing home.
- 9.34 Queen Acre Cottage, Queens Head and Queens Acre Caravan and Camping Site lie on the south side of Windsor Road and are sited between two parcels of land included within the application site. These parcels of land are marked as phases 5A and 5B. Regarding visual impact, the presence of boundary screening and bunds would ensure that the proposed operations and activity would not be visually intrusive to these neighbouring occupants. (It should also be noted that there is no lawful use certificate for the caravan site.)
- 9.35 Whilst the time spent working near any specific part of the boundary is limited, the volume of the noise has the potential to be disturbing and as such, noise and disturbance to all closest neighbouring residents to the application site has been considered in the submitted Noise Assessment Report which has been analysed by the Council's Environmental Protection team. Provided the bunding is in place, the noise levels are stated to be in line with current guidelines on noise contained in the NPPG
- 9.36 Environmental Protection are satisfied with the findings of the Noise Impact Assessment and have recommended conditions to ensure that the noise levels at the boundaries of the site are consistent with those set out in the Noise Assessment Report (condition 12). Furthermore, the working hours are to be controlled by condition to further protect living conditions (condition X).

vii. Highway and Public Rights of Way

- 9.37 A new temporary access to the site is proposed off the A308 Windsor Road which will be utilised by HGVs and staff vehicles. The sand and gravel to be extracted from the site would be transported directly to the processing plant in Monkey Island Lane. The Transport Statement suggests an extraction rate of 250,000 tonnes per annum over a period of 7 years which would lead to 50 loads or 100 HGV movements per day (50 in and 50 out). 2 years after commencement of the extraction, the infilling of the voids would commence, leading to a total of 67 loads or 134 HGV movements per day (67 in and 67 out). However, the Transport Statement also sets out that there would be a reduction of HGV movements on the public highway as a result of the cessation of movements from the Summerleaze site to the processing plant (to the north of Monkey Island Lane) of 100 HGV movements. In total therefore the net increase in HGV movements as a result of the proposal would be 34 per day.
- 9.38 In terms of routing, the HGVs will use the proposed access, turning left out of the application site towards the processing site. It is proposed that all vehicles using the site will approach the access from the west, turning right into the site. Due to the proximity of the processing plant, the vehicle movements for the transportation of sand and gravel to and from the site will therefore be limited to a very short stretch of highway. It is therefore not considered that a routing agreement or condition is necessary to control the routing of HGVs.
- 9.39 The Highways Officer has outlined the accidents reported across this section of the A308 and advises that these are isolated incidents and that these are the result of driver error, rather than any specific deficiency on the highway network.
- 9.40 Despite objection raised from local residents and the Parish Council, the proposed number of vehicle movements is considered acceptable on the public highway. It must be considered that the HGVs transporting the minerals from the application site to the processing plant are for the

most part already on the public highway exporting material from other working sites to Monkey Island Lane. Once the application site is operational, HGV trips from these other sites will cease and those vehicles will start work on the application site (as set out in the accompanying Transport Statement).

- 9.41 Further comments have been received from the Highways Officer which consider the location of the proposed access in relation to the approved access to the residential development at Water Oakley, to the north of the A308. The advice given is that the two accesses are sufficiently far enough away from one another so as to accord with the relevant highway regulations.
- 9.42 The Highways Officer has requested that a section 278 agreement be entered into prior to the commencement of development to secure details of the new access. It is considered that a routing agreement is not required as the HGVs will leave the site and go straight to Monkey Island Lane processing plant. A capping condition has been suggested by the Highways Officer, however it is considered more reasonable to request that the movements reflect the details within the submitted Transport Statement (condition 24).

Public Rights of Way

- 9.43 There are a number of public rights of way which lie within or close to the site. Footpath Bray/53 crosses the site and therefore there is a requirement to temporarily divert this footpath for a period of time to allow the development to proceed. This diversion would be subject to a formal diversion application but the footpath would be reinstated following completion of the extraction and restoration. Furthermore, two new permanent footpaths are proposed as part of the restoration works which would improve public access in the vicinity of the application site post restoration. The suggestions made by the Public Rights of Way Officer are noted but are considered to go above and beyond what is reasonable for the applicant given two new footpaths are being proposed.

viii. Flooding/Drainage

- 9.44 The application and the accompanying ES has been reviewed by both the Environment Agency (EA) and the Lead Local Flood Authority (LLFA).

EA considerations – impact on groundwater pollution and flood risk

- 9.45 The development site is located within Source Protections Zones 2 and 3 and upon a Principal Aquifer. These areas are designated to identify the catchment areas of sources of potable water (that is high quality water supplies usable for human consumption) and show where they may be at particular risk from polluting activities on or below the land surface.
- 9.46 A very small part of the site (in the South East corner) is also shown to be within Flood Zones 2 & 3, which is land defined by the Planning Practice Guidance on flood risk and coastal change as having a medium and high probability of flooding.
- 9.47 The EA have advised that the Water Regime Report and Environmental Statement submitted in support of the application demonstrates that it will be possible to suitably manage the risks posed to groundwater resources by the proposed development. However conditions are recommended to ensure that the mineral extraction does not harm the water environment (conditions 4, 5 and 6).
- 9.48 With regard to flood risk, a very small area of the site is shown to be at risk of flooding. Whilst there is no extraction or associated development proposed to take place in this area, the concept restoration plan does show some restoration planting and a pond within the area which may be at risk and therefore a flood risk assessment should be submitted to the planning authority prior to the restoration phase.

LLFA – impact on ground water and surface water flooding

- 9.49 The LLFA have reviewed the Water Environment Report, the Surface Water and Groundwater Management Plan, the consultation response from the EA and the further comments submitted by the applicant dated 6th August 2019. No objections are raised provided a condition relating groundwater and surface water runoff management measures is attached to the decision (Condition 8).

ix. Trees

- 9.50 A Tree survey report, tree survey plans and a tree protection plan have been submitted with the application. Whilst the site contains many trees and hedgerows on the site boundaries, there is very limited vegetation within the site. The Tree Officer has advised that the proposals are largely acceptable and has recommended a condition to ensure that the submitted tree protection plan is updated prior to commencement of development.

x. Ecology

- 9.51 The applicant's Environmental Impact Assessment, which includes an ecology survey report, has been assessed by the Council's Ecologist. It is advised that the Ecological Assessment has been undertaken to an appropriate standard and concludes that in the long term there will be a small net gain for biodiversity if the fields are restored as shown.,
- 9.52 As a result of the proposed development there will be the loss of 3.5 ha of arable, 300 sq. metres of recent planting for the access, 300 metres intermittently wet ditch and 300 metres track and associated grassland. Restoration will take place on a rolling basis and will result in the gain of 2160 metres species rich hedges with standard oaks, 0.7 ha planting in field corners, 0.5 ha of wildlife planting including species-rich grassland and a pond and the replacement of the track and associated grassland. There will be creation of 1800 metres of new perimeter drain created which will be intermittently wet. The remainder of the site will be returned to arable.
- 9.53 The restoration of increased areas of grassland and greater length of intermittently wet ditch, planting of hedges, the wildlife area and the tree planting in field corners together with the increase in invertebrate diversity and potential for sand martin and little ringed plover during quarrying are all of low positive significance. All other impacts are neutral after mitigation and compensation with the exception of the loss of 3.5 ha arable. There will be no impact on any designated site. It is however necessary to ensure that wildlife is protected during works and that the site is managed for wildlife in the long term. This is to be secured by planning conditions.

xi. Soils, Land Quality and Reclamation

- 9.54 Natural England have assessed the proposals with regard to impact on the natural environment and have advised that without appropriate mitigation, the proposal would result in the potential loss of over 29.45 hectares of Best and Most Versatile Land. In order to mitigate these effects further information is required relating to soil handling, profiling, surface gradients and drainage systems. The consultation comments from Natural England dated 10th January 2019 recommend 25 conditions relating to soil handling, stripping, storage, replacement and aftercare. The applicant has attempted to address many of these points however the concerns from Natural England still remain. It is considered that the requirements of these conditions can be encompassed into one condition requiring the applicant to submit a single soil management and aftercare plan to be submitted prior to the commencement of development which needs to update the information already submitted within the ES (Agriculture and Soils document) and specifically address the concerns outlined in the consultation comments from Natural England dated 10th January 2019 (condition 25).

xii. Very Special Circumstances

- 9.55 Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of

inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. The following considerations have been put forward in support of the application.

Benefit of mineral extraction

- 9.56 Paragraph 203 of the NPPF states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite resource and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation. Paragraph 205 of the NPPF states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. However in this case, as identified in the preceding paragraphs because there is an undersupply of suitable sites for mineral extraction in the Local Authority area, in this specific case **substantial weight** is attributed to the benefit of mineral extraction to the Borough and the wider plan area.

Temporary harm to Green Belt and restoration of the land

- 9.57 The applicant makes the case that the operational period will be of a temporary nature and the site will be returned to open land – free from development and activity - once the sand and gravel has been extracted and the land filled. Whilst this does not take it out of the realms of being inappropriate development, a case such as this must be considered differently to one which would result in permanent loss of openness to the Green Belt. Indeed the NPPG advises that when considering the potential impact of development on the openness of the Green Belt the duration of the development and provision to return land to its original state of openness must be taken into account. As such, whilst the proposed development has been defined as inappropriate, there is a benefit in that the openness of the Green Belt would only be harmed for a limited period of time and the land would be returned to a state of openness after 10 years.

Sustainable Waste Management

- 9.58 The proposal would use inert fill material from local construction and demolition projects in the restoration of the site. Use of the site for the disposal of local waste material is considered to be preferable to waste disposal outside the District which would result in increased road movement and for longer distances. The contribution that the proposed development will make towards achieving a sustainable waste development strategy in the joint authority areas is considered to be of benefit to the Local Authority.

Biodiversity Enhancements

- 9.59 The restoration of the site would lead to biodiversity enhancements which should be afforded some but limited weight in the case for Very Special Circumstances. The NPPF advises at paragraph 175 that opportunities to incorporate biodiversity improvements where this can secure measurable net gains for biodiversity should be encouraged.

Improved public access

- 9.60 As part of the proposed restoration of the site two new public footpaths are proposed (as can be seen on the Concept Restoration Plan). These two new footpaths would improve public access in the vicinity of the application site.
- 9.61 Cumulatively these aforementioned environmental and public benefits (including the temporary harm to openness and restoration of the land, sustainable waste management, biodiversity enhancements and improved public access) are attributed **moderate weight**.

Conclusion on Very Special Circumstances

- 9.62 As highlighted above the weight attributed to the benefits of mineral extraction in this case is **substantial**. Also on this side of the balance are the benefits arising from the restoration of the land, biodiversity enhancements, use of sustainable inert fill material and improved public access, which cumulatively are afforded **moderate weight**. As such, when considering these matters

cumulatively, the weight to be applied to them would more than outweigh the substantial harm to the Green Belt such that Very Special Circumstances exist in this case to justify the harm to the Green Belt as a result of the proposal.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 10.2 Whilst the application site is within the Green Belt, Very Special Circumstances have been found to exist which justify the approval of inappropriate development. As set out above the proposal would result in the exaction of 1.7 million tonnes of sand and gravel at a time where there is a significant need for minerals and a shortage of sites within the Local Authority area. The duration of the works are temporary and the restoration of the site will restore the openness of the land and bring about added benefits to public access and biodiversity.
- 10.3 As such, and for the reasons set out above, the proposed development is considered acceptable and planning permission is recommended subject the completion of the section 278 agreement to secure the requisite access arrangements.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location plans
- Appendix B – Phasing plans and detailed drawings

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 Prior to the commencement of infilling, details of the material to be used in the infilling of the excavated land shall be submitted and approved in writing by the Local Planning Authority. The infilling of the land shall thereafter be carried out in accordance with the approved details.
Reason: In the interests of ensuring the satisfactory restoration of the site. Replacement Minerals Local Plan for Berkshire Policies 18 and 19.
- 3 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 4 The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of groundwater and surface water, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority.
The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the local planning authority.
Reason: To ensure that the proposed development, including mineral extraction, does not harm the water environment in line with paragraph 170 of the National Planning Policy Framework and Position Statement N9 - Obstruction of flow of 'The Environmental Agency's approach to groundwater protection'.
- 5 Within 3 months of completion of the monitoring programme as approved by condition 4, a final report demonstrating that any unacceptable impacts to the aquifer have been mitigated for and

documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development including mineral extraction, does not harm the water environment in line with paragraph 170 of the National Planning Policy Framework and Position Statement N9 - Obstruction of flow of the 'The Environment Agency's approach to groundwater protection.'

- 6 Prior to the commencement of the restoration phase of the development approved by this planning permission a detailed Flood Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The FRA shall include the following:

1. Assess the impact of climate change using the latest guidance and appropriate climate change allowances.
2. Demonstrate if there is any loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development and if so that it can be mitigated for. Thereafter the restoration shall be carried out entirely in accordance with the approved FRA.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that storage of flood water and flood flow is retained.

- 7 No development shall take place until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI no development shall take place other than in accordance with the agreed WSI, which will include:

- The programme and methodology for the site investigation and recording and the nominated organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the agreed WSI

Reason: The proposal will impact on buried archaeological remains relating to the settlement and land use of this part of the Middle Thames Valley. The impacts can be mitigated by the agreed programme of archaeological work, so as to record and advance understanding of the significance of the heritage assets to be lost in accordance with paragraph 141 of the National Planning Policy Framework (NPPF), February 2019 and Policy 24 of the Replacement Minerals Local Plan for Berkshire (RMLPB) Adopted 1995, (including Alterations Adopted 1998 and 2001).

- 8 Prior to the commencement of the development, details of proposed groundwater and surface water runoff management measures shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Full details of all components of the proposed groundwater management and surface water runoff management measure including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
- Supporting calculations confirming the adequacy of the proposed measures
- Confirmation of how existing surface water flow paths crossing the site are to be managed without increasing flood risk elsewhere

The groundwater and surface water runoff management measures shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with the National Planning Policy Framework and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

- 9 The working hours of the site including site preparation, operation of plant, equipment, machinery and their maintenance or repair, vehicle deliveries and dispatches shall not take place outside the following hours: 07:00 - 18:00 Monday to Friday, 07:00 - 13:00 Saturdays. No work shall be undertaken outside these hours and on Sundays, Public and Bank Holidays.

Reason: To protect the amenities of the area and prevent nuisance arising from noise and to accord with Policy 7 of the RMLPB.

- 10 Following the replacement of topsoils, a post development topographical survey shall be undertaken and submitted to the Local Planning Authority.

Reason: To ensure the finished levels reflect those on the approved plans Policy 7 of the RMLPB.

- 11 No more than 200,000 tonnes of sand and gravel shall be extracted from the site in any calendar year. A date log shall be kept of the number of Heavy Goods Vehicles exporting sand and gravel from the site. The date log shall be provided to the Local Planning Authority within one month of a written request from the Local Planning Authority.

Reason: In the interests of protecting the amenities of nearby residents. Replacement Minerals Local Plan for Berkshire Policy 7.

- 12 Noise levels from site operations, including the operation of processing plant, excavations, infilling operations, vehicle movements within the site, and dewatering pumps, shall not exceed the limits identified in the submitted Noise Assessment Report, by WBM Acoustic Consultants dated 12 October 2017. Site preparation temporary operations including the creation of the access road and formation of bunds, soil stripping, final restoration and plant installation shall not exceed a noise level of 70LAeq, 1hr (free field) over a total of 8 weeks per calendar year.

Reason: In the interests of protecting the amenities of nearby residents and to accord with Policy 7 of the RMLPB.

- 13 All plant, equipment and machinery operating within the site shall be fitted with silencers and maintained in accordance with the manufacturer's specification and in good working order at all times. Any breakdown or malfunctioning leading to increased noise and/or dust emissions shall be dealt with promptly. Site operations shall be adjusted or suspended until normal working conditions of any malfunctioning plant, equipment and/or machinery is restored.

Reason: In the interests of protecting the amenities of nearby residents. Replacement Minerals Local Plan for Berkshire Policy 7.

- 14 Noise monitoring checks shall be undertaken to validate predicted noise levels at each noise sensitive location as identified in the Noise Assessment Report, by WBM Acoustic Consultants dated 12 October 2017. The monitoring is to ensure compliance with noise limits set out in condition 12, throughout the phased operations and preparation of the site. Any breaches of noise limits shall be notified to the Local Planning Authority with immediate effect and include details of corrective action/s taken or proposed to resolve the breach.

Reason: To protect the amenities of the area and prevent nuisance arising from noise. Relevant Policy 7 of the RMLPB.

- 15 Prior to the commencement of the development a plan showing full details of the access road and layout of the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the extent of the hard standing area, including the haul road, the location of the plant and associate structures. The layout shall be arranged so as to allow vehicles fitted with reversing alarms to turn without the need to reverse. Where reversing alarms are used on earth-moving plants, quieter or silent types shall be used. The access road and layout of the site shall be constructed and thereafter maintained in accordance with the approved plan.

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

- 16 None of the operations or activities hereby permitted shall cause dust to be emitted and deposited outside the site boundaries. In the event dust emissions occur, the activity shall be suspended until it can be resumed without causing further emissions.

Reason: To protect the amenities of the area and prevent nuisance arising from dust. Relevant Policy 7 of the RMLPB.

- 17 Prior to commencement a dust management plan detailing mitigation measures to control dust emissions from site operations, site preparation, plant, equipment, vehicles and machinery shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of specific measures for each proposed Phase and shall be implemented and maintained in full and in accordance with the approved dust management plan.

Reason: To protect the amenities of the area and prevent nuisance arising from dust in accordance with Policy 7 of the RMLPB.

- 18 Prior to installation, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed and maintained in accordance with the approved details.

Reason: To protect the amenities of the area and limit light pollution in accordance with Policy 7 of the RMLPB.

- 19 Prior to commencement, a complaints procedure setting out how the operator will record, address and respond to complaints from local residents relating to environmental matters including noise, dust, Heavy Goods Vehicles traffic and external lighting shall be submitted to and approved in writing by the Local Planning Authority. The complaints procedure shall be implemented and maintained as approved.

Reason: To protect the amenities of local residents and resolve nuisance complaints arising from the development. Relevant Policy 7 of the RMLPB.

- 20 Works shall not commence until an Extraction Ecological Management Plan (EcMP) has been

submitted to and approved in writing by the local planning authority. The EcMP shall include the following:

- a) Identification of "biodiversity protection zones".
- b) Details of pre-works ecological surveys.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during the works (may be provided as a set of method statements).
- d) The times during which specialist ecologists need to be present on site to oversee works.
- e) Clear aims and objectives for the site, and details of how the aims, objectives and prescriptions will be monitored.

The plan should include a table of prescriptions that outlines each management or monitoring activity and the predicted timeline of that activity. The approved Ecological Management Plan shall be adhered to and implemented throughout the extraction and restoration period and 5-years post-restoration monitoring shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise impacts on biodiversity in accordance with paragraph 170 of the NPPF

- 21 No later than 6 months prior to the commencement of restoration works, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the local planning authority. The content of the plan shall include the following:

- a) Purpose and objectives for the proposed works.
- b) Details of the specification, installation and maintenance of all biodiversity enhancement features, including tree and hedgerow planting and pond creation.
- c) Extent and location of proposed biodiversity enhancements shown on appropriate scale maps and plans.
- d) Timetable for implementation, demonstrating that works are aligned with the phasing of extraction and restoration.
- e) Persons responsible for implementing the Biodiversity Enhancement Plan. The works shall be carried out strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To provide a net gain for biodiversity in accordance with paragraph 170 of the NPPF

- 22 Restoration of the site, including the additional footpaths, shall be undertaken in accordance with the approved restoration strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ensuring the satisfactory restoration of the site. Replacement Minerals Local Plan for Berkshire Policies 18 and 19.

- 23 Within 12 months of the cessation of mineral extraction from the final phase of the extraction all the raised bunds shall be removed and the land restored back to its original ground level.

Reason: In the interests of protecting the area from flooding and to enable the restoration of the site. Replacement Minerals Local Plan for Berkshire Policy 7.

- 24 Traffic movements into and out of the site by heavy goods vehicles shall be consistent with the vehicle movements set out at approved Transport Statement dated September 2018.

Reason: In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highways users in accordance with Relevant Policies - Local Plan T5; Berkshire Replacement Mineral Plan.

- 25 Prior to commencement of the operations hereby permitted, a soil handling and management plan detailing mitigation measures to reinstate land to Best and Most Versatile Quality shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include mitigation measures to align with Natural England advice dated 10th January 2019. The operations thereafter shall be undertaken in accordance with the approved plan.

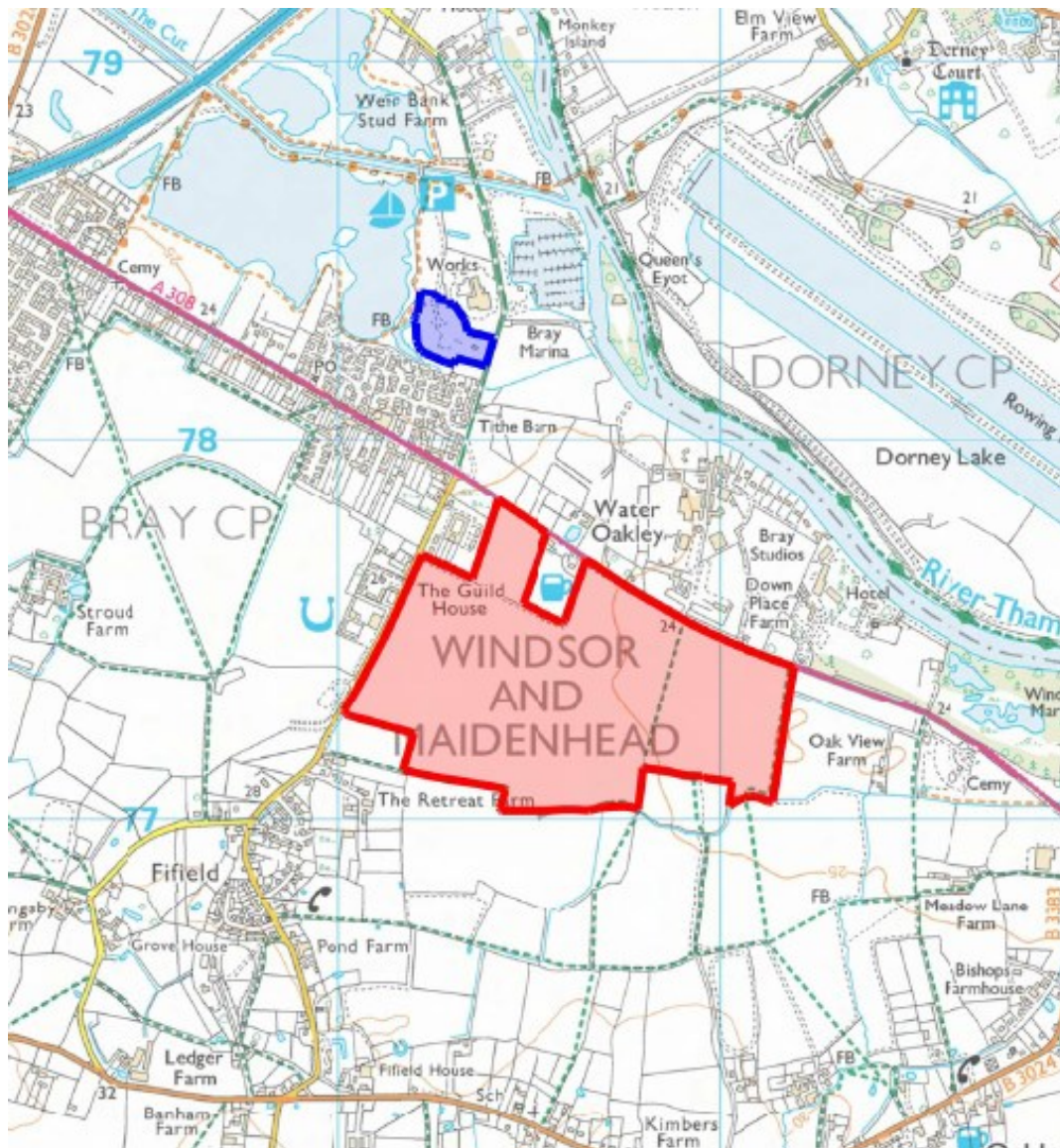
Reason: To protect the amenities of the area and prevent nuisance arising from dust in accordance with Policy 7 of the RMLPB.

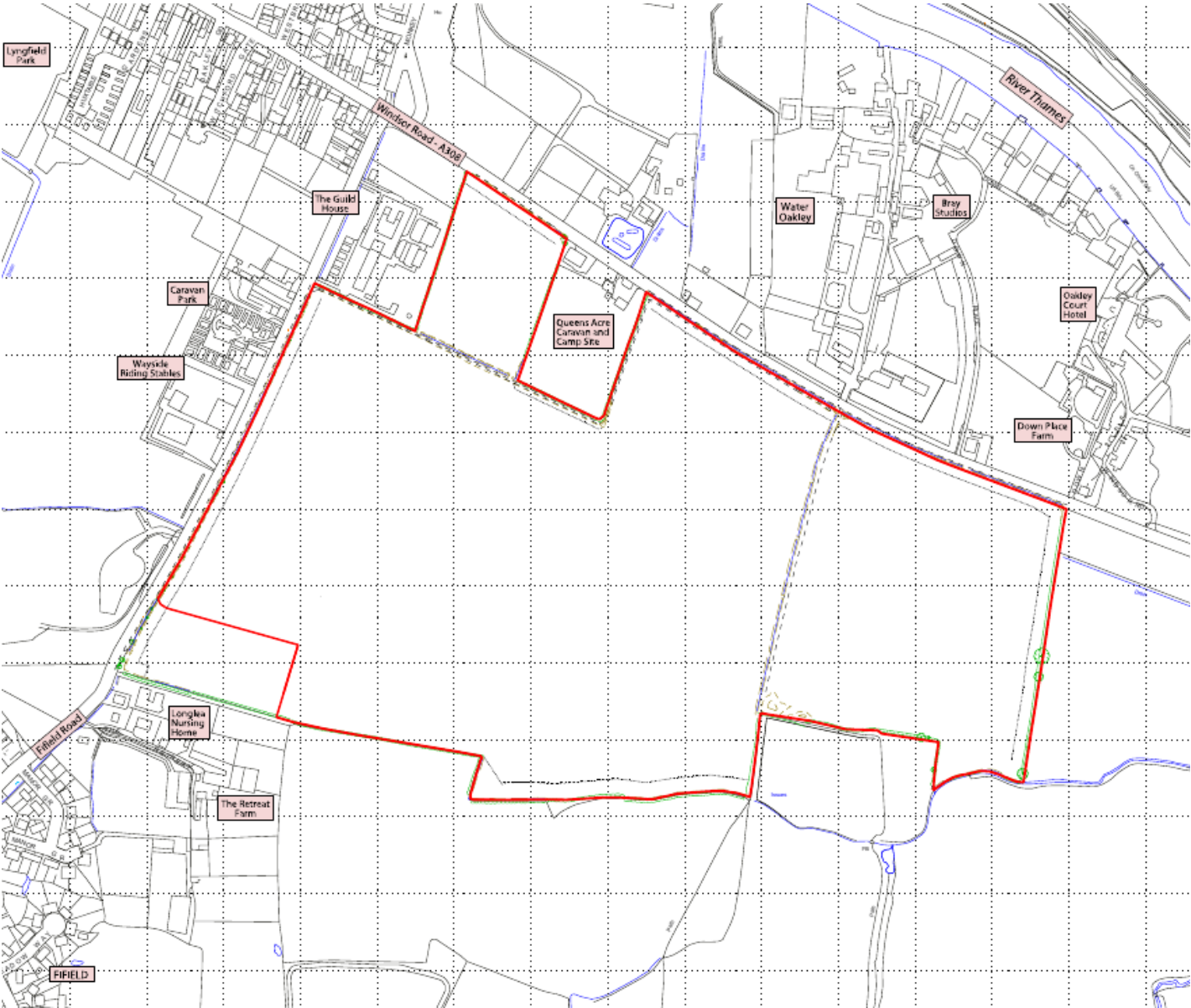
- 26 The extraction, infilling and restoration of the site shall be undertaken in accordance with the submitted details and approved plans listed below.

Reason: To ensure the development is carried out in accordance with the approved particulars and plans and in the interests of protecting the amenities of nearby residents. Replacement Minerals Local Plan for Berkshire Saved Policy 7.

Appendix A

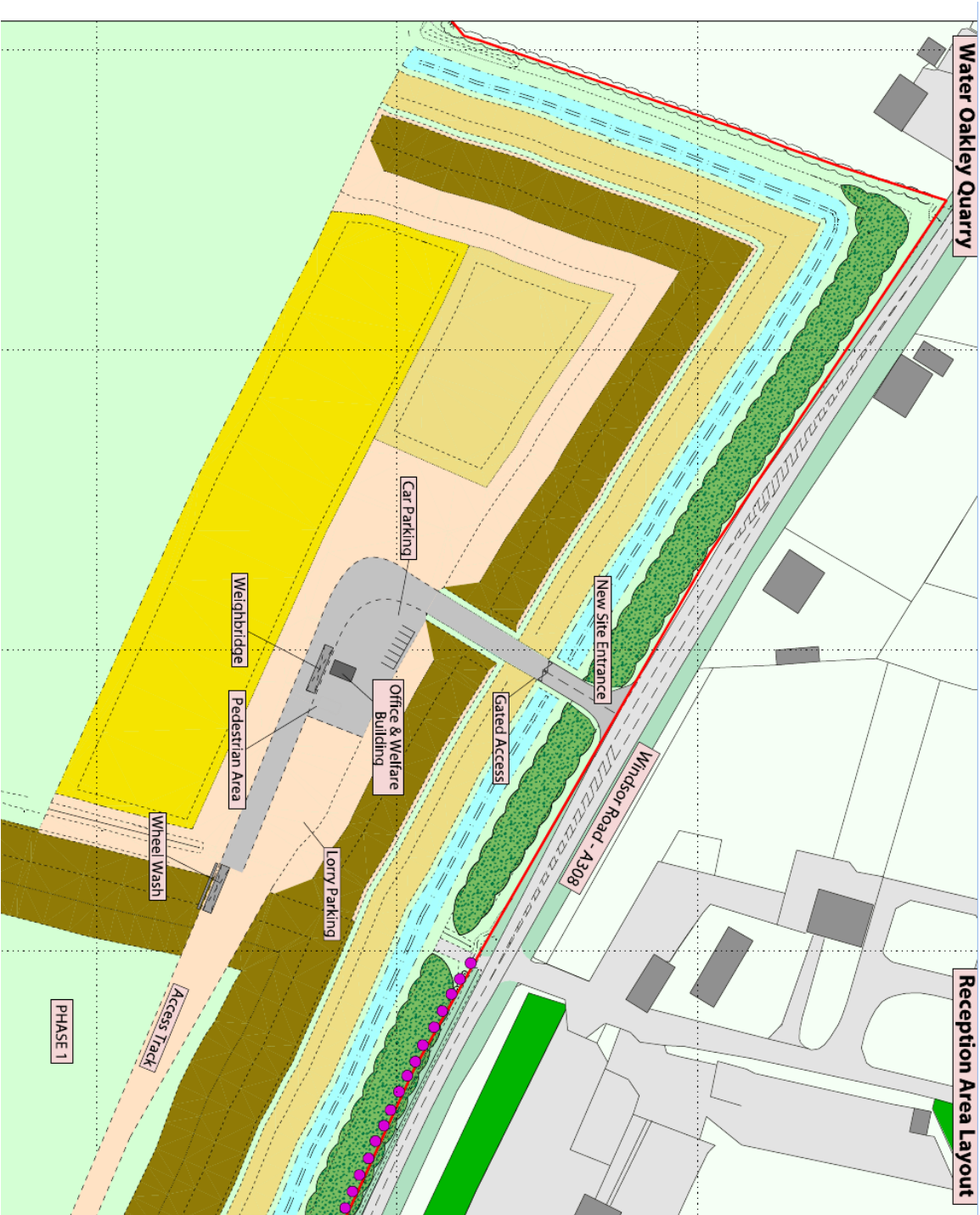
Location plan



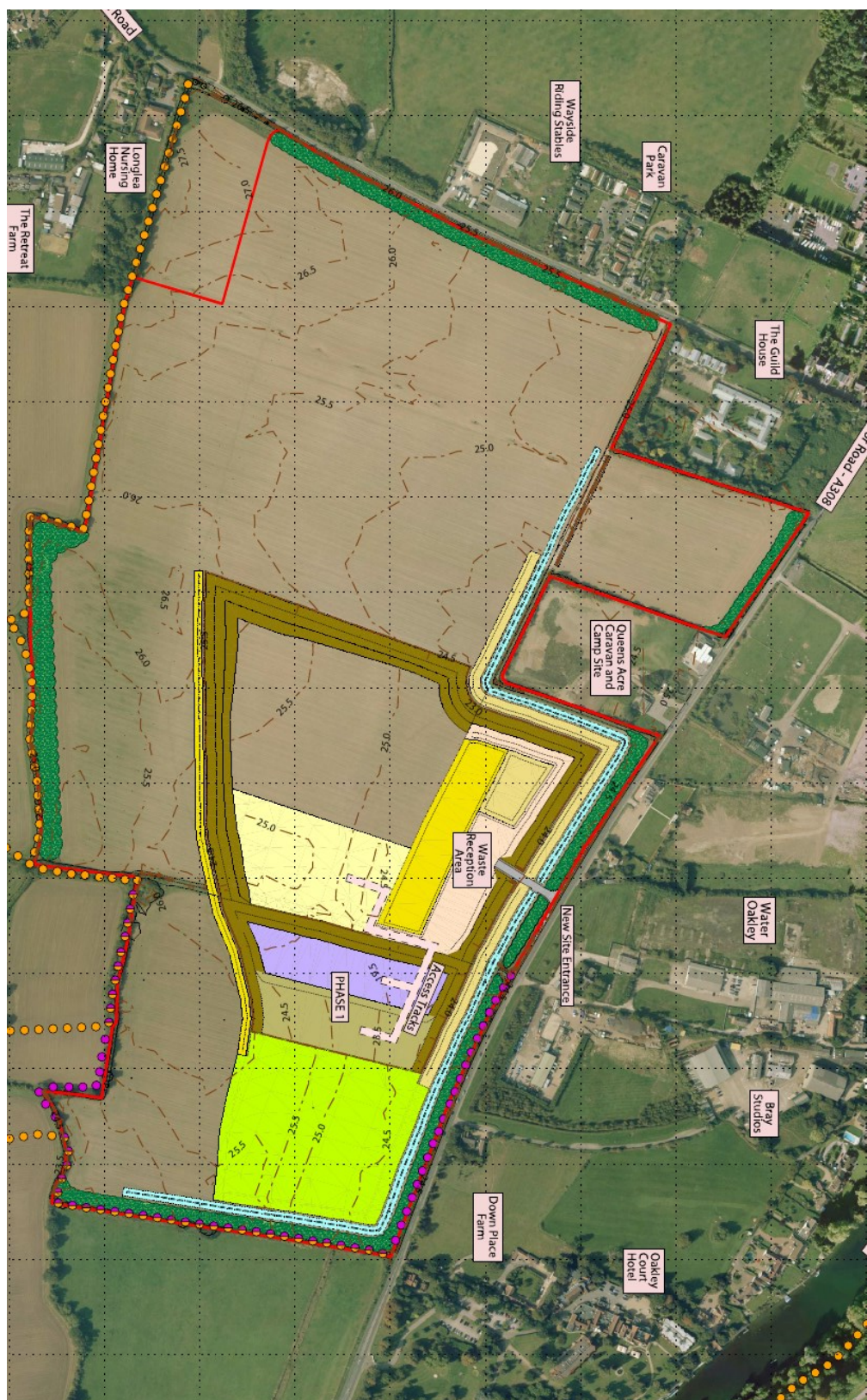


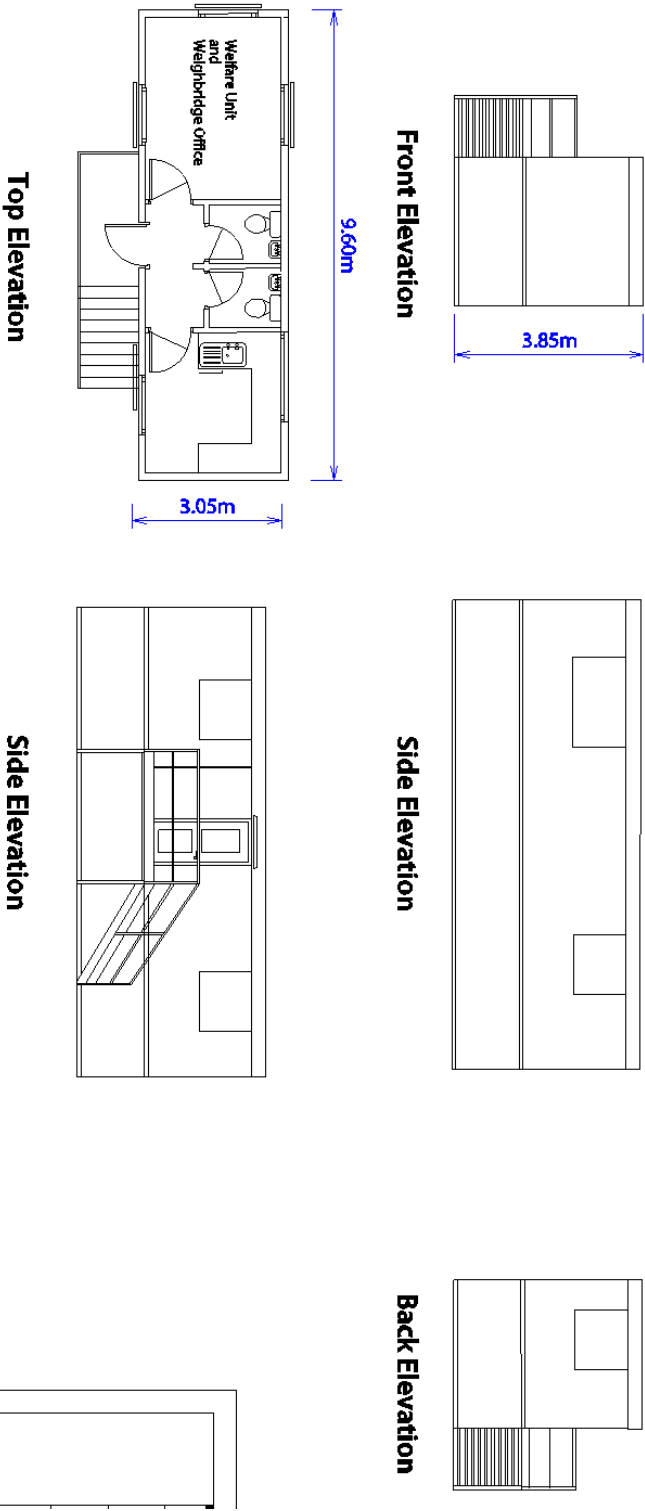
Block Phasing Plan

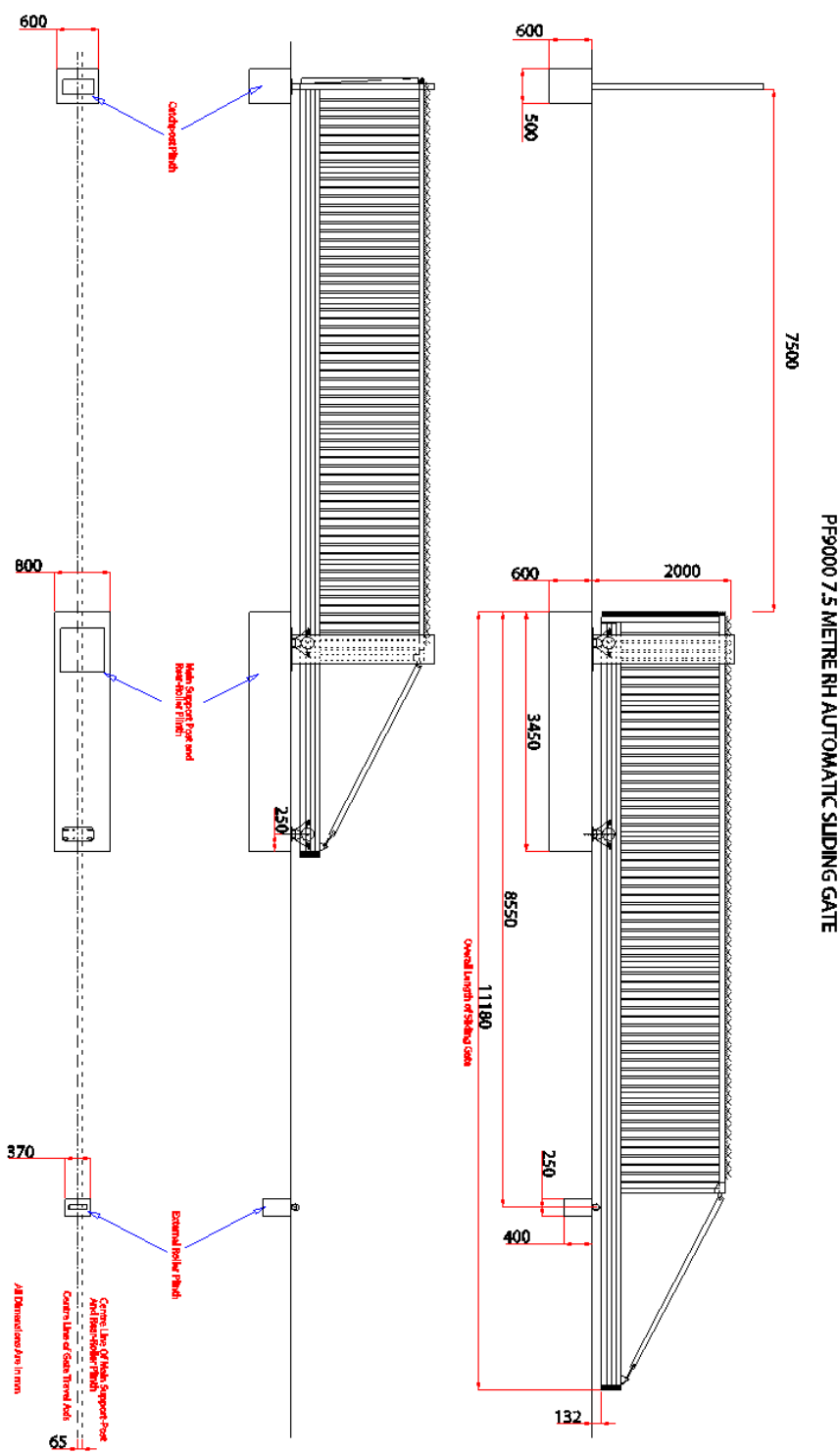


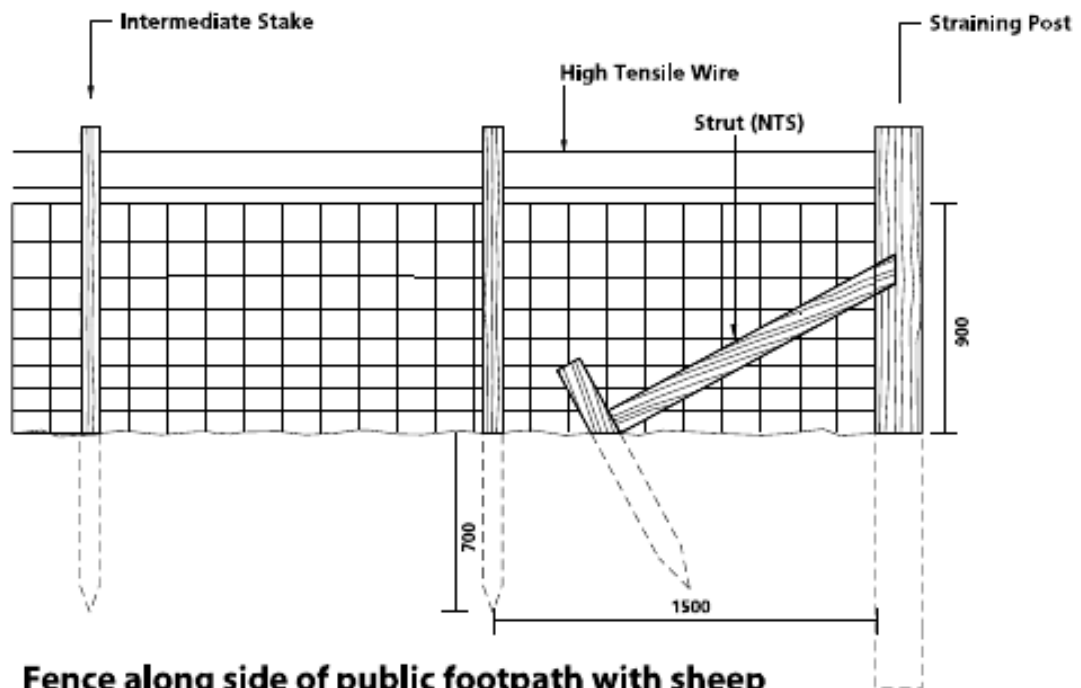


Detailed phasing plan—phase 1

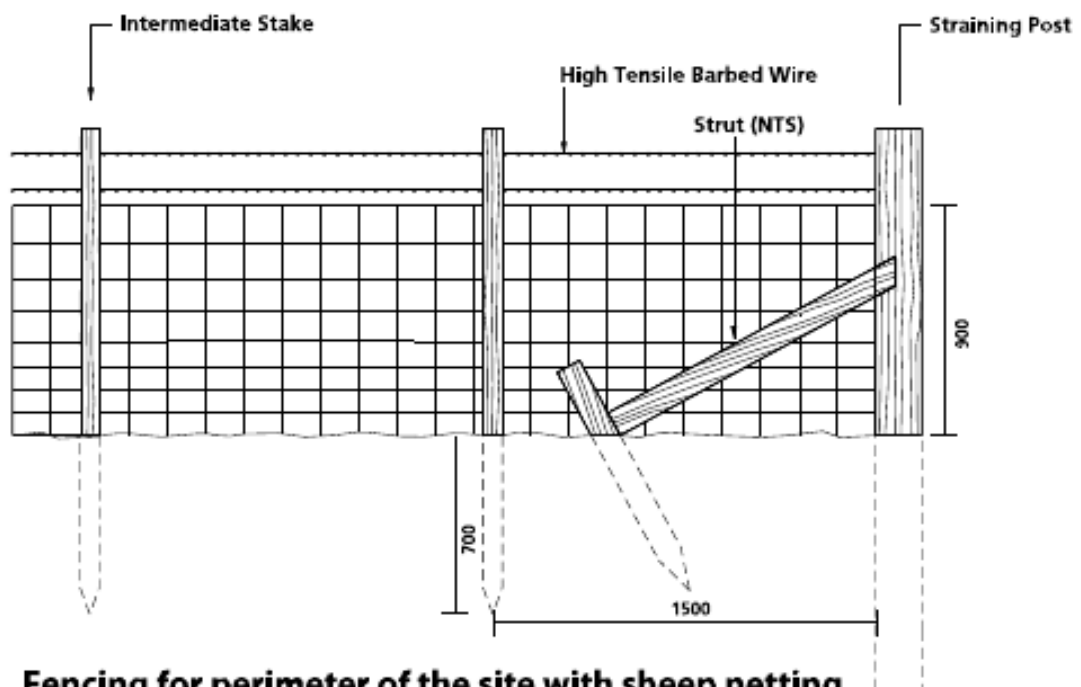






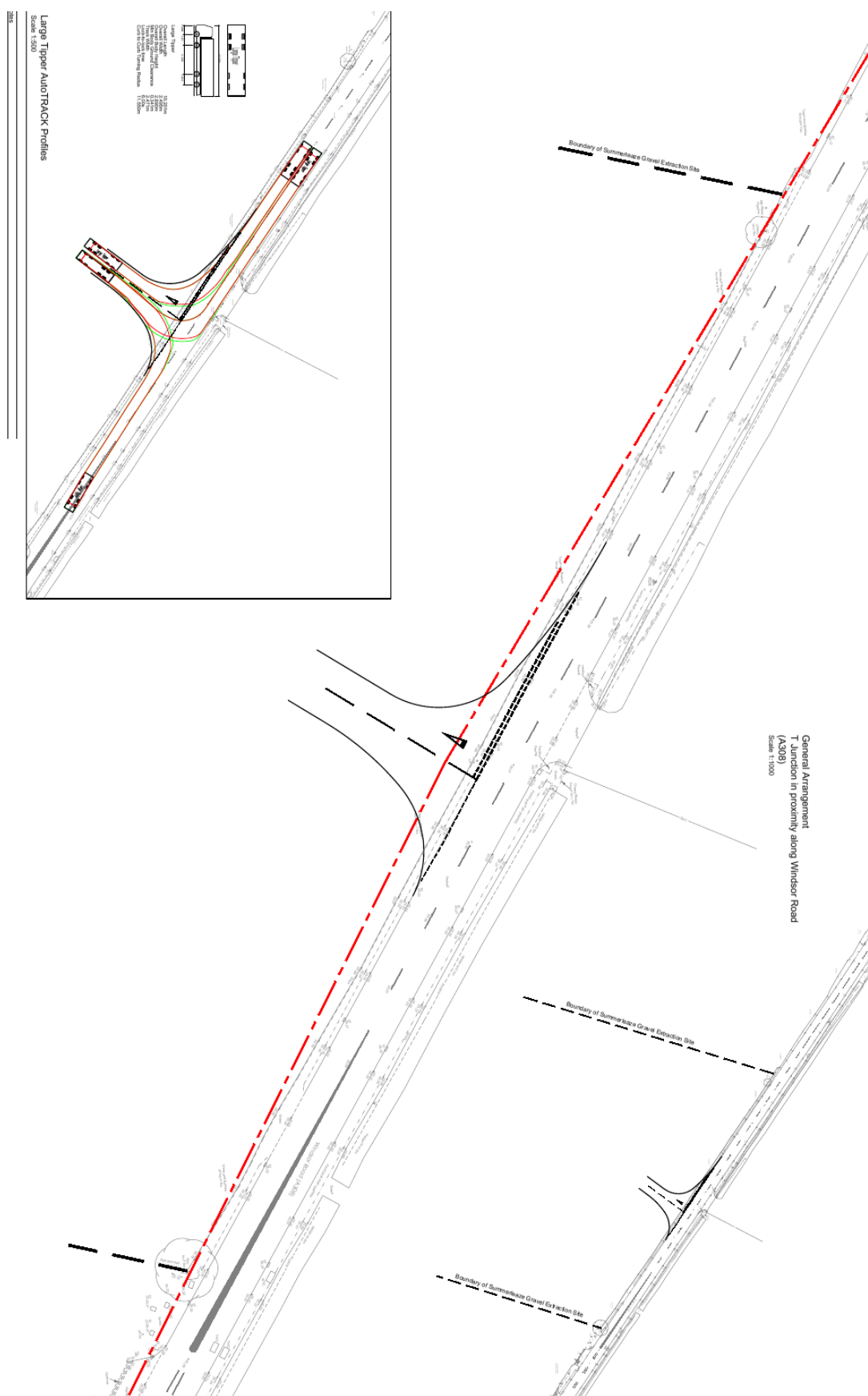


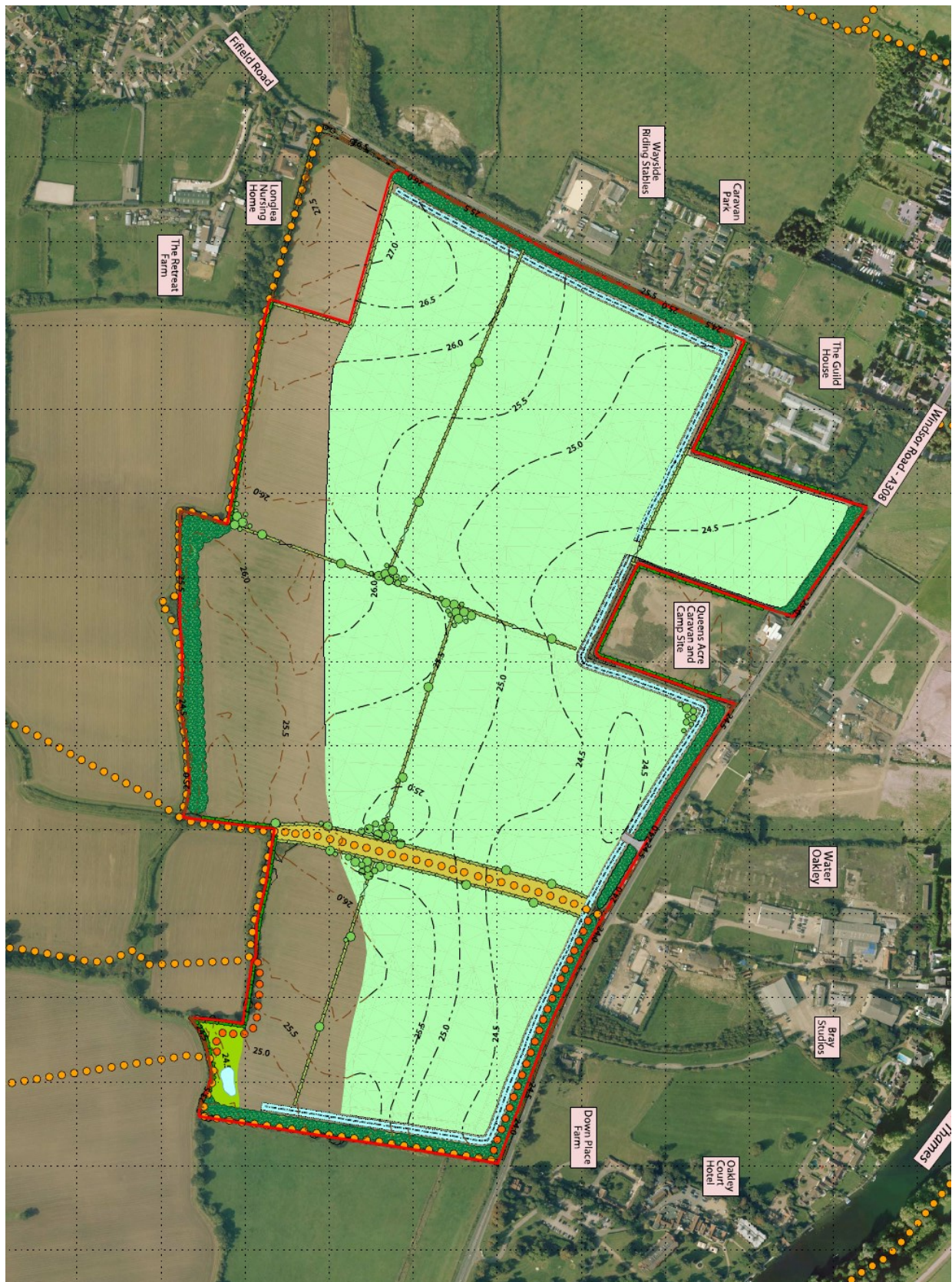
Fence along side of public footpath with sheep netting and plain wire



Fencing for perimeter of the site with sheep netting and two strands of barbed wire

Proposed access





Agenda Item 5

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 December 2019

Item: 2

Application No.: 19/01144/FULL

Location: Riders Country House Hotel Bath Road Littlewick Green Maidenhead SL6 3QR
Proposal: Change of use from C1 (Hotel) to C2 (Residential Care Home), together with associated parking, landscaping, provision of amenity space and a rear porch extension (part retrospective).

Applicant: Windsor Clinical And Home Care Services Group Ltd

Agent: Mr Douglas Bond

Parish/Ward: Hurley Parish/Hurley And Walthams Ward

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

1. SUMMARY

- 1.1 The application site is located on the south side of Bath Road, close to its junction with Jubilee Road in Littlewick Green. The existing two-storey building used to function as a hotel with a small dining and bar area. The site is located in the Green Belt and Littlewick Green Conservation Area.
- 1.2 This is a full planning application for the change of use of the site to function as an 18 bed residential care home (C2 use). A small lounge and dining area is shown on the ground floor, along with kitchen area, manager's office and nursing station. A single storey rear porch is shown on the plans, this has been built. 10 parking space are proposed to the front of the site and 7 further parking spaces set to the rear. A designated ambulance bay is also show within the frontage. Bin storage is proposed to the east of the existing building and a cycle store to the south eastern corner of the site. Proposed landscaping is shown to the front of the site in the form of some shrubbery and trees. The rear amenity space is proposed to have planting, an outdoor seating area and proposed pagodas.
- 1.3 The principle of the proposed development is not considered to be inappropriate in the Green Belt, would not affect the setting of the Conservation Area and would be visually acceptable. There is no evidence to demonstrate that the proposed development would not provide a suitable residential environment for future occupiers.
- 1.4 The proposed development is not considered to harm neighbouring amenity. The development is not considered to raise any significant issues in terms of highway safety or capacity and would provide a suitable level of parking for a scheme of this size. The proposed development is not considered to raise any significant environmental issues. The proposed development would bring the building back into use and would provide towards the Council's five year housing land supply.
- 1.5 The proposed development is located in an inaccessible location where there would be reliance on the car and lack of community services for future occupiers and whilst this does weigh against the scheme there are no specific planning poleis which resist this form of development in this location.
- 1.6 As the proposed development is considered to be appropriate development in the Green Belt the tilted balance is engaged. It is not considered that the harm significantly and demonstrably outweigh the benefits of the scheme.
- 1.7 There are no development plan policies nor material consideration which indicate that this application should be refused. For these reasons and based on matters which are within the remit of planning the application is recommended for approval.

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

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Hunt who's reason for the request was in the public interest

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the south side of Bath Road, close to its junction with Jubilee Road in Littlewick Green. The existing two-storey (former) hotel building is set back from the highway and fills the majority of the width of the site. The remainder of the site is predominantly hardsurfaced. From the evidence available it would appear that the previous hotel use of the existing building included 20 bedrooms, and a small restaurant and bar area.
- 3.2 The site is located in the Green Belt and Littlewick Green Conservation Area. Residential properties lie to the south, east and west with open fields opposite on the other side of Bath Road.

4. KEY CONSTRAINTS

- 4.1 The key planning policy constraints for the application site are as follows:
- Green Belt
 - Conservation Area

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 This is a full planning application for the change of use of the site to function as a residential care home (C2 use). The floor plans submitted in connection with the application show the proposed use would contain 18 bedrooms over the ground and first floor. A small lounge and dining area is also shown on the ground floor, along with kitchen area, manager's office and nursing station. The second floor is shown to accommodate staff rest area and changing facilities. Whilst officers have not entered the building (but have walked around the exterior of the site and surrounding area on a number of occasions) it is understood that much of the internal conversion has already taken place.
- 5.2 The proposed plans show a single storey porch located to the rear of the building. This has been built and the applicants are seeking retrospective planning permission for this.
- 5.3 The existing in and out drive to the site frontage is proposed to be retained. 10 parking spaces are proposed to the front of the site and 7 further parking spaces at the rear. A designated ambulance bay is also shown to the frontage. Bin storage is proposed to the east of the existing building and a cycle store to the south eastern corner of the site.
- 5.4 Landscaping is shown to the front of the site in the form of some shrubbery. The rear amenity space is proposed to have planting, an outdoor seating area and proposed pagodas.
- 5.5 During the consideration of the application further details were submitted so that all proposed landscaping was located within the redline of the application site. Amended floor plans were submitted to show that a bed could be accommodated into each of the units and windows omitted from floor plans.
- 5.6 A letter from 'Care for Quality' was also submitted during the consideration of this application.
- 5.7 All revisions and additional information that has been submitted has been subject to a full neighbour consultation exercise.

- 5.8 The Officer has refused to accept as part of the application amended plans which involved an external lift shaft. This was installed without the benefit of planning permission half way through the consideration of this application. Officers refused to accept this as part of amended plans as it fell outside of the description of the planning application and the LPA were under no obligation to amend the description of development to accommodate works undertaken to the building further to the submission of this application. It is understood that this lift shaft has now been removed from the building. Trees also have been removed from the site without permission. Separate enforcement action is being sought over these potential breaches of planning permission.

Reference	Description	Decision
18/02677/FULL	Change of use from C1 (Hotel) to (C2) Residential Care Home and alterations to fenestration	Refused: 14.02.2019
<p>The above planning application was refused for the following reasons:</p> <ol style="list-style-type: none"> 1. Due to insufficient information, it has not been demonstrated to the satisfaction of the Local Planning Authority that the use will not require further development necessary to its function, without causing harm to the Green Belt and/or the Littlewick Green Conservation Area in which the site is located. It has therefore not been sufficiently demonstrated that the proposal would not be inappropriate in the Green Belt, preserve its openness nor conflict with the purposes of including the site within the Green Belt., nor that the proposal would preserve and enhance the Conservation Area. Accordingly, the proposal is contrary to Policies GB1, GB2 (A) GB8 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (including Adopted Alterations), emerging Policies SP5 and HE2 of the Borough Local Plan: Submission Version, 2018 and paragraphs 43, 146 and 189 of the National Planning Policy Framework 2018. 2. In the absence of an appropriate landscaping scheme, the proposal fails to improve the character and quality of the area in which it is located and the way it functions. The proposal is therefore poor design contrary to paragraph 130 of the NPPF, Policy DG1 of the Local Plan and Policies SP2 and SP3 of the BLPSV. 3. Having regard to the nature of the proposed use as a residential care home, there is a lack of sufficient and good quality amenity space for future residents of the development. This is poor design and contrary to paragraph 127 of the NPPF and Policy SP3 (k) of the BLPSV. 4. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal would provide adequate on-site refuse and recycling facilities. Accordingly, the proposal is contrary to paragraph 8 of the National Planning Policy for Waste (October 2014), paragraph 127 a) of the NPPF, Policy DG1 of the Local Plan and Policy SP3 (n) of the BLPSV. 		
18/01438/FULL	Change of use from C1 (Hotel) to (C2) Residential Care Home with associated parking.	Refused: 24.07.2018
12/03467/FULL	Two storey rear extension (Renewal of permission granted under applications 09/02454 + 04/01449).	Permitted: 07.03.2013 This planning permission

		has expired and does not appear to have been implemented.
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6. DEVELOPMENT PLAN

- 6.1 The Development Plan comprises the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations adopted in June 2003) and associated proposals map. Policies from the Local Plan were saved by a Direction made in 2007 by the Secretary of State for Communities and Local Government under the Planning and Compulsory Purchase Act 2004.

Policies of relevance include:

- GB1 Acceptable uses and development in the Green Belt
- GB2 Unacceptable development
- GB3 New Residential Development
- N6 Trees and development
- N7 Hedgerows
- CA1 Development in Conservation Areas
- CA2 Guidelines on Development affecting Conservation Areas
- CA 6 Car parking in Conservation Areas
- DG1 Design guidelines
- NAP1 Road/rail noise and development
- 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)
- H3 Affordable housing within urban areas
- 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

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

- 6.2 Policies of relevance include:

- ENV 1 Sustainable Development
- SP1 Spatial Policy
- Gen2 Quality Design
- Gen3 Areas of Special Character
- Gen4 Local Employment Sites
- Gen5 Community Facilities
- T1 Accessibility and Highways safety
- T2 Residential Parking

- 6.3 These policies can be found at
https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2

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 (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.

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

- 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 was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.3 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.4 This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary Planning Document

Planning for an Ageing Population SPD (2010)

- This SPD provides a list of requirements to ensure that our ageing population is adequately considered in new development. This document was published some 9 years ago and much of its requirements have been superseded by modern day building regulations (specifically the requirements for lifetime homes). Limited weight can therefore be given to the requirements of these policies terms of lifetime home requirements.

Other Local Strategies or Publications

- 7.5 Other Strategies or publications relevant to the proposal are:
- RBWM Townscape Assessment
 - RBWM Parking Strategy
 - Affordable Housing Planning Guidance

More information on these documents can be found at:

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 17 occupiers were notified directly of the application.
- 8.2 The planning officer posted a notice advertising the application at the site on 20th May 2019 and the application was advertised in the Local Press on 9th May 2019.
- 8.3 53 letters were received from individual addresses including the Littlewick Green Society objecting to the application, comments made can be summarised as:

Comment		Where in the report this is considered
1.	There is no need for additional care homes	Para 9.69
2.	Concerns about the Certificate A and ownership	Noted, there is no evidence to demonstrate the applicants do not own the building and the plans have been amended to remove proposed planting outside of the site redline boundary.
3.	The hotel is a vital asset and should not be lost	Para 9.69
4.	No evidence to support assertions that no further extensions are needed to accommodate the proposed use	Para 9.11- 9.30
5.	The applicants have already undertaken works without planning permission	Para 9.10
6.	The proposed development would harm the Green Belt and Conservation Area	See relevant sections (issue ii and issues iii)
7.	The proposed landscaping shows planting outside of the application boundaries	Para 5.4
8.	Insufficient amenity area	Para 9.39
9.	Concerns about highway safety including parking and access and egress for deliveries	Para 9.50- 9.55
10.	Concerns about noise and disturbance from the resulting use	Para 9.49
11.	Concerns about the viability of an 18 bed care home and how the applicants will seek further extensions.	Para 9.11- 9.30
12.	Development would be contrary to the Local Plan and the intensification of activities in the Conservation Area.	Report assessment sets out the Officer position.
13.	Concerns about community safety	Para 9.70

14.	Consider the development would provide suitable amenity for future occupiers	See section Issue iv) Provision of a suitable residential environment
15.	The forecourt is common land and cannot be enclosed	Noted
18.	Care homes should be located in sustainable locations	Para 9.45
19.	Landscaping is superficial	Para 9.35

Statutory consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	No objections	Para 9.31- 9.33
The Highway Authority	No objection to the proposal subject to complying with conditions of parking, turning and refuse/ cycle stores.	Para 9.50- 9.55

Consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objections subject to conditions regarding plant noise, kitchen extract systems. Plant conditions and vehicle deliveries.	Para 9.61
Parish Council	<p>The site is fronted by common land which therefore cannot be enclosed and must retain open access. The A4 is a busy/fast road, and the safety of proposed residents needs to be fully considered.</p> <p>There is insufficient parking for staff changeovers, visiting health practitioners and other professions such as chiropody and hairdressing.</p> <p>The site offers limited access to public transport. There may be errors in the applicant's statement that they are in full ownership of the site, as some of the common land is shown on the Land Registry to be in the hands of other landowners. The Parish Council remains concerned that space for patient welfare appears to be very restricted.</p> <p>If the Borough is minded to approve the application then the Parish Council considers that full information on the proposed use should be obtained, and that it should be firmly conditioned that the site is for the care of those aged 65 or over (for the avoidance of any ambiguity).</p> <p>The Parish Council also request that any parking provision should only be assessed once the number of proposed employees is more accurately defined.</p>	Issues raised have been fully considered within the report

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Background and policy context
- ii Principle of the development in the Green Belt
- iii Design Considerations including impact on Heritage Assets
- iv Provision of a suitable residential environment
- v Impact on neighbouring amenity
- vi Highway Considerations
- vii Environment Considerations
- viii Other Considerations

Issue i) Background

9.2 With reference to the above planning history, application 18/02677/FULL was refused on the 14.02.2019. The reasons for refusal are set out above in the planning history.

9.3 Officers visited the site on the 12.06.2019 and on the 04.09.2019 and it was observed that conditions on site have not changed since the previous refused application 18/02677/FULL. In July 2019 it was brought to the attention of the Case Officer that unauthorised works were taking place at the site, namely the insertion of an external lift, this matter was referred to the Planning Enforcement Team for further action. Separate action has been undertaken by the Council's Enforcement Team and these unauthorised works do not form part of the consideration of this application.

Policy context

9.4 There has been no material change in the Local Plan since the previous decision. However, the NPPF (2019) has been updated since the previous decision. The Updated Revised National Planning Policy Framework (NPPF) (2019) and Housing Delivery Test are a material consideration in this revised planning application. As the Council's adopted Local Plan is more than five years old, the starting point for calculating the 5 year housing land supply, for the purposes of decision making, should be the 'standard method' as set out in the NPPF (2019).

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

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

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

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

- 9.7 For the purposes of this application and based on the revisions of the NPPF (2019) the Council is currently unable to demonstrate the five year supply of deliverable housing sites that is required by the National Planning Policy Framework (the Framework). The so-called 'tilted balance' contained in paragraph 11(d)(ii) of the Framework is therefore engaged (this is discussed further in paragraphs 9.11.1 to 9.11.6). Moreover and in line with footnote 7 to paragraph 11(d) of the Framework, the development plan policies which are most important for determining the application are also therefore deemed to be out-of-date. These policies are considered to be those associated with the principle of the development in the Green Belt, Impact on Heritage and design (policies GB1, GB2 (A) GB8 and CA2 and DG1) contained in the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003). The reasons why these are considered to be 'most important for determining the application' are because matters regarding ensuring good design, sufficient affordable housing and the impact on trees formed a key reason for refusing the last planning application on this site. These policies are therefore attributed limited weight in the determination of this application.
- 9.8 Significant weight was also previously given to the BLPSV. However as set out above, at the time of writing the report the Council are currently undertaking a consultation on proposed amendments to the Borough Local Plan. The BLPSV policies therefore remain a material consideration in planning applications but given the current status of the Borough Local Plan, limited weight can be attributed to these policies in terms of decision making for this application.
- 9.9 The below assessment is made having due regard to the above policy context and therefore the material change in the weight attributed to the relevant planning policies since the last decision.
- 9.10 Applications also have to be considered on their individual merits irrespective of what actions the site owners may have undertaken to this property without the benefit of planning permission or indeed what actions they may have taken on other development sites within their ownership in the Borough.

Issues ii) Principle of the development in the Green Belt

- 9.11 Refusal reason 1 of planning application 18/02677/FULL sets out that:
1. *It has not been demonstrated that the use will not require further development necessary to its function, without causing harm to the Green Belt and/or the Littlewick Green Conservation Area in which the site is located and therefore not sufficiently demonstrated that the proposal would not be inappropriate in the Green Belt, preserve its openness nor conflict with the purposes of including the site within the Green Belt, nor that the proposal would preserve and enhance the Conservation Area. Accordingly, the proposal is contrary to Policies GB1, GB2 (A) GB8 and CA2 of the Local Plan 1999 (including Adopted Alterations), emerging Policies SP5 and HE2 of the Borough Local Plan: Submission Version, 2018 and paragraphs 43, 146 and 189 of the National Planning Policy Framework 2018.*
- 9.12 Policy GB1 of the Adopted Local Plan (2003) sets out acceptable uses and development in the Green Belt, which differs from the NPPF (2019) and therefore cannot be considered to be up-to-date. Policy GB2 of the Local Plan addresses the effect of the proposed development on openness and the purposes of including land in the Green Belt while part (b) goes beyond the scope of Green Belt policy. Policy GB8 deals with change of uses in the Green Belt, similarly this is not consistent with the NPPF. Therefore, policies GB1, GB2 and GB8 are not considered up-to-date. Limited weight is therefore given to these policies and the *appropriateness* of this development in the Green Belt will be made in line with the NPPF.
- 9.13 Paragraph 146 of the NPPF (2019) makes it clear that only certain other forms of development are not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within in. This includes (para 1146(d)) "the *re-use of buildings provided that the buildings are of permanent and substantial construction*".

- 9.14 With reference to the previous planning application on this site, it was established that the building is of a permanent and substantial construction capable of conversion. The last application was refused (in part) on the grounds that it had not been demonstrated that the use will not require further development necessary to its function, without causing harm to the Green Belt and/or the Littlewick Green Conservation Area in which the site is located and therefore not sufficiently demonstrated that the proposal would not be inappropriate in the Green Belt, preserve its openness nor conflict with the purposes of including the site within the Green Belt.
- 9.15 Accordingly the principle of the change of use to a care facility is acceptable subject to it preserving Green Belt openness and not conflicting with the purposes of including land within it, having due consideration that the lawful use of the existing site is to function as a hotel.

Preserve the openness of the Green Belt

- 9.16 Turner V SSCLG [2016] EWCA CIV 466 has established a number of key principles in relation to openness, including that it is not simply about volume and that the visual impact of development is implicitly about openness. Similarly Council and Samuel Smith Old Brewery (Tadcaster) Oxtan Farm v North Yorkshire County Council & Anor [2018] EWCA Civ 489 (16 March 2018) establishes that an assessment of the likely effects of the development on the landscape, visual impact on openness was “quite obviously” relevant to its effect on the openness of the Green Belt. Euro Garages Limited v SSCLG [2018] EWHC 1753 (Admin) establishes that greater floor area and/or volume does not necessarily mean that there is a greater impact. It is also necessary to consider “the impact or harm, if any, wrought by the change”.
- 9.17 This Case Law is a material consideration. The above Case Law establishes that ‘openness of the Green Belt’ is not limited to the volumetric approach; the word ‘openness’ is open-textured and many factors are capable of being a material consideration.
- 9.18 The external alterations proposed as part of this application involved the erection of a single storey rear porch (retrospective) and the bin/ cycle storage area. Paraphernalia associated with the proposed landscaping are also shown on the proposed plans. Planting to the frontage of the site is also shown. However (and contrary to the assertions in the applicants planning statement) given the space available it is unlikely that any meaningful planting, and certainly not mature trees, can be accommodated within the area in the applicant’s ownership.
- 9.19 Overall and given the size and scale of the proposed alterations and their location to the rear of the site, the physical additions proposed as part of this application are unlikely to materially affect the openness of the Green Belt and thus could be argued to preserve the openness of the Green Belt.
- 9.20 The refusal reason associated with the previous application was predicated on the grounds that the proposal had not demonstrated that the accommodation shown was effectively fit for purpose and that therefore further extension(s) and/or alteration(s) would not be required to the property thus having an impact on the openness of the Green Belt and/or design.
- 9.21 Amended plans have been submitted during the consideration of the application to demonstrate that a single bed can be accommodated for each unit with space around for visitor’s chairs and en-suite facilities. Each unit would have windows and a diner area, living room and kitchen are all shown as part of the application. An internal lift is also proposed, as well as ancillary staff accommodation.
- 9.22 The applicants claim that it is not anticipated that the care home will require any further extensions in order for it to function in an appropriate manner. They further claim that the proposed plans have been shared with the Care Quality Commission (whom are the independent regulator of health and adult social care in England) and that the proposed plans meet with the registration requirements of the Care Quality Commission, such that it would not be necessary to extend the property to function as a care home or provide any necessary additional facilities.

- 9.23 The Officer's requested written confirmation of this, however none has been forthcoming and the applicants planning agent has advised that written confirmation is only possible once works have been implemented. In support of the application, the applicants have instead submitted a brief letter from Care for Quality which states that "*the proposal at The Riders is fit for purpose and will provide a high quality care facility consistent with all the regulatory requirements*". It is unclear what role "Care for Quality" has within such an assessment and certainly none has been submitted in support of this letter, the aforementioned organisations website sets out that they assist with Quality Monitoring of care homes.
- 9.24 In summary, and whilst it is unclear how such weight should be attached to this letter, there is little evidence to demonstrate that in terms of physical capability the site could not, on the face of it, function as a residential care facility based on the submitted plans.
- 9.25 Officers do have concerns regarding the viability of a care facility function for only 18 beds. However there is no planning policy to require a viability assessment. In the event the applicants were to attempt to justify future development at such a stage such assertion regarding 'need' for such accommodation would have to be considered on its individual merits and be supported by robust evidence to refute the claims their planning agent and supporting evidence has made as part of this application that the nursing home is fit for purpose.

Conflict with the purposes of including the site within the Green Belt

- 9.26 If it is accepted that the size and space of the existing building can reasonably accommodate the proposed care home use and that the scheme as proposed would not impact on, thereby preserving, the openness of the Green Belt. The next requirement of the NPPF (2019) is to ensure that the proposal would not conflict with the purposes. The five purposes of the Green Belt are contained in paragraph 134 of the NPPF (2019). These are as follows:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.27 Given that this development is for the change of use of the building (and retrospective planning permission for the entrance porch) it is not considered that the proposed development would have a material effect on openness and therefore would not result in any coalescence (purposes a or b). The existing use of the site is for a hotel and used to have a modest dining and bar area, which was open to the general members of the public. It is not regarded that an 18 bed care home would result in an intensified/urbanising use which would result in encroachment into the countryside. External alterations are limited and as discussed further below in para 9.31- 9.33 are not considered to affect the Conservation Area therefore not affecting the setting and special character of Littlewick Green. The scheme would make use of an existing building and therefore represents making use of a vacant site. It is therefore not considered that this proposal would undermine this purpose.
- 9.28 The proposed external alterations associated with this application are listed above in para 5.2- 5.4. Paragraph 145 (g) of the NPPF provides for:
- Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
– not have a greater impact on the openness of the Green Belt than the existing development
- 9.29 Overall these are all considered to be small and modest forms of development which are not considered to materially have a greater impact on the openness of the Green Belt than the existing development.
- 9.30 On this basis this proposal is considered to represent appropriate development in the Green Belt.

Issue iii) Design Considerations including impact on Heritage Assets

- 9.31 The application site is located in the Conservation Area. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Policy CA2 of the Local Plan sets out the guidelines on development affecting conservation areas, the most relevant ones being: the requirement to enhance or preserve the character or appearance of the area and the protection of views that contribute to the distinctive character of the Conservation Area.
- 9.32 The NPPF (2019) identifies conservation areas as designated heritage assets and that great weight should be given to the asset's conservation, this includes their setting.
- 9.33 The external alterations include the single storey rear porch and the conversion of part of the rear car park to amenity space with bike and refuse storage area. Due to the limited historic interest to the rear the proposed extensions/ alterations are not considered to affect the historic interest or setting of the Conservation Area and are therefore considered to preserve the Conservation Area. The Council's Conservation Officer has confirmed they have no objections to the scheme as proposed/ built.
- 9.34 Refusal reason 2 of planning application 18/02677/FULL relates to the absence of an appropriate landscaping scheme and the proposal therefore failing to improve the character and quality of the area in which it is located and the way it functions.
- 9.35 The site is currently surrounded by hardstanding. Landscaping plans were submitted as part of the application and subsequently amended so that all proposed planting is contained within the site boundaries. Towards the frontage some limited areas of planting are shown. Given the level of parking proposed it is unlikely the scheme will be able to deliver mature trees to the extent proposed in the plans (within land in the applicant's ownership). However the development will provide a level of soft landscaping currently void at the frontage of this site. Similar to the rear of the site and whilst enclosed the level of landscaping is proposed for future occupiers, although it is noted that artificial lawn is proposed to be usable throughout the year. Accordingly the proposed development is considered to provide adequate landscaping.
- 9.36 This is however not considered to be a benefit of the scheme, simply necessary planting required to provide a setting for a scheme of this nature and to mitigate the trees removed from the rear of the site

Issue iv) Provision of a suitable residential environment

- 9.37 Refusal reason 3 of application 18/02677/FULL relates to there being lack of sufficient and good quality amenity space for future residents of the development contrary to paragraph 127 of the NPPF and Policy SP3 (k) of the BLPSV.
- 9.38 The Officer Report for application 18/02677/FULL states that:
- Irrespective of the type of care to be provided, (no details are provided on this), an attractive environment and meaningful amenity space is important to the wellbeing of all people, whatever their age or circumstances. This is considered particularly to be the case where residents require round the clock care and where open space is not easily accessible, as is the case with this application. Even if residents have limited mobility or are bed-ridden, the outlook from their rooms should be of the highest quality possible*
- 9.39 The proposed amenity space now includes an area proposed to initially be retained as back of house/service area (circa a further 90- 100sqm) and would equate to amenity space of circa 460 sqm to the rear of the site which would have likely previously operated as a parking area for the hotel. The area would be enclosed and includes soft and hard landscape areas. As a matter of guidance the amenity space proposed would be 20% of the site area. However the Council has no adopted standards for open space associated with Care Facilities. Overall this would be appear to provide adequate amenity space for future occupants of a building of the size currently proposed.

- 9.40 Whilst no specific refusal reason was given in this regard, the Officer Report for the previous application on this site raised concerns about the location of the site and the property being in a fairly inaccessible location which could potentially isolate residents whose wellbeing, having regard to their need for full-time care, could be further harmed.
- 9.41 Paragraph 127 of the NPPF (2019) states that development should *function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.... relate 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.*
- 9.42 In terms of this revised application, the number of beds has been reduced and the amenity space increased. However the site remains in a rural and unsustainable location in which there are limited activities or amenities in walking distance to the site. There are no local in close proximity facilities (with exception of a very modest shop at the petrol station on Bath Road) and whilst near to bus stops, such buses are currently infrequent (circa one bus every two or so hours). Certainly the site could not be considered as one located in a sustainable location. Therefore the provision of a suitable residential environment for future occupiers is of paramount importance, arguably more so than that expected from a 'typical' residential scheme.
- 9.43 All units would have suitable outlook, lighting and whilst some rooms would be modest in size, these appears to be sufficient space to accommodate a single bed and space for chairs and visitors, as well as each unit having en-suite bathroom facilities. Communal facilities are also now proposed in the form of a ground floor living room and dining facilities for the 18 future occupiers and as set out above the amenity space would appear relatively proportionate to the current built form and number of units proposed.
- 9.44 Therefore the proposed development is considered, based on the evidence provided and in the context of planning policy, to provide a suitable residential environment. There are separate regulations and guidance for care facilities that they are also required to comply with and it is not the role of planning to replicate these.
- 9.45 The location of the site remains one in an unsustainable and inaccessible location but has not previously formed a reason for objecting to the scheme. This will be considered further as part of the wider planning balance

Issue v) Impact on neighbouring amenity

- 9.46 No objections were previously raised on potential impact on neighbouring amenity in the consideration of application 18/02677/FULL. It was then considered that:
- Having regard to the existing hotel use and the apparent straight forward conversion of the building to residential care home with no proposed external changes, it is not considered that the proposal would harm the living conditions of any neighbours in terms of loss of privacy, loss of day/sunlight, from having an overbearing appearance or from noise and disturbance. Even if the scheme required work at a later date, any material development would likely require planning permission which the Local Planning Authority, in terms of any impact on neighbours, would have more control over, (as opposed to development required under separate legislation/guidelines that may potentially harm the Green Belt and/or Conservation Area).*
- 9.47 The applicants are now, as part of this planning application, seeking retrospective planning permission for a single storey rear porch which they installed to the property without the benefit of planning permission. In terms of the impact on neighbouring amenity it is not considered to affect the amenities of local residents in terms of loss of light/ overbearing impact.
- 9.48 The proposed refuse storage area looks to be located to the eastern side of the property, adjacent to the boundary with the driveway to the adjoining residential properties. This is considered to be an appropriate location for the private refuse collection. The refuse area would

be enclosed by 1.8m high boundary fence and gates and is not considered to affect neighbouring amenity in terms of loss of light/overbearing impact.

- 9.49 A proposed 'Gated Eco Cycle shelter' some 2.2m in height is proposed. Whilst this would be located close to the boundary with Thicket Cottage, given this would only be marginally above the height of the boundary treatment it is not considered it would result in a significant loss of light/ or overbearing impact.

Noise

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

Issue vi) Highway Considerations

- 9.51 No objections were previously raised on potential impact on Highways safety capacity or parking grounds in the consideration of application 18/02677/FULL. The previous application was for a 21 bed car home scheme as opposed to the 18 bed facility now proposed. In views of this and given the former use of the site as a hotel it is not considered that the proposed development would raise any issues in terms of highway safety or capacity grounds. The proposed development provides sufficient car parking for a use of this nature, in line with Council's current Parking Standards (2014).
- 9.52 There was no objections to the provision of cycle parking under the previous application, albeit under this application this is now proposed to be located in the south eastern corner of the site.
- 9.53 However, refusal reason 4 of the above refused application was on the basis that it had not been demonstrated that the proposal would provide adequate on-site refuse and recycling facilities.
- 9.54 The Highway Authority in their consultation response still highlight that the refuse storage facility will be provided to the rear of the site and that the store is 37m from the adopted highway and does not comply with the Local Authorities current carry distance requirements which are set at 30m for residents and 25m for operatives. However, refuse stores are shown to the eastern end of the existing building, adjacent to the driveway to Thicket Cottage and shown to be less than 20m from the highway. Therefore the comments from the highway authority do not reflect the arrangement now proposed. During the consideration of the application these have been amended to show how they can be secured (to take into consideration any clinical waste). The plans state that the refuse collection for a care home facility would be taken by a private operator and not the Council who deals with domestic waste collection. In any case these are now shown to be of an appropriate distance from the highway and the proposed plans show there is sufficient space for the relevant refuse to be provided in a secure location, adjacent to the in and out drive facility so that refuse collectors can operate this facility safely.
- 9.55 The facilities are located close to the access point to the adjoining residential properties however it would be set sufficiently far away from the dwelling house to prevent any undue noise and disturbance.
- 9.56 On this basis the proposed development does not raise any issues in terms of highway safety, capacity or parking and provides suitable refuse storage area for the proposed development. The Parish request for the parking to be assessed once the use is operational does not accord with the considerations of a planning application which require an assessment be made as part of the process.

Issue vii) Environment Considerations

- 9.57 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment. The emphasis is on minimising impacts on and providing net gains for biodiversity.
- 9.58 No Ecological Assessment has been submitted in connection with this planning application. However, the site was all laid to hardstanding and appears to be of limited biodiversity value. As part of this development a level of soft landscaping is proposed and therefore it is considered that proposed biodiversity enhancements can be secured by way of condition (see condition 5).
- 9.59 New development is expected to demonstrate how it has incorporated sustainable principles into the development including, construction techniques, renewable energy, green infrastructure and carbon reduction technologies.
- 9.60 The NPPF para 153 states that in determining planning applications developments should comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.
- 9.61 No information associated with incorporating sustainable principles has been submitted as part of this application and this weighs against the proposed development. However, in the event permission is forthcoming, a condition could likely secure that this be provided as part of the proposed development (see condition 6).
- 9.62 The Council's Environmental Protection Team have requested a number of conditions regarding plants noise and kitchen extraction systems. Any such equipment would likely constitute development requiring planning permission and as such would be subject to separate planning permission; informatives to this affect are therefore recommended. Conditions regarding deliveries are also requested by Environmental Protection. In such a rural location it would be difficult for the LPA to enforce such conditions and as such would not meet the tests for conditions. Conditions are also requested regarding a scheme to minimise artificial lighting, it is not considered that such a condition is necessary or relevant to a scheme of this nature. The sites lawful use is as a hotel where there is a dining area and bar open to the public.
- 9.63 This is not a scheme in which the Lead Local Flood Authority (LLFA) would be consulted on, in any case given the proposed development would reduce the level of hardstanding which covers the site and proposes to introduce additional soft landscaping it is not considered that the proposed development raises any issues in terms of Sustainable Urban Drainage.

Issue viii) Other Material Considerations

- 9.64 The applicants, in their planning statements have made reference to appeal(s) in different areas which they consider relevant. However they have not set out the reason why a site in Kent would be comparable to this application site (apart from both being located in the Green Belt).

Housing Land Supply

- 9.65 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:

- iii. 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*
- iv. 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.*

9.66 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..).'

9.67 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). At the time of writing, the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). Whilst a C2 (care home) is not a residential use, it does count towards a Council's five year housing land supply position and therefore follows that it is a type of housing.

9.68 The proposed development is also considered to be appropriate development in the Green Belt and as such and whilst in a 'protected area' this would not provide a clear reason for refusing the development proposed. On this basis it is considered that the tilted balance has been engaged.

Other benefits of the scheme

9.69 For a scheme of 18 bedrooms the proposed development would result in the equivalent of 10 units towards housing land supply (factored by a 1.8 ratio) this is given moderate weight as a benefit. In respect of economic benefits, it is acknowledged that future employees of the development may result in some economic benefits resulting from this scheme. However, as the scheme proposed to employ 20 persons full time the impact on 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 and indeed it is understood that much of the internal works have already taken place.

Other matters raised from local residents

9.70 The comments from local residents are noted and whilst it is agreed that there is limited evidence to demonstrate need for such a use there are no policy requirements which prevent justification for a change of use on these grounds (only that greater weight as a planning benefit is given to use/ development where a need can be demonstrated.) Similarly there are no planning policies which restricts the loss of hotel use.

9.71 Some concerns about public safety have been raised. There is nothing to indicate that a care home facility would not operate safely in such a location. Moreover it is considered that care homes should be encouraged to form part of the wider community fabric of a local area. (A Secure care facility falls within a different use class which would require separate planning permission).

9.72 The Parish Council requests that the use be limited to elderly care for those over 65. The application has been considered as a care home irrespective of age or disability. There is no planning policy based justification for restricting the use to a more defined demographic.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is not CIL liable.

11. PLANNING BALANCE AND CONCLUSION

11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.5 it is considered that in this instance the tilted balance should be applied. The principle of the proposed development is not considered to be inappropriate in the Green Belt, would not affect the setting of the Conservation Area and would be visually acceptable. There is no evidence to demonstrate that the proposed development would not provide a suitable residential environment for future occupiers.

- 11.2 The proposed development is not considered to harm neighbouring amenity. The development was not considered to raise any significant issues in terms of highway safety or capacity grounds and would provide a suitable level of parking for a scheme of this size.
- 11.3 The proposed development is not considered to raise any significant environmental issues. The proposed development would bring the building back into use and would provide towards the Council's five year housing land supply.
- 11.4 The proposed development is located in an inaccessible location where there would be reliance on the car and lack of community services for future occupiers.
- 11.5 The tilted balance is engaged. It is not considered that the harm outweighs the benefits of the scheme.
- 11.6 There are no development plan policies nor material considerations which indicate that this application should be refused. For these reasons and based on matters which are within the remit of planning the application is recommended for approval
- 11.7 Conditions are recommended for the implementation of the approved plans within 6 months or prior to the commencement of the use, whichever is sooner.

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 Within six calendar months of the date of this decision or prior to the development being occupied, whichever is sooner, full details of hard and soft landscaping works (including elevations of walls gates and fences) shall be submitted to and approved in writing by the Local Planning Authority.

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

- 2 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved plans. The space approved shall be kept available for parking and turning in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear in accordance with the National Planning Policy Framework (2019) and Local Plan policy T5.

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

Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport and encourage sustainable modes of transportation in accordance with the National Planning Policy Framework (2019) and Local Plan policies T7 and DG1

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

Reason: To enable satisfactory refuse collection to take place in the interests of highway safety and convenience, to ensure effective waste collection services and to maximise recycling. Relevant Policies - Local Plan DG1 and the National Planning Policy Framework (2019).

- 5 Prior to any occupation of the development details of biodiversity enhancements relating to the development as a whole shall be submitted to and approved in writing by the Local Planning

Authority. This shall include a schedule of undertaking that the proposed works and maintenance and management of these areas shall accord with the proposed landscaping works set out in condition 3. Thereafter the works shall be carried out and maintained entirely in accordance with these approved details.

All agreed biodiversity enhancements shall be undertaken and maintained in accordance with an agreed management plan.

Reason: In the interest of biodiversity enhancements as required by the National Planning Policy Framework (2019).

- 6 Within six calendar months of the date of this decision or prior to the development being occupied measures to incorporate sustainable design and construction shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be completed and maintained in accordance with these approved details.

Reason: No indication has been provided of what sustainability measures will be incorporated into the proposal and as such it is necessary to ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Requirement 1 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009), along with the National Planning Policy Framework (2019).

Informatives

- 1 The Applicants are advised that the construction of external kitchen extract equipment, air conditioning units or any other external plant would likely constitute development that would require the submission of a separate planning application.
- 2 The development that has been applied for includes a food business. Separate to Planning Permission all for food businesses are required to register with their local Environmental Health Department. The applicant is advised to contact commercial@RBWM.gov.uk for further details.

MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 December 2019

Item: 3

Application No.:	19/01181/FULL
Location:	Queens Head Windsor Road Water Oakley Windsor SL4 5UJ
1.5	Change of use of the land to allow for the siting of up to x55 residential park homes, following demolition of existing buildings.
Applicant:	Mr Davidson
Agent:	Mr John Hunt
Parish/Ward:	Bray Parish/Bray
If you have a question about this report, please contact: Haydon Richardson on 01628 796697 or at haydon.richardson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The site lies within the Green Belt and the proposed development does not fall under any of the listed exceptions to inappropriate development as outlined under paragraphs 145 and 146 of the National Planning Policy Framework. The proposal would therefore constitute inappropriate development which is by definition harmful to the Green Belt. The proposal would also cause significant harm to the openness of the Green Belt and would be contrary to three of the purposes of the Green Belt (encroachment, sprawl, and to prevent neighbouring towns from merging into one another). A case for Very Special Circumstances (VSC) has been put forward by the applicant but is not considered to outweigh the identified harm to the Green Belt and other harm identified below.
- 1.2 A large proportion of the site is located in an area at risk of surface water flooding and inadequate information has been submitted to demonstrate that the hard surfacing (associated with the proposed development) could be adequately drained without increasing flood risk on the site or elsewhere. Furthermore the submitted information suggests that floor levels within the park homes would be below the surface water flood levels. The proposal is therefore likely to increase flood risk elsewhere and to put additional people at risk of flooding.
- 1.3 The proposed development would be sited in close proximity to Queen Acre Cottage. A significant increase in people and vehicle movements at the site is likely to result in physical disturbance and increase in noise to the detriment of the amenities of the occupants of the cottage. Furthermore, several of the park homes are located within 4m – 10m of Queen Acre Cottage. No information has been submitted regarding the height and design of these properties and they could look directly into the rear elevation and garden of the cottage, leading to a significant loss in privacy for its occupiers.
- 1.4 36% of the proposed residential units are to be affordable housing, but in the absence of a completed legal agreement the development fails to secure the required affordable housing units (30%), thus constituting a reason for refusal.
- 1.5 For these reasons it is recommended that the panel refuse planning permission for the proposed development.

It is recommended the Panel REFUSES planning permission for the following summarised reasons (the full reasons are identified in Section 14 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 three of the purposes of the Green Belt, namely, safeguarding the countryside from encroachment, to check the unrestricted sprawl of large built up areas, and to prevent neighbouring towns from merging into one another. The development would also cause significant harm to the openness of the Green Belt. No |
|----|---|

	very special circumstances have been demonstrated to outweigh this substantial harm and the other harm identified.
2.	A large proportion of the site is located in an area at risk of surface water flooding. Inadequate information has been submitted to demonstrate that the hard-surfacing (associated with the proposed development) could be adequately drained without increasing flood risk on the site or elsewhere. Furthermore the submitted information suggests that floor levels within the park homes would be below the surface water flood levels. The proposal is therefore likely to increase flood risk elsewhere and to put additional people at risk of flooding.
3.	The proposed development would cause significant harm to the amenities of Queen Acre Cottage.
4.	In the absence of a completed legal agreement the development fails to secure 30% Affordable Housing to make this development acceptable in planning terms with regards affordable housing provision.

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 development site comprises a residential property, several outbuildings and caravan site within a 1.7 hectare plot.
- 3.2 The site is accessed from Windsor Road. To the front of the dwelling is a vehicle turning and parking area. To the rear is its residential garden an annexe and other outbuildings.
- 3.3 Beyond the residential curtilage of the site, is a caravan site and along the sites south western boundary is a vehicle storage area.
- 3.4 Queen Acre Cottage neighbours the site, and the remaining area is agricultural land with the exception of a BP filling station and some low density commercial developments.

4. KEY CONSTRAINTS

- 4.1 The development site is located within the Green Belt and an area liable to surface water flooding.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks planning permission to change the use of the land to allow for the siting of up to 55 residential park homes, following the demolition of existing buildings at the site.
- 5.2 The Queens Head was once a public house and was lawfully converted to a residential property in 2014 (12/02011/FULL and 13/02959/VAR). To the west of the Queens Head was an outbuilding/barn, that barn is now lawfully an independent dwelling known as Queen Acre Cottage (15/00811/CLU).
- 5.3 No planning history has been found to suggest that the caravan site or vehicle storage area (south of the Queens Head) are lawful.

Reference	Description	Decision
16/03979/CPD	Certificate of lawfulness to determine whether 2x part two storey/part single storey rears extensions to	Refused - 07.07.2017

	include 3x rear dormers and 2x two single storey side extensions are lawful	
16/03977/CPD	Certificate of lawfulness to determine whether construction of garage is lawful	Refused - 15.06.2017
16/03972/CPD	Certificate of lawfulness to determine whether construction of a leisure building is lawful.	Refused - 15.06.2017
16/03785/PDXL	Single storey rear extension no greater than 8m depth, 4m high and an eaves height of 2.3m.	Withdrawn - 19.01.2017
16/00381/CPD	Certificate of lawfulness to determine whether proposed 2x single storey side and 2x single storey rear extensions, single storey detached and addition of rear dormer to existing house, swimming pool/gymnasium, single storey detached stable block, single storey detached garden room and single storey detached music room are lawful	Refused - 22.07.2016
15/02524/CPD	Certificate of lawfulness to determine whether proposed single storey side and rear extension and addition of rear dormer to existing house, single storey detached swimming pool/gymnasium, single storey detached stable block, single storey detached occasional playroom and single storey detached garden room are lawful	Withdrawn - 23.10.2015
15/01620/CPD	Certificate of lawfulness to determine whether proposed single storey side and rear extension and addition of rear dormer to existing house, single storey detached swimming pool/gymnasium, single storey detached stable block, single storey detached occasional playroom and single storey detached garden room are lawful	Refused - 26.06.2015
15/00811/CLU	Certificate of lawfulness to determine whether existing residential use of the old barn at the Queens Head is lawful	Approved - 04.08.2015
13/02959/VAR	Change of use from Public House to a single residential dwelling, including a single storey front extension and first floor side extension and rear dormer window as approved under planning permission 12/02011 confirming the extent of the residential curtilage.	Approved - 09.01.2014
13/03027/CLU	Certificate of lawfulness to determine if the existing use of the barn as a residential dwelling is lawful.	Withdrawn - 19.12.2013

13/00099/CONDIT	Details required by conditions 4 (hard and soft landscaping) and 5 (vehicle parking and turning) of planning permission 12/02011 Change of use from public house to a single residential dwelling, including a single storey front extension and first floor side extension and rear dormer window.	Approved - 21.01.2013
12/02011/FULL	Change of use from public house to a single residential dwelling, including a single storey front extension and first floor side extension and rear dormer window.	Approved - 28.09.2012
08/00893/FULL	Formation of five practice football pitches including the importation of material to raise the land	Refused - 16.07.2008
07/02855/FULL	Single storey rear extension with balcony roof terrace above, first floor rear extension, raising the roof height. single storey side extension	Withdrawn - 20.12.2007
05/02207/FULL	Erection of a detached timber chalet style flower sales building	Refused - 14.10.2005
04/41558/COU	Change of use of land for temporary siting for no more than 5 caravans for keyworkers (Terminal 5) (RETROSPECTIVE)	Refused - 27.04.2004

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Protection of trees and hedges	N6 and N7
Pollution (noise, smells, fumes)	NAP3
Contamination	NAP4
Green Belt	GB1, GB2

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

- Section 2 - Achieving Sustainable Development
- Section 4 – Decision making
- Section 5 – Delivering a sufficient supply of homes
- Section 9 - Promoting Sustainable Transport
- Section 12- Achieving well-designed places
- Section 13 – Protecting Green Belt Land
- Section 14 – Meeting the Challenges of Climate Change, Flooding and Coastal Change
- Section 15 – Conserving and Enhancing the Natural Environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Green Belt	SP1, SP5
Housing mix and type	HO2
Affordable housing	HO3
Sustainable Transport	IF2
Ecology and Biodiversity	NR3

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Green Belt	SP1, QP5
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>

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 1 nearby occupier was directly notified of the application.
- 8.2 The planning officer posted a notice advertising the application at the site on **03.06.19** and the application was advertised in the local newspaper on **24.05.2019**.
- 8.3 3 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	The proposed development is poorly located between two towns.	The unfavourable location of the development is noted. See paragraph 9.14. As well as paragraphs 9.32 – 9.43 of this report.
2.	The proposed development would be inappropriate development in the Green Belt and no very special circumstances have been demonstrated to warrant approval of the application.	See paragraphs 9.1-9.18 of this report.
3.	The development will cause congestion and delays, as vehicles enter and exit the site on to the A308. Furthermore 55 new homes would cause additional traffic.	See paragraphs 9.53-9.61 of this report.

- 8.4 10 letters were received in support of the application, summarised as:

Comment		Where in the report this is considered
1.	The development would provide more affordable housing for the area and an opportunity for renters to get on the housing ladder	See paragraphs 9.1-9.18, as well as paragraphs 9.62-9.64 of this report.
2.	The development would use previously developed land	See paragraphs 9.1-9.18
3.	The site could be completely screened from the main road and therefore would not harm the appearance of the area	See paragraphs 9.32 – 9.43 of this report.
4.	A child's play area is included in the scheme	Noted. However the benefits of this scheme would not outweigh the harm identified. See paragraphs 9.1-9.18 of this report.
5.	The council has no 5year housing land supply and this would help to reduce housing need in the area	See paragraphs 9.1-9.18, as well as paragraphs 9.62-9.64 of this report.

6.	The development would free up houses in the area as elderly or renters move to the park home site	Noted. However the benefits of this scheme would not outweigh the harm identified to the Green Belt. See paragraphs 9.1-9.18 of this report.
7.	The site is well connected and has access to the A308 between Windsor and Maidenhead. It also has 2 bus stops in walking distance.	See paragraphs 9.53-9.61 of this report.
8.	The development would benefit existing and proposed local businesses as new park home owners use local shops and services.	See paragraphs 9.1-9.18 of this report.

8.5 Statutory consultees

Consultee		
Lead Local Flood Authority	Object to the proposed development on the grounds that a significant portion of the site is susceptible to surface water flooding. Inadequate information has been submitted to demonstrate that the hard surfacing (associated with the proposed development) could be adequately drained without increasing flood risk on the site or elsewhere). For these reasons the proposal is considered to be contrary to paragraph 165 of the NPPF.	See paragraphs 9.19-9.31

8.6 Consultees

Consultee	Comment	Where in the report this is considered
Tree Officer	Objects to the proposed development due to its adverse impact on the hedgerow surrounding the site.	See paragraphs 9.32 – 9.43 of this report.
Highways Officer	The proposed development is not considered to be in a sustainable location, however we raise no objection to the proposed development subject to conditions requiring a parking layout plan and cycle storage details.	See paragraphs 9.53-9.61 of this report.
Environmental Protection Officer	The development site is located in close proximity to land which has been contaminated. Notwithstanding this point, no objection is raised subject to conditions requiring the submission of an environmental construction plan and a scheme of contamination investigation works prior to development.	See paragraphs 9.72 – 9.75.
Berkshire Archaeology	No objection subject to a condition requiring the submission of a written scheme of investigation prior to development.	See paragraphs 9.69 – 9.71.
Thames Water	Following initial investigations, Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the	See paragraphs 9.19 - 9.31.

	<p>developer in an attempt to agree a position for foul water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning Permission.</p> <p>No properties shall be occupied until confirmation has been provided that either all Waste water network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.</p> <p>Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.</p>	
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8.7 Others

Group	Comment	Where in the report this is considered
Maidenhead Civic Society	Object to the proposed development on grounds that it is inappropriate development in the Green Belt and does not demonstrate any special circumstances to allow for the development.	See paragraphs 9.1-9.18 of this report.
Oakley Green and Fifield Residents Association	Strongly object to the proposed development on grounds that it would cause congestion on the busy A308 and harm to the safety of vehicles who use that Road. Furthermore it would be inappropriate and harmful development in the Green Belt.	See paragraphs 9.1-9.18, as well as paragraphs 9.53-9.61 of this report.
Down Place residents Association	Object to the proposed development on grounds that it is inappropriate development in the Green Belt and does not demonstrate any special circumstances to allow for the development. The site is not identified for housing in the Development Plan. The site would cause additional congestion on the busy A308.	See paragraphs 9.1-9.18, paragraphs 9.53 -9.61 and paragraphs 9.62-9.64 of this report.

9. EXPLANATION OF RECOMMENDATION

The key issues for consideration are:

- i The principle of the change of use and its impact on the Green Belt

- ii The impact of the proposal on flood risk and drainage
- iii The impact upon the character and appearance of the area
- iv The impact upon the amenities of nearby occupiers
- v Provision of a suitable residential environment
- vi The impact upon highway safety and parking
- vii Affordable housing provision
- viii Other Considerations (Ecology, Archaeology, Contaminated Land)

Issue i - The principle of the change of use and its impact on the Green Belt

- 9.1 Local Plan Policy GB1(c) states that approval will only be given for development in the Green Belt (save in very special circumstances) for engineering and other operations and the making of a material changes in the use of land which maintains openness and does not conflict with the purposes of including land within it. Policy GB2(a) states that permission will not be granted for...change of use within the Green Belt, where it would have a greater impact on the openness of the Green Belt or the purposes of the Green Belt than existing development on the site.
- 9.2 Paragraph 146 of the NPPF states that 'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The exception considered most relevant to this application is:
- material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)
- 9.3 Taking into consideration the above, the afore-mentioned Local Plan policies are generally considered to be in line with the aims and objectives of the NPPF regarding 'change of use development' in the Green Belt.
- 9.4 The application seeks planning permission to change the use of the land, so that 55 mobile homes can be sited upon it, following the demolition of existing buildings.
- 9.5 The submitted planning statement suggests that the development would consist of:
- 1 1-2 bedroom mobile park homes, with comfortable living accommodation. Each home would be manufactured off site, assembled on site and would fall within the statutory definition of a caravan.
 - 2 Each park home would have a small curtilage area allowing for the parking of 1 vehicle, as well as amenity space.
 - 3 A community amenity space
 - 4 Cycle storage and communal refuse facilities
1. 20 affordable housing units to rent
 2. Landscaping where necessary
 3. Internal access roads and visitor parking areas
- 9.6 The applicant has suggested that the proposed development is appropriate development in the Green Belt for the following reasons:

'The change of use of the land can be considered to fall within the exception e) in paragraph 146 of the NPPF which will allow the material change of use of land. In this case, the change of use would have an impact on openness as it would facilitate the siting of up to 55 park homes on the application site. However, the application proposes demolition of the existing dwelling and numerous outbuildings on site which would increase openness. By their nature, park homes are low in profile and although permanently sited can be considered to be compatible with a countryside setting'.

- 9.7 At present the site comprises a two storey dwelling, surrounded by brick walls and limited vegetation. A single storey annexe and other single storey outbuildings also exist within the site. Due to the size and siting of the outbuildings, they have very limited visual and spatial impact upon the openness of the Green Belt. Due to its height the existing dwelling has more of a visual impact, however this is still limited due to its set back from Windsor Road.
- 9.8 The proposed site location plan suggests that park homes would cover the majority of the site, each building would have a footprint of approximately 52m². Scaled drawings showing the height and design of the new park homes have not been submitted, although brochures of potential homes have been submitted. National housing standards suggest that minimum floor to ceiling heights should be 2.3m, insulation and roofing is also likely to be necessary for each home. It is therefore likely that each of the park homes would be at least 2.5m in height.
- 9.9 The 55 new homes, parking areas (once occupied), refuse facilities and residential paraphernalia such as washing lines, likely boundary separation between pitches, and outdoor seating areas would undoubtedly have a significant spatial impact on the openness of the Green Belt. Furthermore due to their number, unspecified heights and the fact that some of the homes are located within close proximity to the sites open front access, it is likely that the proposed development would cause visual harm to the openness of the Green Belt, despite the sites set back from the road and landscaping.
- 9.10 It can be concluded therefore that the proposed development would have a greater impact on the openness of the Green Belt than existing development on the site and would therefore not preserve openness, contrary to planning guidance.
- 9.11 Furthermore park home sites can be considered as traveller sites as they will essentially house mobile homes/caravans. The Planning Policy for Traveller Sites 2015 (PPTS), which is to be read in conjunction with the NPPF is a material consideration in determining planning applications such as this. Policy E of the PPTS is specific to traveller sites in the Green Belt and states that: "Inappropriate development is harmful to the Green Belt and should not be approved, except in Very Special Circumstances (VSC). Traveller sites (temporary or permanent) in the Green Belt are inappropriate development". It states that 'subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'. Therefore the proposal is considered to be inappropriate development.
- 9.12 The development does not appear to fall within any other form of appropriate development listed under paragraphs 145 or 146 of the NPPF or Policy GB1 of the Local Plan. Nor has the applicant evidenced that it does.
- 9.13 For these reasons the proposed change of use is considered to be inappropriate development, which would also cause significant harm to the openness of the Green Belt.
- 9.14 In addition to the above, the proposed development would be sited on predominantly open land between Maidenhead and Windsor. Other than a few houses, a petrol filling station and a hotel along Windsor Road (forming a ribbon development pattern) the area is green and open. The openness and low density development common of the area contributes towards the clear physical and visual distinction between the towns of Maidenhead and Windsor. The proposed development would introduce dense residential development to an area that is sparser in density and would erode the clear distinction between the towns and would be harmful to the purposes of including the land in the Green Belt, specifically to prevent the sprawl of built up areas, to assist

in safeguarding the countryside from encroachment and to prevent neighbouring towns from merging into one another.

Very Special Circumstances Test

- 9.15 Paragraph 143 states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.
- 9.16 Paragraph 144 states that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt' and 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'.
- 9.17 The applicant has put forward several considerations, which they believe weigh in favour of the development. Those considerations have been summarised below:
- The proposed development would provide 55 homes, where there is currently no 5 year housing land supply for the Borough (This provides moderate weight in favour of the development).
 - 20 of the proposed dwellings would be affordable housing for rent (36%), as set out in appendix 2 of the NPPF. The applicant has suggested that they are open to entering into a legal agreement to ensure those units are provided (At present no legal agreement is in place and therefore this point is afforded limited weight in favour of the development).
 - The proposed development would provide economic benefits as homeowners use local shops and services, but also the siting of the mobile homes and development would provide work for the building industry (This point is afforded limited weight in the VSC balancing test as the mobile homes are ready built – thus would not require a substantial work force, furthermore the economic benefits from expenditure would not be significant due to the amount of dwellings proposed).
 - The homes can be provided in a short space of time and therefore quickly delivered where there is an identified need for housing (This point is afforded limited weight, as homes will still have to be constructed off site, assembled and services will still need to be fitted).
 - All of the properties provided are likely to be cheaper than the average price for single and two bed flats, terraces, in the area (This point is afforded limited weight).
 - The type of housing provided is cheaper and will allow younger people to get on the housing ladder. Older people may be attracted to the park homes releasing other homes in the vicinity. (These points are afforded limited weight in favour of the development).
- 9.18 The proposed development would cause significant harm to the openness of the Green Belt, further harm would be caused by its inappropriate nature and harm to the purposes of the Green Belt (encroachment, sprawl, and to prevent neighbouring towns from merging into one another). The harm identified above is attributed substantial weight in the VSC Balancing test and the other harm (amenity, character and appearance and environmental issues – mentioned later in the report) is attributed significant weight against the development. It is therefore considered that no 'very special circumstances' have been demonstrated to outweigh the harm to the Green Belt (and any other harm); that would justify the approval of the application.

Issue ii - The impact of the proposal on flood risk and drainage at the site

- 9.19 The development site is located within Flood Zone 1.
- 9.20 There are no relevant Local Plan policies for development in Flood Zone 1. Notwithstanding this point, the NPPF (2019) states that a site specific flood risk assessment (SSFRA) should be

submitted for major development in the Flood Zone and an assessment has been submitted in support of this application (QFRA, 1389, dated 20/06/19).

- 9.21 National Planning Policy Guidance states that the sequential test is not required for development in Flood Zone 1. The guidance also states that 'highly vulnerable development is appropriate development in Flood Zone 1 as such the development does not need to meet the requirements of the exceptions test.
- 9.22 Paragraph 163 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.23 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. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 9.24 EA Flood Maps suggest that the development is in an area at very low risk of fluvial flooding (sea, reservoir, and river). Notwithstanding this point the western and south western parts of the site are at high to medium risk of surface water flooding (the chance of flooding being between 1% and greater than 3.3% each year, with depths of flood water ranging from 300mm to greater than 900mm predicted for the 1% event). Furthermore, Plan number 0499-SFRA-LV1 rev A included within the Boroughs SFRA indicates that "sewer flooding" has previously affected the site.
- 9.25 The proposed plans do not clearly indicate the extent and nature of the hard surfaces throughout the proposed development (car parking areas, access roads, paths). Additionally the proposed park homes are to be located on concrete slabs, the footprint of these park homes is therefore likely to be impermeable. Taking into consideration that the type and extent of hard surfacing at the site is unknown, the proposed SuDS measures (swales and permeable surfaces) cannot be considered as adequate for draining the site. Therefore the SuDs information submitted with the application does not adequately demonstrate how the site will be drained and surface water is likely to be pushed elsewhere putting properties like Queen Acre Cottage at higher risk of flooding.
- 9.26 Furthermore, no information has been submitted to suggest that the park homes would be above the mentioned surface water flooding levels. Therefore the homes are likely to be vulnerable to surface water flooding and as mentioned previously no SuDS are in place to mitigate the risk. The proposal would therefore not be flood resistant and would put the sites users and their homes at risk of surface water flooding.
- 9.27 The submitted D and A statement suggests that the proposed development would be connected to the areas mains sewer. However Thames Water have objected to the scheme on the grounds that sewer systems in the area have no capacity for the proposed development. Taking into consideration that sewers in the area have previously flooded, the proposal is therefore likely to

increase the likelihood of sewer flooding in the area. Notwithstanding these points, Thames water have suggested that this concern could be overcome by a suitably worded condition (see section 8.6 of this report).

- 9.28 As the development site is in Flood Zone 1 and in an area at very low risk of fluvial flooding, it is not considered appropriate to have a safe means of egress and access from and to the site.
- 9.29 For the reasons mentioned above it is considered that the proposed development would increase flood risk elsewhere. Furthermore it would not include appropriate sustainable drainage systems or flood resistant measures (such as appropriately raised floor levels).
- 9.30 The proposed development is considered to be contrary to paragraphs 163 and 165 of the NPPF (2019).
- 9.31 The Lead Local Flood Authority is a statutory consultee for developments of this nature. They have been consulted on the application and also object to the proposed development (see section 8.5 of this report).

Issue iii - Impact upon the character and appearance of the area

- 9.32 Local Plan Policy DG1 places emphasis on achieving good design and creating new developments which sympathetically integrate into existing environments. Policy H10 of the adopted Local Plan states that new residential development schemes will be required to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas and, where possible, to enhance the existing environment.
- 9.33 Policy H11 of the adopted Local Plan 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.
- 9.34 Chapter 12 of the National Planning Policy Framework (2019) aims to achieve well designed places. Paragraph 127 specifically advises that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate landscaping, they should also be sympathetic to local character, history and the surrounding built environment.
- 9.35 In support of the above the Government published the National Design Guide in October 2019 and this seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. The focus of the design guide is as a tool to inform layout, form, scale, appearance, landscape, materials and detailing.
- 9.36 The proposed development would be visible from Windsor Road and a public footpath east of the site. The proposed change of use would result in resurfacing for mobile home pitches, parking areas and access routes. It would also comprise the eventual siting of up to 55 mobile homes, refuse areas and cycle storage sheds. No scaled drawings have been submitted demonstrating the height and design of the mobile homes or cycle sheds.
- 9.37 Notwithstanding the above, it is considered that due to the set back of the homes and sheds from Windsor Road, the fact that parking areas are already visible from the road, and that a condition could be added to improve landscaping at the site (subsequently screening the development); the proposal could have an acceptable impact on the appearance of the area from the main road. Furthermore the site is 290m away from the aforementioned public footpath and is almost completely surrounded by a mature hedgerow. Due to the separation distance between the site and hedgerow, the development would cause no harm to views of the area from the footpath. In terms of character, the development would introduce a dense residential environment which contrasts with the immediate surrounding area. However this is common of park home sites such as the Willows Riverside Park and Windsor Racecourse Caravan Park. Both of which are sited along Maidenhead Road and are approximately 1.7km and 3.3km away from the development site respectively.

- 9.38 Policy N6 states that new developments should protect and conserve trees important to the amenity of the area; ample space should also be provided for the future growth of these trees. Any loss or harm to such trees can in some circumstances be mitigated by replanting but should always be justified by the applicant. The policy also states that where the contribution of the trees to local amenity outweighs the justification for development, planning permission may be refused. Policy N7 of the Local Plan seeks to protect hedgerows from development which would lead to their loss. The policy states that development will not be permitted 'which results in the loss of hedgerow, such as a boundary hedge. Where hedgerow removal is unavoidable replacement and improved planting will be required'.
- 9.39 The Boroughs Tree Officer has raised concerns regarding the impact of the proposed development on a hedgerow surrounding the site (labelled G7 and H1 on drawing 'AA PP 01' received 14/10/19). The officer suggests that future occupiers of the park homes may cut back the hedgerow to improve their amenity space and/or access to light. Further harm could be caused when installing hard standing for track roads, car parking and footpaths around the site. All of which could harm the hedgerows G7 and H1 to the detriment of the areas character and appearance. The tree officer has also stated that the landscaping scheme is not viable as many of the trees and hedging within the site are not fit for relocation.
- 9.40 Notwithstanding the above, an existing dirt track exists around the sites western boundary. The track would provide a clear gap between the eastern park homes and the eastern section of hedge G7, therefore there would be no need to prune the hedge and it is likely to be retained. The same track partly runs along the sites southern boundary; the submitted plans indicate that it would be cleared and extended to finish at the south west corner of the site. A condition could be added to ensure that the southern section of hedge G7 is appropriately protected and where necessary improved, should permission be forthcoming. Homes would also be sited in close proximity to hedge H1 and a similar landscaping condition could be added to ensure the hedges are protected and replaced.
- 9.41 Additionally, there is no guarantee that footpaths will be created along the sites boundary which would harm the hedgerow, nor is it guaranteed that future occupiers would wish to prune or cut back hedges G7 and H1, and as such many of the tree officers concerns are considered to be hypothetical. It should also be noted that only the eastern section of the hedgerow is visible to the public. That section of the hedgerow is most likely to be protected due to the dirt track surrounding the site. Therefore the most important part of the hedgerow is the most likely to be retained. Taking into consideration these points it is not considered that this application could be refused due to its impact on the hedgerow surrounding the site.
- 9.42 One mature tree exists within the site (T6). The tree is located over 40m from the road, the tree is not protected and adds minimal value to the areas appearance due to its size and set back from the street. The tree officer has not objected to its removal.
- 9.43 For the reasons mentioned above it is considered that, subject to the imposition of conditions (hedgerow protection and landscaping) should permission be forthcoming, the proposal could have an acceptable impact on the character and appearance of the area.

Issue iv – Impact of the proposal on neighbouring amenities and the amenities of future residents

- 9.44 Paragraph 127 of the NPPF (2019) states that development should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.
- 9.45 Paragraph 180 of the NPPF (2019) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the

development. This includes avoiding noise giving rise to significant adverse impacts on health and the quality of life.

- 9.46 There are no relevant Development Plan policies regarding impact on neighbouring amenity.
- 9.47 The park home site would comprise 55 new homes. Each home would have 1 to 2 bedrooms and thus could house a small family. 17 visitor parking spaces would be provided for the sites users and they would each have 1 private parking space. In order to access and exit the site each occupier and their visitors would have to use the access sited meters away from Queen Acre Cottage. Constant people and vehicle movements in and out of the site, coupled with a large increase in external activity would inevitably lead to an increase in noise, harming the amenities of Queen Acre Cottage.
- 9.48 Furthermore 6 of the 55 homes are to be sited within 4-10m of Queen Acre Cottage. The heights and designs of these properties have not been specified. As such they could provide views into Queen Acre Cottage and its rear garden. This would lead to a significant increase in overlooking and a loss of privacy to the occupiers of that property.
- 9.49 For these reasons, it is considered that due to the sites close proximity to Queen Acre Cottage, that neighbour is likely to be the subject of disturbance by constant vehicle and people movement, as well as an increase in noise. They could also be subject to a significant loss of privacy. For these reasons and the reasons mentioned above the proposal is considered to be harmful to the amenities of Queen Acre Cottage.

Issue v - Provision of a suitable residential environment

- 9.50 There are no specific policies in the adopted Local Plan regarding provision of a suitable residential environment. Paragraph 127 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. The government has also published Technical Housing Standards- nationally prescribed space standards (2015) which sets out guidance on floor space requirements for new developments.
- 9.51 The proposed plans do not indicate the height or design of the proposed park homes. Notwithstanding this point, each park home would have a semi private garden, parking facilities, access to cycle storage and refuse facilities. The dwellings would also have access to a community amenity area. Each park home would be approximately 52m² and is therefore likely to be able to create a suitable living environment for future occupiers.
- 9.52 It is considered that the application could provide a satisfactory level of amenity for future occupiers.

Issue vi - Impact upon highway safety and parking

- 9.53 Policy T5 requires all development proposals to comply with adopted highway design standards (HDS). The policy notes advise that the purpose of the HDS is to ensure that new development does not place an undue burden or create problems of congestion on the highway network. Policy P4 requires all development proposals to accord with adopted car parking standards, while policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking.
- 9.54 The NPPF (2019) states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 9.55 A transport statement (Ref: 1905036, Dated May 2019) and technical note (Ref: Technical Note 1: 1905036, Dated 6th August 2019) has been submitted in support of this application.
- 9.56 The sites access would be 6.5m wide as shown in Appendix A of Technical Note 1 and would provide adequate visibility in both directions when exiting and entering the site. A swept path

analysis (Appendix B of Technical Note 1) has been submitted which demonstrates that the new access road would allow for vehicles to safely pass alongside each other, whilst exiting and entering the site. A new 1.5m pedestrian footpath would also be provided within the site to allow for residents and bike users to exit and enter the site more safely. It should also be noted that the submitted transport statement and Boroughs Highways Officer suggest that the A308 has sufficient capacity for the additional vehicle movements generated by the proposed development.

- 9.57 55 homes would be provided in an area of poor accessibility. The development would therefore require the provision of 110 car parking spaces. The submitted plans show that the development would provide 72 car parking spaces (1 for each home and 17 visitor spaces). However the submitted transport statement (Technical note 1: dated 6th August 2019) suggests that each home has adequate space for the parking of 2 vehicles (in tandem). The Boroughs highways officer has accepted this point and it is therefore considered that the site could provide a total of 127 parking spaces; exceeding the requirement. It is therefore considered that adequate vehicle parking space could be provided at the site. If the application was recommended for approval a condition would have been suggested requiring a parking layout plan.
- 9.58 Cycle storage areas have been provided within the site. Whilst the areas themselves are considered to be acceptable, additional information would be required to ensure they are covered, secure and adequate in number. A condition would have been suggested to this effect had the application not been recommended for refusal.
- 9.59 The bin storage areas indicated are considered to be appropriately sited, however details regarding their height, capacity and the type of waste they would store is unknown. As these details would ultimately impact on their usage and the sites appearance a condition would have been suggested had the application not been recommended for refusal.
- 9.60 The Highway Authority has raised no objections to this application, subject to conditions. Although they have noted that the development is not in a sustainable location.
- 9.61 Overall and for the reasons mentioned above, it is considered that subject to conditions, the proposed development could have an acceptable impact on highway safety and would not cause any severe harm to the highways network. As such this application is not recommended for refusal on highway grounds.

Issue vii – Affordable Housing provision

- 9.62 The proposal would include 20 affordable units on site which accords with Local Plan policy H3 which requires that this development provides 30% affordable housing on site.
- 9.63 As a material consideration, paragraph 63 of the NPPF states that in cases of major development involving housing, at least 10% of the homes are expected to be available for affordable home ownership, as part of the overall affordable housing contribution from the site unless this would exceed the level of affordable housing required in the area or prejudice the ability to meet the identified affordable housing need within the Borough. The Strategic Housing Market Assessment (SHMA) highlights the needs of the Borough and sets out a tenure of 80% of social/affordable rented and 20% intermediate housing, but tenure mix is not specified in adopted policy and therefore it is considered that the NPPF should be a material consideration of more significant weight in this respect. The applicant has stated that 20 of the proposed units (36%) would be affordable housing to rent which would therefore accord with the NPPF.
- 9.64 Whilst it is noted that the applicant is willing for the proposal to be policy compliant and has advised that they are willing to secure a legal agreement, at the time of writing this report no legal agreement is in place. In the absence of a satisfactory legal agreement, the affordable housing contribution is not secured and the proposal therefore fails to make adequate provision for affordable housing and is contrary to Local Plan policy H3 and paragraph 63 of the NPPF. However, the weight to be attributed to having a policy compliant affordable housing scheme will be considered further below as part of the wider planning balance.

Issue viii - Other considerations

Ecology

- 9.65 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 “When determining planning applications, local planning authorities should apply the following principles...development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”.
- 9.66 A phase 1 ecological survey was submitted in support of the application (Ref: Ecological Assessment, Queens Head - Derek Finnie Associates, Dated May 2019).
- 9.67 No badgers or bats were found at the site during the assessment, as such these species are unlikely to be adversely impacted by the proposed development. The existing hedgerow is to be retained and would provide home and refuge for animals in the future. Furthermore a condition would have been recommended to ensure the hedgerow was protected and appropriately supplemented if the application were recommended for approval. For these reasons the proposed development would not have an ecological impact which would warrant refusal of the application.
- 9.68 It should also be noted that the Boroughs ecologist has made no objection to the proposed development subject to the inclusion of conditions.

Archaeology

- 9.69 Local Plan policy ARCH3 and paragraph 189 of the NPPF seek to protect archaeological remains.
- 9.70 Berkshire Archaeology have been consulted on the application and have suggested that the development site could contain archaeological remains. However they have suggested that subject to a pre commencement condition requiring the submission of a programme of archaeological field evaluation in accordance with an approved written scheme of investigation, and any subsequent mitigation as necessary, the proposed development would be acceptable. Had the application been recommended for approval an appropriately worded condition would have been recommended.
- 9.71 For these reasons the proposed development would not have an archaeological impact which would warrant refusal of the application.

Contamination

- 9.72 Local Plan Policy NAP4 advises that planning permission should not be granted where a proposal is likely to pose an unacceptable risk to the quality of ground water or surface water.
- 9.73 During the process of the application concerns were raised by the Environmental Protection Officer regarding the impact of potentially contaminated land on the proposed development. However it was also suggested that a suitably worded condition requiring ground and soil surveys to establish whether the site is contaminated or not prior to commencement would overcome their concerns.
- 9.74 Had the application been recommended for approval an appropriately worded condition would have been recommended.
- 9.75 For these reasons the potentially contaminated land at the site would not have warranted refusal of the application. .

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 Page 11 of the RBWM CIL charging guide (2016) suggests that CIL is not charged on Mobile homes as they are not buildings as defined by planning law. The proposed development is therefore not considered to be CIL liable.

11. Planning Balance

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

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

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

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

'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).'

- 11.3 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5 yhls) is the 'standard method' as set out in the NPPF (2019). Currently the LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). 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.
- 11.4 However footnote 6 of the NPPF (2019) clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where '*policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*'. This includes: Green Belt and areas at risk of flooding). For the reasons set out in paragraphs 9.1-9.28 the proposed development is considered to constitute inappropriate and harmful development in the Green Belt which would also increase the risk of flooding at the site and elsewhere. Plainly where there are such restrictive policies in play, and their requirements are not satisfied by the development proposed, it is clear that the "tilted balance" does not apply, and the planning balance is to be carried out in the ordinary way, having regard to the statutory test in section 38(6) of the 2004 Act. This is set out below in the conclusion.

12. Conclusion

- 12.1 The proposal could have an acceptable impact on the character and appearance of the area, potential archaeological remains, ecology, contaminated land and highway safety subject to conditions. However, the proposed development would constitute an inappropriate form of development in the Green Belt, would result in significant harm to the openness of the Green Belt, and would be contrary to three of the purposes of the Green Belt (encroachment, sprawl, and to prevent neighbouring towns from merging into one another). This harm to the Green Belt is afforded substantial weight against the development. The case of VSC put forward by the applicant would not clearly outweigh this harm and the other harm noted below. The proposal is also likely to have an unacceptable impact on the amenities of Queen Acre Cottage and to increase flood risk at the site and elsewhere. Furthermore without a legal agreement in place the affordable housing units mentioned cannot be secured. As such the proposal is considered to be contrary to Local Plan policies GB1, GB2(a), H3 and NAP3 as well as paragraphs 63, 127, 133, 134, 143, 144, 145, 146, 163, 165 of the NPPF.

- 12.2 With or without securing the proposed affordable housing contribution the scheme would be contrary to the planning guidance set out within the Development Plan and National Planning Policy Framework (2019).
- 12.3 For these reasons it is recommended that the Panel refuse planning permission for the proposed development.

13. APPENDICES TO THIS REPORT

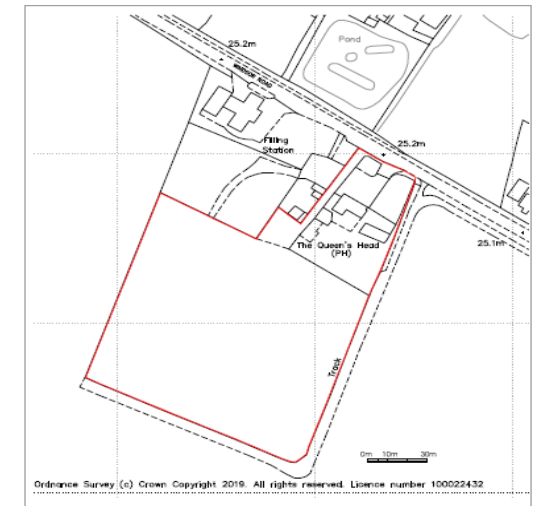
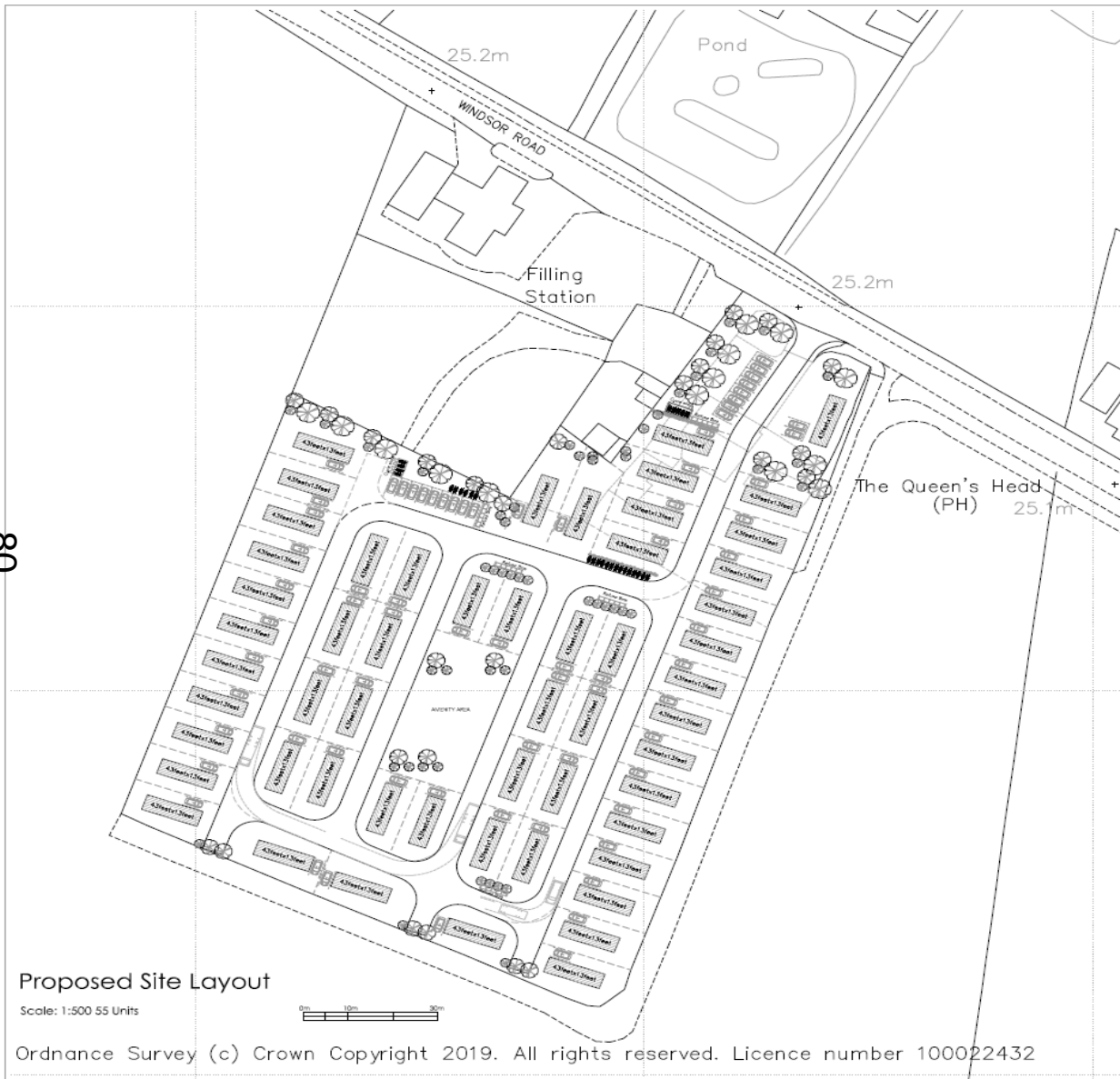
- Appendix A – Proposed Site Layout and Location Plan

14. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. It would also cause significant harm to the openness of the Green Belt and would conflict with three of the purposes of the Green Belt namely 'safeguarding the countryside from encroachment, to check the unrestricted sprawl of large built up areas, and to prevent neighbouring towns from merging into one another'. This harm is given substantial weight. No Very Special Circumstances have been demonstrated which clearly outweigh the harm to the Green Belt and the other harm identified (flooding and amenity). The proposal is therefore contrary to the provisions of saved policies GB1 and GB2(a) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003), paragraphs 133, 134, 143, 144, 145, 146 of the National Planning Policy Framework (2019), and paragraphs 16-17 of Planning Policy for Traveller Sites (2015).
- 2 Part of the site is located in an area at risk of surface water flooding and inadequate information has been submitted to demonstrate that the hard surfacing (associated with the proposed development) could be adequately drained without increasing flood risk on the site or elsewhere. Additionally it has not been demonstrated that the park homes would be above the surface water flooding levels for the site. The proposal is therefore likely to increase flood risk elsewhere and to put additional people at risk of flooding, contrary to paragraphs 163 and 165 of the National Planning Policy Framework (2019).
- 3 The proposed development would be sited in close proximity to Queen Acre Cottage. Significant increases in people and vehicle movements at the site are likely to result in physical disturbance and an increase in noise to the detriment of the amenities of the occupants of this cottage. Furthermore, several of the park homes are located within 4m - 10m of Queen Acre Cottage. No information has been submitted regarding the height and design of these properties and they could look directly into the rear elevation and garden of the cottage, leading to a significant loss of privacy for its occupiers. For these reasons the proposal is considered to have an unacceptable impact on the amenities of Queen Acre Cottage and to be contrary to Policy NAP3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003) and paragraph 127 of National Planning Policy Framework (2019) which seeks to achieve a high standard of amenity for all.
- 4 In the absence of a completed legal agreement the proposed development has failed to secure the provision of 17 affordable housing units (30% on site provision) to meet local needs. The proposed development is therefore contrary to policy H3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003) and the National Planning Policy Framework (2019).

Proposed Site Layout

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Scale: 1:1250



Note - Plan layout based on OS ordnance survey data only

Rev	Date	Description	Drawn
Michael Pogoril Architects Ltd Commercial, Residential Development, Land-Use/Planning Consultants 4400 Highway 7 East, Suite 200 Richmond Hill, Ontario L4B 1N2 Tel: 905.709.3400			
Project: Proposed Mobile Home Park, to the west of the Queens Road, Windsor Road, Windsor Valley, Oakville, Ontario, L6M 4K4. For: Mr. Ricky Davidson Drawing title: Proposed Site Layout and Site Location Plan			
Scale:	1:500 / 1:250	Date:	February 2014
Drawing No:		Revision:	
1241 - PL100			

ORIGINAL DRAWING AT A1

Agenda Item 7

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 December 2019

Item: 4

Application No.:	19/01276/OUT
Location:	St John Ambulance York Road Maidenhead SL6 1SH
Proposal:	Outline application for access, appearance, layout and scale to be considered at this stage with all other matters to be reserved for the construction of x53 apartments with associated landscaping and car parking (landscaping reserved)
Applicant:	Shanly Homes Limited
Agent:	Mr Kevin Scott
Parish/Ward:	Maidenhead Unparished/St Marys

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

1. SUMMARY

- 1.1 The application site relates to (currently vacant) single storey community buildings located down a private road accessed off York Road, Maidenhead. The site also benefits from a detached garage.
- 1.2 This is an 'outline' application with the reserved matters regarding; appearance, layout and scale for consideration at this stage. The proposed development is for one singular building 7 storeys in height.
- 1.3 The principle of redeveloping the site and making efficient use of previously developed land is consistent with both existing and emerging Development Plan policy and the NPPF (2019). This is considered to substantially weigh in favour of the scheme. The proposed development would result in the loss of existing community building which the applicants claim the building is surplus to the former occupiers requirements, however no evidence has been provided to demonstrate that the building cannot be used by an alternative provider as required by policy MTC13 of the AAP (2011).
- 1.4 The proposed development is for one large 7 storey block, the height and scale of the building per say is not considered to be inappropriate, however its lack of interaction or relationship of the principle elevation, that being the eastern elevation facing the waterway which is a highly visible from across the waterway results in a built form which looks detached and isolated and fails to relate or connect with the wider area.
- 1.5 In terms of affordable housing, the independent viability review has concluded that the scheme could viable bear a financial contribution of £400,000 towards affordable housing. The developer maintains that the scheme cannot viably bear any form of contributions, but nonetheless proposed to provide two on site affordable housing units as part of this application, these would be shared ownership and would be proposed to be the financial equivalent of approximately £320,000.
- 1.6 In terms of the impact on neighbouring amenities the proposed development is considered to have a significant impact on the amenities of the occupiers of 60- 70 Fotherby Court. There are concerns about the levels of sun/ daylighting to living rooms located to the western elevation of the proposed building.
- 1.7 The proposed development is not considered to raise any highway issues in terms of highway safety or capacity grounds. It is also considered that appropriate levels of parking are proposed for a scheme of this nature, in this location. The applicants have agreed to provide a residential

travel plan through the S106 legal agreement and makes a modest financial contribution of £1,542 towards improved cycle links around the town centre.

- 1.8 In terms of flooding the proposed development is considered to pass the sequential test and be appropriately flood resistant and resilient with dry access being provided via the access onto the York Road. Matters regarding demonstrating a workable Sustainable Urban Drainage scheme are still being considered and members will be updated at the Panel meeting.
- 1.9 In terms of ecology based on the comments from the EA and the Council's ecology it is considered that the principle of the proposed buffer between the eastern edge of the building and the waterway of circa 2-3m is appropriate. It is considered that the details of the biodiversity enhancements and providing appropriate buffers are most appropriately considered at the reserved matters stage regarding landscaping.
- 1.10 The proposed development would provide 53 new homes in a sustainable location which weighs in favour of this scheme. There are some economic benefits of this scheme, however given the short-term nature they would have limited benefits.
- 1.11 The below report sets out and considers the merits of the applications and concludes that having due regard for the identified harm associated with this scheme it is not considered that the adverse impacts of the proposed development when taken as a whole would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2019).
- 1.12 On this basis the application is recommended for approval.

It is recommended the Panel DEFERS AND DELEGATES the decision to GRANT planning permission to the Head of Planning subject to the following:

The conditions listed in Section 11 of this report (including any non-material changes to the recommended conditions*).

The completion of a Section 106 Legal Agreement to secure matters to make the development acceptable in planning terms.

It is further recommended that the Panel grants the Head of Planning delegated authority to determine any subsequent reserved matters application regarding landscaping.

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 (currently vacant) single storey community building located down a private road accessed off York Road, Maidenhead. The site also benefits from a detached garage. To the north of the site is the York Road Project Centre and to the south Maidenhead Spiritualised Church. To the east is the waterways and resident properties beyond. To the west the former Desborough Bowls Club and Maidenhead Football Club.
- 3.2 The surrounding area is one subject to change; at the time of report writing the site to east, Desborough Bowls Club, have relocated and the former facility is being demolished. The site to the north forms part of the Council's wider redevelopment of land within the ownership and will shortly be redeveloped for housing, under application 18/01608/FULL. Schemes coming forward in this area are circa 4-7 storeys in height.

4. KEY CONSTRAINTS

4.1 The key constraints for this site are as follows:

- i. Urban area
- ii. Flood Zone 3 and 2
- iii. Adjacent to Maidenhead Waterway
- iv. Classified Road
- v. Within the Maidenhead Town Centre boundaries

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 This is an 'outline' application with the following reserved matters being considered; appearance, layout and scale.

5.2 The proposed development is for one singular building 7 storeys in height, 21.1m. The building would provide a total of 53 residential units comprising the following:

- 1 studio
- 22 one-bed units
- 30 two-bed units

5.3 The development will be served by the access from the north of the site, from York Road, as approved under application 18/01777/OUT which relate to the outline application for the adjoining site known at Maidenhead Bowls Club. A total of 27 car parking spaces are proposed, contained in the ground floor of the proposed development.

5.4 The only matter not to be considered as part of this outline application (which would otherwise be considered as part of a full planning application) is Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features and further details of the proposed Open Space. All matters pertaining to the above fall outside of the scope of consideration for this application. In the event this application is approved a further reserved matters application would be required for this

5.5 There is no planning history to this site which is considered relevant to this planning application, other planning applications on adjoining sites which are of relevance include:

Reference	Description	Decision
18/02550/FULL	23 - 33 York Road (Anchor site)- Redevelopment of the site to provide 53 apartments, comprising 23x studio flats, 25x 1 bed flats and 5x 2 bed flats, and associated landscaping following demolition of the existing buildings.	Approved: 23.08.2019
18/01777/OUT	Maidenhead Bowls Club- Outline application for Access, Appearance, Layout and Scale only to be considered at this stage with landscaping matters to be reserved for the demolition of existing buildings on the site and erection of a building comprising 8, 7 and 6 storey blocks with two 4 storey linking elements to provide 149 apartments with associated access and servicing, landscaping, 169 car	Approved: 25.10.2018

	parking spaces and 149 cycle spaces.	
18/01608/Full	York Road Opportunity Area (not including Bowls Club)- Mixed use redevelopment of the site comprising of 5 no. buildings 4-8 storeys in height to provide 229 new residential dwellings (Use Class C3), 1,930 sqm GEA of commercial and community/cultural floor space (Use Class A1/A3/B1/D1), provision of a new civic square and public realm enhancements, along with car parking, access, roads, landscaping and other associated works following demolition and clearance of all existing structures.	Approved: 21.12.2018

6 DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

6.1 The Borough's current adopted Local Plan comprises 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:

- vi. N6 Trees and development
- vii. DG1 Design guidelines
- viii. NAP 1 Road/rail noise and development
- ix. NAP3 Polluting development
- x. R1 Protection of Urban Open Spaces
- xi. R3 Public Open Space Provision in New Developments (provision in accordance with the minimum standard)
- xii. R4 Public Open Space Provision in New Developments (on site allocation)
- xiii. R5 Children's playspace
- xiv. E1 Location of Development
- xv. E 6 Other Sites in Business and Industrial Uses
- xvi. E10 Design and Development Guidelines
- xvii. S1 Location of shopping development
- xviii. H3 Affordable housing within urban areas
- xix. H6 Town centre housing
- xx. H8 Meeting a range of housing needs
- xxi. H9 Meeting a range of housing needs
- xxii. H10 Housing layout and design
- xxiii. H11 Housing density
- xxiv. T5 New Developments and Highway Design
- xxv. T7 Cycling
- xxvi. T8 Pedestrian environment
- xxvii. P4 Parking within Development
- xxviii. IMP1 Associated infrastructure, facilities, amenities

These policies can be found at

https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2

Maidenhead Town Centre Area Action Plan (AAP) (2011)

6.2 The above document forms part of the adopted Development Plan and provides a mechanism for rejuvenating the Maidenhead Town Centre. The document focuses on; Place making, Economy, People and Movement. The AAP also identifies six sites for specific development - the Opportunity Areas, which includes York Road. With specific reference to this site the document

identifies that the area also includes Maidenhead Football and Desborough Bowls Clubs. Whilst the football club wishes to remain in the town centre, the bowls club have indicated a willingness to relocate. The document states that any redevelopment proposals will be expected to include suitable open and amenity space recognising the open urban character of the site. The development and design principles for this opportunity area includes the replacement of existing car parking.

6.3 Policies of relevance include:

- Policy MTC 1 Streets & Spaces
- Policy MTC 2 Greening
- Policy MTC 3 Waterways
- Policy MTC 4 Quality Design
- Policy MTC 5 Gateways
- Policy MTC 8 Food & Drink
- Policy MTC 10 Offices
- Policy MTC 12 Housing
- Policy MTC 13 Community, Culture & Leisure
- Policy MTC 14 Accessibility
- Policy MTC 15 Transport Infrastructure
- Policy OA3 York Road Opportunity Area
- Policy IMP2 Infrastructure & Planning Obligations

6.4 The Council's planning policies in the Development Plan can be viewed at:

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

MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

- 6.5 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.

National Design Guide

- 6.6 This document was published on the 1 October and seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The focus of the design guide is to tool at layout, form, scale, appearance, landscape, materials and detailing. It further highlights ten characteristics help which work together to create its physical Character, these are context, identify, built forms, movement, nature, public spaces, uses, homes and buildings, resources and life span.

Borough Local Plan: Submission Version

- 6.7 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

6.8 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

6.9 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

6.10 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

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 7.1 14 occupiers were notified directly of the application.
- 7.2 The planning officer posted a notice advertising the application at the site on 15.05.2019 and the application was advertised in the Local Press on 23.05.2019.
- 7.3 Two letters of objection were received from the Trust Property Coordinator and the Secretary of Maidenhead Spiritualist Church objecting to the application, comments made can be summarised as follows:

Comment		Where in the report this is considered
1.	visitors will attempt to park on the adjoin private property without consent	This is a civil issue
2.	The Highway Authority ignored the fact that the church is acting and at weekends meetings during the week have up to 45 vehicles coming onto our site.	Section 9.8
3.	Concerns about increased flooding resulting from this proposed development and the impact on the joint sewer	Para 9.9.1-9.9.12
4.	Concerns about the impact on water supply and electric supply.	Noted, Thames water has not raised objections.
5.	Concerns about the access to the adjoining site resulting from the construction of this development.	This is a civil issue
6.	The proposed development would result in loss of light to the southern neighbour	Para 9.6.13
7.	Object to the roadway access rights	This is a civil issue

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No objections subject to conditions regarding compliance with the Flood Risk assessment and ecological buffer zone alongside the York Stream.	Para 9.9.1-9.9.12
Highway Authority	The proposed redevelopment of the site for residential use raises no highway concerns. Conditions recommended regarding consultants, access, parking, cycle stores and refuse.	Section 9.8
Lead Local Flood Authority	Awaiting updated comments	Para 9.9.1-9.9.12

Consultees

Consultee	Comment	Where in the report this is considered
Ecology	The proposed development is acceptable in terms of biodiversity, subject to a number pre-commencement conditions.	Para 9.9.18-9.9.27
Independent Viability Consultants	Based on the below of the viability evidence submitted by the applicants the scheme can viable bear a contribution of £400,000 towards affordable housing provision.	Section 9.5
Berkshire Archaeology	Archaeological investigation nearby has identified that in this area, close to the river, the natural ground levels have been heavily modified to the detriment of the survival of archaeological material. Do not believe there is any need for archaeological work in relation to these proposals.	Para 9.9.31-9.9.32
Environmental Protection (Air Quality)	The site is within Maidenhead Air Quality Management Area and has the potential to affect local air quality. An Air quality report has been submitted in support of the application, the conclusion of the assessment that the air quality impact of the development is not significant is acceptable. Conditions recommend regarding measures to control dust during construction are recommended.	Para 9.9.30
Environmental Protection (noise and contamination)	No objections	Para 9.9.33
Thames Water	The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken.	Noted
Maidenhead Waterways	Comments made can be summarises as follows: <ul style="list-style-type: none"> • This building provides poor quality landscaping • Due to the steepness of the bank maintenance will be difficult. • The proposal creates an unfriendly west bank for the public and the environment. • This development does not embrace or interact with 	Para 9.9.13-9.9.17

	<p>the waterway.</p> <ul style="list-style-type: none"> • Featureless car park surroundings detract from the waterway. • The 8m buffer strip required by the Environment Agency is not being observed. 	
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9. EXPLANATION OF RECOMMENDATION

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

Issue i) Background

Policy context

- 9.1.1 The National Planning Policy Framework (NPPF) (2019) and Housing Delivery Test are a material consideration. As the Council's adopted Local Plan is more than five years old, the starting point for calculating the 5 year housing land supply, for the purposes of decision making, should be the 'standard method' as set out in the NPPF (2019).
- 9.1.2 Paragraphs 11 of the NPPF (2019) states that:
- For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 9.1.3 Footnote 7 of the NPPF (2019) clarifies that, for decision-taking, policies which are most important for determining the application are out-of-date include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.1.4 For the purposes of this application and based on the revisions of the NPPF (2019) the Council is currently unable to demonstrate the five year supply of deliverable housing sites that is required by the National Planning Policy Framework (the Framework). The so-called 'tilted balance' contained in paragraph 11(d)(ii) of the Framework is therefore engaged (this is discussed further in paragraphs 9.10.2 to 9.10.5). Moreover and in line with footnote 7 to paragraph 11(d) of the Framework, the development plan policies which are most important for determining the application are also therefore deemed to be out-of-date. These policies include those associated with the principle of the redevelopment of the site including the loss of the community facilities (notably those contained with the AAP (2011)) and policies associated with design considerations for the redevelopment of such site (policies DG1, H10, H11 and N6) contained in the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003). The reasons why these are considered to be 'most important for

determining the application' are because matters regarding the principle of the development and ensuring good design form key considerations for the redevelopment.

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

Issue ii) Principle of the Development

9.2.1 The Maidenhead Area Action Plan (AAP) (2011) identifies that the application site forms part of the wider Policy OA3, York Road Opportunity Area which is allocated for a residential and office led mixed use development.

9.2.2 The allocation is split into land north and south of York Road:

Land North of York Road

1. 12,000 m2 of office floorspace (gross);
2. 100 residential dwellings (gross);
3. Public square capable of hosting events; Green space (e.g. pocket park) fronting York Stream;
4. Café and restaurant uses at ground floor

Land South of York Road

- 60 residential dwellings (gross);
- Up to 2,000 m2 of office floor space (gross);
- Community facilities;
- A multi-use community, cultural and leisure facility.

9.2.3 The AAP (2011) is clear that the redevelopment of this Opportunity Area may be achieved through a single or phased approach; with land either side of York Road coming forward at separate times. Any proposals for the area will however need to be planned in a comprehensive manner and ensure effective integration between land north and south of York Road.

9.2.4 The AAP (2011) states the redevelopment of this area would be residential led with office as the other primary land use. The area also forms part of the town centre's civic quarter which includes the council's existing offices as well as the Town Hall and listed library building. The AAP (2011) seeks to maintain the civic function of this area and, therefore, where existing buildings are replaced, development proposals will be expected to re-provide accommodation for the Council.

9.2.5 The BLPSV, looks to direct a significant level of growth to Maidenhead Town Centre as the main urban core and sustainable location within the Borough. The York Road sites were allocated as site HA5 in the BLPSV and as allocation AL4 in the most recent proposed changes to the BLP. Policy HO1 initially proposed to provide approximately 320 residential units as part of a mixed use scheme on the site. This has now been revised to be a total of 450 units and takes into account this pending planning permission. Policy ED2 of the BLPSV also identified York Road as a site for mixed use redevelopment however lacked further specifics regarding the quantum of development proposed as part of this allocation, reference to York Road delivering any mix use redevelopment has been omitted within the most recent changes.

9.2.6 The BLPSV would almost triple the housing allocation for the area and would supersede the allocation set out in policy OA3 of the AAP (2011). At the time of writing this report less weight is being attributed to the Housing Allocations contained in the BLPSV as a material consideration due to the level of unresolved objections against the housing allocations. However what the above seeks to demonstrate is that there is a recognition that the York Road area has been subject to change and that developments are now coming forward at a height and scale not initially envisioned in the AAP (2011) and allocation in the AAP can be considered to be out of date in this regard.

- 9.2.7 The NPPF (2019) seeks to achieve appropriate densities. Paragraph 122 is clear the development should make efficient use of land, taking into account the identified need for different types of housing and other development, land availability, local market conditions and viability; infrastructure needed to support the development and the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places. Paragraph 123 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.
- 9.2.8 Accordingly the principle of a residential led redevelopment, above the AAP (2011) nor that anticipated in the BLPSV need not be unacceptable, subject to other material considerations (notably impact on the character of the area and infrastructure needed to support the cumulative development.)

Prejudicing the wider redevelopment of the York Road Housing Allocation

- 9.2.9 Paragraph 3.29 of the AAP is clear that some sites could be developed independently of one another, it is preferable for landowners to work together to achieve a better solution which would unlock opportunities to make more substantial changes across the town centre. The Development Plan is clear that the redevelopment of this Opportunity Area may be achieved through a single or phased approach; with land either side of York Road coming forward at separate times. Any proposals for the area will, however, need to be planned in a comprehensive manner and ensure effective integration between land north and south of York Road. There is currently no one masterplan which underpins how the redevelopment of this site could come forward that would enable developers to undertake a consistent approach.
- 9.2.10 Nonetheless a number of schemes have and continue to be considered and determined within this area independently from each other. The potential impact on permitted schemes will be considered further below. The clear area in which this scheme could potentially prejudice part of the Opportunity Area to be redevelopment which does not benefit from planning permission, would be the south western corner, where the Maidenhead Spiritualised Church is currently based. This is located to the immediate south of this site.
- 9.2.11 Following the request from officers an indicative plan was provided on the 12.11.2019 which looks at how the site to the south *could* be delivered. This information should not be seen as any prescriptive plans or even as an intent to develop a site currently used a place of worship. Rather it seeks to demonstrate that based on the scheme coming forward within the York Road area the redevelopment of the St John Ambulance site would not prevent the site to the south coming forward for development if the current occupiers considered it appropriate.

Issue ii) Loss of community facilities

- 9.3.1 Policy MTC13 of the AAP (2011) states that:

Proposals that result in the loss of land or buildings in community, cultural and leisure use will only be permitted where it can be demonstrated that either:

- a. There is no longer a need for the building or land to be retained in community, cultural or leisure use; or*
- b. Acceptable alternative provision is made.*

- 9.3.2 Paragraph 92 of the NPPF (2018) states that in order to provide the social, recreational and cultural facilities and services the community needs LPA's should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. It further

states that decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

9.3.3 Policy IF7: Community Facilities of the BLPSV states that:

When a proposal will involve the loss of social and community facilities which are not being replaced, applicants will be required to provide evidence that they have consulted with an appropriate range of service providers and the community, to prove that there is no need for, or requirement for, the facility from any other service provider for an alternative social or community facility that could be met through change of use or redevelopment. In addition applicants are expected to provide evidence that:

- a. there is no significant local support for its retention*
- b. there are alternative premises within easy walking distance*
- c. any such alternative premises offer similar facilities and a similar community environment to the facility which is the subject of the application*

9.3.4 The applicants Planning Statement sets out that the site is no longer required by the St John Ambulance organisation. The LPA have sought to clarify this matter and the only response from the Applicants planning agent is that the building is surplus to St John Ambulance requirements. It has therefore not been demonstrated that there is no longer a need for the building to be retained in community, cultural or leisure use. The Applicants, have as part of the redevelopment of the adjoining Bowls Club provided a new bowls club facility along Green Lane (accessed via the Stafferton link) with additional meeting rooms and community provision. However no arguments have been put forward by the applicants regarding how this redevelopment forms part of a wider cohesive redevelopment being put forward by the Shanly Group. Accordingly this application has to be considered based on the evidence submitted as part of this planning application.

9.3.5 The proposed development is therefore contrary to policy MTC13 of the AAP (2011) as it has not been demonstrate that the existing community facility is no longer needed *to be retained in community, cultural or leisure use or acceptable alternative provision has been made*. This loss of community facilities weighs against the scheme however as set out above in paragraph 9.1.1-9.1.5 as only limited weight can be attributed to policy MTC13 as the policy is considered to be out of date.

9.3.6 In terms of NPPF (2019) greater weight is given to retaining facilities which meets the community's day-to-day needs. Based on the limited information provided by the applicants there is no evidence to dispute there position that due to rationalisation the building has become surplus to St Johns Ambulances requirements. Therefore there is limited evidence to demonstrate that proposal would result in the loss of a facility needed to meet the day to day needs of the community

Issue iii) Design considerations

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

9.4.2 Section 12 of the NPPF deals with achieving well designed places and delivery of developments that will function and contribute to the overall quality of the area in the long term. To achieve this, development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; they should be sympathetic to local character and history, including the surrounding built environment and landscape setting. The NPPF is clear to emphasise that this should not prevent or discourage change (such as increased densities).

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

9.4.4 Whilst the developer did not engage in formal pre-application advice with the Council they did enlist the service of Design South East (DSE), an independent design review panel which RBWM encourage developers to utilise in forming their schemes at the pre-application stage. The comments from this design review panel can be summarised as follows:

- York Road Area needs to be considered in a coordinated way, a design charrette should be utilised between stakeholders.
- The access strategy requires much more work. The vehicular turning head arrangement at the entrance space is uncomfortable and conflicts with pedestrian movement. An inherent problem is posed by having a large car park entrance at a prominent point in the site, doubling up as the main arrival space for pedestrians
- The team are encouraged to reflect on the introduction of a pedestrian bridge, which holds significant potential for placemaking.
- Further consideration is needed regarding how the building relates to the setting, from the amphitheatre and bridge by Maidenhead Library in the north, to the railway bridge further south.
- The relationship with the stream edge needs further explanation. A daylight and sunlight assessment that clarifies the impact of mass of the building in relation to water's edge would be helpful.(note this was requested during the consideration of the planning application)
- The proposal could better relate to the river to provide amenity for the residents
- Public realm design for the full length of the street, from York Road to the railway, considering the interface between the street and the spaces provided at ground-floor level within this building as a minimum.
- We would advise that the input of a landscape architect with ecological expertise would be very beneficial at this stage, in order to gain a better understanding of the design considerations for increasing the habitat potential of the ecological zone provided adjacent to the river.
- An animated ground floor will have vast benefits for both the street and riverside setting. The team are encouraged to include communal amenity and/or residential dwellings at ground floor.
- The height and mass feel reasonably comfortable, however the double-set back on the upper floors is not felt to be necessary.
- The provision of a large proportion of west-facing single aspect homes facing onto the rear of the football stand is a sub-standard proposal for the housing.

9.4.5 Section 4 of the applicant's design and access statement sets out the proposed changes made to response to DSE. This can be summarised as follows:

- a) Omission of the double set back of the top floors and set back top floor design amended to integrate more with the architectural language/wharf style.
- b) Raising of the GF Level to omit the ramped access to the main entrance.
- c) The core has been re-designed within the set back element above the main entrance, resulting in revised unit layouts along the south-western edge of the building.
- d) The bin store has been moved to the northern end of the site
- e) Pedestrian crossing points demarkated by tactile paving have been incorporated in the design.
- f) The bike store has been made accessible from the front of the building
- g) The proposed landscaping along York Stream has been enhanced to provide opportunities for habitat creation and biodiversity enhancement.
- h) The parking spaces at the north-eastern end of the site have been removed

Density

- 9.4.6 In terms of achieving appropriate densities the NPPF (2019) is clear that planning decisions should support development that makes efficient use of land. This is subject to a number of factors including the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change. This is also subject to taking into account the availability and capacity of infrastructure and services, including the scope to promote sustainable travel modes that limit future car use.
- 9.4.7 With reference to the above planning history, the site forms part of the wider York Road opportunities area in which planning permissions for a height and scale ranging from 4- 8 storeys has been approved.
- 9.4.8 As set out above in paragraph 9.2.2 the initial York Road Housing allocations in the BLPSV suggest a density of 102 dwellings per hectare (dph) could be delivered on this site as part of mixed use scheme, this has now been amended to reflect the density of the schemes coming forward including this proposed development to proposed density of 180 dph across the wider redevelopment site. The proposed development would represent a residential scheme of 255 dph, as a matter of comparison the scheme at the adjoining site for the York Road redevelopment is being developed at a density of 139 dph of the former Desborough Bowls Club was approved at a density of 286 dph, The site is previously developed land in the urban area, in a town centre location in walking distance to amenities, shops and services and less than 500m from Maidenhead Train Station. On this basis the application site can be considered to be within a highly sustainable in the context of this Borough.
- 9.4.9 The prevailing density of the area is mixed and in principle the redevelopment of this site as a flatted development would likely respond to this mixed/ changing character. This is of course subject to other design consideration including layout, height and scale.

Layout

- 9.4.10 Policy MTC 4: Quality Design of the AAP (2011) sets out that proposals will be required to be of high quality. A specific focus is creating buildings, streets and spaces that should have a clear image and be easy to understand. The NPPF (2018) sets out that need to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 9.4.11 York Road is the busiest vehicular route located to the north of the site. This is also a key pedestrian route connecting resident from the east of the town with the station and to the High Street via Park Street to the north of the application site.
- 9.4.12 This site is set back from York Road behind the site owned by the Council where recent planning permission was granted a 8-4 storey high building (Building A of planning permission 18/01606/FULL). The layout effectively follows that of the building to the north forming a long block running parallel to the waterway. The proposed layout of the development does have its limitations but the site itself is limited; in accepting the principle for redeveloping the site and in the absence of a more comprehensive redevelopment by the respective site owners the layout can only be accommodated in one linear form.
- 9.4.13 The proposed vehicle access is located to the north of the site and pedestrian access to the west. It remains unclear how the pedestrian vehicle routes have been designed in a considered manner. It is clear that in the future the redevelopment of York Rad will result in the current access track forming a 'street' and this will work has not be fully considered by the landowner.
- 9.4.14 The proposed building would also be located some 2.3m from the waterway bank and would have steep recessed bank from the proposed building (at 2.8m change of level between the

building and the top of the waterway). No ground floor interaction with the waterway is provided given the entire ground floor would be for parking and that there is limited space to create any form of interaction with it. The Environment Agency also require an undeveloped buffer void of development along the bank.

- 9.4.15 The interaction and relationship with the proposed waterway and recommendations by Design South East have not been brought through into the proposed layout. A number of documents have been submitted during the course of the planning application, including a sunlight and daylight assessment and ecology evidence. Given these documents were submitted during the consideration of the application they have not informed the proposed layout of the development as recommended by Design South East.

Scale and Massing and proposed architectural detailing

Policy MTC 4: Quality Design seeks development which should be appropriate in terms of site coverage, urban grain, layout, access, scale, proportion, mass and bulk, height, roof scape and landscape. Policy MTC 6: Tall Buildings of the AAP states that Tall Buildings Areas are focused around the railway station and south of Bad Godesberg Way. New tall buildings on sites outside the Tall Buildings Areas, which do not currently accommodate a tall building, will be resisted. The justification of policy MTC 6 clarifies that for the purposes of this AAP, tall buildings are those which are noticeably higher than 20 metres.

- 9.4.16 The existing community facility and garage at the site is a single storey modest building. Set back from the main road it has a neutral impact on the character and appearance of the area.
- 9.4.17 The proposed development is for one large 7 storey block some 21.1m in height (with plant above). The upper floor is marginally recessed back from the south floor. On this basis it is not considered that the proposed development would be *noticeably* higher than 20 metres. The western elevation is articulated back and broken up with varying window forms. The eastern elevation facing the waterway which is the most publicly visible of the elevations would be form of one full monotonous elevation, which is only broken up by the proposed projecting balconies. The height and scale of the building per say is not considered to be inappropriate, however its lack of interaction or relationship of the principle elevation, that being the eastern elevation facing the waterway which is visible from across the waterway results in a built form which looks detached and isolated and fails to relate or connect with the wider area.
- 9.4.18 The proposed architectural appearance is one utilising a Warf/ warehouse design, not unseen on river frontages, however usually where there is a wider body of water than that of the Maidenhead waterways. It is unclear how this design approach has been considered to relate to the wider redevelopments coming forward in the area. It would have been expected for this to be considered as a 'family' of buildings forming the redevelopment the York Road area. Contrary to the assertions in the applicants Design and Access Statement (p56) no clear strategy has been shown how this reflects local context. In the event permission were coming it is recommended that consideration regarding samples of material are provided as well as detailed studies of the cornering and design details. The former of which should be informed and by the context of the area and clear justification provided regarding how the materiality responds to the other emerging developments adjoining it and not just considering the scheme in isolation.

Proposed landscaping including trees

- 9.4.19 Local Plan policies N6 and DG1 provide general design policies on the importance of high quality landscaping in delivering successful schemes. Policy N6 of the adopted Local Plan states that plans for new development should, wherever practicable, allow for the retention of existing suitable trees and include an appropriate tree planting and landscaping scheme. Where the amenity value of trees outweighs the justification for development, planning permission should be refused.
- 9.4.20 The existing site is of limited landscape value, but similar the modest community building is set back from the waterway and there is space for a natural green buffer to the waterway. This area would be substantially eroded and replaced by a steep bank and a landscape buffer of less than

2.5m. Contrary to the assertions made in the application, such space would offer limited to opportunities for any meaningful planting given the width of the space, the steepness of the bank and how the area would be overshadowed not only by the building but by the large projecting balconies on upper floors which largely over sail the depth of the bank.

Other design considerations

- 9.4.21 The AAP (2011) and the NPPF (2019) both seek opportunities to design out crime and create safe and accessible areas. Neither the applicants Planning Statement or the Design and Access Statement provides any discussion on measures to design out crime. In view of this it considered reasonable and necessary to attach condition regarding secured by design.

Affordable Housing Considerations

- 9.5.1 Policy H3 Affordable Housing of the adopted Local Plan states that the Borough Council will seek to achieve a proportion of the total capacity of suitable residential schemes to be developed in the form of affordable housing to meet recognised need. The Council's Affordable Housing Planning Guidance provides further guidance over developments meeting an on-site 30% requirement. It also sets out that where 30% provision cannot be provided an application should be supported by a financial viability appraisal. The adopted guidance on affordable housing rounds down to the nearest whole unit. 30% on site affordable housing would equate to 15 affordable housing units being provided on site as part of this application. The tenure mix is not specified in adopted policy; this is a consideration in the BLPSV.
- 9.5.2 The NPPF (2019) provides clarification on the definitions of various affordable housing tenures. Paragraph 65 of the NPPF sets an expectation that 10% of homes on major development sites should be available for affordable home ownership.
- 9.5.3 Policy HO3 of the BLPSV sets out that residential developments of ten or more dwellings should provide 30% on site affordable housing. Given the number of unresolved objections limited weight is afforded to this policy as a material consideration.
- 9.5.4 Kempton Carr Croft, on behalf of the applicants has submitted an Affordable Housing and Viability Assessment. The viability appraisal seeks to justify the development cannot viably bear any affordable housing contribution. This assessment has been independently reviewed by the bps Chartered Surveyors. Following the submission of additional information the final outcome of this review is that the scheme can viably make a contribution of £400,000 towards off site affordable housing provision.
- 9.5.5 Additional information has subsequently been submitted by the Kempton Carr Croft on behalf of the applicant which maintains their position that this scheme cannot viably bear a contributions towards affordable housing. The applicants have nonetheless proposed to provide two on site affordable housing units as part of this application, these would be shared ownership and would be proposed to be the financial equivalent of approximately £320,000.
- 9.5.6 Therefore the proposed development makes a limited contribution towards affordable housing, within a Borough where within the last financial year only 23 affordable housing units were delivered Borough Wide (RBWM Annual Monitoring Report 2018). This needs to be considered in the context of the Council's need, which is intermediate housing) and contradictory evidence which suggests that a greater level of affordable housing *could* potentially be viable on this site. This is against the benefits of this provision of affordable housing, in a town centre, where most recent redevelopment have only secured limited contributions towards affordable housing (with the exception of the Council's own sites). The matter is considered further below as part of the planning balance.

Impact on Neighbouring Amenity

- 9.6.1 There are no specific policies in the adopted Local Plan regarding protection of neighbour amenity. Paragraph 127 of the NPPF (2019) states that planning decisions should:

“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

- 9.6.2 The adjacent residential dwellings potentially affected by the proposed development are 58- 72 (even numbers) and 101 Fotherby Court. These properties are located to the east of the application site, across the waterway and are formed of modest terraced properties; No. 58 and 60 are located at ‘tandem’ from the application site and units 62- 72 (even) and 101 rear elevations face the site and on the future redevelopments approved under application 18/0177/OUT at the Maidenhead bowls club and 18/01608/FULL for the York Road redevelopment to the north.
- 9.6.3 Following a request from the Case Officer a Sunlight and Daylight assessment was provided on the 25 July 2019, the report was prepared by Herrington Consulting Limited and looks at the potential impact of this development on sun and daylighting levels to the nearest residential properties, notably those across the waterway at Fotherby Court.
- 9.6.4 It should first be highlighted that part of the above report makes reference to application 18/01608/FULL which is for the scheme on Council land to the immediate north of this application site, where phase 1 is currently being built out by Countryside development and how this scheme performs better than that adjacent site. It is worth highlighting that the officer report for application 18/01608/FULL identified that this development would result in loss of light and overlooking to the adjacent residential dwellings. The relationship was not considered acceptable and the harm was then considered as part of the wider planning balance. It would therefore not be logical for this scheme to be considered in the context of a scheme which was considered to affect the amenities of neighbouring dwellings.
- 9.6.5 In view of the above this application will be considered on its own merits having due regard for the evidence submitted in the context of this development. The most recognised guidance document is published by the Building Research Establishment (BRE) guidelines, which are used nationally as guidance and apply equally to rural and urban locations. BRE recommendations are guidelines rather than adopted policy. The Sunlight and Daylight Assessment provided by the applicants has been based on these guidelines.
- 9.6.6 In relation to Fotherby Court, the above assessment identifies that all windows currently receive a good amount of daylighting. The above assessment indicates that the proposed development would result in a minor adverse loss of daylighting levels to the rear facing windows of 64-72 Fotherby Court (even numbers). The evidence provided by the applicants has then assessed (where known) the extent of glazing to individual rooms and the impact the proposed development would have on the levels of lighting received to each room. All of the above units retain a suitable level of daylighting, with the exception of the ground floor rear facing window of Fotherby Court, which experiences some limitation to the level of daylighting due to the properties existing rear facing conservatory.
- 9.6.7 In terms of sunlight assessment the proposed development would result in a loss of sunlight to No 62, 64 and 66 Fotherby Court’s rear facing windows. In terms of overshadowing assessment, the report demonstrates that the proposed development would have a notable impact on the level of sunlight to the rear amenity space to No. 60 Fotherby Court, a marginal impact to 62- 70 Fotherby Court.
- 9.6.8 In terms of potential overlooking the proposed development would be positioned around 20- 25m from properties across the waterway. The development would be up to 8 storeys in height and include balconies facing the units across the waterway. This would create a level of activity along the waterway and town centre location which is to be encouraged, however it would also create a degree of increased overlooking currently not experienced by occupiers of the adjacent residential properties.
- 9.6.9 The impact the proposed development would have on the levels of sun lighting to No 62- 66 Fotherby Court and the overshadowing impact the development would have on 60- 70 Fotherby

by is a material consideration that weighs against the proposed scheme. As does the increased overlooking and loss of privacy resulting from the development. However this needs to be considered in the context of Paragraph 123 of the NPPF (2018) which sets out that for those local authorities with a shortage of land for meeting identified housing needs, local planning authorities should refuse planning applications which they consider fail to make efficient use of land.

- 9.6.10 The NPPF (2018) further state that authorities should therefore take a flexible approach in applying policies or guidance relating to daylight and sunlight, where it is consider they would inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). The Council's BLPSV set out how it will be the objectively assessed need for the Borough, which includes some green belt release to meet housing need. This demonstrates a shortage of urban land for meeting identified housing needs. It is therefore key for land in the urban area to make optimal use of the potential of each site. Further consideration needs to be given to the amount of privacy afforded to developments which are located in urban locations, particularly those in peripheral town centre locations where a greater degree of overlooking is expected.
- 9.6.11 The proposed development is considered to have a significant impact on the amenities of the occupiers of the above properties, in view of the town centre location and the above policy context this is considered to weigh moderately against the proposed development. This will be considered further as part of the wider planning balance.
- 9.6.12 The two committed schemes adjacent to this site are the Maidenhead Bowls Club Redevelopment (land by this developer) and the Council's Joint Venture York Road redevelopment (full planning permissions set out above in paragraph 9.1.1- 9.1.5). Both schemes were required, as part of grant of planning permission, to demonstrate that they would not prejudice the wider York Road site from being redeveloped.
- 9.6.13 The report does however show that it would not adversely affect the levels of sun/ daylighting to the proposed residential properties contained in the development approved at the Maidenhead Bowls Club (our ref: 18/01777/OUT). The proposed development would be located to the immediate south of 'Block A' of the Council JV redevelopment with Countryside (planning permission 18/01608/FULL). Block A to the south is four stories in height. Any windows proposed in the southern elevation also benefit from additional windows (east or western) facing windows and as such the proposed development should not result in a significant reduction to the overall levels of light to these future units. The assessment also shows that the proposed development would not result in an unacceptable adverse impact on the levels of lighting to the units proposed terraces/ balconies. The report does not look at the impact on the spiritualised church to the south, however this is a place of worship where there is a greater requirement for certain level of sunlight, in any case the proposed development is due north of the church and therefore would not cause any significant overshadowing or loss of sunlight.

Provision of a Suitable Residential Environment

- 9.7.1 There are no specific policies in the adopted Local Plan regarding provision of a suitable residential environment. Paragraph 127 of the NPPF states that planning decisions should ensure that developments:
- "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*
- 9.7.2 The government has also published Technical Housing Standards- Nationally Prescribed Space Standards (2015) which sets out guidance on floor space requirements for new developments.
- 9.7.3 All of the proposed units are of a sufficient internal floor space to accord with the above space standards.
- 9.7.4 In relation to sunlight and daylight, the Daylight and Sunlight report prepared by Herrington Consulting Limited also looks at the relationship of the proposed new residential units. Having

good sunlight is key, particularly given the comments from the Design South East Panel which highlighted that units to the western elevation would have poor outlook overlooking the football club. DSE recommended that such a report informed the development of this scheme, however as this sunlight assessment was submitted post submission it has not informed the development of the proposal.

- 9.7.5 Part of the above report makes reference to application 18/01608/FULL which is for the scheme on Council land to the immediate north of this application site for 229 units contained over various units and the acceptability of the sunlight and day light assessment for that scheme. The sunlight and daylight assessment supporting application 18/01608/FULL looks at specific units in a worst case scenario. Officers have given no weight to the conclusions reached in a different for a different layout and would urge the developer in future schemes to look at their own developments as proposed and consider if their scheme as proposed provides a suitable residential amenity for future occupiers.
- 9.7.6 The sunlight and daylight assessment submitted by the applicant's looks at the day and sunlight assessments looks at first and second floor units that most of the units, as the units with the likely 'worst case scenario.' In terms of the information presented by Herrington Consulting it shows that the units which face east (i.e. onto the waterway) have suitable levels of sunlight/ daylight. It is the units which have north facing living areas and some units to the west (i.e. those which face the football club) which fall short of the recommended BRE criteria. In these cases the report sets out that this is attributed to the inset balconies which reduce the levels of lighting to the rooms. If this evidence had been developed at the pre-application stage it would have been an important tool in informing the design (i.e. it highlights that inset balconies on the western elevation may not be the more appropriate design solution) and/or that the north facing units could be better designed so that the main habitable space does not face north.
- 9.7.7 Nonetheless the application as submitted needs to be considered. The proposed accommodation located to the western elevation would overlook the football club and the report provided shows that units on these elevations bedrooms would suitable levels of sunlight/ daylight levels in line with the recognised industry standards, but the main living areas would fall short of this guidance which is the area where future occupiers would spend most of the time. Whilst noting that the site is in a relatively urban location (in the contest of Maidenhead) this would equate to 1/3 of the living areas tested and is not considered to promote the '*high standard of amenity for future users*' sought by the NPPF (2019). The potential harm from this is considered below as part of the overall balancing exercise.

Noise

- 9.7.8 To the east of the application site is Maidenhead Football Club. A premises which has operated football matches at this site for a considerable years.
- 9.7.9 Paragraph 180 of the NPPF (2019) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes avoiding noise giving rise to significant adverse impacts on health and the quality of life.
- 9.7.10 The LPA would not support development proposals coming forward which could result in statutory noise complaints regarding the activities of the club which would require the Council to seek to control the way it functions. Accordingly it is considered both reasonable and necessary to attach conditions regarding details of sound and noise insulation, these are set out in recommended condition 11. This should ensure the development achieves mitigation which is acceptable.

Open Space

- 9.7.11 Current Local Plan policies R3 and R4 require on site open space. This sets out that 15% of the application site should be provided as open space. The proposed development would offer

limited to no onsite amenity space. Whilst a landscape 'buffer' is proposed to the eastern side of development, much of this would be in the form of a bank towards the waterway. In order to provide some form of ecology mitigation and biodiversity enhancements (see paragraph XXX) much of this space will need to be retained for planting and not to be functional amenity space. The layout will however create a setting and amenity for future occupiers. Units facing the waterway will also benefit from private projecting balconies. Most of the units facing west having inset balconies, although it is unclear how much sunlight these balconies would have, one unit on each level faces north in which the proposed balconies and windows to the living area will receive minimal sunlight.

- 9.7.12 This overall level of amenity provision is below that contained in the adopted development plan. It is also acknowledged that the site is well located, in close proximity to the new public open space being built as part of the wider York Road redevelopment as well as the network of open space forming part of the Maidenhead waterways redevelopment. Therefore and whilst the proposed development would fail to provide amenity space in line with the adopted standards this would still be a good level of open space in close proximity to this site. Therefore it is considered that whilst the proposed development would fail to comply with planning policy, this only results in limited harm. The matter will be considered further as part of the wider planning balance.

Issue vi) Highway considerations and Parking Provision

- 9.8.1 Policy TF6 of the adopted Local Plan states that all development proposals will be expected to comply with the Council's adopted highway design standards.
- 9.8.2 The NPPF (2019) states that developments should promote opportunities for sustainable transport modes that can (suitable to the type of development and its location), provide safe and suitable access to the site for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.8.3 The NPPF (2019) is clear that proposals should be designed to give priority to pedestrian and cycle movements having due regard for the wider areas and design access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
- 9.8.4 The application site is in one of the most sustainable locations in the Borough. The application site is located within Maidenhead Town Centre, in walking distance to all local services and amenities. The Maidenhead Waterway also provides improved pedestrian and cycle links from the north of the town, through to the south and Bray beyond. This also provides strong links to the site where the new Braywick Leisure Centre is currently being built. A Transport Statement (TS) dated March 2019 has been submitted in connection with this application prepared by ADL Traffic and Highway Engineering Ltd. whilst section 3 of the TA identifies the site is in a location the site is in a sustainable location it is silent on measures to promote sustainable modes of transport.
- 9.8.5 There are some areas where routes are poor and improved connections, signage and pathways are needed. The Council has prepared a 'missing links' document that seeks to complete the 'missing links' between planned major development areas in and around Maidenhead and to improve their connectivity to the town centre and surrounding residential areas and local facilities. As part of this strategy a new 'inner-ring' is proposed for pedestrians and cyclists around the town centre. The Council has already been successful in being awarded funding towards these proposals and other town centre redevelopments have secured financial contributions towards this scheme. In view of this the Case Officer has negotiated a financial contribution of £1,542 towards this scheme. This will be secured by way of a legal agreement and goes to make the development acceptable in planning terms by assisting in creating a town centre environment which promotes less reliance on using private vehicles for transport.
- 9.8.6 Paragraph 111 of the NPPF (2019) states that all developments that will generate significant amounts of movement should be required to provide a travel plan. This site forms part of the wider York Road redevelopment which will, cumulatively, generate significant amounts of movement. The Case officer has also negotiated a travel plan to be submitted prior to the

development being brought into use to promote sustainable modes of transport. The implementation of the travel plan will be secured through the legal agreement. It is required to make the development acceptable in planning terms and to achieve mitigation as set out in the Transport Assessment.

Access, egress and highway capacity

9.8.7 The NPPF states at paragraph 109 that:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

9.8.8 The development will be served by the access from the north of the site, from York Road, as approved under application 18/01777/OUT which relate to the outline application for the adjoining site known at Maidenhead Bowls Club. The Highway Authority have reviewed the details and have considered that the proposed access would provide suitable access and egress for vehicles. In the event permission is granted, and given that a full planning permission at 18/01777/OUT has yet to be approved it is considered both reasonable and necessary that a condition be attached that this scheme is not implemented until the access has been constructed. This is considered necessary to ensure suitable viability plays for not only future occupiers but also any vehicles associated with the construction process.

9.8.9 The TA also identified that the Bowls Club residential development would have a Master Bin Store located adjacent to the site access. All refuse for this scheme will be collected from the private access road from a loading bay. The development will be managed by a Management Company on collection day the bins would be moved from around the site to the Master Bin Store for removal by refuse operatives. It is considered necessary that this be secured as part of the legal agreement to ensure suitable accessible refuse collection.

9.8.10 The Highway Authority has recommended the submission of a Construction Management Plan. Given the size of the site and its location it is considered reasonable and necessary for this condition to be attached if permission is forthcoming.

9.8.11 In terms of highway capacity the TA looks at committed developments to assess the potential impact on the highway network. Specifically it is not considered that the proposed development would have a significant impact on the surrounding highway network. The concerns regarding the impact on capacity have been considered and whilst there may be a high number of vehicles coming to the adjoining place of worship at key days/ time, it is considered that the proposed development provides suitable space for vehicles to pass and safe access to and from adopted highway.

Parking Provision

9.8.11 The Council's Parking Strategy (2004) sets out the Council's recommended parking provision for new developments and further advises that half of the relevant parking provision standards are required for sites within the 'Areas of Good Accessibility' which is defined as sites within 800 metres distance from a rail station with regular (half hourly or better) train services. The site is within this location.

9.8.12 Therefore, and in accordance with the Council's guidance, the parking standards for this development would be 53 spaces. In terms of parking provision the proposed development would provide a total of 27 spaces (contained in the proposed ground floor). The proposed parking provision for this scheme is therefore 26 spaces below the Council's maximum guidance on these matters.

9.8.13 The NPPF is clear that:

'Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local

road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport....”

- 9.8.14 Given these competing material considerations it is considered that lesser weight should be given to the Parking Strategy (SPD) due to it not fully complying with the NPPF. However the emphasis of the NPPF is to ensure that parking provision on sites in less accessible locations is not artificially constrained.
- 9.8.15 Census data shows that the borough has an average car ownership level of 1.5 cars per dwelling across the borough, with lower levels (0.5 to 0.6) in Maidenhead Town Centre and as part of other recent Maidenhead Town Centre planning applications the LPA have accepted that average car ownership for flats in the Town Centre is 0.48 car per flat. The proximity of public transport, retail, commercial and local facilities as well as on-street parking restrictions also has a bearing upon the levels of car ownership. The proposed development would result in a parking ratio of 0.5 cars per dwellings. This is a similar parking ratio to that approved on recent developments in the local area (including the redevelopment of Council Land within York Road) and this reflect local car ownership levels. On this basis the proposed parking provision is considered appropriate for a development of this nature, within this location and reflects the need to support developments in town centre locations which create less reliance on private vehicle ownership.

Issue vii) Environmental Considerations

Flooding considerations and the sequential test

- 9.9.1 The east edge of the application site (running parallel to the Maidenhead Waterway) falls within flood zone 2 (and adjacent to flood zone 3 but not within). The proposed buildings falls within flood zone 2, the access from York Road is within flood zone 1. A Flood Risk Assessment and SuDs Assessment dated April 2019.
- 9.9.2 In accordance with the NPPF (2018) and its associated guidance a sequential test for the development is required. The aim of the Sequential Test is to steer development to areas at the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If the sequential test cannot be met the principle of the development in Flood Zone 2 is not acceptable. The above document does not include the sequential test. The Applicants considers that a Sequential Test is not required as the paragraph 162 of the NPPF states that:

“Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again.”

- 9.9.3 The LPA disagree with this assessment as the Maidenhead Area Action Plan (2011) pre dates the NPPF (2012, now amended). Whilst the Applicants do not necessary agree with this position following additional requests a sequential test has been submitted to the LPA on a ‘without prejudice’ basis prepared by Solve Planning dated September 2019. Paragraph 019 of the National Planning Policy Guidance (NPPG) states that:

‘Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.’

- 9.9.4 The geographical search area of the Sequential Test is the Borough and the assessment utilises the Council’s most recent housing position in the Housing and Economic Land Availability Assessment (HELAA) (2016). This is an approach endorsed by the LPA. This sets out sites which are considered developable.
- 9.9.5 The application site is considered to be deliverable. Therefore the sequential test has discounted alternative sites which have an anticipated delivery period of greater than 5 years as they are not considered to be a viable alternative for the purposes of this assessment. The applicant’s

sequential test has also discounted site which are not capable of providing a roughly equivalent number of dwellings as they are not 'suitable'. Three site; Land at Ludlow Road, National Grid Gasholder Site and Land North of Hanover Way have been identified as sequentially preferable. The owners of the latter sites are currently in process of advancing their own planning applications and therefore it is not considered available.

- 9.9.6 In addition to this the, the Council's Borough Local Plan sets out how the Council will meet the Borough's Objectively Assessed Needs. This includes looking to develop sites which fall partly fall within zone 2. In view of this and the need to look at sites which partly fall within flood zone 2 to meet the Borough's objectively assessed need it is considered that the proposed development complies with the Sequential Test.
- 9.9.7 The applicants have also provided a 'without prejudice' Exceptions Test. The site does not fall within flood risk 3 and as such this is not required and has not been assessed as part of this application.

Flood Protection

- 9.9.8 Policy MTC4 of the Maidenhead Town Centre Area Action Plan 2011 seeks high quality design to ensure flood risk is not increased and flood risk to be reduced where possible. Policy F1 of the adopted Local Plan 2003 requires proposals to ensure flood storage capacity is not reduced and flood flow is not impeded. Paragraph 163, footnote 50 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit a Flood Risk Assessment when development is proposed in such locations to demonstrate flood risk will not increase as a result of the proposal. The NPPF requires developments to demonstrate that the most vulnerable development is located in areas of lowest flood risk; the development is appropriately flood resistant and resilient; incorporates sustainable drainage systems; any residual risk can be safely managed; and safe access and escape routes are included where appropriate.
- 9.9.9 The site is primarily in flood zone 2, however the access from York Road is flood zone 1 and thus is considered to be located in an area of lowest risk of flooding. It was confirmed that no development was proposed +/-below the 1 in 100 year + climate change level and there will not be a loss in floodplain storage which is considered to be appropriately flood resistant and resilient. Sustainable drainage is considered more comprehensively below and it is not considered that there is any residential risk which requires this development which requires to be managed.
- 9.9.10 Following the submission of additional information the Environment Agency have withdrawn the objection to this application and have raised no objections to conditions. These conditions include compliance with the flood mitigation measures, as set out in the aforementioned document. This is considered reasonable and necessary. Further conditions were for the provision and management of an ecological buffer zone alongside the York Stream as the development encroaches on watercourses and has the potential to have a severe impact on their ecological value. It is considered that in such situations where a 'severe' impact is likely that mitigation should be demonstrated upfront as part of this application. These matters cannot be considered as conditions. These recommended conditions, proposed by the EA would not usually be considered reasonable as such information should be provided up front as part of the application. In this instance given landscaping remains a reserved matter it is considered appropriate for such details to be submitted as part of such application.

Sustainable Drainage

- 9.9.11 In terms of Sustainable Urban Drainage and as introduced from 6 April 2015 the Government strengthened planning policy on the provision of sustainable drainage systems (SuDS) for 'major' planning applications. Paragraph 165 of National Planning Policy Framework states that all 'major' planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development. In accordance with The Flood and Water Management Act 2010 the Royal

Borough in its role as Lead Local Flood Authority (LLFA), is a statutory consultee for all major applications.

- 9.9.12 The LLFA has considered the proposal and the applicants Sustainable Urban Drainage information submitted as part of this planning application (including the additional information submitted during the course of the application). Much of the areas of contention relates to the benefits of the proposed Green Roof and to what extent it should be utilised as part of a SuD's scheme. The view of the LLFA is to ensure that the green roof performs well during times of severe rainfall. The view of the developers Environmental Engineer from Water Environment Limited is that the key driver for installing green roofs is to mimic natural processes in slowing runoff compared with a traditional impermeable surface and that if this position is ignored that on sites where there are no biodiversity or other requirements, there is no reason to include an intensive green roof system if the runoff benefits are ignored. It is first worth highlighting that all site are required by the NPPF (2019) to provide biodiversity net gains. On a site like this which is bring the development closer to the waterway, how this is provided is key. The matter for consideration is that this site demonstrates a workable Sustainable Urban Drainage System to the statutory consultee, the LLFA. The additional information provided by the applicants is currently being considered by the LLFA and Panel Members will be advised on an update on this matter at the meeting.

Impact on Maidenhead Waterways

- 9.9.13 The Maidenhead Waterways runs along the eastern boundary to the site and forms an integral part of the master planning, layout and wider open space and public enhancements proposed as part of this application. There are significant changes of levels (4 metres approx.) from St Ives Road to the waterway. Due to the change of levels from the street level, full views of the water waterways are not possible from St Ives Road.

- 9.9.14 Policy MTC3: Waterways of the AAP (2011) states that:

The improvement and integration of the waterways to create a high quality, safe, green corridor through the town centre will be encouraged.

Developments adjacent to the waterway will be expected to:

- 1. Embrace their waterside setting through design and landscaping.*
- 2. Conserve or enhance biodiversity.*
- 3. Allow for continuous pedestrian and cycle access along the waterside.*
- 4. Improve access to the waterside.*

Development which prejudices the improvement and integration of the waterways, including the potential implementation of the Maidenhead Waterway Project, will be resisted.

- 9.9.15 The above policy is clear that an appropriate balance is needed between providing access to the waterway whilst also conserving and enhancing biodiversity. The justification for the above policy is that the design of developments should embrace their waterside setting by incorporating landscape and biodiversity improvements, through presenting an active frontage to the waterway and making the area feel more open and safe rather than enclosed. Developments should enhance waterside setting and improve the town's integration with the waterway. Further guidance is set out in the Maidenhead Waterways Framework (2009).

- 9.9.16 This planning application would result in a built form located less than 2.5m from the water's edge forming a steep embankment. There is no interaction at ground level between the development and the waterway. This provides limited areas for landscaping as discussed above. The proposed Warf design and large balconies do to an extent embrace the 'waterfront' setting but have no clear connection to the wider context. Matters regarding biodiversity are discussed below.

- 9.9.17 The scheme does not in provide improved access to the waterway. Overall the proposed development is not considered to improve or integrate the waterway with town centre and does not positively contribute to providing a high-quality safe and green corridor. The proposed development is therefore considered contrary to policy MTC 3 of the AAP (2011). The impact on

the Maidenhead Waterways in terms of design is considered above and ecology impact below is not be double counted as separate harm.

Impact on Biodiversity

9.9.18 Policy MTC 3 of the AAP (2011) seek to conserve and enhance biodiversity and policy OA3 also looks for development within the application site to embracing the waterside setting and also protecting the integrity, quality and biodiversity of York Stream whilst improving access to the waterside and allowing for pedestrian and cycle access. 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 (2018) states that:

“When determining planning applications, local planning authorities should apply the following principles:

- *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...*

development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

9.9.19 The most notable area of ecology is the York Stream Local Wildlife Site (LWS) and may also be classified as a habitat of principal importance (Rivers) as per Section 41 of the NERC Act (2006).

9.9.20 In response to this a Water Framework Directive Assessment has been provided by the applicant and in support of this application, prepared by Ethos Environment and Planning and dated Nov 2019. This sets out that York Stream is heavily modified with metal sheet-piled banks where it borders the York Road site.

9.9.21 The documents show a green roof will be installed on the building closest to the stream and permeable paving around the building. Such details would be required as part of any reserved matter application regarding landscaping. The ecologists have stated that the development will not result in any increase in run-off and that the development has the potential to dramatically reduce rates of run off and associated pollutant through these features.

9.9.22 Shading calculations have also been provided and show the new building will result in an increase in partial shadowing of York Stream. However, given the stream is designated as heavily modified and the shading will only occur over a short stretch of waterbody, the ecologists have concluded that the small increase in shading would not have a significant impact or deterioration of the stream.

9.9.23 In addition, a buffer zone will be planted between the stream and the development reducing the effects of pollution and reduce the shading. With regards to recreational pressure the steepness of the bank will prevent any access to the bank edge other than for maintenance and therefore mitigate any adverse impact on ecology from increased use.

9.9.24 The details of the protection of the stream during and after construction, sensitive lighting and the control of non-native species can be secured as part of the Construction Environmental Management Plan (CEMP: Biodiversity).

9.9.25 Following the submission of a Water Framework Directive Assessment the Council's Ecologist has confirmed that the proposed development is acceptable in terms of biodiversity, subject to a number pre-commencement conditions. Some of these conditions regarding details of the biodiversity enhances and the management plan can be sought as part of the reserved matters regarding landscaping and it is unnecessary for these details to be secured at this stage.

9.9.26 All the buildings on site were assessed for their potential to support roosting bats. All the building were assessed as having negligible potential to support roosting bats and therefore no further survey is required as part of the application. The applicants ecologist has provided recommendations for adopting a precautionary approach to demolition of the buildings including further inspection of buildings prior to demolition, toolbox talks for all site personnel and a soft strip of the roof, all which will be undertaken under the supervision of a suitably qualified ecologist. If permission were forthcoming this can be secured by conditions.

9.9.27 Reference has been made in the applications SuDs strategies/ WFDA to green roofs however none are shown on the proposed plans and/or indicative landscaping plan contained in the Design and Access Statement, similarly no reference has been made to them within the planning statement. It is assumed that full details would be provided as part of any reserved matters application regrading landscaping and details regarding this

Impact on Air Quality

9.9.30 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. Redmore Environmental Ltd has prepared an Air Quality Assessment (dated 13 March 2019) in support of the planning application. The conclusion of the assessment that the air quality impact of the development is not significant. This has been reviewed by the Council's Environmental protection Officer who has agreed with the findings. It is further recommended that during construction and demolition work dust control measures to reduce the risk of dust complaints and exposure, this is considered reasonable and forms part of recommended condition 9 regarding Environmental Method of Construction.

Archaeological matters

9.9.31 Paragraph 189 of the NPPF states that:

'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

9.9.32 An archaeological desktop assessment has not been submitted in connection with this application. Berkshire Archaeology has been consulted on this planning application and has advised that there is limited evidence to demonstrate that this site is worthy of further archaeological investigation. On this basis the proposed development would not affect a likely area of archaeological interest.

Ground contamination

9.9.33 Policy NAP4 of the Borough Local Plan seeks to ensure that development will not pose an unacceptable risk to the quality of groundwater. The contaminated land database has been reviewed by the Council's Environmental Protection Team whom has confirmed there is limited evidence to demonstrate the site has any historic uses in which would result in ground contamination. IN view of this it is not considered that the proposed development would raise any issues in this regard. There is separate legislation which covers such matters, in the event contamination is found during construction.

Sustainability and Energy

9.9.34 New development is expected to demonstrate how it has incorporated sustainable principles into the development including, construction techniques, renewable energy, green infrastructure and carbon reduction technologies. The Council's adopted Sustainable Design and Construction SPD (2009) provides further guidance on this. However, Sustainable development techniques have move on since the adoption of this application, notably Code for Sustainable Homes is no longer a national standard. Therefore less weight should be attributed to this document in this regard.

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.

- 9.9.35 A Sustainability and Energy Statement prepared by Bluesky Unlimited in support of this planning application. Whilst Renewable energy sources were assessed it is unclear why these are not proposed to be utilised. On this basis and having due regard for the relevant policy context the limited sustainability measures proposed are considered to be acceptable. However the measures proposed would fall significantly short of the sustainability criteria of paragraph 131 of the NPPF (2018) which states that great weight should be given to outstanding or innovative designs which promote high levels of sustainability.

Other Material Considerations

Right of access

- 9.10.1 With reference to the objections. A number of concerns have been expressed regarding the rights of access over the access road, impact shared drains and shared water supply. Such matters for consideration regarding such access are not within the remit of the Local Planning Authority.

Housing Land Supply

- 9.10.2 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:

- iii. 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*
- iv. 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.*

- 9.10.3 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..).'

- 9.10.4 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). At the time of writing, the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

- 9.10.5 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.

10. INFRASTRUCTURE AND LOCAL FINANCIAL CONSIDERATIONS

- 10.1 The initial BLPSV proposed to allocate the whole of the York Road Opportunity Area to deliver 320 residential units. The Council published an Infrastructure Delivery Plan (IDP) in Oct 2019

which took into account that BLPSV (proposed changes) housing allocations and sets out the infrastructure needed to support the development coming forward in the Borough over the Plan period (including social infrastructure) and how this will be funded. This would assume that that site would come forward as part of the wider York Road opportunities area. The development of the York Road area has largely come forward in advance of the BLP being adopted and has been progressed by the two main landowners (i.e. this applicant and the Council). Redevelopments including Maidenhead Bowls Club (application ref: 18/01777/OUT) and the redevelopment of the Council land (application ref: 18/01608/FULL) have all been brought forward at a density greater than initially anticipated. This scheme is no different.

- 10.2 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 53 units the impact of this additional spend in the local economy would be limited. The scheme would also result in direct and indirect employment and create a demand for building supplies during the construction phase. Due to the short-term nature of these benefits, this can only be given limited weight.
- 10.3 The development, along with various part of the redevelopment of York would therefore create additional pressures on the infrastructure needed to support residential development. A Social Infrastructure Assessment has not been submitted as part of this application to justify the proposed impact.
- 10.4 The Council's IDP does state that the existing provision of GPs in Maidenhead is better than the Department of Health's target patient ratio. However, as set out in IDP, the Borough has a high concentration of residential and nursing homes which places pressure on existing facilities due to the higher dependency of elderly patients in primary care facilities.. The IDP identifies how the Council, working in connection with the CCG and the NHS, can look to accommodate the future growth in demand.
- 10.5 Whilst the development is liable for CIL, located within the town centre the liability rate is £0 per sqm. The increase in housing delivery above that anticipated has sought to be addressed in the recent updated to the BLP, which at the time for writing is currently been consulted on. However, in the intervening period the Council will need to consider how to mitigate the cumulative impact of these developments.
- 10.6 As discussed above a Section 106 legal agreement will be required to provide the following:
- a) Affordable housing
 - b) Financial contribution towards cycle improvements
 - c) Travel Plan
 - d) At the time of writing the legal agreement was in draft and Members will be update at the Panel meeting on the status of this document.

11. PLANNING BALANCE AND CONCLUSION

- 11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.5 it is considered that in this instance the tilted balance should be applied
- 11.2 The above assessment concludes that the principle of redeveloping the site and making efficient use of previously developed land is consistent with both existing and emerging Development Plan policy and the NPPF (2019). Whilst the proposed scale of development is above that envisioned in Policy OA3 of AAP (2011) the allocation is out of date and superseded by a number of planning decisions. In the context of the NPPF (2019) the principle of the redevelopment is considered appropriate. The scheme is also not considered to prejudice the redevelopment of the wider area. **Substantial weight as a benefit is given to the redevelopment of this site and making efficient use of previously developed land.**
- 11.3 The proposed development would result in the loss of existing community building and the applicants claim the building is surplus to the former occupier's requirements. No evidence has

been provided to demonstrate that the building cannot be used by an alternative provider as required by policy MTC13 of the AAP (2011). The NPPF (2019) gives 'greater weight' to retaining facilities which meets the communities day-to-day needs. There is no evidence to dispute the applicants position that due to rationalisation the building has become surplus to St Johns Ambulances requirements. Therefore there is limited evidence to demonstrate that proposal would result in the loss of a facility needed to meet the day to day needs of the community. **In view of the above policy context only limited harm can be given to the loss of the existing community facility.**

- 11.4 The proposed development is for one large 7 storey block the height and scale of the building per say is not considered to be inappropriate, however its lack of interaction or relationship of the principle elevation, that being the eastern elevation facing the waterway which is a highly visible results in a built form which looks detached and isolated and fails to relate or connect with the wider area. Given the sites position to the waterway limited area of soft landscaping is available as part of this scheme. This is considered to be contrary to paragraph 127 of the NPPF (2011) which looks for developments to function well and to be visually attractive based on a numbers of criteria including layout. It is also unclear how the scheme responds to the local character and history. However, and given the wider nature of the schemes being proposed within the local area and the site being in a *lesser* prominent position in the context of the York Road redevelopment area (I.e. only be visible from public views across the waterway) **moderate harm is given to the poor design.**
- 11.5 In terms of affordable housing, the independent viability review has concluded that the scheme could viable bear a financial contribution of £400,000 towards affordable housing. The developer maintains that the scheme cannot viably bear any form of contributions, but nonetheless proposed to provide two on site affordable housing units as part of this application, these would be shared ownership and would be proposed to be the financial equivalent of approximately £320,000. Therefore the proposed development makes a limited contribution towards affordable housing, within a Borough where within the last financial year only 23 affordable housing units were delivered Borough Wide. **Moderate weight is given to the affordable housing provision as a benefit given the viability of this scheme remains one were some dispute still remains.**
- 11.6 In terms of the impact on neighbouring amenities the proposed development is considered to have a significant impact on the amenities of the occupiers of 60- 70 Fotherby Court. In view of the town centre location and the above policy context, **this impact to neighbouring amenity would have moderate harm which weighs against the scheme.**
- 11.7 The proposed accommodation located to the western elevation would overlook the football club and the report provided shows that units on these elevations bedrooms would suitable levels of sunlight/ daylight levels in line with the recognised industry standards, but the main living areas would fall short of this guidance which is the area where future occupiers would spend most of the time. Whilst noting that the site is in a relatively urban location, this would equate to 1/3 of the living areas tested and is not considered to promote the '*high standard of amenity for future users*' sought by the NPPF (2019). In view of the policy context and the wider scheme and as this short fall is attributed to the design of the scheme opting for inset balconies on this elevation **this impact to the provision of a suitable residential amenity would have moderate harm which weighs against the scheme**
- 11.8 The proposed development is not considered to raise any highway issues in terms of highway safety or capacity grounds. It is also considered that appropriate levels of parking are proposed for a scheme of this nature, in this location. The applicants have agreed to provide a residential travel plan through the S106 legal agreement and makes a modest financial contribution of £1,542 towards improved cycle links around the town centre. **The contributions towards sustainable modes of transport is considered to be benefit of this scheme given limited weight** as it is considered necessary requirements of planning policy to support sustainable modes of transport.
- 11.9 In terms of flooding the proposed development is considered to pass the sequential test and the development is appropriately flood resistant and resilient with dry access being provided via the

access onto the York Road. Subject to conditions the proposed development has also demonstrated a workable Sustainable Urban Drainage scheme. These are required to make the scheme acceptable in planning terms and are regarded as having a neutral impact on the relevant balancing exercise.

- 11.10 In terms of ecology the Council's Ecologist has confirmed that the proposed development is acceptable in terms of biodiversity, subject to a number pre-commencement conditions. Based on the comments from the EA and the Council's ecology it is considered that the principle of the proposed buffer between the eastern edge of the building and the waterway of circa 2-3m in appropriate. Officers consider that the details of the biodiversity enhancements and providing an appropriate buffers are most appropriately considered at the reserved matters stage regarding landscaping. This buffers and mitigation on the waterway are required to make the scheme acceptable in planning terms and are regarded as having a neutral impact on the relevant balancing exercise.
- 11.11 The proposed development would provide 53 new homes in a sustainable location which is given **significant weight as benefit of this scheme**.
- 11.12 The economic benefits of this scheme, given the short-term nature of these benefits, this can only be given limited weight.
- 11.13 Overall and having due regard for the identified harm associated with this scheme it is not considered that the adverse impacts of the proposed development when taken as a whole would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2019).
- 11.14 In view of the above and the status of the relevant Development Plan policies 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
- Appendix C – indicative streetscenes

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 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).
- 2 An application for the approval of the Landscape reserved matters shall be made to the Local Planning Authority within three years of the date of this permission
Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 No development above ground floor slab level (as shown on the approved site section drawing) shall take place until samples of the materials to be used on the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. This should accord with the details submitted in the Design and Access Statement. The development shall be carried out and maintained in accordance with the approved details. The development shall only be carried out in accordance with the approved materials or such other details as agreed in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Royal Borough of Windsor and Maidenhead Local Plan Local Plan DG1; Area Action Plan MTC4, MTC6, OA3.
- 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, AAP MTC4, MTC14
- 5 No part of the development shall be occupied until cycle parking facilities have been provided in accordance with the details set out in the approved plans. These facilities shall thereafter be kept

available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1, AAP MTC4, MTC14

- 6 No part of the development shall be occupied until vehicle parking spaces have been provided and laid out in accordance with the approved plans. 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, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1, AAP MTC4, OA3.

- 7 Prior to the commencement of the development above ground floor slab level (as shown on the approved site section drawing) a copy of the application for the secured by design award scheme and the written response from the Designing Out Crime Officer setting out the schemes compliance shall be submitted to the Local Planning Authority. Prior to occupation of the development hereby approved the applicant shall submit a copy of the Secured by Design certificate for compliance to the Local Planning Authority.

Reason: To ensure that the development achieves the secured by design award scheme to create safe and secure environments and reduce opportunities for crime in accordance with the NPPF (2018) and policy MTC4 of the Maidenhead Area Action Plan (2011).

- 8 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.

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 - AAP MTC4, MTC6, OA3.

- 9 Prior to the commencement of any development, including demolition, a Construction Environmental Management Plan to control the environmental effects of all demolition and construction activities for that part of the development, and containing all relevant Codes of Construction Practice, has been submitted to, and approved in writing by, the Local Planning Authority. This shall include measures to protect the Maidenhead water way.

Reason: To protect the environmental interests (noise, air quality, waste, ground water, ecology, water quality) and amenity of the area and for highway safety and convenience. Relevant Policies - Local Plan CA2, LB2, DG1, NAP3, NAP4, T5, T7, ARCH2, AAP MTC4, MTC13, MTC1

- 10 No development other than demolition of existing buildings on site to ground level shall take place until a surface water drainage scheme for the development based on sustainable drainage principles set out in the submitted >>>>insert final approved details<<<<. Details shall include:

- i) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
- ii) Supporting calculations confirming compliance with the Non-statutory Standards for Sustainable Drainage, proposed discharge rates and attenuation volumes to be provided
- iii) 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 the proposed development is safe from flooding and does not increase flood risk elsewhere in accordance with National Planning Policy Framework, its associated guidance and the Non-Statutory Standards for Sustainable Drainage Systems.

- 11 Prior to the commencement of any works above slab level (as shown on the approved site 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 and Energy Statement prepared by Bluesky Unlimited dated 12 February 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 Requirement 1 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009), along with the National Planning Policy Framework. Relevant Policy - AAP MTC4.

- 12 No development above slab level (as shown on the approved long section drawing) shall commence until a noise study has been submitted to and approved in writing by the Local Planning Authority. This shall include:

i) Details of all the measures to be taken to acoustically insulate all habitable rooms against environmental and operational noise (including the operation of the adjoining Football Club), together with details of the methods of providing acoustic ventilation

ii) Details of how the proposed development is designed so that cumulative noise from surrounding uses (including the adjacent football club) does not impact on residential amenity. This shall include any appropriate mitigation measures.

iii) The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of the mutual amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Local Plan NAP3, AAP MTC4

- 13 No part of the development shall be occupied until the access has been constructed in accordance with the access drawings approved under application 18/01777/OUT for the development site known as Desborough Bowls Club. The access shall thereafter be retained.

Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1, AAP MTC4, MTC14

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

Reason: To enable satisfactory refuse collection to take place in the interests of highway safety and convenience, to ensure effective waste collection services and to maximise recycling. Relevant Policies - Local Plan DG1, AAP MTC4

- 15 The development shall be carried out in accordance with the submitted flood risk and SuDS Assessment, project number 19007, by Water Environment dated April 2019 and the following mitigation measures it details:

The footprint of the proposed development shall be located outside of the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change as listed in section 5.19

Finished floor levels shall be set no lower than 25.29 m above Ordnance Datum (AOD)

There shall be no raising of existing ground levels within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change as shown in drawing number 200 revision 3 entitled "proposed ground floor plan" and drawing number 01A entitled "site survey as existing".

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and ensure the channel cross-section is not reduced as a result of the proposed development as required by the NPPF (2019) and its associated guidance on flooding

- 16 The demolition of the existing building shall be undertaken in accordance with the Recommendations (section 5) of the Bat Survey Report prepared by Ethos Environmental Planning dated September 2019 and received by the Local Planning Authority on the 09.10.2019.

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).

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

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

Informatives

- 1 Members resolved to grant planning permission for this application on the >>>insert date<<<. In doing so they also have delegated authority to the Head of Planning Services to deal with any reserved matters regarding landscaping. This is in the interest of effective decision making.
- 2 With reference to condition 3 (sample of materials) in all instance the materials provided shall include the following: a) Brickwork Panel(s), Sample panel(s) of brickwork showing the typical facing brick(s), method(s) of bonding and colour of pointing to be used for external surfaces of the development. The sample panel shall be erected on site and maintained there during the course of construction. Details submitted shall broadly accord with the details set out in the Design and Access Statement
- 3 As York Stream is a main river watercourse a separate Environment Agency consent will be required for the proposed discharge to the watercourse
- 4 As part of the reserved matters regarding landscape a scheme for the provision and management of an ecological buffer zone alongside the York Stream of the dimensions shown as green space in the approved plans should be provided. The scheme shall include: plans showing the extent and layout of the buffer zone in relation to the bank top of the river details of enhancements to the York Stream and the ecological buffer zone. This should include the softening of hard banks, reprofiling of the banks where possible and the incorporation of marginal shelves for planting details of any proposed planting scheme, that must be native species of UK provenance details demonstrating how the buffer zone will be protected during development a landscape and ecological management plan for the river corridor, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas.
- 5 As part of any reserved matters application regarding Landscaping full details of the green roofs (including irrigation and any rainwater harvesting) to be incorporated within the scheme and a programme for their implementation should be provided
- 6 The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place: on or within 8 metres of a main river (16 metres if tidal) on or within 8 metres of a flood defence structure or culvert (16 metres if tidal) on or within 16 metres of a sea defence, involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river). This planning permission does not negate nor override this requirement.
- 7 The applicant's attention is drawn to the consultation of Natural England which states that:
Demolition and construction activities adjacent to a watercourse which flows directly into the SSSI could cause pollution, dust, disturbance and other impacts upon the site. The following measures must be assured to ensure the impact is minimised: All those involved should be informed of the status and legal obligations attached to the designation and where the boundary of the protected area is; No pollution from demolition or construction of the development must adversely affect the SSSI and a the Construction Method Statement demonstrating how best practise will be used to minimise dust etc. must be submitted to, and approved in writing by the Local Planning Authority. All works must then proceed in accordance with the approved statement with any amendments agreed in writing.)
- 8 With reference to condition 9 on Construction Environmental Management Plan, the plan should include, but not be limited to: /par Procedures for maintaining good public relations including complaint management, public consultation and liaison /par Arrangements for liaison with the Environmental Protection Team /par All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank

Holidays. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above. Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works. Procedures for emergency deviation of the agreed working hours. Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants. Measures for controlling the use of site lighting whether required for safe working or for security purposes. a) Risk assessment of potentially damaging construction activities. /par Identification of "biodiversity protection zones". /Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including precautionary measures for nesting birds, otter and water vole. The location and timing of sensitive works to avoid harm to biodiversity features. /par The times during construction when specialist ecologists need to be present on site to oversee works. /par Responsible persons and lines of communication. /par Use of protective fences, exclusion barriers and warning sign

- 9 With reference to condition X the lighting scheme will include detail of how this will not adversely impact upon wildlife. The report should include the following figures and appendices:
A layout plan with beam orientation
A schedule of equipment
Measures to avoid glare
An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being ecologically sensitive.
- 10 The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 0093921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>

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Agenda Item 8

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 December 2019

Item: 5

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

This application was deferred by the Members of the Maidenhead Area Development Management Panel at their meeting on 20th November 2019 in order for officers to explore the potential for the provision of additional car parking in connection with this proposed development and to establish if the affordable housing could be provided directly on site.

The original report on this application is reproduced in full below with a commentary on the proposed additional off-site car parking provision and affordable housing provided in bold. The recommendation has also been amended to incorporate the proposed provision of the additional off-site car parking into the legal agreement.

- 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 (1) the provision of a financial contribution in lieu of affordable housing of an amount equivalent to 30% on-site provision (assuming shared ownership) and (2) to secure 12 additional car parking spaces for the exclusive use of the occupants of the proposed development in perpetuity within the Atmosphere Apartments development opposite the site and also in the control of the applicants, 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:

1. N6 Trees and development
2. DG1 Design guidelines
3. NAP4 Pollution of groundwater and surface water
4. R1 Protection of Urban Open Spaces
5. E1 Location of Development
6. E2 Industrial and Warehousing Development
7. E5 Loss of land in Employment Areas
8. E10 Design and Development Guidelines
9. H3 Affordable housing within urban areas
10. H6 Town centre housing
11. H8 Meeting a range of housing needs
12. H9 Meeting a range of housing needs
13. H10 Housing layout and design
14. H11 Housing density
15. T5 New Developments and Highway Design
16. T7 Cycling
17. T8 Pedestrian environment
18. P4 Parking within Development
19. 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 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.4 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.5 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>

Other Local Strategies or Publications

- 7.6 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. **One letter of objection has been received since the application was reported to the November Panel. It is written on behalf of the owners of Clivemont House, which lies immediately to the east of the site. The grounds of objection can be summarised as follows: -**

The proposal has no regard to the recently approved scheme for the redevelopment of	9.7 – 9.9
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Clivemont House.	
Proposal would, by virtue of its height and proximity to the boundary, result in a loss of light to the neighbouring development at Clivemont House. Rooms affected are habitable rooms	9.7 – 9.9
Development would overshadow and appear overbearing when viewed from the communal garden of the Clivemont House development.	9.7 – 9.9
Overdevelopment of site which would be dominated by hard-surfacing with no space for meaningful landscaping. Contrary to policies H14 and DG1 of the Local Plan.	9.7 – 9.9

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. **With reference to the late representation received, it is recognised that the same issues would be experienced from the perspective of the proposed development of Clivemont House to the east of the site.**
- 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 to 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.

In order to seek to overcome the concerns raised by Members regarding a perceived under-provision of car parking when they considered this application at the November Panel, the applicants have committed to provide an additional 12 off-site car parking spaces to be allocated for use by the occupants of Marandaz House at the Atmosphere Apartments site, on the opposite side of Clivemont Road and also owned and under the control of the applicants. This development was granted prior approval under application No. 17/02602/CLASSO. This would result in a total of 47 car parking spaces for use in connection with the 47 units proposed in total at Marandaz House, amounting to a ratio of one space per residential unit.

Whilst still not in accord with the Council's Parking Standards, this clearly represents an uplift in parking provision and goes some way to ameliorating the Members concerns on this matter. Clearly the spaces are not as conveniently located for the future residents of Marandaz House as on-site provision would be, but the location is considered to be sufficiently practical so as to comprise a workable solution to this issue, particularly bearing in mind the original assessment on this matter which concluded that an objection could not be sustained on lack of parking provision.

The allocation of 12 spaces to the future occupants of Marandaz House would leave 69 spaces remaining for the 70 Atmosphere Apartments, which comprise 61 one bed units and 9 studio apartments.

- 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).

The applicants have further clarified with regard to this matter that they contacted local providers to see if they would be interested in taking on 7 units on the site and none of them expressed any interest. They contacted five providers who confirmed they would not be interested in taking on any units, primarily because of their small size, limited number and location.

- 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.

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

Agenda Item 9

MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 December 2019

Item: 6

Application No.:	19/01660/FULL
Location:	St Cloud Gate St Cloud Way Maidenhead SL6 8XD
Proposal:	Demolition of the existing office building, and the construction of a new grade A office building with associated cafe, communal roof terrace, car parking, new pedestrian access and landscaping.
Applicant:	Ms Broughton
Agent:	Mr James Brown
Parish/Ward:	Maidenhead Unparished/St Marys
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposed development would provide a significantly larger office building than the existing office building on this edge of centre location. As office use is a main town centre use, the NPPF requires that the Sequential Test is applied and that town centre locations are considered first to accommodate the proposed development. The applicant has applied the Sequential Test, and aside from one site (Kings Chase) which officers have sought further clarification on, officer's agree that other town centre sites are either not suitable or available within a reasonable period. Provided that the applicant can demonstrate that the site at Kings Chase is not reasonably available, then officers' would agree that the Town Centre Sequential Test is passed. An update on this point will be reported to Panel.
- 1.2 The proposed building is considered to represent overdevelopment of the site, and its scale is not considered to be appropriate for this location. The scale of the building is excessive in relation to its plot size, and when considering the scale of buildings in this area. The building would occupy a prominent plot, and its sheer scale and dominance would be apparent from a number of local viewpoints. The proposed development would also cause harm to the setting of the adjacent Grade II Listed Building, The Wilderness.
- 1.3 Whilst acknowledging the scheme would create a significant amount of office floorspace, the Highways Authority raises no objection on traffic impacts or highway safety grounds to the proposal as the site is considered to be in a sustainable location in close proximity to Maidenhead town centre. The applicant also proposes a Travel Plan to encourage a shift to using more sustainable modes of travel.
- 1.4 The applicant has provided further information on the Sustainable Drainage Strategy and cycle parking; comments from the Lead Local Flood Authority and the Highway Authority will be reported in the Panel Update on these matters.
- 1.5 The scheme would have number of benefits, including the creation of employment opportunities, and the provision of a large amount of Grade A office space. However, the benefits that would arise from the scheme are not considered to be material considerations that would indicate a departure from the development plan, and when considering the very significant harm to character and the less than substantial harm that would arise to the setting of the adjacent Listed Building, the public benefits arising are not considered to outweigh this harm.

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

- | | |
|----|--|
| 1. | The scheme, by reason of its excessive scale and appearance, is considered to |
|----|--|

	amount to poor design. The scheme would appear out of scale within the context of the surrounding area. The building would cause significant harm to the character of the area, in conflict with Policy DG1 of the Adopted Local Plan, and with advice contained within the National Planning Policy Framework, and the National Design Guide. The proposal also conflicts with Policies MTC4, MTC4 and MTC6 of the Adopted Maidenhead Area Action Plan.
2.	The proposed building, owing to its excessive scale, appearance, and proximity to the adjacent Grade II Listed Building would cause less than substantial harm to the setting of this designated heritage asset. The public benefits arising from this scheme are not considered to outweigh this less than substantial harm.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises a part 2 storey/part 3-storey office building, with a maximum ridge height of around 13.7 metres, and its associated car parking area. The building has a varied roofline with a pitched roof, and is finished in predominantly red/brown brick, with yellow brick detailing. The building is located on a prominent plot on the north eastern side of the St Cloud Way roundabout.
- 3.2 Vehicular access to the site is gained from an internal access from the car park to the Magnet leisure centre car park which is adjacent to the site.
- 3.3 The surrounding character of the area is mixed with the Magnet Leisure Centre to the east and a Grade II listed c.19th century building (2-8 Cookham Road) known as The Wilderness to the north, which accommodates two doctor's surgeries, a dentist, and a pharmacy. Kidwell Park is located to the west, on the other side of the Cookham Road. To the south of St Cloud Way (A4), which is a key arterial route, are larger scale developments including a multi-story car park, retail and offices which are located within Maidenhead Town Centre. There is a pedestrian access from the site and surrounds to Maidenhead Town Centre via a subway under the A4.
- 3.4 The site is located outside of an Opportunity Area and Town Centre Commercial Boundary as set out in the Maidenhead Area Action Plan (part of the Development Plan). The site is an edge of town centre location, and is located within an area identified as a 'Gateway' in the AAP, which is identified as one of the main entrance points into the town.

4. KEY CONSTRAINTS

- 4.1 Setting of a Listed Building
Air Quality Monitoring Area

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 There is planning history on this site, but none that is of particular relevance to this application.
- 5.2 This scheme proposes to demolish the existing office building and erect a new office building which would have a height of circa 41 metres. The proposed building would step down in height where it is closest to the adjacent Listed Building to a height of around 8.7 metres.
- 5.3 The proposal would have 2 levels of basement car parking and there would be a surface level car park. Within the proposed ground floor level of the building is the reception area to the offices, a café and substation. The floors above ground floor would accommodate office space. At second floor level (above the two storey part of the building) an outdoor terrace is proposed. Above the 9th floor of the proposed building would be office plant, and a sky garden (a roof terrace).

- 5.4 The existing vehicular access would be used to serve the proposed development.
- 5.5 The Design and Access Statement sets out that the building would be finished in brick, steel and glass. The bricks are proposed to be in black/dark grey, although during the course of the application the applicant did submit images of alternative brick (a dark yellow/grey brick could be used).

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design	DG1
Setting of the Listed Building	LB2
Highways	P4 and T5
Trees	N6
Employment	E1, E6, E10
Pollution	NAP3

These policies can be found at

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

Maidenhead Area Action Plan 2011 (Part of the Adopted Development Plan)

Issue	Policy
Design	MTC2, MTC4, MTC5, MTC6
Offices	MTC10
Transport	MTC14

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 2- Achieving Sustainable Development
 Section 4- Decision-making
 Section 6- Building a strong, competitive economy
 Section 7- Ensuring the vitality of town centres
 Section 9- Promoting Sustainable Transport
 Section 12- Achieving well-designed places
 Section 14- Meeting the challenge of climate change, flooding and coastal change
 Section 15- Conserving and enhancing the natural environment
 Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Maidenhead Town Centre	TR3
Setting of a Listed Building	HE1
Air Pollution	EP2
Noise	EP4

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. This site is suggested in the proposed changes version to accommodate an increase in office space however the amount it is proposed to be allocated for is less than half of what has been proposed in this planning application. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>

Other Local Strategies or Publications

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

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

12 occupants of neighbouring properties were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 24th June 2019 and the application was advertised in the Local Press on the 27th June 2019.

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

Comment		Where in the report this is considered
1.	There are too many offices in Maidenhead.	11
2.	It is already a struggle to find anywhere to park to visit the adjacent Claremont surgery. This proposal will add to the existing parking pressures.	9.47-9.53
3.	The demolition and rebuild will create dust and noise for the staff and patients of the dental and doctor surgeries, and will create parking problems.	A Construction Environment Management Plan could be secured to deal with demolition and construction.

4.	The proposed building is overpowering and will dwarf the neighbouring buildings. It will completely change the character of the area.	9.13-9.28
5.	The basement car park will involve extensive excavations, and there are concerns of the impact on the integrity of the Claremont building and the extensions. It must also be taken into account that the Claremont building is Listed, and planning consent should not be granted until working schedules are provided to show how the development can be achieved.	9.29-9.39
6	Concerns that Claremont surgery could not remain in their building during the construction phase. It may force them to go into temporary accommodation and the developer would be expected to cover these costs.	A Construction Environment Management Plan could be secured to deal with demolition and construction.
7.	Such a large building will adversely impact upon the medical centre. It is likely to create privacy issues.	9.43-9.46
8.	The noise and disturbance associated with this construction would adversely impact on the consulting rooms of the doctor surgery.	If planning permission was being recommended for approval, a Construction Environment Management Plan would be conditioned.
9.	From which ever direction one approaches St Cloud Gate; the proposed enlarged structure will appear significantly out of place and character with the other buildings and open spaces on the north side of the A4, which are predominantly comprised of low rise buildings. Allowing such a tall building beyond the A4 is tantamount to allowing the town centre to creep beyond its current boundary afforded by the A4.	9.13-9.29
10	Development provides a significant under provision of car parking- will cause problems on the surrounding road network.	9.47-9.53
11	Concerns over air and noise pollution during construction, and the impact this would have on staff and patients at the doctor's surgery.	If planning permission was being recommended for approval, a Construction Environment Management Plan would be conditioned.
12	Such a large development would make it difficult to allow an ambulance to access the doctor surgery.	Access to the doctors surgeries would not be impeded by the development.

13	The daylight and sunlight report does not take into consideration The Wilderness Centre stating that the surgery "does not have a reasonable expectation of daylight and sunlight" as it is a commercial property. Given the use of the building for patient care and its close proximity to the proposed development, undoubtedly there will be an impact. This should be a material planning consideration and is contrary to Policy SP 3 of the Emerging Local Plan "new development will be considered high quality design and acceptable where it has no unacceptable effect on the amenities of the adjoining properties in terms of access to daylight and sunlight"	9.43-9.46
14	Concerns over the traffic flows. The assessment omits that there is a second entrance/exit coming of Kennet Road/ Homanleaze. The am and pm peak times do not represent peak flows for the delivery of health services on site. It is also unclear if the flows were measured before or after the demolition of tenpin bowling and the creation of the new overflow temporary car park.	9.47-9.53
15	Huge disruption would be caused which would adversely impact on the care of patients.	If planning permission was being recommended for approval, a Construction Environment Management Plan would be conditioned.

6 letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	The proposed building will be a visual improvement over the existing building.	9.2-9.13
2.	It will bring more business to the area.	11
3.	The Council voted to repeal permitted development rights for the conversion of office into residential. This shows the Council's acknowledgement of the lack of good office space within the Borough.	Demand for office space is addressed in section 11
4	This scheme would provide the much needed grade A office space within the Borough.	11
5	The scheme will create more business opportunities.	11
6	The scheme has well designed green spaces.	9.2-9.13
7.	Increased pedestrian footfall for other business.	11

Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	Maintains concerns regarding the following: - <ol style="list-style-type: none"> 1. Location and nature of existing outfall system remains to be proven in order to demonstrate that the receiving system has the capacity to accept flows from the proposed development without increasing flood risk elsewhere. 2. That adequate measures are incorporated within the surface water sewer system, which discharges to York Stream to ensure the run-off is of adequate 	9.54-9.56

	<p>quality.</p> <p>3. Details of proposed attenuation tank required.</p> <p>4. Demonstration of provision of practical surface water drainage system, that is accessible for maintenance purposes.</p>	
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Consultees

Consultee	Comment	Where in the report this is considered
Environment al Protection	No objections, subject to planning conditions being imposed to secure a remediation strategy for contamination, and to secure the submitted Construction Environmental Management Plan.	9.57-9.63
Conservation	It is considered that the new building would, because of its footprint, height, massing, design and materials, have a negative impact on the setting of the Listed Building so harming its significance and for the same reasons would be an incongruous and damaging addition to the townscape of this part of Maidenhead. In this case, the harm caused to the significance of the designated heritage asset would be considered as less than substantial.	9.29-9.40
Historic England	<p>The application site sits to the north of the Maidenhead Town Centre Conservation Area, and the impact the development may have on this designated heritage asset is our principal area of interest. We note that a number of larger developments have been consented in the surrounding vicinity of the Conservation Area, and acknowledge the site is within an area identified as a 'gateway' in the Maidenhead AAP, although improvements are envisaged to relate more to public realm and public art improvements than new buildings.</p> <p>The Conservation area's character is one that has a very dense and tight knit urban environment, with limited views out, therefore any potential impact is likely to be limited. However, it would be a building of 11 storeys plus roof top plant, therefore your Council will need to be convinced the applicant has provided the necessary visualisations and information to understand clearly the potential impact of the development on the surrounding historic environment. Your council would need to be confident that any impact would not be detrimental to the character and appearance of the conservation area prior to any planning permission being granted.</p> <p>I have not commented on the impact the development would have on the neighbouring grade II listed C19 house The Wilderness, as Historic England would not normally be consulted on this issue. However, this is an important matter that needs to be considered and we would advise your Council seeks the advice of your conservation specialist.</p>	9.29-9.40
Ecology	<p><i>Bats</i></p> <p>The building and trees on site were all assessed for their potential to support roosting bats. The building and all trees were assessed as having negligible potential to support roosting bats and therefore no further survey or specific</p>	See 9.64-9.67

	<p>mitigation is required. There are limited features for foraging and commuting bats, such as trees and shrubs, some of which are to be removed as part of the development. As compensation for this loss, native trees and shrubs should be planted and the details of which should be included within a biodiversity enhancement scheme (see details below).</p> <p>Breeding Birds</p> <p>The site was recorded as having high potential to support nesting birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. To ensure that nesting birds are not harmed as a result of the development, any vegetation clearance should be undertaken outside of the bird nesting season, or if that is not practical, areas to be cleared should be checked immediately prior by a suitability qualified ecologist. This advice should be secured via a planning condition or suitably worded informative note.</p> <p>Biodiversity Enhancements</p> <p>In line with paragraph 175 of the NPPF and considering the loss of the small areas of vegetation on site, the development should incorporate opportunities for wildlife. It is recommended that a biodiversity enhancement scheme is designed. As per the ecology report, such a scheme should include a biodiverse roof, bird boxes (swift and house sparrow in particular), sensitive lighting and wildlife-friendly landscaping. The provision and implementation of an appropriate biodiversity enhancement scheme should be secured via a planning condition.</p>	
Berkshire Archaeology	<p>"..No further archaeological investigation in relation to this scheme is justified. You have adequately evidenced that the site has been repeatedly built on, significantly decreasing the likelihood of the survival of any buried remains. The site also lies outside of the historic core of medieval and early post-medieval Maidenhead. Please note that my comments relate solely to the buried archaeological heritage and issues relating to the impacts on the setting of the adjacent listed building, and the impact on the historic built environment generally, are matters for the Royal Borough's Conservation Officer. Should the scheme proposal be significantly revised or the red line boundary changed, we recommend that Berkshire Archaeology is re-consulted."</p>	See 9.41
Highways	<p>Following our previous report the applicants Transport Consultant has submitted a Technical Note to respond to a number of queries raised. Our response to the Technical Note is covered below.</p> <p>Ramped Basement Access. I can confirm that the design of the ramped access as indicated in the accompanying plan complies with the guidance given in IstructE.</p> <p>Development Impact. The revised and additional details accompanying the Technical Note are considered acceptable.</p> <p>Cycle Access. It was advised that the design of the cycle parking should comply with current best practice, i.e. West London Cycle Parking Guidance. On this basis the minimum</p>	9.47-9.53

	<p>separation distance between the two-tier stands should be a minimum of 450mm, preferably 500mm. The plan proposes separation distances of 375mm. Furthermore, the cycle facility should provide minimum aisle widths and room heights of 2.5m and 2.8m respectively. If the rooms allocated for cycle storage are too constrained to accommodate all the cycle parking, consideration should be given to the provision of a separate storage facility.</p> <p>Conclusion. The additional details and revisions address queries raised in our initial report, with the exception of the cycle parking provision. It is recommended that the applicant review the cycle parking provision for the development.</p> <p>Further comments:</p> <p>In the revised Technical Note the pedestrian trip rates have been reduced from 50% to 30.1%, which is accepted by Project Centre.</p> <p>Rail and bus patronage targets have been increased to reflect the accessibility of the site and the reduced level of car parking provision.</p> <p>As mentioned in our previous report the Borough sets a parking standard of 1 space per 100m². The development proposes a parking ratio of 1 space per 194m².</p> <p>Therefore, given the accessible nature of the site, the parking restrictions in the surrounding area and the proposed parking provision, the development is unlikely to have a severe or unacceptable impact on the local highway network.</p>	
Trees	Comments awaited at time of drafting report	9.42
Environment Agency	Comments awaited at time of drafting report	N/A
Policy	Comments awaited at time of drafting report	Principle of the development has been addressed.

Others

Group	Comment	Where in the report this is considered
Maidenhead Civic Society	<p>Concerns about the overall height of the proposed building. This location is not appropriate for a building of this height. The proposal is not sympathetic to the adjacent Listed Building.</p> <p>When viewed from the west there is a risk that approaching drivers will experience glare from the reflection of the sun on the curved south western glass frontage of the building.</p> <p>They do welcome other aspects of the scheme such as the multi-use of lower floors, including a café, the improved access and parking, the setting back of the south west elevations at second floor level, and the introduction of a roof terrace.</p>	Addressed in the report. The glare from glass is not considered to be a reason to refuse on planning grounds.
Thames Water	Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for	The developer would need a separate agreement with Thames Water

	<p>foul water networks but has been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "No properties shall be occupied until confirmation has been provided that either:- 1. All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.</p>	<p>about connection to the foul water network.</p> <p>Surface water is being considered by the Lead Local Flood Authority.</p>
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of development
- ii Design and the impact on the character of the area
- iii Impact on Heritage Assets
- iv Trees
- v Impact on the amenity of neighbouring buildings
- vi Transport
- vii Sustainable Drainage
- viii Air Quality
- ix Noise
- x Contaminated Land

Principle of development

- 9.2 Policy MTC10 of the Maidenhead Area Action Plan (part of the adopted Development Plan), states that proposals for new office development will be focused within Opportunity Areas and the Town Centre Commercial Boundary. Adopted Local Plan policy E1 states that business development will usually be restricted to Town Centre Commercial areas but in other areas outside the Green Belt business development may be acceptable where it relates to an existing business use, while policy E6 states that development or redevelopment for business will be acceptable on sites already in such use subject to compliance with other planning policies.
- 9.3 This site is not located within the town centre commercial boundary of Maidenhead, and it is not situated within an Opportunity Area. As outlined above, policy MTC10 of the Maidenhead Area Action Plan seeks to focus new office development within Opportunity Areas or elsewhere within the town centre commercial boundary; however, it does not preclude the redevelopment of sites in existing office use. Policy E6 promotes the redevelopment of business uses on sites already in such use subject to normal development control criteria and provided that proposals would not lead to an undesirable intensification of activity to the detriment of the local environment, or to the amenities of neighbouring properties.
- 9.4 Policies E1 and E6 of the Local Plan are not fully in accordance with the NPPF, in that they do not provide any guidance on applying the Sequential Test when a proposed office development, as a main town centre use, is not located in a town centre location. These policies are therefore given some weight, but not full weight in the consideration of this application. Policy MTC10 of the AAP is broadly in accordance with the NPPF, although it also does not refer to the application of the town centre Sequential Test and so this policy is again given weight, but is not given full weight.
- 9.5 The NPPF 2019 is a material consideration of significant weight. At paragraphs 86 and 87 it states that

'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'

- 9.6 At paragraph 90 of the NPPF it explains that where an application fails to satisfy the sequential test it should be refused.
- 9.7 The existing office building to be demolished has a floorspace of circa 1,062 m². The proposed building would accommodate circa 11,833m² of office floorspace. As the proposed new building would result in a significant increase in office floorspace (a main town centre use) at this edge of centre location, in accordance with the requirements of the NPPF (which is a material consideration of significant weight), the town centre Sequential Test needs to be applied.

Application of the town centre Sequential Test

- 9.8 To ensure the vitality of town centres, as described above, the NPPF advocates a 'Town Centre' first approach to the location of new office development. Only if suitable sites are not available (or expected to become available in a reasonable period) within existing Town Centres should out of centre sites be considered. When considering edge of centre and out of centre proposals,

preference should be given to accessible sites which are well connected to the town centre, in accordance with paragraph 87 of the NPPF.

- 9.9 In terms of the Sequential Test to determine if there is a preferable alternative site, the National Planning Practice Guidance (NPPG) states the suitability, availability and viability of the site should be considered in a sequential assessment with particular regard to the nature of the need that is to be addressed. In terms of the nature of the need, it was established by the Supreme Court in *Tesco Stores v Dundee City Council* [2012] that to be a preferable alternative site it should be capable of meeting the need that the developer is seeking to meet, and not just a generic need. With regard to suitability, *Tesco Stores Ltd v Dundee City Council* also establishes [a] that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach; and [b] that in terms of the size of the alternative site, provided that the Applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development and not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site. There is no indication as to what degree of flexibility is required in the NPPF or NPPG.
- 9.10 In line with paragraph 86 of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account.
- 9.11 The applicant has considered alternative town centre and edge of centre sites. The sites considered by the applicant are listed within the table below, and the reasons for discounting them are summarised below. The detailed assessment of the alternative sites can be found in the applicant's Sequential Test document.

Site	Comment
The Landing	Demolition has begun on site, with a first phase comprising one building of 58,000 sq ft and second of 45,000 sq ft which is understood to include a proportion of office space and which is to be completed in 2021. The remainder of the site that is not part of the recent hybrid planning permission is currently used as a car park which would need relocating or its loss justified. Allocated for retail and car parking therefore policy context not favourable.
West Street Opportunity Area.	The majority of the viable office redevelopment sites have already been completed. There are no known current proposals for additional office development on the site and the last remaining key site, the Telephone Exchange, would not be deliverable within the plan period.
York Road	This site is discounted as not being suitable or available/deliverable. This is agreed, as the development of the site has commenced for a mixed use scheme, with a flexible use for office space. The site would also not be available within a reasonable period.
Railway Station Opportunity Area	Whilst the site is suitable for office development, the availability of the site will depend on discussions between land owners. Officers agree that the site would not be available within a reasonable period.
Land within the High	Office space of a similar scale could not be provided on sites

Street East/York Stream Opportunity Area	or through redevelopment proposals on this land. Other parts of the land within this allocation within the Maidenhead AAP has been, or is being developed and so is not available.
Land to the North of Stafferton Way	<p>This is an edge of centre location, and so is not sequentially preferable to the application site. However, it is in closer proximity to the train station so it is a better connected site.</p> <p>Within this land allocation in the AAP is Statesman House. Whilst office use would be suitable in this location, a larger amount of office space would need to be provided to be of a similar scale to the proposed development and it is not known if this would be acceptable. There is no planning permission for a larger office development at the time of writing, and so the site is not expected to become available within a reasonable period.</p> <p>Maidenhead retail park on Stafferton Way is in active retail use, and is unlikely to be available within a reasonable period.</p>
Sybase Court, Crown Lane, Maidenhead	Prior approval was given to convert the existing office space into residential in 2019. The applicant indicates that the site is not available, but does not explain why. Notwithstanding this, the existing building would not provide a similar amount/scale of office space.
Kings Chase, Maidenhead	Planning permission was granted in 2019 for 12,557 square metres of B1a office floorspace. The applicant does not explain why the proposed development would not be available within a reasonable period.
High Street Methodist Church, Maidenhead, including ancillary buildings and Kingsway Chambers	Not suitable and not available.
The Lantern	This is an edge of centre site, and so is not sequentially preferable to the application site. It is also not more accessible or better connected to the town centre than the application site.
Moorbridge Court and Liberty House	The submitted Sequential Test document sets out that the site is not suitable or available, but does not explain further other than saying a prior approval to convert office to residential was granted on this site in 2019. However, it is unlikely that a building of a similar scale could be provided on this site.

- 9.12 The planning officer has sought clarification from the agent as to why King's Chase is not available within a reasonable period. If it is not demonstrated why this site is not available, the site would be regarded as a sequentially preferable site, and this would form an additional reason to refuse the application. The comments from the agent will be reported in the Update report to Panel.

Design and the impact on the character of the area

- 9.13 The application site is earmarked within the adopted AAP as a Gateway site. Policy MTC5 of the AAP sets out that within Gateways there will be an emphasis on creating high quality entrances that enhance the town centre's image and identity. There is an emphasis in the policy that buildings in these locations should have outstanding and distinctive architecture.

- 9.14 Policy MTC6 of the AAP provides guidance on Tall buildings, and for the purposes of this policy a tall building is identified as a building noticeably taller than 20 metres. This site is not identified as an area to accommodate a tall building within the AAP. The proposed building at a height of 41 metres, would not accord with Policy MTC6 of the Adopted Local Plan which states that new tall buildings on sites outside of tall building areas which do not currently accommodate a tall building will be resisted. Policy MTC6 is not considered to be in conflict with the NPPF. Although the AAP was adopted in 2011, the Council has not changed its policy on the tall building strategy across Maidenhead since this time. Therefore Policy MTC6 is given significant weight in the consideration of this application.
- 9.15 Policy DG1 of the Adopted Local Plan provides guidance on design. This policy is considered to be in accordance with the aims of the NPPF and so is also given significant weight in the consideration of this application. Policy DG1 sets out that the design of new buildings should be compatible with the established street façade, having regard to the scale, height and building lines of adjacent properties, and that special attention should be given to the 'roofscape' of buildings. Policy DG1 also explains that harm should not be caused to the character of the surrounding area through development which is cramped, or which results in the loss of important features which contribute to that character. Policy MTC4 of the Maidenhead AAP also provides guidance on design and is relevant to this application.
- 9.16 The proposed changes to the BLP which are given limited weight at this time identify this site for an increase in office floor space (circa 4562 sqm as opposed to the 11,833sqm proposed here) and it is clear that emerging policy envisages a significantly smaller building on this site. As part of its' evidence base for the BLP the Council has commissioned a Tall Building Strategy, whilst this is given limited weight at this time as it evidence relating to the emerging plan, the study did not conclude that this is likely to be a site suitable for a building of very significant height and that a cluster of tall buildings would be more appropriately sited on the southern side of the A4.

Scale

- 9.17 As set out in the National Design Guide (a material consideration of significant weight), scale is the height, width and length of a building in relation to its surroundings. In terms of the character of the area, there are tall, large scale buildings to the south of the A4 (within the town centre commercial boundary). One of the tall buildings within this part of the town centre stands at a height of around 35 metres. The A4 acts as a physical barrier between the town centre commercial area, and the application site which is to the north of the A4. Turning to the development to the north of the A4 and close to the application site, buildings decrease in scale from those buildings in the town centre. The buildings are noticeably lower in height than the buildings within the town centre commercial boundary, and tend to have more spacious settings. One of the taller buildings in this area is the flatted development by Kidwells park (to the north-west of the application site), where the buildings are 4- 5 storeys in height. The Magnet Leisure centre, has a large footprint, but is two storeys.
- 9.18 The Listed building and its extension, which is adjacent to this site is smaller in scale again at 2- to 3 storeys in height. The impact on the setting of this Listed Building is discussed in paragraphs 9.29-9.39 of this report. This part of the officer assessment considers how the building fits with the local context, taking into account the scale, density and layout of buildings within the local area.
- 9.19 This site forms a corner plot and occupies a prominent position when viewed along the A4 (from both east and west directions), and from Cookham Road.
- 9.20 The proposed building at a height of around 41 metres would be significantly taller than the buildings near the application site, located to the north of the A4 road. The proposed building bears no relationship to the height of these other buildings. The proposed building would also be taller than the buildings to the south of the A4 within the town centre. Although the proposed building would not be significantly taller than the Point building (located in the town centre), it is not considered that this proposal should properly relate to the height of the buildings in this part of the town centre, which have a very different context to this application site. These buildings are located within an area where there are other taller buildings however these form part of a

cluster and the Point is supported by its surrounding context height. It is considered that to the north of the A4 road, the buildings should decrease noticeably in scale from those larger scale buildings in the town centre. The proposed building, would be visually completely at odds with the scale of buildings within the vicinity of the site and would form an alien building which would detract significantly from the character of this part of north Maidenhead and relate very poorly to its' surroundings.

- 9.21 The proposed building would occupy a significant proportion of its relatively limited plot size, and would be within very close proximity to the eastern, southern and western boundaries of the site. The southern and western boundaries of the site face the public highway. The proposed building would appear 'shoehorned' within the site and would appear excessive in scale when viewed in the context of this site and its surroundings. Given the conspicuous nature of the site this visual harm would be readily apparent from a number of key public viewpoints.
- 9.22 Some attempt has been made to break up the scale and massing of the building, by setting part of the building down to two storeys in height, however, there is a large extent of the building that would be significantly taller than this, and this part of the building would appear very bulky. The scale and massing of the proposed building does not take into account the limited plot size, and neighbouring surrounding buildings which are noticeably smaller in scale.
- 9.23 The sheer scale of this building would be very visible from local viewpoints. Verified views (depicting how the proposed building would actually look) were submitted with the application. Viewpoint 4- Cookham Road, demonstrates the excessive scale of the building in relation to the building to the north of the application site. This would be very noticeable when looking towards the site from Cookham Road. In addition, view point 1 from St Clouds Way shows how imposing this building would be, and how it would stand out from other existing development in the area. These verified views demonstrate how out of scale this building would appear in the context of this area.

Layout

- 9.24 With regard to the layout of the development, as set out the proposed building would occupy a large area of the site. The building would have limited spacing around it, in relation to the scale of the proposed building. A pedestrian route is proposed to the north of the proposed building, however, this pedestrian route would feel very enclosed, and would not create an inviting area for pedestrians to walk through the site. Pedestrians leaving the area would enter into the car parking area, and vehicular access, and so there would be conflict with vehicles and confusion over where pedestrians should walk to.
- 9.25 A new pedestrian opening to the application site would be created on the southern boundary of the site. Steps would lead up from the existing subway. Owing to changes in ground levels, the applicant advises that a ramp cannot be provided at this point. This is not ideal for users who require level access that will need to navigate through the site a different way.

Landscaping

- 9.26 Detailed landscaping plans have not been provided with the application. The plans show indicative landscaping. Given the limited spacing around the proposed building, and the level of hardstanding, there will be limited opportunity for meaningful soft landscaping.

Appearance

- 9.27 The building has been designed to be distinctive, and this is intentional by the applicant as set out in their Design and Access Statement. Whilst there is no objection in principle to a different design for a building at this location, there is a concern over the use of the dark grey/black bricks, as this material is not present within the area. The use of dark materials would emphasise the vast scale of this building. The applicant has suggested a different colour brick (yellow grey brick) could be used, however, it should be noted that whilst this material may be acceptable, this would not overcome the concerns over the scale and massing of this building.

- 9.28 The proposed development is considered to represent an overdevelopment of this site. The building, owing to its excessive scale, would appear incongruous when viewed in the context of the site and local area. It would appear cramped on the site, owing to the limited spacing around this building, in combination with its scale and mass. There would be limited opportunity for meaningful soft landscaping. The appearance of the building does not relate well to the surrounding buildings, which in principle may not be an issue, but the use of the dark grey/black brick proposed does not pick up on the material palette in the area, and would emphasise the vast scale of this proposed building.

Impact on Heritage Assets

Impact on the Setting of the Listed Building

- 9.29 The building (The Wilderness) to the north of the application site is Grade II Listed. Local Plan Policy LB2 provides guidance on Listed Buildings, and sets out to ensure that development proposals do not adversely affect the grounds and/or setting of Listed Buildings. This policy is considered to accord with the requirements of the NPPF and is given significant weight in the determination of this application. The NPPF at paragraph 193 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.30 Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.31 The Wilderness is a two storey building (with basement) dates from the 18th and 19th centuries. The building is a designated heritage asset and has significance because of its architectural and historic interest.
- 9.32 The Maidenhead Town Centre Conservation Area lies to the south of the site, it encompasses the town's traditional high street and there are views towards the site looking north from Market Street. The Conservation Area has an appraisal that was completed in 2016.
- 9.33 The NPPF advises that the setting of a heritage asset can be considered as the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. With regards to new development, in terms of the historic environment the NPPF advises that in determining applications local planning authorities should take account of the desirability of enhancing the significance of heritage assets and also the desirability of new development making a positive contribution to local character and distinctiveness. It also advises that great weight should be given to the assets conservation.
- 9.34 In Part 1 under Setting and Views, the Historic England Guidance "The Setting of Heritage Assets" Planning Note 3 is clear that the setting of a Listed Building is much wider than just that of its curtilage and setting can change over time and is more than just views to or from the asset.
- 9.35 In this case, the setting of the adjacent Listed Building has changed over time, as it has lost its original garden, however, the building is quite architecturally distinct in terms of the local townscape and its roofline, with its chimneys and chimney pots, is clearly visible and is a positive feature in views from the park and from the north and south. The existing building on the application site, is of a reasonable scale and mass and does not dominate the setting of the Listed Building.
- 9.36 The proposed building, despite its lower section towards the west, is of a totally different scale and massing to the Listed Building. It is the scale of the proposed building that would dominate this neighbouring Listed Building. In addition, the use of dark grey/black brick would emphasise the dominance of the proposed building.

- 9.37 It is considered that the new building because of its scale, massing, design and materials would have a negative impact on the setting of the Listed Building so harming its significance. In this case, the harm caused to the significance of the designated heritage asset would be considered as less than substantial.
- 9.38 Owing to the proximity of the proposed building, the scale of the proposed building, and the excavation needed to provide the basement levels below, more detail on the method of construction would be required to ensure that the construction of the proposed building would not cause harm to the physical structure of the adjacent Listed Building, however, it is considered that such detail could be secured by planning condition.
- 9.39 The NPPF is clear that when less than substantial harm is caused to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate securing is optimum viable use. The public benefits arising from the proposal, are discussed at section 11 of this report. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.40 Whilst the building would be visible from the edge of the Maidenhead Town centre Conservation Area, these would be limited views, and it is not considered that the scheme would result in harm to views out from the Conservation Area. Regards has been paid to section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Archaeology

- 9.41 A Heritage Impact and Archaeological Desk Based Assessment was submitted with the planning application. Berkshire Archaeology advises that the applicant has adequately evidenced that the site has been repeatedly built on, significantly decreasing the likelihood of the survival of any buried remains. They also advise that the site lies outside of the historic core of medieval and early post-medieval Maidenhead.

Trees

- 9.42 There are no trees on or off the application site covered by a Tree Preservation Order that would be adversely impacted by the proposed development. Given the scale of the proposed building, and proximity of the proposed building to the site boundaries, there will be limited opportunity to plant new larger trees.

Impact on the amenity of neighbouring buildings

- 9.43 Policy E10 of the adopted Local Plan sets out that in considering applications for business development that a scheme should not result in an unneighbourly development or undesirable intensification of an existing use. The NPPF sets out at paragraph 127 that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.44 The buildings adjacent to this application site, include the building to the north which includes the medical centre, dental practice and pharmacy. To the east of the application site is the Magnet Leisure centre. The submitted daylight and sunlight study does not assess the impact of the proposed development on these buildings, as they are commercial properties, and, as such it is set out that these properties would not have a reasonable expectation of daylight and sunlight, and they generally rely on artificial lighting. The BRE guidelines (daylight and sunlight) explain that the guidelines are normally used to look at the impact on residential buildings. It is explained that they may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices. The doctor's surgeries, dentist and pharmacy are non-residential uses, and it is not considered that they would have an expectation of daylight. The

impact of the proposal on daylight to these uses would not be considered as grounds to warrant refusal.

- 9.45 With regard to nearby buildings in residential use, there are not any in close proximity to the building. The daylight and sunlight assessment does assess the impact on the proposed development on the closest residential uses to the application site. These buildings include:
- Queensgate House (14-18 Cookham Road) which is located to the north of the application site, which is approximately 77 metres away.
 - Providence House, which is located to the south and is around 33 metres away.
- 9.46 Overall the proposed scheme would have only a minor impact on daylight to a limited number of neighbouring residential properties. The daylight transgressions are generally isolated to 3 neighbouring rooms in Providence House, and this impact would not be so significant as to warrant refusal on this ground.

Transport

- 9.47 Policy T5 of the Adopted Local Plan sets out that all development proposals will be expected to comply with the Council's Adopted Highway Design Standards. This policy is not incompatible with the NPPF, however, the NPPF provides more up to date guidance on transport impacts and so the impact on traffic and highway safety has been assessed against the NPPF.
- 9.48 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 111 of the NPPF sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 9.49 Policy P4 of the Adopted Local Plan requires schemes to provide parking spaces in accordance with the Council's Parking standards. The Council's Parking standards are based on maximum parking standards. The NPPF 2019 at paragraph 106 sets out that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. In this instance, the Highway Authority have not identified that there is a compelling justification for the scheme to comply with the maximum parking standards, and as such Policy P4 is given reduced weight.
- 9.50 The site is within an accessible location and based on the Borough's Parking Strategy 2004 attracts a maximum parking ratio of 1 space per 100m², which equates to 118 car parking spaces. The development provides 61 car parking spaces, set at a ratio of 1 space per 194m². However, as noted above, the NPPF sets out that maximum parking standards should not be imposed unless there is clear and compelling justification for managing the local road network. The Highway Authority do not object on this provision of car parking, given that it is located in a sustainable location.
- 9.51 The travel plan targets for travel by pedestrians, train and bus have been amended, following comments from the Highway Authority about how the initial targets set had no clear rationale. The revised targets proposed by the applicant are set out in the table below. Given the proposed parking ratio for the development, if the application was being recommended for approval, a legal agreement would be required to secure the Travel Plan to ensure the measures to reduce car dependency were implemented, and that other more sustainable modes of transport were promoted.

Table 2.2 – Revised indicative mode share targets

Mode of Travel	Baseline Mode Share (Year 1)	Year 3 Target	Year 5 Target
Car Driver	28.1%	26.3%	24.0%
Car Passenger	6.4%	6.0%	6.0%
Bus Passengers	7.0%	7.2%	7.5%
Rail Passengers	22.4%	23.0%	23.5%
Pedestrians	30.1%	31.0%	32.0%
Cyclists	6.1%	6.5%	7.0%

- 9.52 Provided the revised targets set out by the applicant are secured through a robust travel plan, it is not considered that of a severe impact on transport would arise, or that there would be an adverse impact on highway safety.
- 9.53 72 cycle parking spaces are proposed within the scheme across the basement levels, which would be used by future employees. In addition, 12 visitor cycle stands would be provided at ground floor level. Comments are awaited from the Highway Authority as to whether the dimensions of the cycle parking are acceptable, and this will be reported in the Update report to Panel.

Sustainable Drainage

- 9.54 Paragraph 165 of the NPPF sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. This application is a major development, and so there is a requirement for the scheme to provide a sustainable drainage system.
- 9.55 The sustainable drainage strategy proposed for this development is that surface water from the site will be captured and attenuated within SuDS and storage features for gradual release. The required attenuation volume has been proposed as a combination of permeable paving, Permavoid (or similar) and blue roofs.
- 9.56 Further comments are awaited from the Lead Local Flood Authority regarding the acceptability of the Sustainable Drainage Strategy; their comments will be reported in an update report to Panel.

Air Quality

- 9.57 Policy NAP3 of the Adopted Local Plan sets out that the Council will not grant planning permission for proposals likely to emit unacceptable levels of noise, smells, or fumes beyond the site boundaries.
- 9.58 Paragraph 181 of the NPPF sets out that planning policies and 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 and Clean Air Zones, and the cumulative impacts from individual sites in local areas. It is further explained that planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 9.59 The development site is within Maidenhead Air Quality Management Area (AQMA) and has the potential to affect the local air quality conditions during both the construction and operation phase. The submitted Air Quality Assessment is based on a detailed dispersion modelling of the annual mean concentrations for nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}). The predicted values at existing and proposed receptor locations for 2021 are below the

national objectives. The results and conclusion of the assessment that the air quality impacts of the development are considered to be not significant is acceptable.

Noise

- The proposed external plant as part of the development include:
 - Air source heat pump
 - -2 x Air cooled chillers
 - -Air handling unit
 - Life safety generator
- 9.61 These would be located on the roof level. A Planning Noise Report was submitted with the application. An initial assessment of the proposed plant items associated with the development was carried out. The report advises that as long as the specified sound power limits are met for all external plant, the noise egress from the proposed development is expected to comply with the relevant noise limits. The report sets out that subject to certain sound insulation being incorporated that the development would not generate unacceptable levels of noise in the context of this area. If planning permission was being granted, a condition would be imposed to secure the type of plant and acoustic measures to be submitted for approval.

Contaminated land

- 9.62 The results of intrusive site investigations submitted with the application showed the presence of contamination on site. A remediation strategy would need to be developed to address the following:
- Elevated levels of PAH's
 - Protect new utility services from hydrocarbon contamination
 - Completion of further vapour monitoring
 - Design a gas protection measures
 - Waste management plan
- 9.63 If the recommendation was to approve the application, the remediation strategy could be secured by planning condition.

Ecology

- 9.64 The site comprises a building surrounded by areas of hard standing and a small area of introduced shrub. The site is within 2km of several Sites of Special Scientific Interest (SSSI), Local Nature Reserves (LNR) and Local Wildlife Sites (LWS).
- 9.65 The building and all trees were assessed as having negligible potential to support roosting bats and therefore no further survey or specific mitigation is required.
- 9.66 The site was recorded as having high potential to support nesting birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. To ensure that nesting birds are not harmed as a result of the proposed development, any vegetation clearance should be undertaken outside of the bird nesting season, or if that is not practical. An informative could be placed on a permission advising this, if planning permission was to be granted.
- 9.67 In line with paragraph 175 of the NPPF and considering the loss of the small areas of vegetation on site, the development should incorporate opportunities for wildlife. A biodiversity enhancement scheme would need to be secured by planning condition, if planning permission was being granted.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is not CIL liable.

11. PLANNING BALANCE AND CONCLUSION

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

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

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

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

‘out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).’

- 11.3 The policies from the development plan relevant to this application are not considered to be out of date. As such, the planning balance is undertaken in the ordinary way.

- 11.4 It is considered that this scheme conflicts with a number of the development plan policies, and also with National Planning Policy, which is a material consideration of significant weight. However, it is important to consider whether there are material considerations which indicate that there should be a departure from the development plan. With regard to the less than substantial harm caused to the setting of the Heritage Asset, it needs to be considered if there are public benefits which outweigh this harm, in accordance with the requirements of the National Planning Policy Framework. Special attention also needs to be paid to Section 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990.

- 11.5 The planning statement sets out that the scheme will provide a number of benefits. These benefits are listed below, and the weight attached to these benefits is also set out below.

- *It will provide new employment floorspace in a sustainable location making a significant contribution to future employment needs.*

It is acknowledged that the scheme is in a sustainable location, and will make a significant contribution to future economic needs. This benefit is given significant weight as a benefit.

- *Increase the amount and quality of grade A office space in Maidenhead creating around 720 new jobs.*

It is accepted that there is a demand for Grade A office space floorspace to be provided in Maidenhead, as set out in the Employment Land Needs in RBWM October 2019 Topic Paper, and this proposal would deliver a significant amount of office floorspace. The provision of grade A office space and the generation of 720 new jobs is given significant weight as a benefit.

- *Build on the opportunity afforded by the new Elizabeth line rail link.*

This is noted, however, there are other opportunities for office development in the town centre or other edge of centre sites which are located closer to the train station than this site. In addition, a smaller amount of office space than proposed could be provided on this site, and would still build on the opportunity of the new Elizabeth railway line. This is given limited weight as a benefit.

1. *Improvements to the design and appearance of this identified and prominent gateway site through the construction of an architecturally significant landmark building.*

It is not considered that there would be an improvement to the design and appearance of the building, or that it would be architecturally significant. This is not given weight as a benefit.

- *Development sensitive to the setting of the adjoining Listed Building*

It is considered that the proposed development would cause less than substantial harm to the setting of the adjacent Listed Building. This is not given weight as a benefit.

2. *Provide a complementary development to the Royal Borough Development Partnership proposals for 600 homes on neighbouring land to the east;*

Office use already exists at this site, and the use is considered to be compatible with the existing neighbouring uses and any future residential development. This benefit is afforded limited weight.

- *Provide a visible sign of confidence in Maidenhead and set a benchmark of design.*

The scheme is not considered to be of a benchmark design, this is given no weight as a benefit.

- *Create a new distinct quarter of Maidenhead taking into account the existing townscape, whilst making maximum use of the brownfield site;*

It is considered that the scheme goes beyond maximising the use of a brownfield site, and is overdevelopment that does not take account of the existing townscape. This is not given weight as a benefit.

- *A new pedestrian access direct from the public subway improving connectivity with the town centre.*

Although a new pedestrian access from the subway to the application site will be created, it is not considered that this improvement would significantly improve pedestrian connectivity with the town centre, and so is given limited weight as a benefit.

- *New hard and soft landscaping including a variety of tree and shrub planting, including planting to the new public access from the subway.*

Given the cramped form of development, there will be little opportunity for new tree planting, and meaningful landscaping. This is given limited weight as a benefit.

- *Provide an active frontage through the addition of a café and double height reception with informal meeting areas/collaboration spaces.*

This is given limited weight as a benefit.

- 11.6 The benefits arising from the scheme, and the weight attached to them is set out above. It is considered that this scheme is poor design, gives very little consideration to its' context and would cause very significant harm to the character of the area, in conflict with Policy DG1 of the Adopted Local Plan DG1 and policies MTC4, MTC5 and MTC6 of the Maidenhead Area Action Plan. The scheme would also result in less than substantial harm to the setting of a designated heritage asset, in conflict with policy LB2 of the Adopted Local Plan. Whilst more office space is needed in the Borough, and this scheme would help deliver that, and would create employment opportunities, it is not considered that these or the other more limited benefits arising from the scheme would outweigh the substantial harm identified. It is not considered that the benefits outlined above would constitute material considerations that would indicate that there should be a departure from the development plan.

- 11.7 With regard to the less than substantial harm caused to the heritage asset, the NPPF requires that public benefits are weighed against this harm. The National Planning Practice Guidance sets out that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework. The NPPG further explains that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

- 11.8 The public benefits arising from the scheme include the creation of jobs, and the provision of Grade A office space in a sustainable location. However, these are not considered to be public benefits which would outweigh the less than substantial harm that would be caused to the setting of the Heritage Asset. It has not been demonstrated that an office building of a smaller scale could not be provided. A smaller scale office building could still provide a significant uplift in high quality office space, and create employment opportunities whilst not causing harm to the setting of the Listed Building. It is not considered that the public benefits arising from the scheme would outweigh the less than substantial harm caused to the setting of the Listed Building (which is a designated heritage asset).

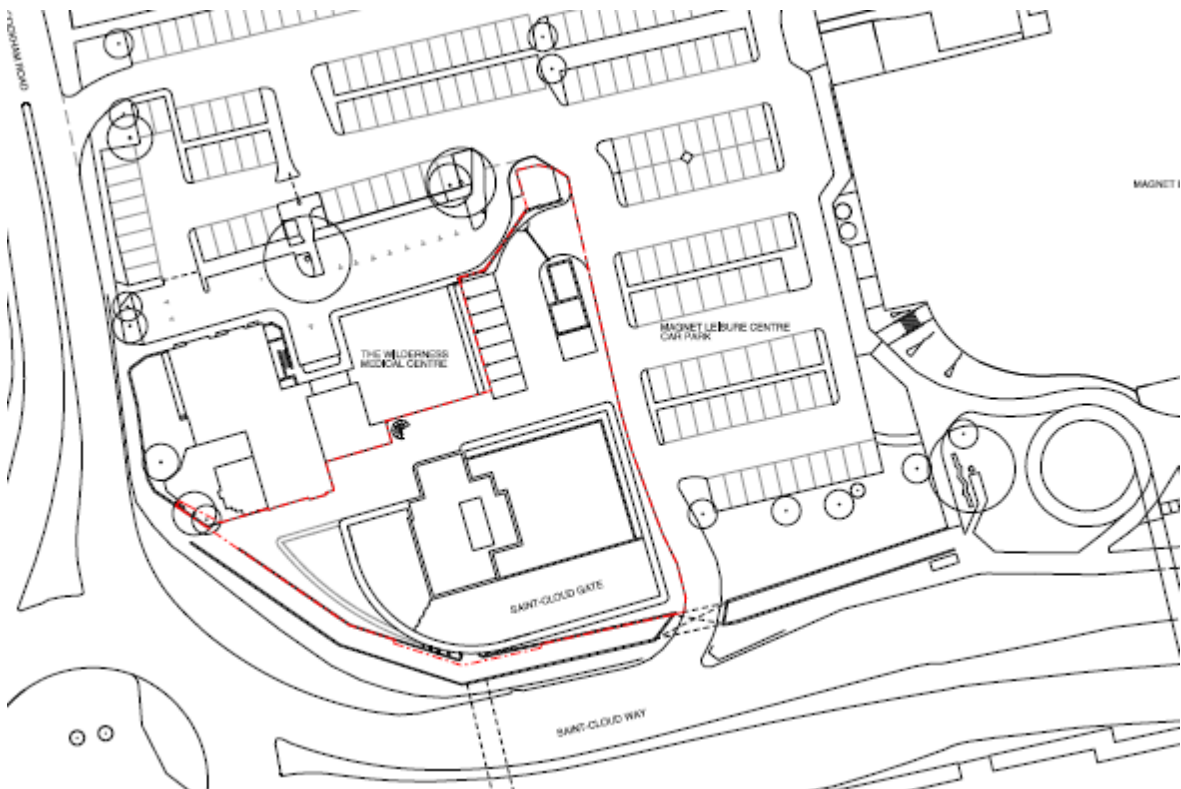
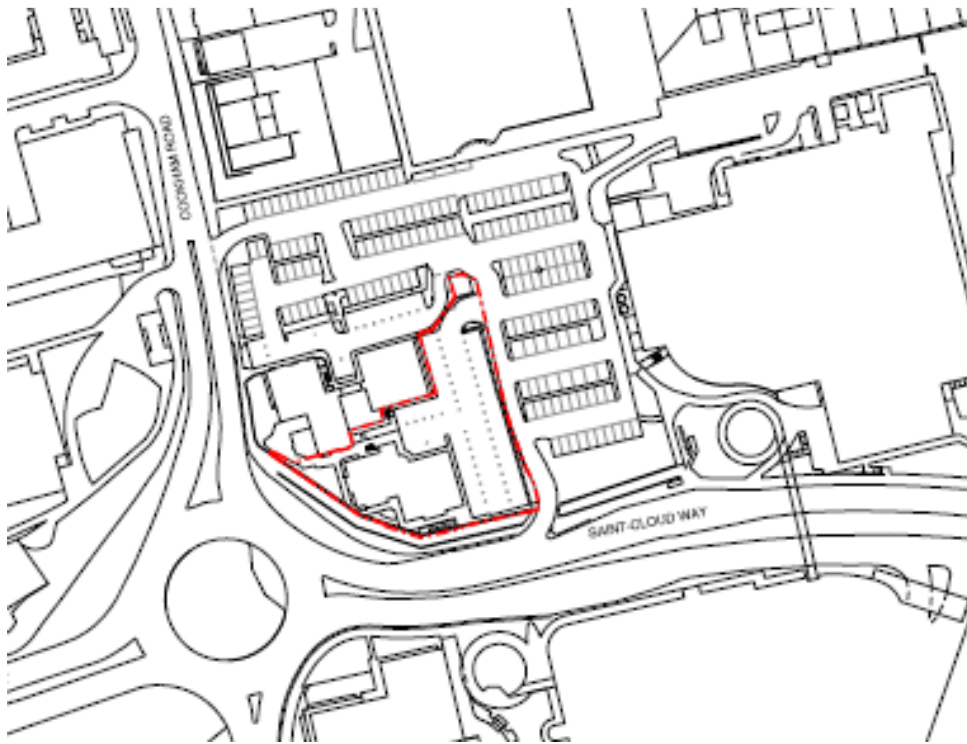
12. APPENDICES TO THIS REPORT

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

13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposed development, by reason of its excessive scale and appearance, is considered to amount to poor design. The scheme would appear out of scale within the context of the surrounding area. The building would cause significant harm to the character of the area, in conflict with Policy DG1 of the Adopted Local Plan, and with advice contained within the National Planning Policy Framework, and the National Design Guide. The proposal also conflicts with Policies MTC4, MTC4 and MTC6 of the Adopted Maidenhead Area Action Plan.
- 2 The proposed building, owing to its excessive scale, appearance, and proximity to the adjacent Grade II Listed Building would cause less than substantial harm to the setting of this designated heritage asset, in conflict with Policy LB2 of the Adopted Local Plan. The public benefits arising from this scheme are not considered to outweigh this less than substantial harm, as required by paragraph 196 of the National Planning Policy Framework.

Appendix A- Site location plan



Proposed north elevation



Proposed south elevation



Proposed west elevation

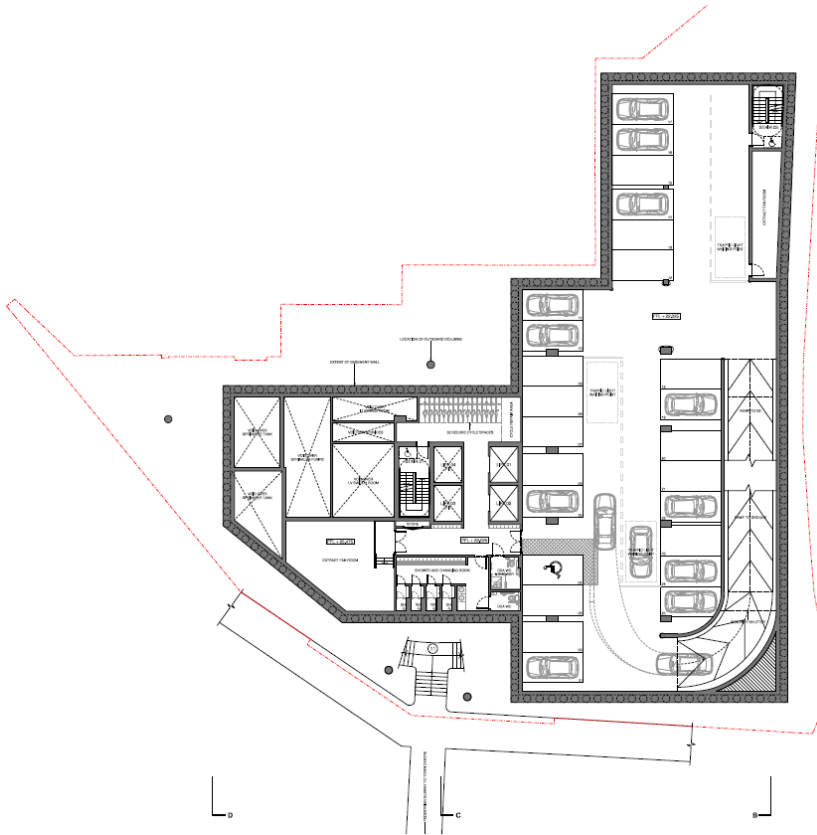


Proposed east elevation

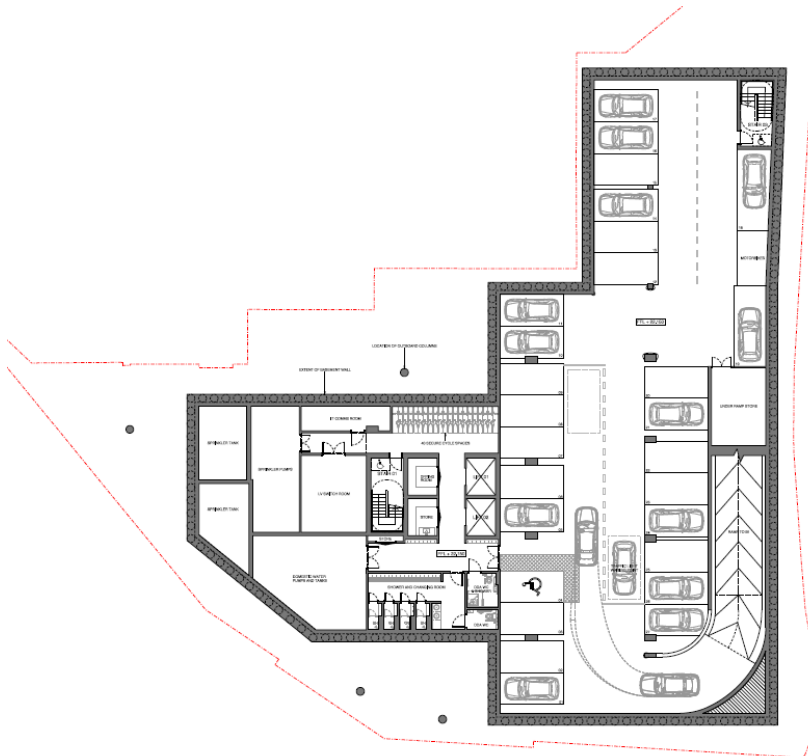


Appendix C- Proposed floor plans

Basement – level 1



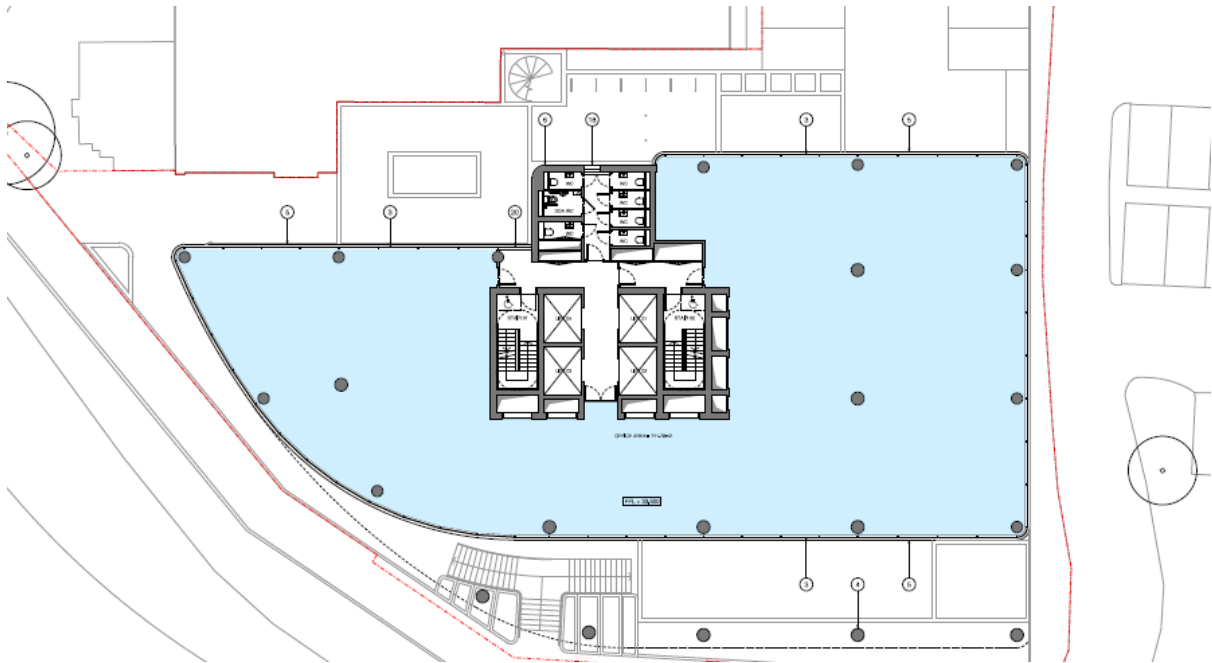
Basement- level 2



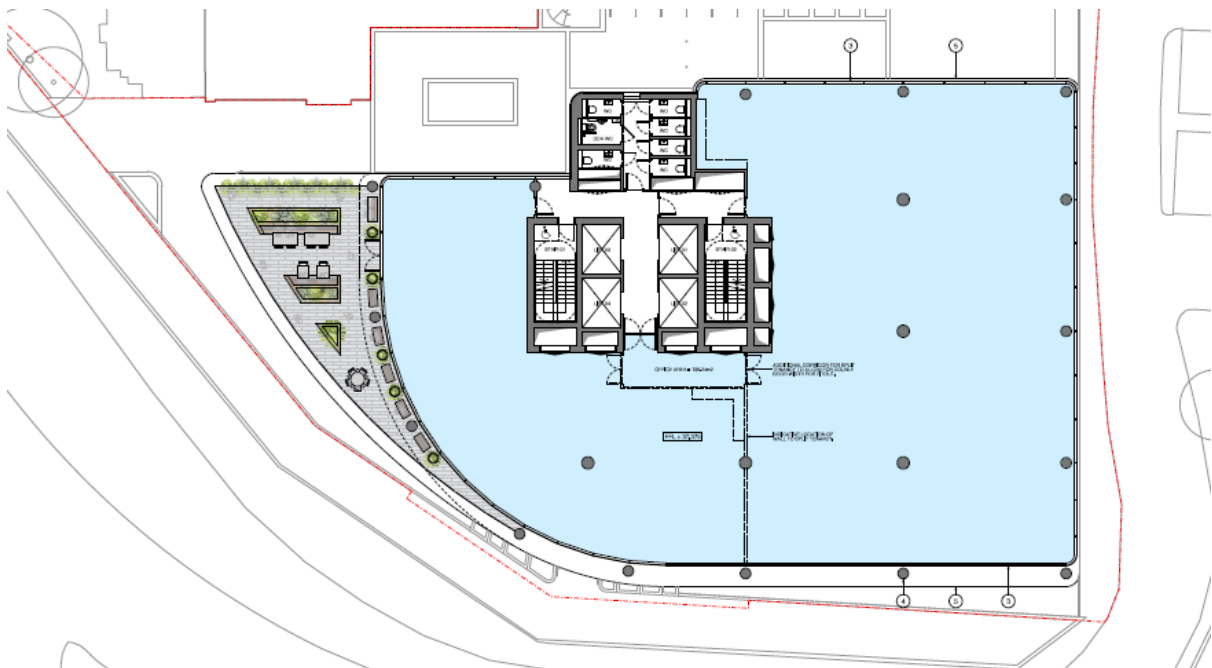
Proposed ground floor



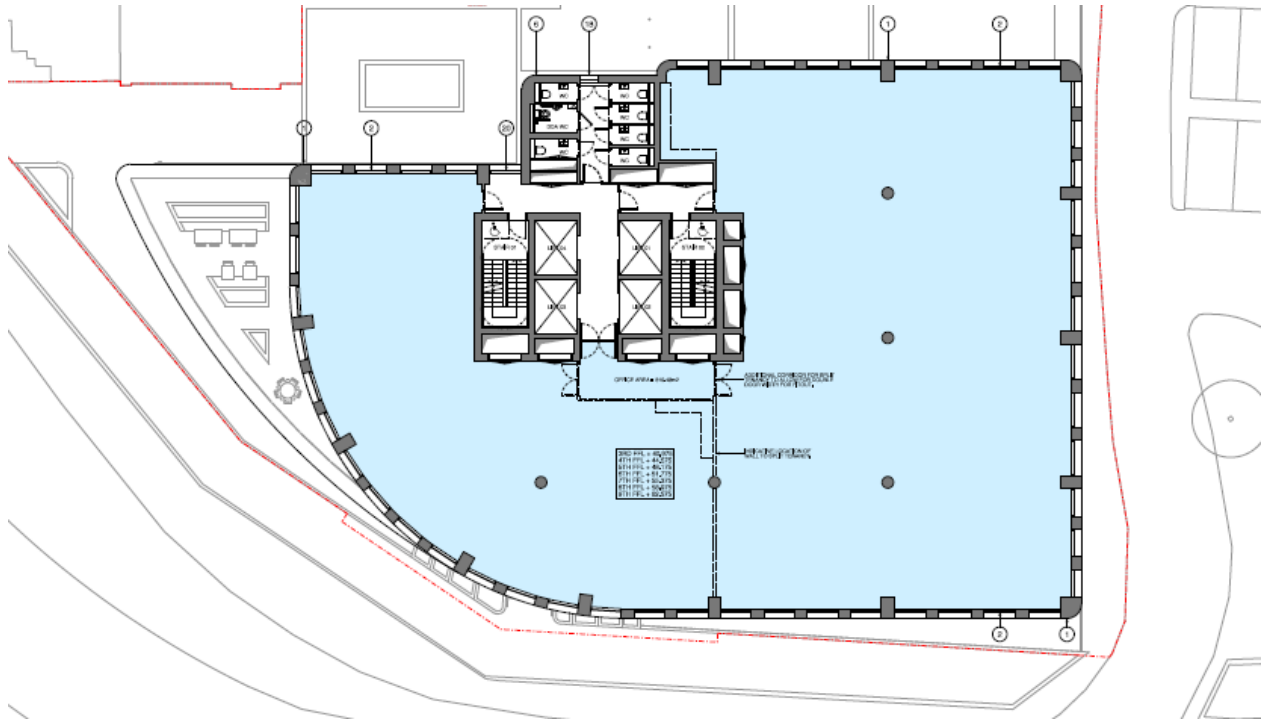
Proposed first floor



Proposed second floor



Proposed 3rd - 9th floor



Agenda Item 10

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 December 2019

Item: 7

Application No.: 19/02570/FULL

Location: 15 Ray Drive Maidenhead SL6 8NG

Proposal: Replacement single storey side/rear extension (Retrospective).

Applicant: Mr Azam

Agent: Mr Ehsan UL-HAQ

Parish/Ward: Maidenhead Unparished/Riverside

If you have a question about this report, please contact: Carlos Chikwamba on 01628796745 or at carlos.chikwamba@rbwm.gov.uk

1. SUMMARY

- 1.1 This proposal is a retrospective application for a replacement single storey rear/side extension and a garage conversion into habitable storage space. The proposed development is considered to have an acceptable impact on neighbouring amenities, the character of the host property and the wider area. Furthermore, the garage conversion is not considered to demonstrably exacerbate parking pressures within the area.

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

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Targowski for the following reasons. To ensure that the Council not only acts in a fair and impartial way but is seen to do so, and that the process of decision-making is therefore transparent in nature. As per the Members, Planning Code of Conduct, Part 7B 1.3 and 1.4.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises a detached two-storey property which is currently in use as a guest house. The development is located on Ray Drive, an unclassified road north east of Maidenhead town centre. The area is primarily a residential area characterised by detached and semi-detached dwellings.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposed development is for a retrospective replacement single storey rear/side extension and a garage conversion into habitable storage space.
- 4.2 The property was granted planning permission for a change of use to an 8 bedroomed guesthouse under application, 89/01244/FULL. There has been several applications submitted to convert the guest house (C1) to a residential institution (C2). These have however been refused. Therefore, the property's existing lawful use remains an 8 bedroomed guesthouse, as per application, 89/01244/FULL.

5. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H14
Highways	P4

These policies can be found at:

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

6. **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Borough Local Plan: Submission Version

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

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process, the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course, the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above, both should be given limited weight.

These documents can be found at: <https://www3.rbwm.gov.uk/blp>

Supplementary Planning Documents

- RBWM Parking Strategy;
https://www3.rbwm.gov.uk/downloads/file/740/parking_strategy_-_may_2004

7. **CONSULTATIONS CARRIED OUT**

Comments from interested parties

13 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 19th September 2019.

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

Comment	Officer's response
<p>16 Ray Drive;</p> <ul style="list-style-type: none"> Length of the building extends beyond the previous garage it replaces. Height of the new structure along the shared boundary line higher than what is allowed by permitted development. Building should remain ancillary to host property. Condition in relation to materials and construction method of the building requested 	<ul style="list-style-type: none"> There is no limit to the length and height permitted under a full planning application. Limits only apply to permitted development applications as per the General Permitted Development Order (2015) as amended. Its acceptability will be determined on its planning merits. The proposed use of the building is for storage space. As such, it will remain ancillary to the main building. The proposed materials are not considered to detract from the character of the host building. Concerns regarding if and how the construction methods of the development might have impacted a shared party wall would be regarded as a civil matter not a material planning consideration.

Consultees and Other Organisations.

Comment	Officer's response
<p>RBWM Conservation;</p> <p>Conservation has no objections and does not wish to comment further.</p>	<p>Noted.</p>
<p>Environmental Protection Officer;</p> <p>The plans for the above planning application have been reviewed and I would confirm that this Unit has no objections to permission being granted.</p>	<p>Noted.</p>
<p>RBWM Highways;</p> <p>According to previous application 18/01833 the guest house benefits from 9 bedrooms, therefore, it is required to provide 9 car-parking spaces. Current provision shows 6 spaces, including the garage to be demolished.</p> <p>The applicant has the following options:</p> <ol style="list-style-type: none"> 1. Maintain the current shortfall of 3 spaces 2. Undertake a parking survey to determine whether there are existing parking pressures in the immediate area in order to increase shortfall of spaces to 4. 3. Submit an application to increase the 	<p>Parking considerations addressed in section 8.4 of the report.</p>

8. EXPLANATION OF RECOMMENDATION

8.1 The key issues for consideration are:

- i impact on the character of the host property and the street scene;
- ii impact on neighbouring amenities; and
- iii parking

8.2 Character and street scene.

The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 12 (Achieving Well-Designed Places) and Local Plan Policy DG1, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. The replacement single storey side/rear extension retains the depth and width of the previously existing structure and the height of the new side/rear extension will be 0.8 metres less than that of the previous structure. The new eaves height will also not exceed the previous height. The new side/rear extension due to the slight reduction in height will now appear even more subordinate to the host building. Furthermore, it's significant set back from the principal front wall diminishes the side/rear extension's prominence when viewed from the street scene and public vantage points along Ray Drive. The proposed materials are not considered to deter away from the character of the existing host building. Overall based on the above, the proposal is considered to respect the character and appearance of the host dwelling and the wider area.

8.3 Amenity

Policies H14 (1) and SP3 state extensions should not cause an unacceptable loss of light or privacy to adjacent properties, or significantly affect their amenities. The replacement single storey side/rear extension will not exceed the depth, width, roof height or eaves height of the previously existing structure. As such, the proposal is not considered impact the amenities of the immediate neighbouring properties.

8.4 Parking

The existing lawful use of the building is as an 8 bedrooomed guest house. The parking standards in Appendix 7 of the Local Plan state that 1 space is required for each bedroom. The previous double garage had a width of 2.25m when measured internally at each opening, as opposed to the standard 3m. The overall width of the previous garage amounted to about 5 metres. As such, the garage could only be used to accommodate one parking space.

8.5 Whilst there will be a shortfall of one parking space, paragraph 106 of the NPPF (2019) states 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. There is reasonable capacity for on-street parking along Ray Drive (unclassified road) to accommodate an extra parking space to facilitate the shortfall. Therefore, the loss of one parking space at the site is not considered to demonstrably exacerbate parking pressures within the area. As such, the proposal is considered to comply with Paragraph 106 of the NPPF (2019) and Policy P4 of the Local Plan.

9. CONCLUSION

- 9.1 The retrospective replacement single storey side/rear extension and the garage conversion into habitable space is considered to be in accordance with policies DG1,H14 and P4 of the Local Plan, which are considered to be up-to-date and should be given greatest weight. These policies support the aims of achieving well designed places, with a high standard of amenity for existing and future users. For the reasons detailed above, it is not considered that a reason for refusal of this application could be substantiated on the loss of one on-site car parking space.

10. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan
- Appendix B – Block Plan
- Appendix C - Existing and Proposed Elevations
- Appendix D - Existing and Proposed Ground Plans

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

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

In this case the issues have been successfully resolved.

11. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 2 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.

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Agenda Item 11

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 December 2019

Item: 8

Application No.:	19/02641/VAR
Location:	Exclusive House Oldfield Road Maidenhead SL6 1NQ
Proposal:	Variation (under Section 73) of Condition 24 (approved plans) to substitute those plans approved under 19/00016/VAR for 'Proposed residential redevelopment to provide 37 new apartments' as approved under 17/02698/FULL with amended plans . [Alterations to eastern elevation-addition of four balconies and window alterations]
Applicant:	Mr Nason
Agent:	Mr James Batchelor
Parish/Ward:	Maidenhead Unparished/St Marys

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 to vary the approved drawings condition of application 19/00016/VAR to allow for the addition of four balconies to the eastern elevation of the approved building and fenestration alterations.
- 1.2 The proposed balconies by reason of their siting, size and design are considered acceptable in relation to their detailed design and to not give rise to unacceptable levels of overlooking or noise disturbance to the surrounding residential occupiers.

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

2. REASON FOR PANEL DETERMINATION

- At the request of Cllr Stimson to consider whether the addition of balconies after the permission was granted is acceptable.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site measures approximately 0.2 hectares and is located on the east side of Oldfield Road, close to the junction with Bridge Road. The site lies within a designated Employment Area as shown on the Local Plan Proposals Map and is occupied by a part two, part three storey commercial building known as Exclusive House. The existing building is situated to the east of the site with an area of hardstanding used for parking sited between the building and Oldfield Road. To the west on the opposite side of Oldfield Road is Burghley Court, a five-storey flatted development. To the north is Sadlers Mews and to the east is The Farthingales which comprise of two-storey residential dwellings. To the south is a three storey block of flats known as Springfield Court. The site is located in flood zone 3.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 This is a Section 73 application which seeks to vary Condition 24 (approved plans) to substitute those plans approved under 19/00016/VAR with amended plans. The alterations are:
 - The addition of internal balconies to units 14, 17, 31 and 34;
 - Alterations to the window design of flats 15, 16, 32 and 33.

The building is still currently under construction and these alterations have been partly implemented.

- 4.2 There have been a number of applications and discharge of conditions related to this site. The two applications of significance are summarised below:

Reference	Description	Decision
17/02698/FULL	Proposed residential development to provide 37 new apartments	Approved 30 th August 2018
19/00016/VAR	Variation (under section 73) of the wording of Condition 11 and 12 to revise drawing number referred to and variation of Condition 24 to substitute plans approved under 17/02698/FULL for the 'Proposed residential development to provide 37 new apartments with amended plans, which would provide 39 apartments'.	Approved 28 th March 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
Design in keeping with character and appearance of area	DG1, H10, H11

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Affordable Housing	HO3

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Affordable Housing	HO3

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the

Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

7.3 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>

Other Local Strategies or Publications

7.4 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

114 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 2nd October 2019 and the application was advertised in the Local Press on 3rd October 2019.

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

Comment		Where in the report this is considered
1.	Balconies would impact on the privacy of properties in Lantern Walk and The Farthingales	9.6-9.8
2.	The balconies would cause noise and light disturbance to surrounding residents.	9.6-9.8
3.	Two additional flats would be excessive with no extra parking or plans.	Two further units were approved under application 19/00016/VAR. No further units are proposed as part of this application. See note under paragraph 9.2 below.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No objection	Noted

Consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection as the proposal will not increase the unit numbers or affect existing access/parking arrangements.	Noted
Trees	No objections.	Noted
Lead Local Flood Authority	No objection	Noted

Others

Group	Comment	Where in the report this is considered
Maidenhead Civic Society	Two further units is excessive and no details are provided of their size or parking. Object to scheme.	Two further units were approved under application 19/00016/VAR. No further units are proposed as part of this application. See note below under paragraph 9.2

9. EXPLANATION OF RECOMMENDATION

- 9.1 This type of application can only consider whether the details of the condition that the application seeks to vary would be acceptable. The matters for consideration under this application must focus on whether the proposed changes from the originally approved scheme would be acceptable in planning terms. In this case, the alterations proposed do not alter the footprint of the building or the number of units proposed. Matters relating to flooding, affordable housing, trees and parking are therefore not affected by this application and remain as discussed within applications 17/02698/FULL and 19/00016/VAR.
- 9.2 Several of the objection letters received make reference to an increase in the number of units at the site. An increase in the number of units proposed from 37 to 39 was approved under application 19/00016/VAR. This application also approved 2 additional windows on the third floor of the eastern elevation of the building, and two additional residential parking spaces.
- 9.3 The key issues for consideration are:
- i **Design**
 - ii **Residential Amenity**
 - iii **Affordable Housing**
- i **Design**
- 9.4 The balconies that have been constructed provide no external enlargement to the built form of the building. The balconies are internal balconies, recessed from the face of the building and of a similar construction to those that have been approved on the adjacent flats, albeit on a much smaller scale. Given that a substantial amount of the external wall is retained, maintaining the external appearance of the building, no objection is raised to this modest addition.

- 9.5 Alterations are proposed to the windows on the first and second floors, however these do not add any new openings or enlarge them beyond what was approved. This alteration is considered to have an acceptable impact on the character and appearance of the building.

ii Residential Amenity

- 9.6 The balconies are located on the eastern elevation of the building which fronts The Farthingales and rear of the properties in Lantern Walk. Two of the balconies would be on the elevation facing the rear of the Lantern Walk properties. There is a separation distance of over 30m from the rear elevation of these houses to the rear of the building/balconies. Given the separation distance and that these balconies are recessed, the scheme is not considered to give rise to unacceptable levels of overlooking or loss of privacy to these residents.
- 9.7 The rear elevation of 38 The Farthingales is located to the north east of the building. Given the oblique angle of view from the balconies to the rear of this property and its garden, the addition of balconies to flats 31 and 34 are not considered to give rise to unacceptable levels of overlooking to this or the adjacent properties.
- 9.8 Concern has been raised by the residents in respect of noise and light disturbance that would arise from the use of the balconies. A large balcony area was approved to flats 15, 16, 32 and 33 and the presence of this was not considered to give rise to unacceptable levels of disturbance to residents. Given these additional balconies are internal and modest in scale, the presence of these is not considered to give rise to unacceptable levels of noise or light disturbance to the surrounding residents.

iii Affordable Housing

- 9.9 The original planning permission 17/02698/FULL was accompanied by a legal agreement to secure an affordable housing contribution. Clause 13 of this agreement sets out that that the legal agreement in place will apply to any future variation applications provided the variation does not change the terms and obligations of the original agreement. The nature of these alterations is such that the terms of the legal agreement would not change and so a deed of variation is not required.

10. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – First Floor Plan drawings
- Appendix C – Second Floor Plan drawings
- Appendix D – Elevations

11. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The finished slab levels in relation to ground level (against OD Newlyn) shall be undertaken in accordance with the details approved under 18/03252/CONDIT.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 2 The development shall be carried out in accordance with the materials approved under 18/03252/CONDIT.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1
- 3 The development shall be carried out in accordance with the hard and soft landscaping details approved under 19/01142/CONDIT.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policy Local Plan DG1
- 4 The development shall be carried out in accordance with the landscape management plan approved as part of application 19/01142/CONDIT.
Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Policies - Local Plan DG1.

- 5 The means of enclosure for the development shall be carried out in accordance with the details approved under 18/03252/CONDIT.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 6 The flat roof area of the building hereby approved shall not be used as a balcony, roof garden or similar amenity area without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
- 7 The development shall not be occupied until the works have been carried out in full as set out and approved through the Section 278 Agreement submitted as part of application 19/01920/CONDIT.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 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.
- 9 No part of the development shall be occupied until the visibility splays shown on the approved drawings (429/18/SK.PGF Rev A) have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway. Reason: In the interests of highway safety. Relevant Policies - Local Plan T5
- 10 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing (429/18/SK.PFG Rev A). 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
- 11 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details approved as part of application 19/01212/CONDIT. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 12 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance the details that have been approved as part of application 19/01142/CONDIT. 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.
- 13 The development shall be undertaken in accordance with the Construction Management Plan approved under reference 18/03040/CONDIT.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 14 The development shall be undertaken in accordance with the Construction Environmental Management Plan approved under reference 18/03040/CONDIT.
Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.
- 15 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Project Ref: 40946/4001, dated 10 August 2017, compiled by Peter Brett Associates and the following mitigation measures detailed within the FRA:
- Provision of flood storage as detailed in Section 6.2.
 - Residential finished floor levels are set no lower 27 metres above Ordnance Datum (AOD)
 - There shall be no raising of existing external ground levels on site. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may

subsequently be agreed, in writing, by the local planning authority.

Reason: This condition is sought in accordance with paragraphs 102 and 103 of the National Planning Policy Framework (NPPF) to prevent flooding elsewhere by ensuring that storage of flood water is provided. To reduce the risk of flooding to the proposed development and future occupants for the lifetime of the development.

- 16 Prior to the occupation of the development the measures for the preparation of flood evacuation approved as part of application 19/00123/CONDIT shall be implemented upon the first occupation of the development hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the safety of the residents of the development against the risk of flooding. Relevant Policies - NPPF and F1.

- 17 The development shall be undertaken in accordance with the Sustainable Drainage Strategy approved under reference 18/03739/CONDIT. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

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

- 18 The proposed scheme shall be carried out in accordance with the approved ecological enhancement measures as detailed in the Preliminary Ecological Appraisal by ECOSA Ltd, dated August 2016, and the installation of swift boxes and bat boxes.

Reason: To safeguard protected species. Relevant Policies - NPPF

- 19 The tree protection measures shall be maintained in accordance with the details approved under 18/03252/CONDIT until the completion of the development.

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

- 20 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any approved arboricultural operations shall be carried out in accordance with the current British Standard 3998:2010 Tree work recommendation or subsequent revisions thereafter. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species and shall be planted at such time, as specified by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.

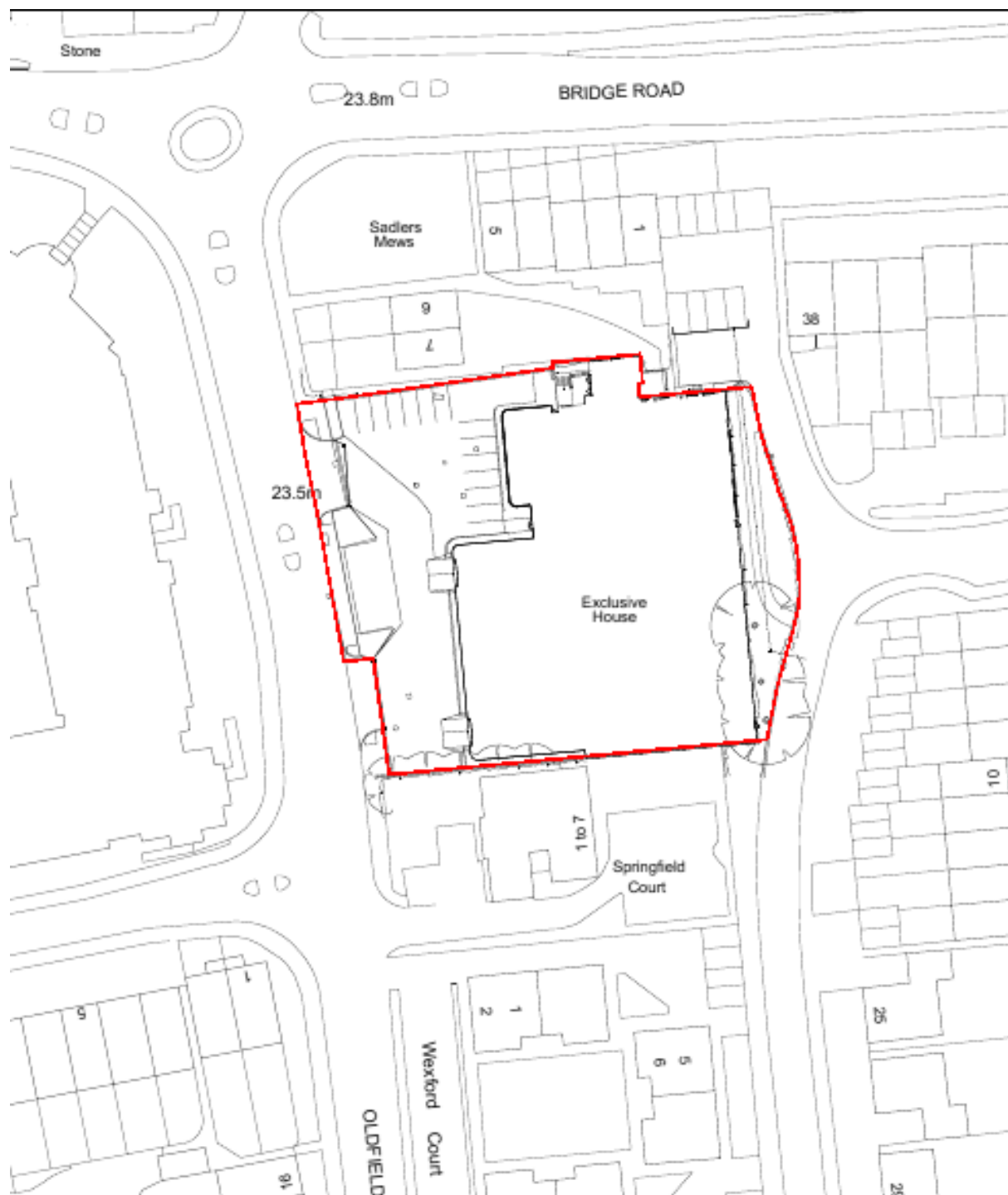
- 21 The development shall be undertaken in accordance with the The Written Scheme of Investigation and the Historic Building Recording for Exclusive House ('The Showboat') received on 31 August 2018 and approved under reference 18/02545/CONDIT . Reason: To mitigate the impact of development and to record historic and architectural interest of the non-designated heritage asset.

Reason: To mitigate the impact of development and to record historic and architectural interest of the non-designated heritage asset.

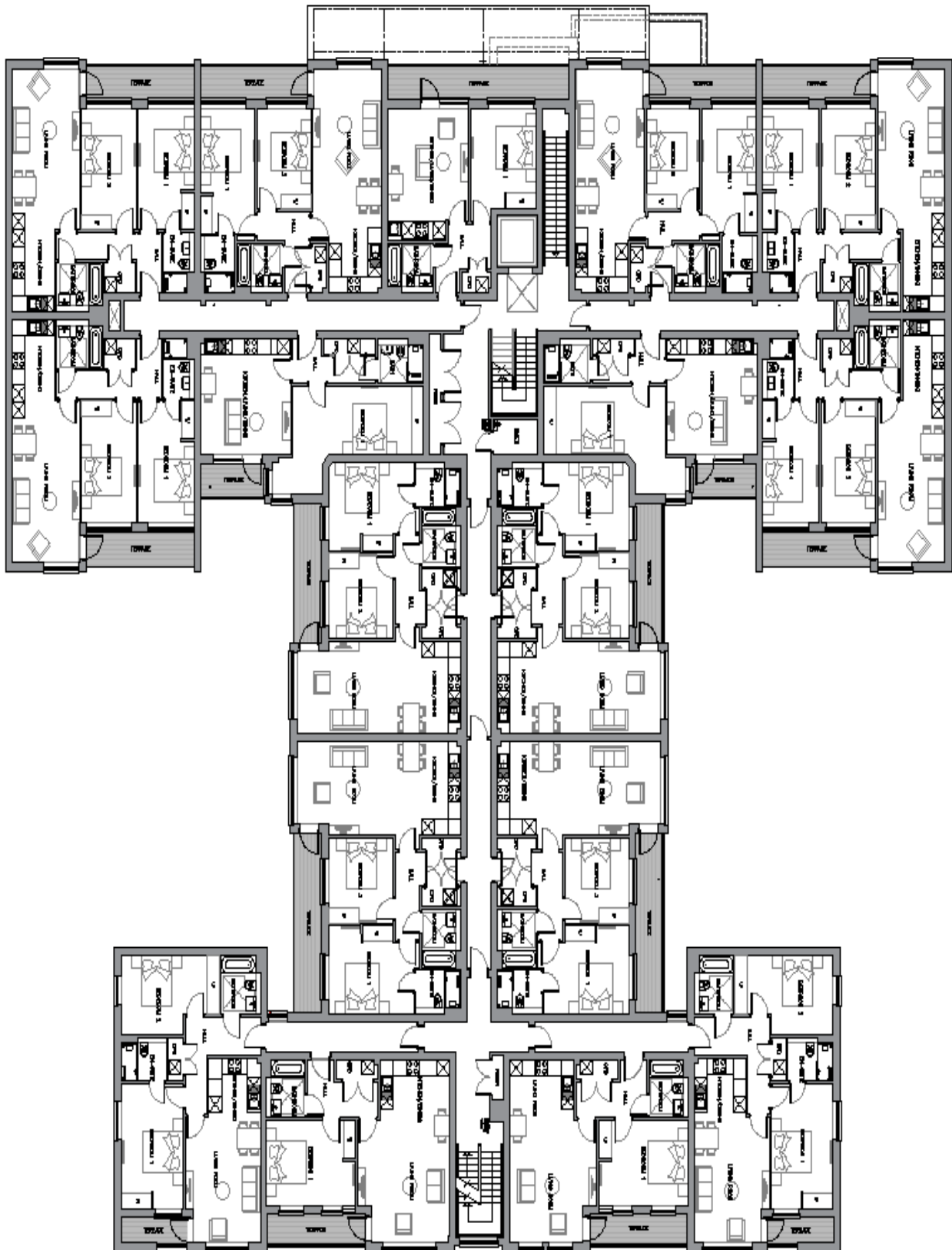
- 22 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

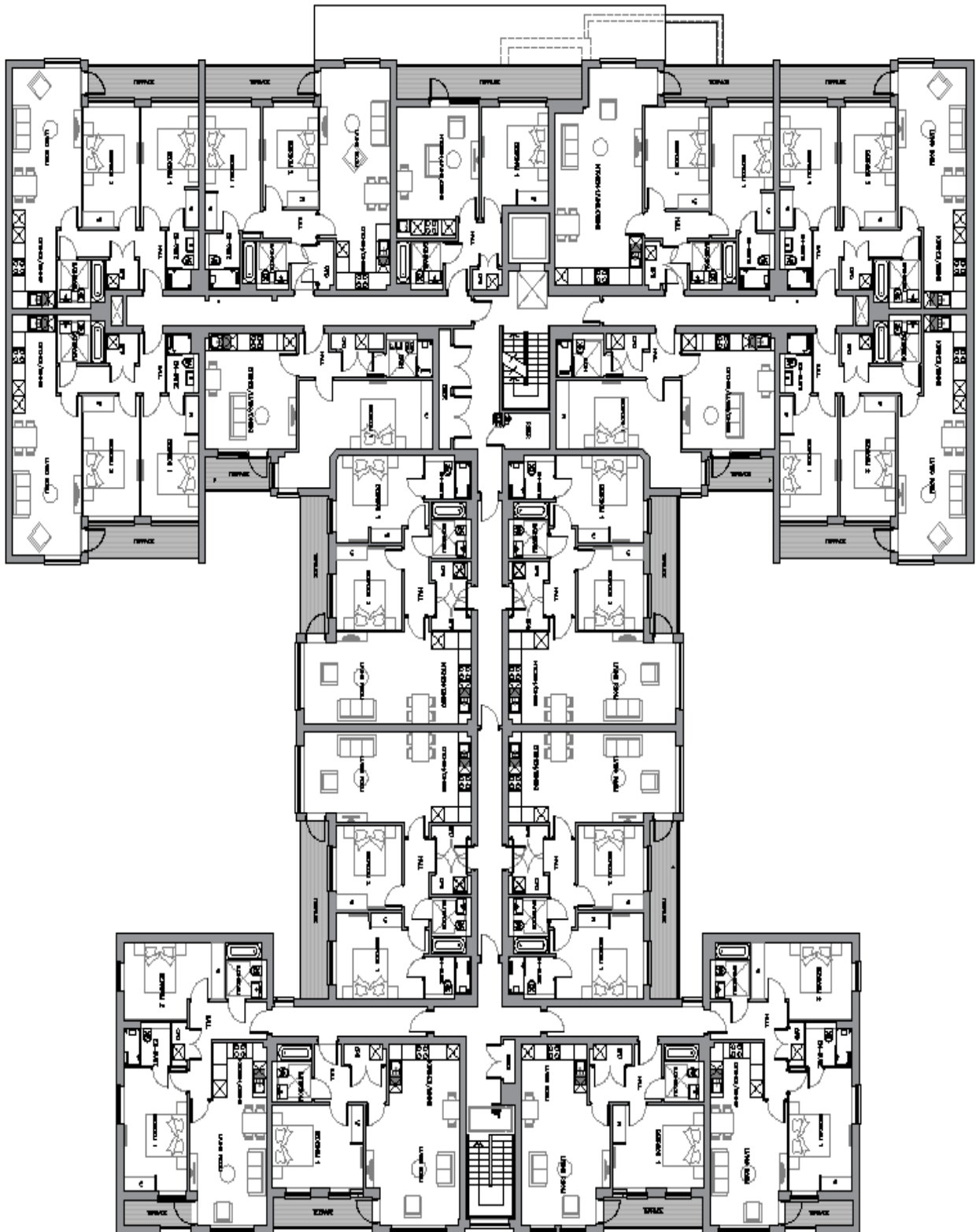
Appendix A – Site Location Plan



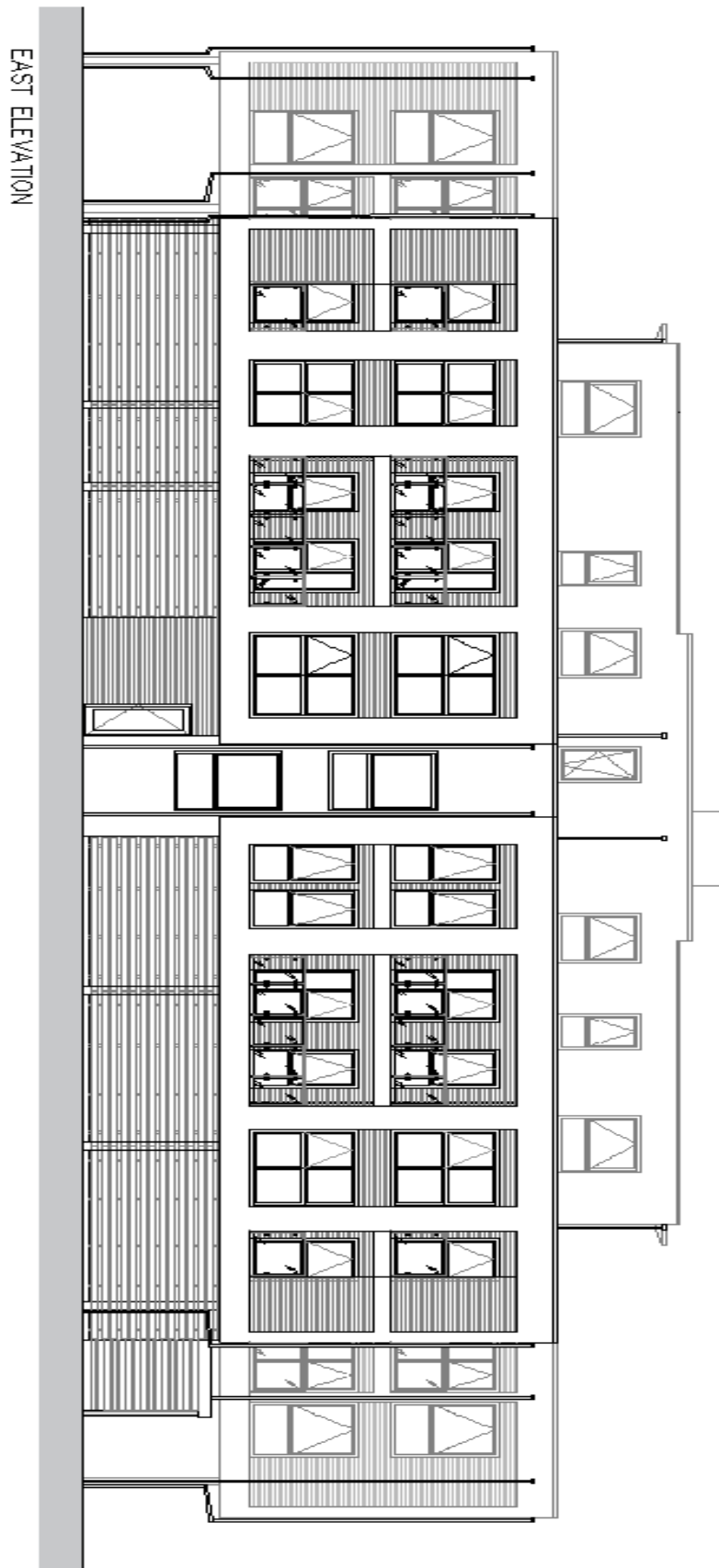
Appendix B – First Floor Plan



Appendix C – Second Floor Plan



Appendix D – Proposed Elevations



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Agenda Item 12

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 December 2019

Item: 9

Application No.:	19/02646/FULL
Location:	Woodlands Park Village Centre Manifold Way White Waltham Maidenhead SL6 3GW
Proposal:	Two storey extension with undercroft to the South-East Elevation.
Applicant:	Pat McDonald
Agent:	Mr Mark Berry
Parish/Ward:	White Waltham Parish/Hurley And Walthams
If you have a question about this report, please contact: Carlos Chikwamba on 01628796745 or at carlos.chikwamba@rbwm.gov.uk	

1. SUMMARY

- 1.1 The scale, build-form, design, position within the site and proposed materials of the two-storey extension and the undercroft are considered to respect and maintain the character and appearance of the existing building. Furthermore, it will not appear obtrusive when viewed from the neighbouring properties nor impact the amenities of any of the immediate neighbouring properties.
- 1.2 The development is considered to improve the existing community facility. The proposal would also be user friendly for disabled persons and adequate parking provision will be provided on site.

It is recommended the Panel GRANTS planning permission with the conditions listed in Section 12 of this report.
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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 is an existing community centre on Manifold Way. It is a modern building which sits within its own self-contained site. There is residential development to the north and west of the existing building. Open fields which are within the Green Belt lie to the south of the site. Car parking is provided around the building.

4. KEY CONSTRAINTS

Adjoining Green Belt.
Character and amenities of site.
Amenities of neighbouring properties.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for a two storey extension with under-croft to the existing building. The purpose of the development is to provide additional facilities for use by the community.
- 5.2 The existing building was granted planning permission under application, 04/01325/FULL.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Local Plan Policy	Compliance	
Acceptable impact on character and appearance of area	DG1	Yes	
Community Facilities	CF2	Yes	
Highways	T5	Yes	
Parking	P4	Yes	

These policies can be found at

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

Hurley and the Walthams Neighbourhood Plan

Policy Gen 5: Community Facilities- Community Facilities

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Community Facilities	IF7
Sustainable Transport	IF2

7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process, the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course, the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above, both should be given limited weight.

These documents can be found at: <https://www3.rbwm.gov.uk/blp>

Other Local Strategies or Publications

7.2 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

3 occupiers were notified directly of the application.

A site notice was erected at the site on 27 September 2019.

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

Comment	Officer's response.
Pinecroft, Waltham Rd, Maidenhead; i. Loss of light ii. Lack of privacy and light pollution iii. Lack of adequate parking iv. Increase in noise and disturbance. v. Overdevelopment of existing building which is adjacent to the Green Belt.	These objections are addressed in sections 9.2 to 9.7 of the report.

Consultees

Comment	Officer's response.
Highways Officer; The proposal raises no highway concerns	Noted.
Environment Officer; Conditions related to Construction working hours, collection & delivery hours and land contamination. Informatives related to Dust control and Smoke control were also recommended.	Noted. The development is not of a scale large enough to include the recommended conditions. The Considerate Constructor Informative is recommended to cover these matters.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Impact on the character of the existing building and wider area
- ii Impact on neighbouring amenities
- iii Impact on community facility
- iv Parking
- v Other considerations

Character and Appearance.

9.2 The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 12 (Achieving Well-Designed Places) and Local Plan Policy DG1, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. The proposed two-storey extension with an undercroft will be sited along the south-east elevation. The continuation of the existing first floor roof profile along the south-east elevation over part of the proposed extension is acceptable and would ensure that the proposal would not be higher than the maximum height of the existing building. The flat roof, which will cover the rest of the two-storey extension, will be set down from the principal ridge of the building by about 500mm, this minimises the prominence and potential dominance of the two-storey extension on this elevation. The flat roof design is also acceptable considering that the building is a modern structure which sits within its own context within the wider street scene. The two-storey extension will add a depth of about 7.3 metres which is not considered to be a significant addition considering that the existing building has a depth of approximately 18 metres.

9.3 The proposed fenestration is considered to be in line with the character and appearance of the existing building. The two-storey extension will directly face an open piece of green space and it will not appear obtrusive when viewed from any of the neighbouring properties. It will be a minimum of 20 metres away from any of the immediate neighbouring properties. The proposed materials as described in the application will match the materials of the existing building, maintaining the character and appearance of the host building. Whilst the two-storey extension will be in close proximity of the access road within the site, the undercroft will retain most of the existing ground floor space and existing parking spaces. The proposal is adjacent to Green Belt and not situated within it, therefore the proposal has no Green Belt policy implications.

9.4 Overall the scale, build-form, design, position within the site and proposed materials of the two-storey extension and the undercroft are considered to maintain the character and appearance of the existing building. Furthermore, it will not appear obtrusive when viewed from the neighbouring properties. As such it is considered to be in compliance with the section 12 of the NPPF (2019) and Policy DG1 of the Local Plan.

Impact on neighbouring amenities.

9.5 Policies H14 (1) and SP3 state extensions should not cause an unacceptable loss of light or privacy to adjacent properties, or significantly affect their amenities. The extension will be set away from all of the immediate neighbouring properties by at least 20 metres. Furthermore, the two-storey extension would directly face an open area of green space and would not therefore impact neighbouring properties. The windows along the north-west elevation of the extension will face the rear of the property at Pinecroft along Waltham Rd. However the referenced windows, will be set away from the private rear amenity area at this property by at least 25 metres. Furthermore, the majority of these windows will be half obscured by the high ridge line of the single storey element along the north-west elevation of the existing building. Based on the above, the proposed development is not considered to significantly impact the amenities of any of the immediate neighbouring properties. As such, the proposal would be in compliance with Paragraph 127(f) of the NPPF (2019) and Policy H14 of the Local Plan.

Community facilities.

- 9.6 Policy CF2 of the Local Plan supports the improvement of existing community facilities provided that adequate access and car parking can be provided in accordance with councils adopted parking standards as per appendix 7 of the Local plan. Furthermore, adequate access and facilities for people with disabilities should be provided. The enlargement of the existing community facility will provide activities that will facilitate all sectors of the community within all the age demographics. The facility would be fully accessible and adequate parking provision will be provided on site. As such, the proposal will in compliance with Paragraph 92 of the NPPF (2019) and Policy CF2 of the Local Plan.

Parking

- 9.7 RBWM Highways were consulted in regards to the proposal and they offered no objections to the proposal. The parking standards for community centres (D1 use) state that 1 parking space is required per 30 sq. metres. The existing building has a floor space of about 535 sq. metres, the proposal will add about 265 sq. metres of floor space. The total cumulative floor space would amount to about 800 sq. metres. As such, the development will require at least 27 parking spaces. The proposal will provide at least 32 parking spaces, which includes several disabled parking bays. Therefore, sufficient parking space will be provided to accommodate the parking needs of the development in accordance with the parking standards in Appendix 7 of the Local Plan.

10. APPENDICES TO THIS REPORT

- Appendix A - Site Location Plan
- Appendix B - Existing Site Plan
- Appendix C - Proposed Site Plan
- Appendix D - Existing Plans and Elevations
- Appendix E - Proposed Plans and Elevations

11. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwelling house. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1
- 3 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 4 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

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

Planning Appeals Received

12 November 2019 - 9 December 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:	Bray Parish				
Appeal Ref.:	19/60115/REF	Planning Ref.:	19/00709/OUT	Plns Ref.:	APP/T0355/W/19/3240597
Date Received:	13 November 2019	Comments Due:	18 December 2019		
Type:	Refusal	Appeal Type:	Written Representation		
Description:	Outline application for three dwellings with all matters reserved				
Location:	Land Between The Lodge And Garden Cottage Fifield Road Fifield Maidenhead				
Appellant:	Mr Bennett c/o Agent: Miss Eva Gascoigne Pike Smith And Kemp Rural Hyde Farm Marlow Road Maidenhead SL6 6PQ				
Ward:					
Parish:	Maidenhead Unparished				
Appeal Ref.:	19/60116/REF	Planning Ref.:	19/01733/FULL	Plns Ref.:	APP/T0355/W/19/3239314
Date Received:	19 November 2019	Comments Due:	24 December 2019		
Type:	Refusal	Appeal Type:	Written Representation		
Description:	Construction of a three bedroom dwelling, associated parking and new vehicular access from Lees Gardens.				
Location:	Land At 47 Bannard Road Maidenhead				
Appellant:	Mr C Butler c/o Agent: Mr Duncan Gibson Duncan Gibson Consultancy 74 Parsonage Lane Windsor Berkshire SL4 5EN				
Ward:					
Parish:	Maidenhead Unparished				
Appeal Ref.:	19/60117/REF	Planning Ref.:	18/02551/FULL	Plns Ref.:	APP/T0355/W/19/3239148
Date Received:	19 November 2019	Comments Due:	24 December 2019		
Type:	Refusal	Appeal Type:	Written Representation		
Description:	Part change of use of ground floor from A3 (restaurant) to C3 (residential), part demolition of existing conservatory, construction of second floor side and rear extension, and raising of roof at rear, to accommodate for the addition of 3 flats				
Location:	Thai Spoon 3 Nicholsons Lane Maidenhead SL6 1HR				
Appellant:	Mr Tariq Majeed c/o Agent: Mr Tim Isaac Tim Isaac Architectural Design 80 Fairview Road Taplow Maidenhead SL6 0NQ				

Ward:
Parish: Bisham Parish
Appeal Ref.: 19/60119/REF **Planning Ref.:** 19/00083/FULL **Plns Ref.:** APP/T0355/W/19/3240117
Date Received: 27 November 2019 **Comments Due:** 1 January 2020
Type: Refusal **Appeal Type:** Written Representation
Description: Replacement dwelling with double garage and detached outbuilding, following demolition of all existing buildings
Location: **Lowater Church Lane Bisham Marlow SL7 1RW**
Appellant: Mr And Mrs Wingrove **c/o Agent:** ET Planning 200 Dukes Ride Crowthorne RG45 6DS

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 19/60121/ENF **Enforcement Ref.:** 18/50263/ENF **Plns Ref.:** APP/T0355/C/19/3234923
Date Received: 2 December 2019 **Comments Due:** 28 January 2020
Type: Enforcement Appeal **Appeal Type:** Written Representation
Description: Appeal against the Enforcement notice: Without planning permission, the erection of a two storey rear extension.
Location: **45 Summerleaze Road Maidenhead SL6 8EW**
Appellant: Mr Mohammed Shafiq Khan 45 Summerleaze Road Maidenhead SL6 8EW

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 19/60122/REF **Planning Ref.:** 19/01384/FULL **Plns Ref.:** APP/T0355/D/19/3237866
Date Received: 2 December 2019 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Single storey side extension, part single part two storey rear extension and x1 rear dormer.
Location: **18 Gloucester Road Maidenhead SL6 7SN**
Appellant: Mrs Butt **c/o Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead SL6 5EY

Ward:
Parish: White Waltham Parish
Appeal Ref.: 19/60123/REF **Planning Ref.:** 19/01550/FULL **Plns Ref.:** APP/T0355/D/19/3240880
Date Received: 3 December 2019 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Fence to front boundary of property (Retrospective)
Location: **Glebe Cottage Waltham Road White Waltham Maidenhead SL6 3JD**
Appellant: Mr Lee Hall Glebe Cottage Waltham Road White Waltham Maidenhead SL6 3JD

Appeal Decision Report

12 November 2019 - 9 December 2019

MAIDENHEAD

www.rbwm.gov.uk



Appeal Ref.: 19/60053/REF **Planning Ref.:** 18/02849/FULL **Plns Ref.:** APP/T0355/W/19/3223196
Appellant: Mr Vince Millen 84 Malvern Way Croxley Green Rickmansworth WD3 3QD
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Alterations and extensions to the existing garage to form a new detached three bedroom dwelling with alterations to access, landscaping and associated parking.
Location: Land At Mead House Pinkneys Drive Maidenhead
Appeal Decision: Withdrawn **Decision Date:** 26 November 2019

Appeal Ref.: 19/60059/REF **Planning Ref.:** 18/02163/FULL **Plns Ref.:** APP/TO355/W/19/3231286
Appellant: Mr Leon Tusz c/o **Agent:** Mr Jake Collinge JCPC Ltd 5 Buttermarket Thame Oxfordshire OX9 3EW
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Construction of x6 dwellings with associated access, parking and amenity space.
Location: 31 - 33 Belmont Road Maidenhead
Appeal Decision: Dismissed **Decision Date:** 25 November 2019

Main Issue: The proposed two buildings by being staggered and significantly set back behind the established building line would introduce an area of built form in a position that is uncharacteristic of the generally well-established linear grain of development on the southern side of the road. The development would appear harmfully at odds with the layout, pattern and rhythm of the row by introducing an area of built form, which poorly relates to and breaks up the characterful building line. This would prove incongruous to the area's character and appearance as it would be clearly seen in views from Belmont Road and Hargrave Road. The scale of built form would appear uncharacteristic when viewed within its context of semi-detached and detached dwellings, which are generally of a smaller scale, particularly in relation to their width. This over-developed appearance would be exacerbated by the expanse of hard surfacing which is being proposed to the front of the site, the proposed 12 tandem car parking spaces and the limited soft landscaping. The planning permission at nearby No 16 Belmont Road was described as being 'within an area of good accessibility' being located around 600m from the railway station Furze Platt. No 16 was also served by two bus routes. The appeal site is a short distance away from No 16 along Belmont Road. Therefore, given the similarities in edge of town location and proximity to services I do not consider the site inaccessible. Therefore, I consider the reduced standard requiring 6 parking spaces to be sufficient in this case. There would not be an unacceptable harmful impact on the free flow of traffic or highway safety and the proposed development complies with Policies T5, P4 and DG1 of the LP. **COSTS** The Council have not been inconsistent nor acted unreasonably when weighing the reduced level of landscaping in the appeal scheme within the Officer Report and Statement of Case against the development plan policies and finding that there would be harm to the character and appearance of the area. There were no errors found in the Council's approach to its decision making. Unreasonable behaviour by the Council, resulting in unnecessary or wasted expense, as described by the PPG, has not been demonstrated and that an award of costs is not justified.

Appeal Ref.: 19/60070/REF **Planning Ref.:** 18/02588/FULL **Plns Ref.:** APP/T0355/W/19/3225817

Appellant: Clearview Residential Limited **c/o Agent:** Mrs Sarah Ballantyne-Way HGH Consulting 45 Wellbeck Street London W1G 8DZ

Decision Type: Committee **Officer Recommendation:** Refuse

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

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

Appeal Decision: Dismissed **Decision Date:** 20 November 2019

Main Issue: The Inspector considered that the scheme was an overdevelopment of the site, and that the dwellings because of their height and proportion of the roof would appear out of keeping with other dwellings in the area. The dominance of car parking across the frontage and lack of space for soft landscaping, in their view, added to the cramped appearance of the development. The Inspector also considered that the proposed development would result in an increase for parking that would be significantly harmful to highway safety. The Inspector concluded that adequate evidence had been submitted to demonstrate compliance with the requirements of Policy CF1 of the Local Plan and Policy IF6 of the BLPSV, which seek to retain community facilities unless evidence can be provided to show that the facility is not needed.

Appeal Ref.: 19/60074/REF **Planning Ref.:** 18/03413/FULL **Plns Ref.:** APP/T0355/W/19/3224777

Appellant: Mrs Carol Horner **c/o Agent:** Mr Nick Griffin Griffin Planning Consultancy Limited 63 Pevensey Way Frimley Camberley GU16 9UU

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

Description: Replacement single/two storey rear extension

Location: **2 Hall Place Lane Burchetts Green Maidenhead SL6 6QY**

Appeal Decision: Allowed **Decision Date:** 21 November 2019

Main Issue: The Inspector considers the proposal would not comprise inappropriate development in the Green Belt, or cause harm to openness or the character of the Green Belt and so complies with policies GB2(a) and GB4.

Appeal Ref.: 19/60075/REF **Planning Ref.:** 18/03414/LBC **Plns Ref.:** APP/T0355/Y/19/3224781

Appellant: Mrs Carol Horner **c/o Agent:** Mr Nick Griffin Griffin Planning Consultancy Limited 63 Pevensey Way Frimley Camberley GU16 9UU

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

Description: Consent to demolish the late 20th Century single-storey rear extension and replacing it with a single/two storey rear extension. Externally repoint/repared front brickwork where necessary; replace ground floor front unoriginal window with new Conservation Casement windows; repair as necessary the historic windows at first-floor level to the front elevation; replacement of the front door and its frame; replace a section of guttering to No.2 with a new cast iron guttering and associated downpipes. Replace any slipped or missing tiles to the front and overhaul rear pitched roof section with Tudor handmade plain clay roof tiles

Location: **2 Hall Place Lane Burchetts Green Maidenhead SL6 6QY**

Appeal Decision: Allowed **Decision Date:** 21 November 2019

Main Issue: The Inspector has concluded that the proposal would preserve the historic and architectural interest of the Listed Building known as 2 Hall Place Lane and that there is no conflict with Policies DG1 and LB2 of the Local Plan. Both seek to ensure new development does not adversely affect buildings listed as being of architectural or historic interest. Neither would it impact upon the character or appearance of the Burchetts Green Conservation Area, and so there is no conflict with policy CA2 of the Local Plan.

Appeal Ref.: 19/60082/REF **Planning Ref.:** 19/01728/FULL **Plns Ref.:** APP/T0355/W/19/3236019

Appellant: Mr & Mrs P Dewey-Bruce **c/o Agent:** Mr Alex Frame ADS Property Services Taradale Little Lane Upper Bucklebury RG7 6QX

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

Description: Construction of a five bedroom dwelling following the demolition of the existing dwelling.

Location: **Ann Cherry Cottage Howe Lane Binfield Bracknell RG42 5QS**

Appeal Decision: Dismissed **Decision Date:** 20 November 2019

Main Issue: Due to its design and more specifically the irregularity in the size, proportion and alignment of windows and openings on the proposed dwelling, it would be out of keeping with the more simple designs and architectural consistency of properties in the area. For these reasons it is considered that the proposed dwelling would cause harm to the character and appearance of the area. The proposal is considered to be contrary to Local Plan Policies DG1 and H10 and Section 12 of the NPPF (2019) which seeks to sympathetically integrate development into existing environments.

Appeal Ref.: 19/60106/REF **Planning Ref.:** 19/00757/FULL **Plns Ref.:** APP/T0355/D/19/3235843

Appellant: Mr & Mrs Davies **c/o Agent:** Mr Richard Murray Murray Planning Associates Ltd Office 7 Capron House North Street Midhurst GU29 9DH

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

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**

Appeal Decision: Allowed **Decision Date:** 20 November 2019

Main Issue: The Inspector notes the main issue is whether the proposal would be inappropriate development in the Green Belt. The appeal site is in the Green Belt and the National Planning Policy Framework (NPPF) outlines the construction of new buildings, other than listed exceptions, should be regarded as inappropriate. The fundamental aim of Green Belt policy is to keep land permanently open, which has a spatial and visual aspect. One listed exception is the replacement of a building, provided the new building is in the same use and is not materially larger than the one it replaces. The Inspector acknowledges the dictionary definitions of 'replacement' provided by the Council but notes there is no definition of 'replacement', 'replaces' or 'materially larger' in the NPPF or Local Plan. He affirms there is no requirement in these considerations for a replacement building to be located in the same place as that it replaces. The proposal fulfils this exception. The Inspector considers that, although further from the main house than existing buildings, the relationship between the house and the buildings to be removed would be comparable to that of the house and the proposed building. There would be limited public views of the proposal, which would concentrate into one (and not exceed) the built form of four separate buildings being removed. The Inspector concludes the proposal would, both spatially and visually, have no greater impact on the openness of the Green Belt than existing development. It would not be inappropriate development in the Green Belt. Conditions are relating to the submission/approval of external materials, soft/hard landscaping, and a programme of works for the removal of the existing buildings.

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