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NOTICE

OF

MEETING

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## MAIDENHEAD AREA DEVELOPMENT MANAGEMENT PANEL

will meet on

**WEDNESDAY, 22ND JANUARY, 2020**

**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: 14 January 2020

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) 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.	<u>APOLOGIES FOR ABSENCE</u>  To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u>  To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u>  To confirm the part I minutes of the meeting of 18 <sup>th</sup> December 2019.  <u>PLANNING APPLICATIONS (DECISION)</u>  To consider the Interim Head of Planning's report on planning applications received. Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module at <a href="http://www.rbwm.gov.uk/pam/search.jsp">http://www.rbwm.gov.uk/pam/search.jsp</a>  <b>APP = Approval</b> <b>CLU = Certificate of Lawful Use</b> <b>DD = Defer and Delegate</b> <b>DLA = Defer Legal Agreement</b> <b>PERM = Permit</b> <b>PNR = Prior Approval Not Required</b> <b>REF = Refusal</b> <b>WA = Would Have Approved</b> <b>WR = Would Have Refused</b>	7 - 12
4.	<u>19/00063/FULL - STEVENS YARD, KIMBERS LANE FARM, OAKLEY GREEN ROAD, OAKLEY GREEN, WINDSOR SL4 4QF</u>  <i>Proposal: Extension to existing maintenance building and showman's store.</i> <b>Recommendation: PERM</b>  <b>Applicant: Mr Stevens – PWS Rides Ltd</b>  <b>Member Call-in: N/A</b>  <b>Expiry Date: 22 January 2020</b>	13 - 28
5.	<u>19/01344/FULL - MAIN ROAD AND SURROUNDING LAND FROM THE GREEN TO JUNCTION WITH BARTLETTS ROAD, ASCOT</u>	29 - 40

ROAD, HOLYPORT, MAIDENHEAD

*Proposal: Construction of a ditch.*

**Recommendation: PERM**

**Applicant: Janice Eden-Bagley**

**Member Call-in: N/A**

**Expiry Date: 20 December 2019**

6. 19/02698/FULL - CANCER RESEARCH UK, 101 HIGH STREET, MAIDENHEAD, SL6 1JX

41 - 52

*Proposal: Change of use of the first floor from A1 use to C3 residential use, first and second floor rear extension, changes to external finish and a new second floor with mansard roof to create 4no.self contained flats.*

**Recommendation: PERM**

**Applicant: Mr Taylor**

**Member Call-in: N/A**

**Expiry Date: 24 January 2020**

7. 19/03067/OUT - FIELD ADJACENT TO NORTH WEST CORNER OF GROVE BUSINESS PARK, WALTHAM ROAD, MAIDENHEAD

53 - 62

*Proposal: Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for an agricultural barn.*

**Recommendation: PERM**

**Applicant: Mr and Mrs Smith**

**Member Call-in: N/A**

**Expiry Date: 17 February 2020**

8. ESSENTIAL MONITORING REPORTS (MONITORING)

63 - 70

To consider the Appeals Decision Report and Planning Appeals Received.



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

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

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

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

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

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

“Comments Awaited”.

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

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

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

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

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

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

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

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

## MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

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

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

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

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

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

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

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

### Prejudicial Interests

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

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

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

### Personal interests

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

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

# Agenda Item 3

## MAIDENHEAD AREA DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 18 DECEMBER 2019

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

Also in attendance: Councillor Andrew Johnson

Officers: Mel Andrews, James Carpenter, Shilpa Manek, Sean O'Connor, Jo Richards and Ashley Smith

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Walters. Councillor Singh was substituting.

### DECLARATIONS OF INTEREST

Declarations of Interest were received from Councillor Stimson. She had a prejudicial interest for item 11. Councillor Stimson would speak to the item and then leave the room and take no part in the Panel discussions and voting.

### MINUTES

**RESOLVED: That the minutes of the meeting held on 20 November 2019 be approved.**

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

### 19/01144/FULL ~ RIDERS COUNTRY HOUSE HOTEL, BATH ROAD, LITTLEWICK GREEN, MAIDENHEAD SL6 3QR

Councillor Hunt raised concerns about safety issue for vulnerable people and road users as the site was on a main road and could not be gated. It was also noted that the proposal was not in a sustainable area and had poor access to local amenities/services.

Councillor Hunt also raised concerns that the development would not bring any enhancement to the conservation area, it would be a detriment though this was not advanced as a refusal reason.

A motion was put forward by Councillor Hunt to REFUSE the application for the proposed development contrary to the Officers recommendation.

The reasons given were that:

1. The proposed development would be unsuitable with regards the wellbeing and safety of its' future residents and highway users
2. The application site was considered to be in an unsustainable location due to the distance from shops and services and other facilities, leading to car dependency and isolation of vulnerable residents who didn't have access to facilities.

The motion to refuse was seconded by Councillor Hill.

A named vote was carried out.

**It was unanimously agreed to REFUSE the application.**

<b>19/01144/FULL ~ RIDERS COUNTRY HOUSE HOTEL, BATH ROAD, LITTLEWICK GREEN, MAIDENHEAD SL6 3QR (Motion)</b>	
Councillor Phil Haseler	For
Councillor Gurpreet Bhangra	For
Councillor Maureen Hunt	For
Councillor Greg Jones	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Geoffrey Hill	For
Councillor Joshua Reynolds	For
Councillor Gurch Singh	For
Councillor Donna Stimson	For
Councillor Helen Taylor	For
<b>Carried</b>	

18/03167/MINW ~ LAND SOUTH OF WINDSOR ROAD INCLUDES EAST OF THE GUILD HOUSE AND EAST OF FIFIELD ROAD, BRAY, MAIDENHEAD

A motion was put forward by Councillor Singh to PERMIT the application as per Officers recommendation. Councillor Stimson seconded the motion.

A named vote was carried out.

**It was unanimously agreed to PERMIT the application.**

<b>18/03167/MINW ~ LAND SOUTH OF WINDSOR ROAD INCLUDES EAST OF THE GUILD HOUSE AND EAST OF FIFIELD ROAD, BRAY, MAIDENHEAD (Motion)</b>	
Councillor Phil Haseler	For
Councillor Gurpreet Bhangra	For
Councillor Maureen Hunt	For
Councillor Greg Jones	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Geoffrey Hill	For
Councillor Joshua Reynolds	For
Councillor Gurch Singh	For
Councillor Donna Stimson	For
Councillor Helen Taylor	For
<b>Carried</b>	

19/01181/FULL ~ QUEENS HEAD, WINDSOR ROAD, WATER OAKLEY, WINDSOR, SL4 5UJ

A motion was put forward by Councillor Reynolds to REFUSE the application as per Officers recommendation. This motion was seconded by Councillor Baldwin.

A named vote was carried out.

**It was agreed to REFUSE the application.**



<b>19/01181/FULL ~ QUEENS HEAD, WINDSOR ROAD, WATER OAKLEY, WINDSOR, SL4 5UJ (Motion)</b>	
Councillor Phil Haseler	For
Councillor Gurpreet Bhangra	For
Councillor Maureen Hunt	For
Councillor Greg Jones	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Geoffrey Hill	Abstain
Councillor Joshua Reynolds	For
Councillor Gurch Singh	Abstain
Councillor Donna Stimson	For
Councillor Helen Taylor	Abstain
<b>Carried</b>	

19/01276/OUT ~ ST JOHN AMBULANCE, YORK ROAD, MAIDENHEAD, SL6 1SH

Cllr Singh noted that the independent viability report stated that a contribution of £400,000 could be afforded by the scheme, however only £320,000 had been offered by the applicant. Members noted the shortage of AH in the Borough and considered that the full £400,000 should be provided with the difference made up by a commuted sum.

A motion was put forward by Councillor Singh to PERMIT the application as per Officers recommendation and for the reason set out in the report. The motion was subject to securing a S106 agreement for affordable housing to the value of £400,000. This was likely to be made up of two shared ownership properties and the provision of a commuted sum in the region of £80,000 (bringing the total AH contribution to the value of £400,000).

The motion was seconded by Councillor Baldwin.

A named vote was carried out.

**It was agreed to PERMIT the application subject to the S106 agreement.**

Should the developer not agree to provide affordable housing to the value of £400,000 the Panel required the application to be referred back to it for reconsideration.

<b>19/01276/OUT ~ ST JOHN AMBULANCE, YORK ROAD, MAIDENHEAD, SL6 1SH (Motion)</b>	
Councillor Phil Haseler	For
Councillor Gurpreet Bhangra	For
Councillor Maureen Hunt	For
Councillor Greg Jones	For
Councillor John Baldwin	For
Councillor Mandy Brar	Against
Councillor Geoffrey Hill	For
Councillor Joshua Reynolds	Against
Councillor Gurch Singh	For
Councillor Donna Stimson	For
Councillor Helen Taylor	For
<b>Carried</b>	

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

A motion was put forward by Councillor Reynolds to PERMIT the application as per Officers recommendation. Authority to be given to the Head of Planning to add additional conditions relating to fenestration if deemed necessary.

This was seconded by Councillor Baldwin.

A named vote was carried out.

**It was unanimously agreed to delegate the application to the Head of Planning to APPROVE the application (with the authority given for extra conditions relating to fenestration).**

<b>19/01588/FULL ~ MARANDAZ HOUSE, CLIVEMONT ROAD, MAIDENHEAD, SL6 7BU (Motion)</b>	
Councillor Phil Haseler	For
Councillor Gurpreet Bhangra	For
Councillor Maureen Hunt	For
Councillor Greg Jones	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Geoffrey Hill	For
Councillor Joshua Reynolds	For
Councillor Gurch Singh	For
Councillor Donna Stimson	For
Councillor Helen Taylor	For
<b>Carried</b>	

19/01660/FULL ~ ST CLOUD GATE, ST CLOUD WAY, MAIDENHEAD, SL6 8XD

A motion was put forward by Councillor Stimson to REFUSE the application as per Officers recommendation. This motion was seconded by Councillor Singh.

A named vote was carried out.

**It was agreed to REFUSE the application.**

<b>19/01660/FULL ~ ST CLOUD GATE, ST CLOUD WAY, MAIDENHEAD, SL6 8XD (Motion)</b>	
Councillor Phil Haseler	For
Councillor Gurpreet Bhangra	For
Councillor Maureen Hunt	For
Councillor Greg Jones	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Geoffrey Hill	Against
Councillor Joshua Reynolds	For
Councillor Gurch Singh	For
Councillor Donna Stimson	For
Councillor Helen Taylor	For
<b>Carried</b>	

19/02570/FULL ~ 15 RAY DRIVE, MAIDENHEAD, SL6 8NG

A motion was put forward by Councillor Jones to PERMIT the application as per Officers recommendation. This was seconded by Councillor Reynolds.

A named vote was carried out.

**It was agreed to PERMIT the application**

<b>19/02570/FULL ~ 15 RAY DRIVE, MAIDENHEAD, SL6 8NG (Motion)</b>	
Councillor Phil Haseler	For
Councillor Gurpreet Bhangra	For
Councillor Maureen Hunt	For
Councillor Greg Jones	For
Councillor John Baldwin	For
Councillor Mandy Brar	Abstain
Councillor Geoffrey Hill	For
Councillor Joshua Reynolds	For
Councillor Gurch Singh	For
Councillor Donna Stimson	Abstain
Councillor Helen Taylor	Abstain
<b>Carried</b>	

19/02646/FULL ~ WOODLANDS PARK VILLAGE CENTRE, MANIFOLD WAY, WHITE WALTHAM, MAIDENHEAD, SL6 3GW

A motion was put forward by Councillor Hunt to PERMIT the application as per Officers recommendation. This was seconded by Councillor Bhangra.

A named vote was carried out.

**It was Unanimously agreed to PERMIT the application**

<b>19/02646/FULL ~ WOODLANDS PARK VILLAGE CENTRE, MANIFOLD WAY, WHITE WALTHAM, MAIDENHEAD, SL6 3GW (Motion)</b>	
Councillor Phil Haseler	For
Councillor Gurpreet Bhangra	For
Councillor Maureen Hunt	For
Councillor Greg Jones	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Geoffrey Hill	For
Councillor Joshua Reynolds	For
Councillor Gurch Singh	For
Councillor Donna Stimson	For
Councillor Helen Taylor	For
<b>Carried</b>	

19/02641/VAR ~ EXCLUSIVE HOUSE, OLDFIELD ROAD, MAIDENHEAD, SL6 1NQ

Cllr Donna Stimson, spoke in her capacity as a Councillor, then left the room. She did not take part in the debate or the vote.

A motion was put forward by Councillor Baldwin to PERMIT the application as per Officers recommendation for the reasons outlined in the officer report, this was seconded by Councillor Hill.

A named vote was carried out.

**It was agreed to PERMIT the application**

<b>19/02641/VAR ~ EXCLUSIVE HOUSE, OLDFIELD ROAD, MAIDENHEAD, SL6 1NQ</b>	
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<b>(Motion)</b>	
Councillor Phil Haseler	For
Councillor Gurpreet Bhangra	For
Councillor Maureen Hunt	For
Councillor Greg Jones	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Geoffrey Hill	For
Councillor Joshua Reynolds	For
Councillor Gurch Singh	Abstain
Councillor Donna Stimson	For
Councillor Helen Taylor	For
<b>Carried</b>	

### ESSENTIAL MONITORING REPORTS (MONITORING)

The reports were noted by the Panel.

The meeting, which began at 7.00 pm, finished at 9.55 pm

CHAIRMAN.....

DATE.....

MAIDENHEAD DEVELOPMENT CONTROL PANEL

22 January 2020

Item: 1

<b>Application No.:</b>	19/00063/FULL
<b>Location:</b>	Stevens Yard Kimbers Lane Farm Oakley Green Road Oakley Green Windsor SL4 4QF
<b>Proposal:</b>	Extension to existing maintenance building and showman's store
<b>Applicant:</b>	Mr Stevens - PWS Rides Ltd
<b>Agent:</b>	Mr Philip Watts
<b>Parish/Ward:</b>	Bray Parish/Bray Ward
<b>If you have a question about this report, please contact:</b> Antonia Liu on 01628 796034 or at <a href="mailto:antonia.liu@rbwm.gov.uk">antonia.liu@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 It is established that the lawful use of the land is for the purposes of maintenance and storage of travelling showmen's equipment; ancillary repair and parking of lorries, rides and caravans; use of the paddock for equestrian purposes; and use for the stationing of caravans / mobile homes for residential purposes. The proposal is for extension to an existing maintenance and storage building adjacent to the eastern boundary of the site to create a second maintenance unit.
- 1.2 Following negotiation, the proposed footprint of the extension has been reduced by 208m<sup>2</sup> and the overall volume by 1501m<sup>3</sup>.
- 1.3 The proposal is considered to be inappropriate development in the Green Belt in accordance with paragraph 145 of the NPPF. However, it is considered that there is a case of very special circumstances that would justify the development.
- 1.4 It is considered that there is no undue harm to existing trees on site; character and appearance of the site and local surrounds; neighbouring amenity; highway safety and parking; flood risk and sustainable drainage and ecology.
- 1.5 In accordance with paragraph 11 of the NPPF, the tilted balance is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. However, such an assessment is considered to be academic as Officers are of the view that if this application is determined in accordance with the normal test under section 38(6) of the 2004 Act the proposal is in general conformity with the Development Plan overall and that there are no material considerations of sufficient weight to justify refusal.

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

**2. REASON FOR PANEL DETERMINATION**

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel
- At the request of Councillor Coppinger if the recommendation is to grant the application to ensure that the increase in size is acceptable within the Green Belt

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

- 3.1 The site measures approximately 4.4ha and comprises of a residential dwelling, outbuildings and hardstanding located at the southern end of the site with open grassland to the north. Following an enforcement appeal public inquiry (ref: APP/T0355/C/14/2226708 and APP/T0355/X/14/2227138, April 2016) it was established that the lawful use of the land was for purposes of maintenance and storage of travelling showmen's equipment; ancillary repair and parking of lorries, rides and caravans; use of the paddock for equestrian purposes; and use for the stationing of caravans / mobile homes for residential purposes.
- 3.2 Access to the site is via a single track lane measuring approximately 220m in length leading off Oakley Green Road, a classified road (B3024). To the west of the site is a detached dwelling (Elmfield) while to the east is a cluster of buildings at Willow Farm in residential use including Willow Farmhouse which is a Grade II listed 16th century dwelling. Beyond these sites are arable fields. The site and immediate surrounds have been identified as a settled farmed sands and clays landscape character area in the Council's Landscape Character Assessment.

### 4. KEY CONSTRAINTS

- 4.1 The entire site is located in Metropolitan Green Belt and to the north, parallel to the northern boundary of the site, is a public footpath (Bray/52/3).

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

- 5.1 The proposal is for an extension to an existing maintenance and storage building adjacent to the eastern boundary. This maintenance and storage building was retrospectively approved in 2011, ref: 11/00537/FULL. During the course of this application the proposal has been amended by reducing the size of the extension and it is this scheme which is to be determined.
- 5.2 The proposal also includes the demolition of another maintenance and storage building which is located adjacent to the southern boundary. This building is subject to an appeal with the Planning Inspectorate against an Enforcement Notice for the material change of use of the land to a mixed use comprising a dwellinghouse, outbuildings and hardstanding. The requirements of the notice are to cease the use of land and building identified for the repair of vehicles and are now registered to the landowner or PWS Rides Ltd, removal of all vehicles from the land stored in connection with the vehicle repair business, and removal of all tools, apparatus, structures, containers and other vehicle maintenance paraphernalia from the land and building used in connection with the vehicle repair business.

5.3

Reference	Description	Decision
417173	Erection of a dwellinghouse and detached garage	Approved – 06.12.1985
417873	Use of land and buildings for the breeding and rearing of horses and ponies	Approved – 09.01.1986
89/01445/FULL	Erection of 12 stables with office, toilets and grooms quarters	Approved – 27.03.1990
92/01034/FULL	To erect two storey and single storey rear extensions	Approved – 18.08.1992
01/37876/CLU	Certificate of Lawfulness for mixed use comprising residential use and use for the storage for four fairground rides, four lorries and six caravans	Refused – 12.12.2002
11/00537/FULL	Retention of an outbuilding and hardstanding area (used for the storage and repair of funfair rides and equipment)	Approved – 21.04.2011
12/02113/FULL	Change of use of part of agricultural land to hardstanding. Retrospective	Refused – 12.09.2012
14/01225/CLU	Certificate of Lawfulness to determine	Refused – 03.07.2014

	whether the existing use of the land as mixed use comprising residential use and ancillary storage of rides, lorries and caravans is lawful	Appeal Dismissed
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## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

The main strategic planning policies applying to the site are:

Issue	Adopted Local Plan Policy
Green Belt	GB1, GB2,
Character and Appearance	DG1, E10
Warehousing Development	E1
Highways	P4, T5
Trees	N6

These policies can be found at [https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2019)

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision Making
- Section 6- Building and Strong, Competitive Economy
- Section 9 – Promoting Sustainable Transport
- Section 12 – Achieving Well Designed Place
- Section 13 – Protecting Green Belt Land

### National Design Guide

This document was published in October 2019 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 on layout, form, scale, appearance, landscape, materials and detailing. It further highlights ten characteristics 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

Issue	Local Plan Policy
Green Belt	SP1, SP5
Character and Appearance	SP2, SP3
Employment Use	ED1, ED3
Neighbouring Amenity	EP1, EP4
Sustainable Transport	IF2
Trees	NR2
Flood Risk	NR1

## Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Green Belt	SP1, QP5
Character and Appearance	QP1, QP3
Employment Use	ED1, ED3
Neighbouring Amenity	EP1, EP4
Sustainable Transport	IF2
Trees	NR3
Flood Risk	NR1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents 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. Public consultation ran from 1 November to 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 Landscape Character Assessment

### Other Local Strategies or Publications

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/201027/planning\\_guidance](https://www3.rbwm.gov.uk/info/201027/planning_guidance)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

4 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 21 March 2019 and the application was advertised in the Local Press on 28 March 2019.

2 letters were received objecting to the application, including the Oakley Green, Fifield and District Community Association, summarised below. An additional letter was received in relation to matters being dealt with under Enforcement and Appeal to the Planning Inspectorate ref: 16/50242/ENF. This has not been reported on.



Comment	Where in the report this is considered
The proposal is inappropriate development in the Green Belt and would have significant impact on openness due to scale, siting and design. No very special circumstances has been demonstrated.	Section 9(i) and (viii)
The scale of the proposed building is excessive and will have an adverse impact on the immediate environs	Section 9 (iii) and (iv)
Restrictions on use are ignored on a continuing basis, as are the restricted hours of work. The increase in activities will result in worsening noise and other nuisances.	Section 9 (iv)
The use and proposal is industrial in character, at odds with the rural / residential character of the area and the Green Belt.	Section 9 (iii)
Increase in flooding	Section 9 (vi)
There are a number of businesses and uses unlawfully operating on the site – a motor repair business for example, which the council have had to take action over.	An application should be determined on its own merits.

### Consultees

Consultee	Comment	Where in the report this is considered
Arboriculture Officer	Raises objections as building would incur into the Root Protection Area of T1 and T2 which are category B and A trees respectively, to the detriment of their health and longevity. There appears to be ample room on site to modify the layout to redefine the footprint to take it outside of the Root Protection Area.	(comments on original scheme) Section 9 (ii)
Bray Parish Council	Recommends refusal as the proposal represents inappropriate development in the Green Belt, and the scale, siting and design would impact on openness. The proposal fails to demonstrate that there are very special circumstances due that would outweigh the harm to the Green Belt.	(comments on original scheme) Section 9(i) and (viii)
Environmental Protection	No objection subject to conditions relating to restricting hours of maintenance and repair, construction hours, collection during construction and demolition; and informatives relating to dust and smoke control.	Section 9 (iv) and a condition relating to hours of maintenance is recommended. Hours of construction and collection during construction is included as an informative as they are not considered to pass the test of necessity for a planning condition.
Highways Consultant	No objection subject to conditions relating to a construction management plan and informatives relating to damage to footways and verges, damage to the highway, and no equipment materials on public highways.	Section 9 (v), and conditions recommended.
Lead Local Flood Authority	Clarification required on the increase in permeable area created as part of the proposal. It is also noted that the applicant has stated that surface water will be disposed of via a 'main sewer' but there is no public surface water sewer within the vicinity of the area, therefore clarification is also required on how surface	Section 9 (vi)

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Trees
- iii Character and Appearance
- iv Neighbouring Amenity
- v Highways Safety and Parking
- vi Flood Risk and Sustainable Drainage
- vii Ecology
- viii The Case for Very Special Circumstances
- ix Planning Balance

### i **Green Belt**

#### Appropriate Development

9.2 The entire site lies within the Metropolitan Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 of the NPPF states that new buildings in the Green Belt should be regarded as inappropriate development with some exceptions. Local Plan policy GB1 also sets out appropriate development in the Green Belt. However, while the Development Plan comprises of the Local Plan, policy GB1 was prepared in accordance with the cancelled PPG2 Green Belts and is not entirely consistent with the NPPF. Therefore, Local Plan policy GB1 should not be given full weight and the NPPF, as a more up-to-date expression of Government intent, should be given significant weight as a material consideration.

9.3 In this context, exception (c) listed in paragraph 145 of the NPPF is 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'. In this case the building to be extended has not been previously extended and the proposal would result in the following:

Footprint of Original Building	497 square metres	
Volume of Original Building	3694 cubic metres	
		<i>Percentage Increase</i>
Footprint of Extension	361 square metres	72%
Volume of Extension	2763 cubic metres	75%

9.4 It is generally considered that a 50% increase from the original building would be a proportionate addition, which would equate to an extension with a footprint of approximately 249 square metres and a volume of approximately 1847 cubic metres, which the proposal exceeds. Therefore, the proposal would be a disproportionate extension over and above the original building and therefore inappropriate development in the Green Belt. Paragraph 143 of the NPPF states that inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt should not be approved except in very special circumstances. This is considered in section 9(viii) below.

## Other Harm to the Green Belt

- 9.5 In terms of any other harm to the Green Belt, as inappropriate development in the Green Belt the proposal is by definition harmful to its openness, and considered to conflict with one of the purposes of the Green Belt, namely to assist in safeguarding the countryside from encroachment' which forms the third purpose outlined in paragraph 134 of the NPPF.

### **ii Trees**

- 9.6 Local Plan policy N6 states that new development should wherever practicable allow for the retention of existing trees, include appropriate tree planting and landscaping, and where the amenity value of trees outweighs the justification for development planning permission may be refused.
- 9.7 The Council's Arboriculture Officer raised concerns over the original scheme as the original scheme infringed upon the root protection area (RPA) of T1 and T2 (Hybrid Black Poplars) which would damage the future viability of these two trees. T1 is identified as category B and T2 is identified as category A which is a tree of notable quality. However, following negotiation and the reduction in footprint of the proposal it is considered that it would not result in undue harm to T1 and T2. If minded to approve it is recommended that submission and approval of tree protection details and implementation are secured by condition (condition 3).

### **iii Character and Appearance**

- 9.8 Local Plan policy DG1 resists development which is cramped or which results in the loss of important features which contributes to local character. This policy accords with the NPPF which states that good design is a key aspect of sustainable development and indivisible from good planning, and planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.9 The site lies within an area largely characterised by flat to gently undulating arable fields and pastureland, which is largely open and bounded by hedgerows and trees with urban ribbon development off Oakley Green Road. The proposed development is sited within the envelope of developed land, so would not lead to encroachment or expansion into the rural character beyond. The scale of the proposed building is not considered to be overly dominant to the existing buildings on site, or disproportionate to the plot. The proposed building is also reflective of the form, design and materials of the existing maintenance and storage building which it is sited next to. Overall, it is considered to be in keeping with the site and its surrounds. The bulk of the site is set approximately 190m back from Oakley Green Road and due to this distance there is limited inter-visibility between the site and the public highway. As such, there would be no undue harm to the streetscene. There is a public footway running parallel to the northing boundary, but sited over 300m away. As such, it is not considered that the proposal would result in any undue harm to visual amenity of users of the public right of way.

### **iv Neighbouring Amenity**

- 9.10 Paragraph 127 of the NPPF states that planning decisions should ensure that development achieves a high standard of amenity for existing and future users. The nearest neighbouring property is at Willow Farm to the east of the site at a distance of approximately 77m. To the south of the site are Braywood cottages that front onto Oakley Green Road which are approximately 217m away. Given the separation distance, it is not considered that the proposed building would result in undue loss of light, visual intrusion or loss of privacy to these properties.
- 9.11 Concerns have been raised by local residents over noise and disturbance. The site comprise of land and buildings used for purposes of maintenance and storage of travelling showmen's equipment; ancillary repair and parking of lorries, rides and caravans. The proposal would result in an enlarged maintenance and storage area to enable a second ride to be worked on simultaneously and so there would be some small intensification of use. However, due to the size of the proposed building, it is not considered that the increase in activity together with the

separation distance from the nearest neighbouring properties would result in undue noise and disturbance subject to a condition restricting hours of work of maintenance and repair within the building (condition 6).

- 9.12 Local Residents have raised the issue of non-compliance with the lawful use of the site and hours of operation. It is advised that the enforcement process is the most appropriate way of dealing with non-compliance with such conditions, and refusal of this planning application on additional noise and disturbance on the basis of non-compliance with the existing development or potential non-compliance with the proposed development would be unreasonable.
- 9.13 The access would run adjacent to Braywood Cottages, but this is similarly true of the existing situation and it is not considered the proposal would result in an increase in trips to and from the site that would result in harm to neighbouring amenity (see section 9 (v)).

#### **v Highway Safety and Parking**

- 9.14 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to accord with adopted car parking standards. As a material consideration, paragraph 109 of the NPPF 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.

##### Trip Generation

- 9.15 There is no change in the existing use and, while the proposal would result in a small intensification of this use, due to the size of the proposal it is not considered to result in a significant number of additional movements in the context of the daily and seasonal fluctuations in flow which would result in a severe cumulative impact on the road network.

##### Access

- 9.16 There are no changes to the existing access to the site or significant change in the intensity of use, and so there are no concerns over highway safety over and above the existing situation.

##### Parking

- 9.17 No parking layout has been submitted, but it is noted there would be sufficient space on site to accommodate requirements. As such, it is not considered that the proposal would result in indiscriminate parking on the public highway to the detriment of highway safety.

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

- 9.18 Paragraph 158 of the NPPF aims to steer development to areas with the lowest risk of flooding (sequential test). Paragraph 158 of the NPPF goes on to state that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. In accordance with the Flood Maps for Planning published by the Environment Agency, the proposal is located in Flood Zone 1, which is land assessed as having less than 1 in 1000 annual probability of river or sea flooding. As such, it is considered that the proposal is sited in an area with the lowest risk of flooding and therefore passes the sequential test.
- 9.19 Paragraph 159 of the NPPF states that if it is not possible for development to be located in zones with a lower risk of flooding, the exception test may have to be applied. With reference to Table 2: Flood Risk Vulnerability Classification in the NPPG, buildings used for general industry, storage and distribution are classed as less vulnerable and in accordance with Table 3: Flood Risk Vulnerability and Flood Zone Compatibility, less vulnerable development is appropriate in Flood Zone 1.

- 9.20 When determining any planning applications, paragraph 163 of the NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere. A Flood Risk Assessment has not been submitted. However, located in Flood Zone 1 the site has a less than 1 in 1000 annual probability of river or sea flooding, and the Council's Strategic Flood Risk Assessment confirms the site is not in an area susceptible to groundwater, sewer flooding and other sources. As such, the proposed site has a low risk of being affected by flooding. Furthermore, the proposal would result in only an increase of approximately 111sqm in footprint. While the proposal measures approximately, 361 square metres, the applicant also proposes to demolish an existing maintenance and storage building sited towards the southern boundary of the site, which had a footprint of approximately 250sqm.
- 9.21 Overall, given the low risk of flooding from coastal, fluvial or other sources, together with the proposed footprint and remaining undeveloped land within the site and wider surrounds, it is considered that the proposal is unlikely to have a significant impact on flood storage capacity or flood flows.
- 9.22 The Lead Local Flood Authority had requested confirmation on the increase in impermeable area created as part of the proposal, and clarification on how surface water runoff will be dealt with. At the time of writing, no response from the applicant on this issue has been forthcoming. However, due to the size of the proposal and the amount of green space within the site it is considered that there is scope to accommodate a satisfactory sustainable drainage scheme. Therefore, in this particular case, if minded to approve it is recommended that a sustainable drainage scheme is secured by condition (condition 8).

## **vii Ecology**

- 9.23 As a material consideration Paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for then planning permission should be refused. Furthermore, protecting and enhancing the natural environment forms part of the 'Environmental' dimension of 'Sustainable Development'.
- 9.24 The site lies within 5km and within the zone of influence of Windsor Forest and Great Park, a Special Area of Conservation (SAC) which is a European Designated site. The primary reason for designation is the significance of old acidophilous oak woods, range and diversity of sapxylic invertebrates, and fungal assemblages. The Natura 2000 data form for Windsor Forest and Great Park reports that the main threats relate to forest and plantation management and use; air pollution, invasive non-native species; and interspecific floral relations. Where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives. Paragraphs 175 and 176 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In this case due to the size of the proposal and distance of the proposal from the SAC it is not considered to have a significant effect on Windsor Forest and Great Park and therefore an appropriate assessment is not required.

## **viii The Case for Very Special Circumstances**

- 9.25 It is considered that the proposal would not result in a proportionate addition over and above the original building. As outlined in section 9(i) it generally considered that a 50% increase from the original building would be proportionate, which would equate to an extension with a footprint of approximately 249 square metres and a volume of approximately 1847 cubic metres. This is considered to be a reasonable fall-back position.
- 9.26 However, the applicant has also proposed to demolish an existing maintenance and storage building sited towards the southern boundary of the site. This building to be demolished has a footprint of approximately 250sqm and a volume of approximately 937 cubic metres.

- 9.27 The proposal would be comparable in volume to an increase of 50% of the original building and the allowance following the demolition of the existing maintenance and storage building sited towards the southern boundary of the site. The footprint of the proposal would be below the combined increase of 50% and allowance following demolition. This is summarised in the table below:

	Footprint	Volume
50% of original building	249 square metres	1847 cubic metres
Building to be demolished	250 square metres	937 cubic metres
Total	499 square metres	2784 cubic metres
The proposal	361 square metres	2763 cubic metres

- 9.28 Furthermore, considering the visual impact on openness, Local Plan policy GB2(a) states that the proliferation of small structures within a commercial holding will not normally be acceptable because of their harmful visual effect and where possible buildings within a single unit should be consolidated into one area. For this reason, the consolidation of development in one location and the reduction in the spread of development within the site is considered to be beneficial to the visual impact on openness.
- 9.29 Paragraph 143 of the NPPF states that inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt should not be approved except in very special circumstances (VSC). Paragraph 144 of the NPPF states that VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.30 In accordance with paragraph 144 of the NPPF substantial weight is given to any harm to the Green Belt. It is considered that there is no other harm from the development. However, given the fallback position of the 50% increase of the original building together with the allowance from the demolition of the existing maintenance and storage building to the south, and benefit to the visual impact on openness from the consolidation of development on site, it is considered that the harm to the Green Belt is outweighed by other considerations. Therefore, VSC has been established to justify the development.
- 9.31 As the proposal is only acceptable in the Green Belt and flood risk subject to the demolition of the existing building to the south of the site, if minded to approve it is recommended that its demolition is secured by condition (condition 4).

## **ix Planning Balance**

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

*For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.33 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 land designated as Green Belt and areas at risk of flooding. For the reasons set out in section 9 (i) and (viii) it is considered that the proposed development is inappropriate development in Green Belt but there

is no clear reason for refusing the proposed development on this basis. For the reasons set out in Section 9 (vi) it is considered that the site is not at risk of flooding. Accordingly, the so-called 'tilted balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

## 10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The Royal Borough of Windsor and Maidenhead implemented its Community Infrastructure Level (CIL) to help deliver the infrastructure needed to support development in the area in September 2016. In accordance with the adopted CIL charging schedule the development is CIL liable, but the chargeable rate is £0 per square metre.

## 11. 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. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. However, such an assessment is considered to be academic. This is because for reasons set out above, Officers are of the view that if this application is determined in accordance with the normal test under section 38(6) of the 2004 Act the proposal is in general conformity with the Development Plan overall and that there are no material considerations of sufficient weight to justify refusal.

## 12. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan
- Appendix B - Proposed Plans and Elevations
- Appendix C – Existing Building to be Demolished

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

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

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

2 The 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 building to be extended. The development shall be carried out in accordance with the approved details.

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

3 Prior to 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 Within one month of the substantial completion of the development the building shown to be removed on drawing ref: 753-501 shall be demolished in its entirety and all materials resulting from such demolition works shall be removed from the site.

Reason: To prevent the undesirable consolidation of development on the site having regard to its Green Belt location. Relevant Policies - Local Plan GB1, GB2,

5 The new shed hereby approved shall be used only for the storage of funfair rides and equipment used/owned by travelling showpeople who live at this application site and for the ancillary repairs of such rides and equipment. The building shall be completely removed from the application site

when it is no longer required for such purposes.

Reason: In the interests of the amenities of neighbouring properties, and to safeguard the Green Belt from inappropriate uses. Relevant Policies Local Plan GB1, GB2, DG1.

6 Works of maintenance and repair within the building hereby approved shall take place only between the hours of 0800 and 1800 on Mondays to Fridays, between the hours of 0900 -1300 on Saturdays and at no time whatsoever on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of neighbouring properties

7 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

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

8 Works on site shall not commence until details of the proposed means of disposal of surface water drainage in line with the non-statutory technical standards for sustainable drainage systems have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved scheme of drainage.

Reason: The works are required prior to the commencement to ensure that the site is adequately drained and to prevent the risk of flooding in the locality and to comply with the NPPF.

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

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

## **Informatives**

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

2 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.

3 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.

4 applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities. applicant should be aware the permitted hours of construction working in the Authority are as follows:

- Friday 08.00 - 18.00

08.00 - 13.00

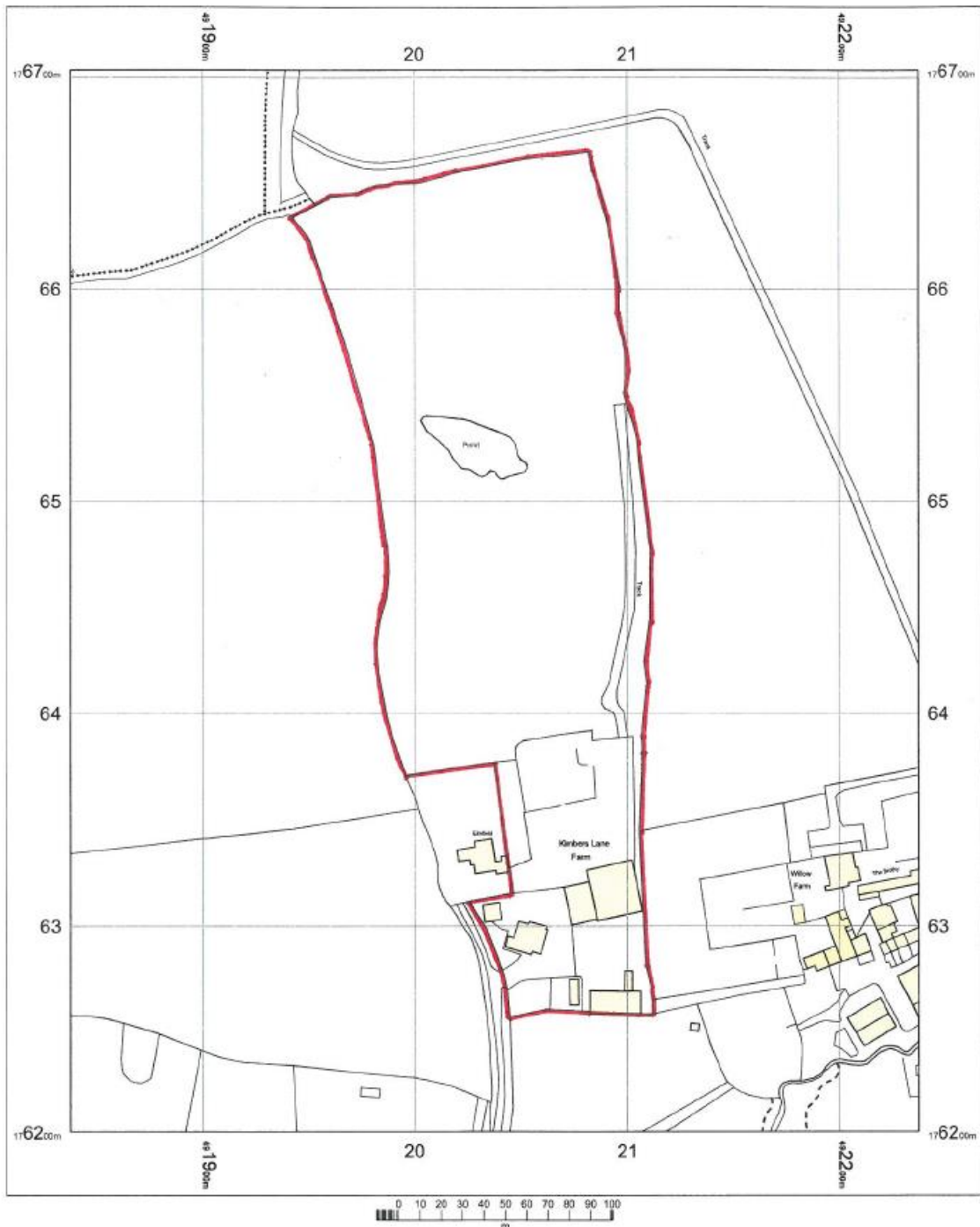
working on Sundays or Bank Holidays.

5 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 68 3830 and follow good practice.

6 There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays. Reason: To protect the amenity of the adjoining properties.



Appendix A – Site Location Plan



**KIMBERS LANE FARM**  
**OAKLEY GREEN ROAD**  
**OAKLEY GREEN**  
**SL4 4QF**

OS MasterMap 1250/2500/10000 scale  
 22 August 2016, ID: CM-00555198  
 www.centremapslive.co.uk  
 1:2500 scale print at A4, Centre: 492038 E, 176454 N  
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 100019980



Appendix B – Proposed Floor Plans and Elevations

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**FILE LEGEND**

Proposed	Existing
Proposed	Existing
Proposed	Existing
Proposed	Existing
Proposed	Existing

Notes:  
 1. All dimensions are in meters.  
 2. All elevations are in meters above sea level.  
 3. All elevations are to the finished ground level.  
 4. All elevations are to the finished ground level.

Site Location  
 NTS

Proposed Front Elevation  
 SCALE 1:200@A1

Proposed Rear Elevation  
 SCALE 1:200@A1

Proposed Side Elevation  
 SCALE 1:200@A1

Proposed Side Elevation  
 SCALE 1:200@A1

Proposed Floor Plan  
 SCALE 1:200@A1

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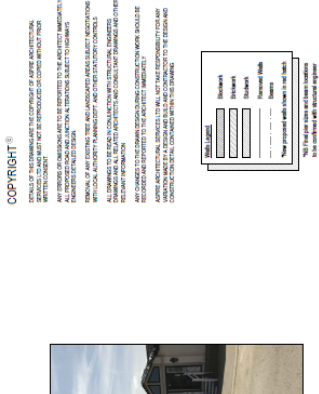
WWW.CUNNANETOWNPLANNING.CO.UK  
 Cunnane Town Planning LLP  
 Suite 4  
 Oneil House  
 30-32  
 Richmond Way, JD, Richmond, TN9 3DL  
 Tel: +44 (0)20 3646 6390

PROPOSED MAINTENANCE BUILDING

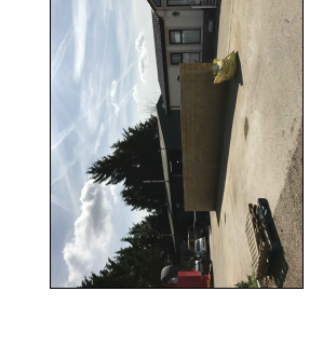
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# Appendix C – Existing Building to be Demolished

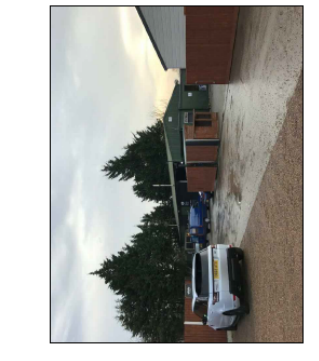
**Site Location**  
NTS




**Existing Front Elevation**  
SCALE 1:100@A1



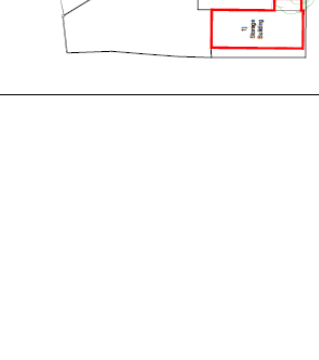
**Existing Side Elevation**  
SCALE 1:100@A1




**Existing Rear Elevation**  
SCALE 1:100@A1




**Existing Side Elevation**  
SCALE 1:100@A1



**Existing Floor Plan**  
SCALE 1:100@A1



**Existing Roof Plan**  
SCALE 1:100@A1



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**Legend**

- Existing Building
- Existing Footprint
- Existing Structure
- Existing Foundation
- Existing Site
- New proposed walls, doors and windows

100% Final Design  
10/20/2024

**Scale**  
0 1 2 3 4 5 6 7 8 9 10 METERS

**Revision**

NO.	DATE	DESCRIPTION

**Established 1993**  
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Chris Knight  
26, The Quadrant  
Rushmore, RG5 2JA  
Tel: 44 (0)300 3846 8990

**Project**  
NUMBER 1 (JAMES) RAIN, OAKLEY GREEN ROAD, WINDSOR, SL4 4ZF

**Title**  
EXISTING STORAGE BUILDING

**Drawn By**  
AG

**Checked By**  
JCS/BE

**Drawn Date**  
7/3/2024

**Scale**  
1:100@A1

**Date**  
DEC-18

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Agenda Item 5

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

22 January 2020

Item: 2

<b>Application No.:</b>	19/01344/FULL
<b>Location:</b>	Main Road And Surrounding Land From The Green To Junction With Bartletts Road Ascot Road Holyport Maidenhead
<b>Proposal:</b>	Construction of a ditch.
<b>Applicant:</b>	Janice Eden-Bagley
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Bray Parish/Bray
<b>If you have a question about this report, please contact:</b> Briony Franklin on 01628 796007 or at <a href="mailto:briony.franklin@rbwm.gov.uk">briony.franklin@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 Bray Parish Council is seeking planning permission for measures to help prevent incursion onto The Green in Holyport village. The original proposal included the construction of a ditch and bund. Following concerns raised on flooding grounds and visual amenity the application has now been amended to delete the bund. The proposed ditches would run either side of the A330 Ascot Road and would be set back from the road by just under one metre. They would be 600mm wide and have a depth of 450mm.
- 1.2 The proposed ditches would constitute appropriate development in the Green Belt. Provided they are suitably planted they would have no adverse impact on the character and appearance of the Conservation Area or the locality in general. In addition the ditches would pose no flood risk providing the material to be removed to form the ditches is removed from site immediately. Subject to the imposition of suitable conditions the proposal is considered to be acceptable.

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

**2. REASON FOR PANEL DETERMINATION**

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

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

- 3.1 The application site comprises grass verge/ open land on either side of the A330 Ascot Road known as 'The Green' within Holyport Village.
- 3.2 The land is common land and is cared for and maintained by Bray Parish Council.

**4. KEY CONSTRAINTS**

- 4.1 The site lies within the designated Green Belt and the Holyport Conservation Area. The site also lies within Flood Zone 3 as indicated on the EA flood maps and lies to the south of the River Bourne. There are some listed buildings and important non-listed buildings situated close to the application site and a public footpath runs along the southern side of the A330.

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

- 5.1 Bray Parish Council proposes to introduce measures to help prevent incursion onto The Green. The original proposal included the construction of a ditch and bund. Following concerns raised by the Environment Agency and the Lead Local Flood Authority (LLFA) on flooding grounds, and visual concerns raised by the Conservation Officer, the application has been amended to delete the bund. Planning permission is therefore now sought for the ditch only, which would run either side of the A330 Ascot Road and would be set back from the road by just under one metre. It would be 600mm wide and have a depth of 450mm. The ditch would run for 280m along the north western side of the Ascot Road and 390m along the south eastern side of the Ascot Road.

## 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
Impact on the Green Belt	GB1 & GB2
Impact on the Conservation Area	CA2
Highways	T5
Trees	N6
Flood Risk	F1

These policies can be found at

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

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2019)

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
Impact on Heritage Assets	HE1
Manages flood risk and waterways	NR1
Trees, Woodlands and Hedgerows	NR2
Sustainable Transport	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 & QP5
Design in keeping with character and appearance of area	QP1, QP3
Impact on Heritage Assets	HE1
Managing Flood Risk and Waterways	NR1
Trees, Woodlands and Hedgerows	NR3
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.

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>

#### 7.4 **Supplementary Planning Documents**

- RBWM Interpretation of Policy F1

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

Other Strategies or publications material to the proposal are:

- Holyport Conservation Area Appraisal

More information on these documents can be found at:

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

## 8. **CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

No comments have been received as a result of 26 occupiers directly notified of the application or as a result of two site notices posted on the 20<sup>th</sup> June 2019 or an advertisement in the Local Press on the 20<sup>th</sup> June 2019.

### **Statutory consultees**

Consultee	Comment	Where in the report this is considered
Conservation Officer	<p>Concern that bund would have a visual effect on the openness of The Green and would cause less than substantial harm to the significance of the Conservation Area.</p> <p><u>Amended proposal</u> (ditch only):</p> <p>No objection to the ditch provided it is appropriately landscaped/planted</p>	Paragraphs 9.4 & 9.5
Tree officer	The installation of the proposed ditch and bund should not have a significant impact on the trees growing within or adjacent to this site and no objection is raised to the application subject to a condition relating to tree protection.	Paragraph 9.12
Highways Section	<p>No highway concerns.</p> <p>A construction management plan and informatives are required. The applicant would need to obtain the relevant licences if work or machinery is to operate or affect the public highway.</p>	Paragraph 9.11
Environment Agency	<p>The site lies within Flood Zone 3b (functional flood plain). Functional Flood plain is defined as 'Land where water has to flow or be stored in times of flood' in accordance with Table 1 'Flood Risk' in the Planning Practice Guidance.</p> <p>In the absence of an acceptable FRA we object and refusal is recommended. The FRA does not adequately assess the flood risk raised by the development.</p> <p><u>Amended proposal</u> (ditch only):</p> <p>The revised application and FRA has satisfactorily addressed earlier concerns and the previous objection is withdrawn.</p> <p>The proposed development will only meet the NPPF's requirements in relation to flood risk if a condition is imposed to ensure the material to form the ditch is removed immediately from site.</p>	Paragraphs 9.6 -9.10
Lead Local Flood Authority	<p>No concerns regarding excavation of the proposed ditch. Concern regarding the potential impact of the proposed bund on overland pluvial (surface water) and fluvial flows. By placing a bund with a height of up to 600mm within an area at risk of flooding, the flood depth and extents upstream may be exacerbated.</p> <p><u>Amended proposal</u> (ditch only):</p> <p>No objection</p>	Paragraphs 9.6-9.10
Environmental Protection	Suggested conditions relating to construction working hours and collection and delivery times. Informatives	Paragraph 9.15



	relating to dust and smoke control.	
Rights of Way officer	No comments received.	Paragraph 9.16
Archaeology officer	There are potential archaeological implications associated with this proposed scheme. The site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. A condition is required to mitigate the impacts of the development in accordance with paragraph 141 of the NPPF.	Paragraph 9.14

## Consultees

Consultee	Comment	Where in the report this is considered
Bray Parish Council	<p>Recommends approval.</p> <p><u>Amended proposal:</u></p> <p>Bray Parish Council has recommended this application be approved and we have no further comment to make.</p>	Noted

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Heritage Assets (Conservation Area and Listed buildings) and impact on character and visual amenity of the area.
- iii Flood Risk
- iv Other material considerations

### Green Belt

9.2 The site is located within the designated Green Belt and the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Under paragraph 146 of the NPPF an engineering operation is not inappropriate development in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it. Local Plan policies GB1 and GB2 are broadly in line with the NPPF.

9.3 The proposal to construct a ditch would constitute an engineering operation and would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. It would therefore be appropriate development in the Green Belt and would accord with Local Plan policies GB1 and GB2 and paragraph 146 of the NPPF.

### Heritage Assets (Conservation Area and Listed Buildings) and impact on the character and visual amenity of the area.

9.4 The site lies within the Holyport Conservation Area and Local Plan policy CA2 requires development to enhance or preserve the character or appearance of the Conservation Area. The

open level grassed space of The Green is an important feature of the Conservation Area and forms the setting of several listed and important non-listed buildings. The character of The Green lies in its openness and it has value to the community because of its accessibility for walkers, riders and local events. Any preventative measures need to maintain these features as much as possible and concern was raised by the Conservation Officer that the bunds would detract from the openness of the area and would cause less than substantial harm to the significance of the Conservation Area.

- 9.5 The application has now been amended to delete the bund and no objection is raised to the construction of the ditch in terms of the character and appearance of the Conservation Area or the locality in general, provided it is appropriately landscaped/planted. The landscape officer has suggested that the ditch is planted with a wildflower seed mix and appropriate planting can be secured by condition. On this basis the proposal is considered to accord with Local Plan policies CA2 and DG1.

### **Flood Risk**

- 9.6 The site lies within Flood Zone 3b (functional flood plain). Functional floodplain is defined as 'land where water has to flow or be stored in times of flood' in accordance with table 1 'Flood Risk' in the Planning Practice Guidance. In Flood Zone 3b (functional floodplain) only water-compatible uses and the essential infrastructure listed on table 2 of the Technical Guidance should be permitted and should be designed and constructed to remain operational and safe for users in times of flood; result in no net loss of floodplain storage and not impede water flows and not increase flood risk elsewhere.
- 9.7 Local Plan policy F1 states that within areas liable to flood, development will not be permitted unless it can be demonstrated that the proposal would not of itself, or cumulatively in conjunction with other development 1) impede the flow of flood water; or 2) reduce the capacity of the flood plain to store flood water; or 3) increase the number of people or properties at risk from flooding.
- 9.8 The Environment Agency raised objection to the original proposal to construct a ditch and bund. The submitted FRA did not comply with paragraph 163 of the NPPF and did not adequately assess the flood risk posed by the development. The FRA failed to consider whether flood risk would be increased in the surrounding area. In addition the LLFA raised concern regarding the potential impact of the proposed bund on overland pluvial (surface water) and fluvial flows. By placing a bund with a height of up to 600mm within an area at risk of flooding, the flood depth and extents upstream could be exacerbated.
- 9.9 The application has been amended to delete the bund and a revised FRA has been submitted. The EA has now withdrawn its objection. However the proposed development would only meet the NPPF's requirements in relation to flood risk provided a condition is imposed to ensure that the development is carried out in accordance with the revised FRA and that the materials removed to form the ditches is removed immediately from the site in order to prevent an increase in the risk of flooding. The LLFA has also confirmed they have no objection to the revised proposal.
- 9.10 The revised proposal would accord with Local Plan policy F1 and the guidance set out in paragraphs 155-165 of the NPPF.

### **Other Material Considerations**

- 9.11 During the course of the application the Parish Council has confirmed that the soil from the ditch will be disposed of in accordance with regulations and a reputable local company, with the required documentation, will be used. The Highway Authority has raised no objection to the proposal subject to a Construction Management Plan and Informatives being added advising the applicant of the need to obtain the necessary licences if work or machinery is to affect the public highway.
- 9.12 The applicant has also confirmed that the existing drain which crosses underneath the A330 Ascot Road, the post and rail fencing and the nearby planting and trees would remain unaffected by the proposal. The tree officer has raised no objection to the proposal in terms of

its impact on trees subject to the imposition of a condition to secure appropriate tree protection measures.

9.13 The applicant has acknowledged that should further measures be deemed necessary to prevent any incursion from the north such as bollards or posts, these proposals would be subject of a separate planning application.

9.14 The site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. A condition is therefore required to mitigate the impacts of the development in accordance with paragraph 141 of the NPPF.

9.15 The Environmental Protection team has suggested the imposition of conditions relating to construction working hours and collection and delivery times and informatives relating to dust and smoke control. It is however considered in this case that these issues can be adequately covered by the Considerate Constructors scheme informative. It is not considered that the construction of the ditch would have an adverse impact on the neighbouring residential properties.

9.16 The public footpath which runs along the south side of the A330 would remain unaffected by the proposals.

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

10.1 The development is not CIL liable.

## **11. CONCLUSION**

11.1 The proposed ditch would constitute appropriate development in the Green Belt and subject to suitable planting would have no adverse impact on the Holyport Conservation Area or the character and appearance of the locality in general. In addition the proposal would pose no risk to flooding provided the soil to be removed to form the ditch is removed immediately from site and the land levels are not raised in any way.

11.2 The proposal accords with Local Plan policies GB1, GB2, DG1, CA2, N6, T5 and F1 and with the relevant sections of the NPPF as a material planning consideration.

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

- Appendix A - Location Plan
- Appendix B – Plan showing proposed ditch
- Appendix C – Cross section view of proposed ditch

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

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

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

2 There shall be no raising of existing ground levels on the site.

Reason: To prevent the increased risk of flooding elsewhere due to impedance of flood flows and reduction of floodwater storage capacity. Relevant Policies - Local Plan F1.

3 The development shall be carried out in accordance with the revised Flood Risk Assessment entitled 'The Green, Holyport Road, Holyport, Maidenhead' received on the 12th November 2019

which requires the following mitigation measure:

- the material removed to form the ditches is to be removed immediately from the site.

Reason: To prevent an increase in the risk of flooding by ensuring the satisfactory disposal of spoil away from the site. This is in accordance with paragraph 163 of the NPPF and adopted policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 2003.

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

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

- 5 The ditches shall be planted with a wildflower seed mix specification comprising 70% Strong Creeping Red Fescue, 20% Smooth Stalked Meadow Grass and 10% Creeping Bent, spread 25gm per sq.m unless any variation in the planting specification is first agreed in writing by the Local Planning Authority. The planting shall be carried out in the first planting season following the construction of the ditches or in accordance with a programme first agreed in writing by the Local Planning Authority, and thereafter maintained and retained in accordance with the approved details.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. Relevant Policies - Local Plan DG1 and CA2.

- 6 No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording Berkshire Archaeology and Archaeological Service for: Royal Borough of Windsor & Maidenhead, Reading Borough Council, Slough Borough Council, Wokingham Borough Council & Bracknell Forest Council
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall be carried out in accordance with the approved Written Scheme of Investigation.

Reason: The site lies in an area of archaeological potential, for all periods. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with paragraph 189 of the NPPF.

- 7 Prior to the commencement of any works, a Construction Management Plan showing how construction traffic, 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 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.

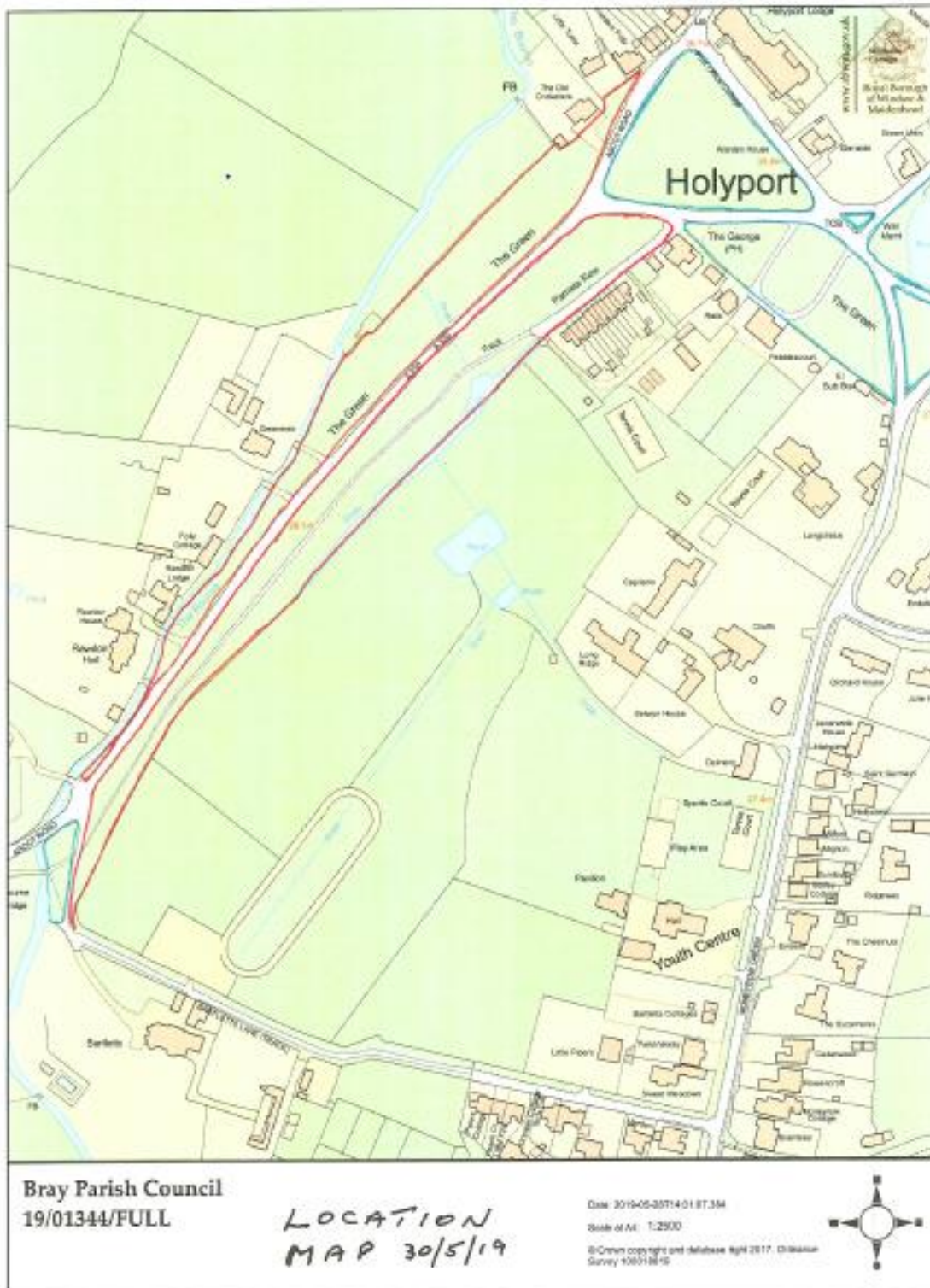
## **Informatives**

- 1 Due to the close proximity of the site to existing residential properties, the applicant's attention is

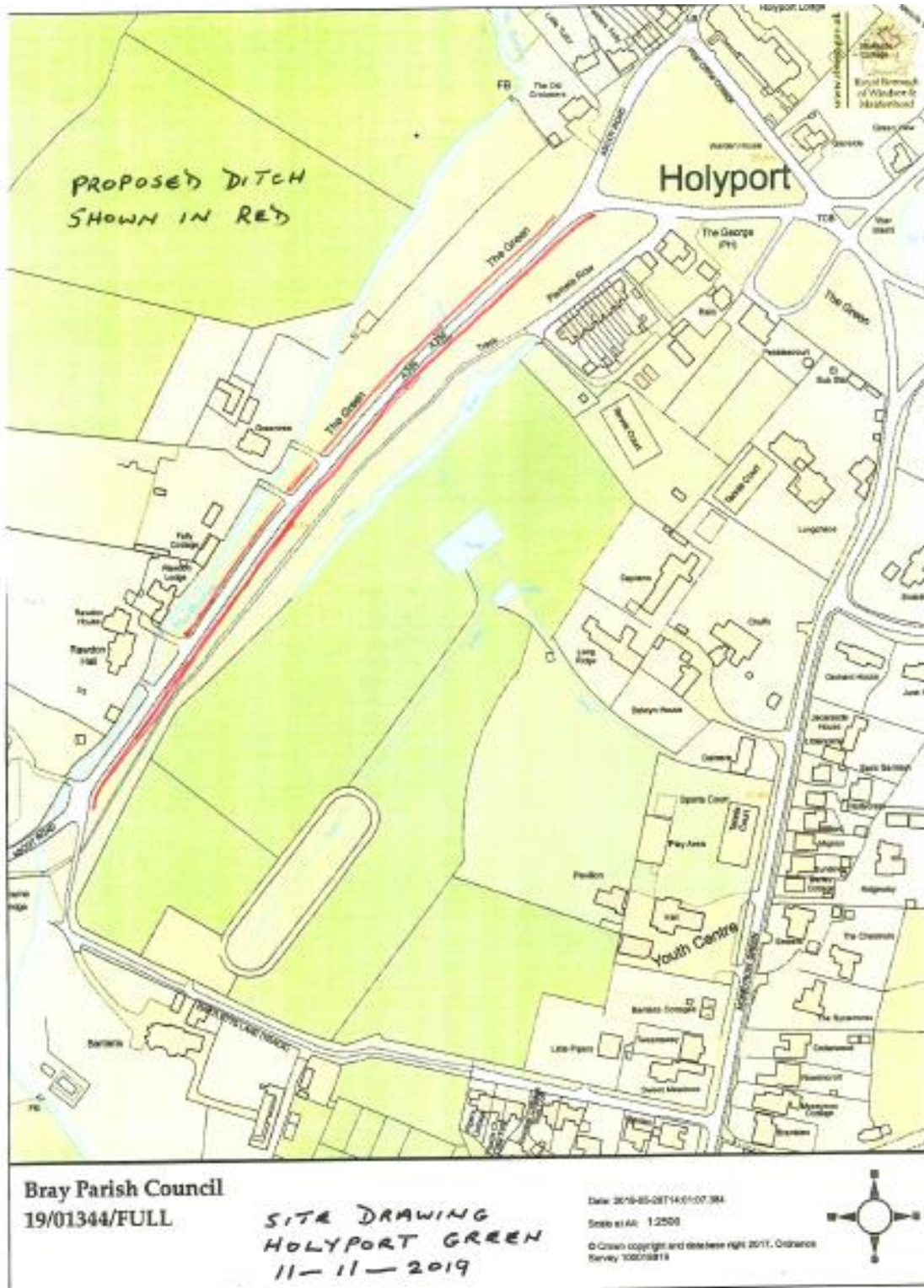
drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site 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](http://www.ccscheme.org.uk)

- 2 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 3 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 4 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 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.
- 7 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.
- 8 The Environment Agency has advised that The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption 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 culverted main river (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) and you don't already have planning permission. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity. Please note that the spoil will need to be removed from the floodplain entirely. A method of works will need to be provided and it must be ensured that the works do not compromise the integrity of the main river.

# APPENDIX A – SITE LOCATION PLAN

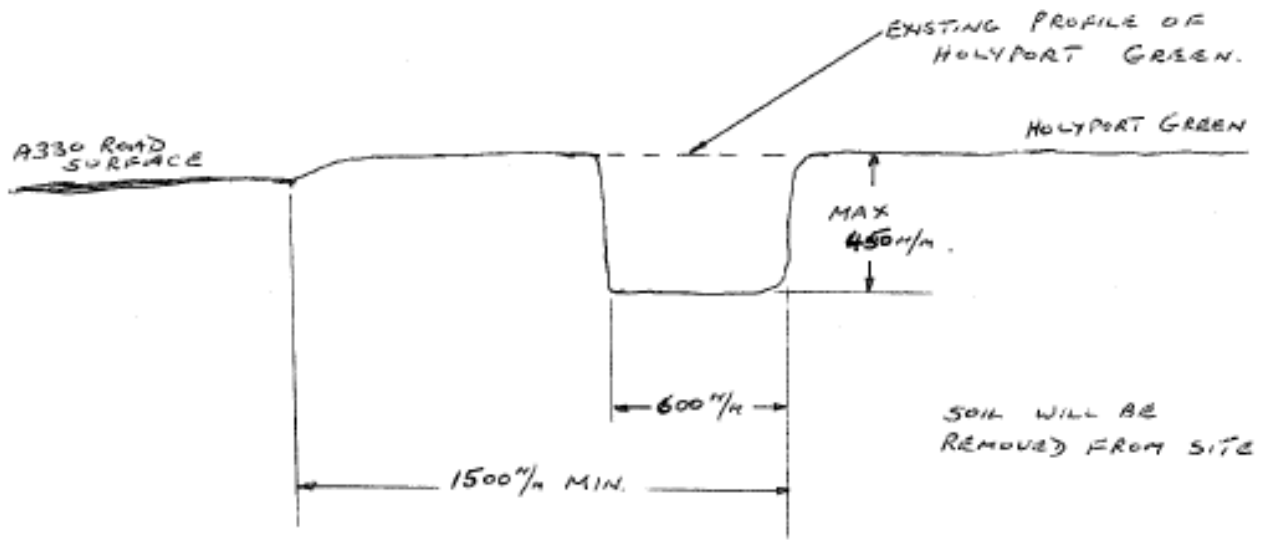


# APPENDIX B – PROPOSED LOCATION OF DITCH



# APPENDIX C – CROSS SECTION OF PROPOSED DITCH

BRAY PARISH COUNCIL  
CROSS SECTION VIEW  
OF PROPOSED DITCH  
FOR HOLYPORT GREEN.



DWG OCTOBER 2019



Agenda Item 6

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

22 January 2020

Item: 3

<b>Application No.:</b>	19/02698/FULL
<b>Location:</b>	Cancer Research UK 101 High Street Maidenhead SL6 1JX
<b>Proposal:</b>	Change of use of the first floor from A1 use to C3 residential use, first and second floor rear extension, changes to external finish and a new second floor with mansard roof to create 4no.self contained flats.
<b>Applicant:</b>	Mr Taylor
<b>Agent:</b>	Mr Graham Gray
<b>Parish/Ward:</b>	Maidenhead Unparished/St Marys
<b>If you have a question about this report, please contact:</b> Tony Franklin on 01628 796155 or at <a href="mailto:tony.franklin@rbwm.gov.uk">tony.franklin@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 This application is for a conversion of the first floor of these premises, a second floor mansard roof extension and a first and second floor rear extension to provide 4 one bedroom flats. The proposal also involves the provision of an internal staircase to provide separate access to the 4 proposed flats.
- 1.2 Overall the proposals would retain the existing retail unit (albeit with a reduced floor area) and provide additional housing in a sustainable town centre location, making more efficient use of under-utilised space above an existing shop unit.
- 1.3 It is not considered to result in harm to the significance of heritage assets (Maidenhead Town Centre Conservation Area and listed building) or their setting, the streetscene when viewed from the High Street, or the character of the area including the skyline when viewed from the wider locality.
- 1.4 The scheme would have an acceptable impact on neighbouring residential amenity in terms of loss of light, visual intrusion and overlooking. Furthermore, the proposal would not harm air quality during the construction or operational phase.
- 1.5 It is considered that there would be no harm in terms of highway safety and the local highway infrastructure. No on-site parking is proposed, but given its sustainable location there are no objections in this respect.

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

**2. REASON FOR PANEL DETERMINATION**

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

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

- 3.1 101 High Street Maidenhead is a late 19<sup>th</sup> century two storey building with a modern shopfront on the ground floor and red brick to the first floor with interesting brick detailing such as herringbone work, gauged arches, and burnt brick headers. To the first floor are casement windows, three four lights above three six lights on each side. The building dates from at least the 1870's where it can be seen on the OS maps. An extension was added in the early C20.
- 3.2 The building forms part of the strong building line on the south side of Maidenhead High Street. It is adjoined directly to the east by 99 High Street, a Non-Designated Heritage Asset, and on the west by 103 High Street, another Non-Designated Heritage Asset. Immediately to the south of the building is the former stable block to Nicholson's Brewery, a Grade II Listed Building, currently used as a restaurant with residential accommodation above.
- 3.3 The current building has a retail unit on the ground floor with ancillary staff and storage areas and access to an enclosed rear yard. An enclosed pedestrian access exists from the ancillary staff/storage area out onto Nicholson's Lane to the rear.
- 3.4 The first floor of the premises is currently accessed via an internal staircase directly from the retail unit and currently comprises a partitioned room used for ancillary storage and office purposes in connection with the existing ground floor retail unit.

**4. KEY CONSTRAINTS**

- 4.1 The site lies within the Maidenhead Town Centre Conservation Area, adjacent to Non-Designated Heritage Assets and the listed former Nicholson's Brewery to the rear. The site forms part of a primary shopping frontage and also lies within an Air Quality Monitoring Area.

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

- 5.1 Permission is sought for the change of use of the first floor of these premises from ancillary retail to a residential use, a first and second floor flat-roofed rear extension and a second floor extension above the existing building in the form of a mansard roof, all to provide 4no. self-contained flats. It is proposed that the flats would be accessed from the rear, off Nicholson's Lane, through the existing enclosed pedestrian access. This would also provide access to the existing rear yard area, which is proposed as a bin and cycle store.
- 5.2 The pedestrian access would lead to an enclosed internal staircase that would serve all 4 flats. The flats are all proposed as one-bedroom units, two as 1 person flats and two as 2 person flats, and all would comply with the national minimum space standards for residential units.

Reference	Description	Decision
18/00338/CLASSM	Class M: Change of use from A1 (retail) to mixed use A1 (retail), C3 (dwelling).	Withdrawn. 22.02.18.
18/01871/CPD	Certificate of lawfulness to determine whether the change of use of a first floor room with ancillary A1 use to C3 residential use is lawful.	Certificate issued. 15.08.18.

**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
Conservation Area	CA1, CA2
Setting of Listed Building	LB2
Retail	S1, S2, MTC7
Housing	H6, H8/9, H10, MTC12

These policies can be found at [https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

## 7. **MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2019)**

Section 4- Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 7 – Ensuring the vitality of town centres

Section 9- Promoting Sustainable Transport

Section 11 – Making effective use of land

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 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
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Housing Density	HO5
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Maidenhead town centre	TR3
Historic environment	HE1, HE3

### **Borough Local Plan: Submission Version Proposed Changes (2019)**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1,QP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Maidenhead retail centre	TR3
Historic environment	HE1

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. Public consultation ran from 1 November to 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](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

### **8. CONSULTATIONS CARRIED OUT**

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

17 properties were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 15 October 2019 and the application was advertised in the Local Press on 10 October 2019.

No letters of representation have been received with regard to this application.

#### **Consultees**

Consultee	Comment	Where in the report this is considered
Conservation	To conclude, the proposals are not considered to have an adverse impact on the Conservation Area and setting on listed building. Due to the nature of the historical development of the core of Maidenhead, the extension of this building is not considered to be out of keeping or inappropriate from the heritage point of view. Recommends imposition of conditions.	9.7 – 9.10
Environmental Protection.	The plans for the above planning application have been reviewed and I would confirm that this Unit has no objections to permission being granted.	Not relevant as proposal is for first and second floor extensions.
Highways	No objections. Recommends imposition of conditions.	9.14 – 9.15

### **9. EXPLANATION OF RECOMMENDATION**

- 9.1 The key issues for consideration are:
- i Principle of Development
  - ii Impact on Character, Including Maidenhead Town Centre Conservation Area
  - iii Affordable Housing
  - iv Highway Safety and Parking
  - v Residential Amenity
  - vi Air Quality

**Issue i- Principle of Development**

- 9.2 It is recognised that Maidenhead town centre represents a sustainable location to live, and in addition to contributing towards meeting local housing need an increase in residential units within Maidenhead town centre would bring more life into the area and help support local shops, services and facilities. As such, Local Plan policy H6 states that the Council will grant planning permission for the provision of additional residential accommodation within town centres. In particular, Local Plan policy H6 encourages the re-use and conversion of vacant upper floors in shopping areas to residential accommodation. Furthermore, MAAP policy MTC12, which also forms part of the Development Plan, states that new housing development will be supported throughout the town centre. It is considered that these policies should be given full weight due to their compliance with paragraph 85 of the NPPF which states that planning policies and decisions should support the role of town centres at the heart of local communities including the recognition that residential development plays an important role in ensuring the vitality of town centres, and paragraph 117(d) of the NPPF which states that planning decisions should promote and support the development of under-utilised land and buildings especially if this would help meet the identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops and building on or above service yards). Therefore, the proposed flatted units (both the conversion and new build) are supported and are considered to be acceptable in principle. However, overall acceptability is subject to compliance with policies relating to impact on the existing retail unit, on the special character and appearance of the nearby listed building, the adjacent non-designated Heritage Assets and the wider conservation area; highway safety and parking; impact on neighbouring amenity; air quality and overall planning balance. These issues are assessed below.

Impact on Retail Unit

- 9.3 The proposals would involve the loss of the existing first floor ancillary retail storage and administration space and would result in a reduction in the ground floor ancillary retail storage space and shop floor area through the extension of the existing enclosed pedestrian access (from Nicholsons Lane) and the provision of an enclosed internal staircase to provide access to the proposed first and second floor flats.
- 9.4 However, the proposals would provide for the retention of 83 sq.m. of retail sales area with an ancillary storage/admin/staff area of 30 sq.m, which is considered to be sufficient to maintain a retail unit on this primary retail frontage, in accordance with policy MTC7 of the Maidenhead Area Action Plan.

**Issue ii- Impact on Character, Including Maidenhead Town Centre Conservation Area**

Density and Design

- 9.5 MAAP policy MTC12 states that higher density housing will be appropriate in suitable locations. The site is located in Maidenhead Town Centre which is a sustainable location and has been identified as an area for strategic growth. As such, this quantum of development is therefore acceptable in principle. However, balanced against this, Local Plan policy H11 states that

schemes that introduce a scale or density of new development which would be incompatible and cause damage to the character of the area would be resisted and, while paragraph 118 of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes, paragraph 122 of the NPPF states that making efficient use of land should take into account the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed places.

- 9.6 Relevant design policies including Local Plan policy H10 and MAAP policy MTC4 require new development to display a high standard of design and where possible to enhance the existing environment, while policy DG1 states that harm should not be caused to the character of the surrounding area. Proposed developments should preserve and enhance the local character with regard to urban grain, layout, density, scale, bulk, massing, and materials and should incorporate interesting frontages and design details to provide visual interest whilst ensuring no unacceptable harm to neighbouring amenity. The relevant policies of the Local Plan and MAAP are considered to be in line with paragraphs 124 and 130 of the NPPF which advise that high quality buildings and places are fundamental to what planning should achieve and permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of the area.
- 9.7 The Council is also required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with regard to the setting of the listed building to the rear under Section 66(1) of the Act. Local Plan policy CA2 requires development to preserve or enhance the character or appearance of the conservation area by ensuring it is of a high standard of design and sympathetic to local character in terms of siting, proportions, scale, form, height, materials and detailing. Local Plan policy LB1 seeks to ensure that development proposals do not adversely affect the setting of a listed building. As a material consideration, paragraphs 193 to 196 of the NPPF should be given significant weight. It states that the historic environment should be conserved and enhanced in a manner appropriate to its significance, and any harm to the significance of a heritage asset (whether designated or non-designated) or its setting will not be permitted without a clear justification to show that the public benefit of the proposal considerably outweighs any harm to the special interest.

#### Identified Character of the Area and Existing Building

- 9.8 The site lies within the historic core of Maidenhead, as identified in the Council's Townscape Assessment, which forms part of the Maidenhead Town Centre Conservation Area. The Council's Townscape Assessment identifies the historic core as having a clear hierarchy of roads comprising of a main through-route (the High Street) with subsidiary roads leading off the principle streets (King Street, Queen Street, Market Street and White Hart Road). Key characteristics include buildings of human scale, typically 2 to 4 storeys in height, with variations in roofscape and frontages creating interest within the streetscene. Building frontages open directly onto the street, resulting in an active character.
- 9.9 In relation to the special interest of Maidenhead Town Centre Conservation Area, the significance differs from one street to the next as the town centre has developed piecemeal through the passage of time. However, aesthetically the character of the High Street consists predominantly of Victorian and Edwardian façades with remnants of earlier buildings behind the facades and some modern 20th century insertions. The service architecture along the High Street including a number of purpose built stables, inns, banks and shops illustrates the historic role of the High Street as an important stopping point for coaches on the Great West Road, and the variations can be attributed to the organic construction of buildings along the commercial main street of the town. In terms of scale and mass, the large majority of the built form within the conservation area is 2 to 3 storeys in height, which is typical of the eras in which they were built.
- 9.10 The existing building is an interesting later 19<sup>th</sup> century building and whilst the ground floor has been modernised the first floor and some internal features remain intact. The building is sandwiched between two non-designated heritage assets and has the listed former stables building for Nicholsons Brewery to the rear. The character of the rear of the High Street and Nicholsons Lane is that of an eclectic form of development of different buildings constructed over different time periods with different heights and styles.

### Layout, Siting, Height and Scale

- 9.11 The development includes a second floor extension in the form of a mansard roof. There are no objections to this raising of the roofline given the heights of the neighbouring and other surrounding buildings. The Conservation Officer is satisfied with the design and finish of this element of the scheme and considers it to be in accordance with policy CA2 of the Local Plan in that it would preserve the existing character of the High Street and Maidenhead Town Centre Conservation Area.
- 9.12 The proposals also involve a first and second floor addition to the rear of the building, which would be staggered in its form, having a maximum depth of 7.7m adjacent to 99 High Street, reducing down to 1.8m adjacent to 103. Both 99 and 103 High Street extend beyond the depth of the proposed extension at second floor level with 99 having a blank flank elevation and 103 having a single window in its side elevation. In light of the foregoing and the eclectic form and design of the existing buildings to the rear, the proposed increase in mass and form would not adversely impact on the setting of either of the adjacent non-designated heritage assets or the listed building to the rear.

### Summary

- 9.13 For the reasons above the proposals are not considered to harm the significance of the Maidenhead Town Centre Conservation Area or its setting or that of the setting of the listed building to the rear and are therefore acceptable in this respect. Furthermore, the proposal is not considered to result in harm to the streetscene when viewed from the High Street or the character of the area when viewed from the wider locality, including medium to long distance views of the skyline.

### **Issue iii- Highway Safety & Parking**

- 9.14 No on-site parking is proposed, but it is considered that the location could support a car-free development given the town centre is considered to be a sustainable location with good access to public transport and local services. Furthermore there are parking restrictions within the vicinity, such as double yellow lines, time limited parking bays and disabled bays to prevent any potential indiscriminate on-street parking to the detriment of highway safety.
- 9.15 The Council's adopted Parking Strategy states that cycle parking in town centres is encouraged by the Council and it should generally be provided at a ratio of at least 1 cycle parking space per residential unit. 4 cycle parking spaces are proposed in the yard area, accessed off Nicholsons Lane to the rear and no objections arise to this provision.

### **Issue iv- Impact on Neighbouring Amenity**

- 9.16 Local Plan policy H11 states that in established residential areas development which introduces a scale or density that would cause damage to the amenity of the area would be resisted. As a material consideration, paragraph 127 of the NPPF also states that planning decisions should ensure that development should achieve a high standard of amenity for existing and future users. However, this should be balanced against paragraph 123 of the NPPF which states that where there is an existing or anticipated shortfall of land for meeting identified housing need when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 9.17 As stated above, both 99 and 103 High Street extend beyond the depth of the proposed extension at second floor level with 99 having a blank flank elevation and 103 having a single window in its side elevation. No. 103 is in commercial use at first floor level and it is not considered that the proposed development would materially impact on the amenities of either property. The first floor level of the listed restaurant building to the rear is in residential use and it contains 3 windows facing the site. The proposed extension would be sited some 5.7m distant

from the rear facing elevation of the listed building at its nearest point, with the nearest window to window distance being 6.7m but with the proposed window in the rear elevation of the extension being obscurely glazed and non-opening (condition ?) The other two windows proposed in the of the proposed extension would be sited perpendicular to the rear elevation or at an obtuse angle such that it would not be possible to look into the first floor windows in the rear elevation of the listed building. Furthermore, it is not considered that the proximity of the proposed extensions to the listed building would, in itself, materially harm the amenities of the occupants of this property, particularly bearing in mind the juxtaposition of existing buildings in the locality and the content of paragraph 123(c) of the NPPF.

### **Issue vi- Air Quality**

- 9.18 The site lies within an Air Quality Management Area (AQMA) due to the exceedance of the air quality objectives with regard to the annual mean nitrogen dioxide particulate matter. Paragraph 181 of the NPPF requires planning decisions to sustain and contribute to compliance with relevant limits and take opportunities to improve air quality or mitigate potential impacts from both the construction and operational phases of a proposed development.
- 9.19 In this case, the amount and nature of the proposed construction works are relatively limited and the proposed residential units do not propose any on-site parking provision. As such, this proposal is not considered to have any implications for air quality management.

### **Issue viii- Other Material Considerations**

#### Housing Land Supply

- 9.20 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.*

- 9.21 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..).’*

- 9.22 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).
- 9.23 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 application which would engage section d(i) of paragraph 11 of the NPPF (2019). The assessment of this and the sider balancing exercise is set out below in the conclusion.

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



- 10.1 The development is CIL liable, but the required CIL payment for the proposed development would be £0 per square metre.

## **11. PLANNING BALANCE AND CONCLUSION**

- 11.1 Paragraph 11 of the NPPF sets out that the presumption in favour of sustainable development applies and with regard to section viii of this report it is considered that the 'tilted balance' should be applied. This sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 11.2 It is considered that the proposal would not result in harm in terms of the vitality and viability of the town centre, nor is it considered to result in harm to the significance of the heritage assets (Maidenhead Town Centre Conservation Area and adjacent listed building) or their setting. It is not considered to result in harm to the streetscene when viewed from the High Street or the character of the area when viewed from the wider locality. The scheme would have an acceptable impact on neighbouring residential amenity. It is considered that there would be no harm in terms of highway safety and the local highway infrastructure. No on-site parking is proposed, but given its sustainable location there are no objections in this respect. The proposal would not harm air quality during the construction or operational phase.
- 11.3 Weighing in favour of the proposal is the provision of housing on previously developed land. Paragraph 118 of the NPPF goes on to state that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Furthermore, paragraph 68 of the NPPF states that local planning authorities should support the development of windfall sites through policies and decisions and give great weight to the benefits of using suitable sites within existing settlements for homes. The site is considered to be a windfall site (sites not specifically identified in the development plan) and brownfield land within the town centre of an existing settlement. Such a site is considered to be suitable for housing, and the NPPF promotes development of such sites for housing. It is acknowledged that small and medium sized sites can make an important contribution to meeting the housing requirement of an area.
- 11.4 On the basis of the above, the benefits of the proposal would demonstrably outweigh the harm of the proposal.

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

- Appendix A – Existing Plans and Elevations
- Appendix B – Proposed Plans and Elevations

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

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until samples of the materials to be used on the external surfaces of the development(s), including a sample brick panel (incorporating a Flemish Bond, the colour of the mortar and type of pointing to be used) as well as a sample of the natural slate roof finish, have been submitted to, and approved in writing by, the Local Planning Authority. The development(s) shall be carried out and maintained thereafter in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area and the character and appearance of the Conservation Area. Relevant Policies - Local Plan DG1 and CA2.
- 3 No development shall take place until full architectural detailed drawings at a scale of not less than 1:20 (elevations, plans and sections) and material schedule of the mansard storey including

windows and rainwater goods have been submitted to, and approved in writing by, the Local Planning Authority. The development(s) shall be carried out and maintained thereafter in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and the character and appearance of the Conservation Area. Relevant Policies - Local Plan DG1 and CA2.

- 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 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.

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

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

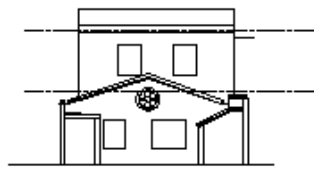
- 6 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

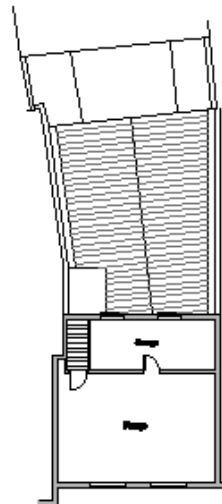
# Appendix 1 Existing Plans and Elevations



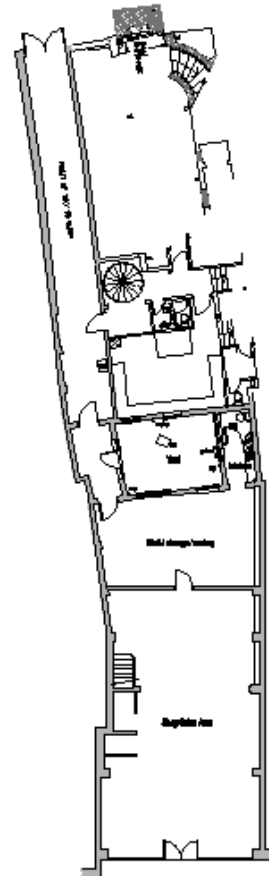
FRONT ELEVATION



REAR ELEVATION (COURT YARD)



FIRST FLOOR PLAN



SECOND FLOOR PLAN

# Appendix 2 Proposed Plans and Elevations



Agenda Item 7

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

22 January 2020

Item: 4

<b>Application No.:</b>	19/03067/OUT
<b>Location:</b>	Field Adjacent To North West Corner of Grove Business Park Waltham Road Maidenhead
<b>Proposal:</b>	Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for an agricultural barn.
<b>Applicant:</b>	Mr & Mrs Smith
<b>Agent:</b>	Mr Jack Clegg
<b>Parish/Ward:</b>	White Waltham Parish/Hurley And Walthams
<b>If you have a question about this report, please contact:</b> Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk	

**1. SUMMARY**

- 1.1 This is an outline application for a large agricultural barn on land belonging to the Shottesbrooke Estate adjacent to the Grove Business Park in Waltham Road. This is an amended application for the agricultural barn approved by Panel on 24.1.2019. That barn would have been 6.5m high, and the current proposal raises its height to 9.8m. There is also a marginal increase in the width of the proposed barn of 1.0m. The applicant has given evidence that a barn of this size is reasonably needed for the purposes of agriculture, and the recommendation is that outline planning permission is granted. Details of landscaping need to be submitted as a reserved matter at a later stage.

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

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

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

**4. KEY CONSTRAINTS**

- 4.1 Policy GB1 of the Local Plan and Paragraph 145 of the National Planning Policy Framework 2019 state that the construction of buildings for agriculture and forestry is appropriate development in the Green Belt.

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

- 5.1 The site area marked by a red line on the site plan would measure 74m by 40m, and the building would measure 73.15m by 30m, with an eaves height of 7m and a ridge height of 9.8m. It would be 2194sqm in area. It would be rectangular in plan, with walls of pre-cast concrete panels with box profile cladding above, a north facing front elevation of twelve 6m wide steel roller shutter

doors, and a dual pitched roof of grey corrugated fibre cement roof panels. It would be located 10m north of the boundary fence of the business park. Approval is sought in this outline application for access, appearance, layout and scale, with landscaping as a reserved matter.

5.2 18/02770/OUT                      Erection of a single storey agricultural barn.                      Approved 24.1.2019

## 6. DEVELOPMENT PLAN

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

### Adopted Royal Borough Local Plan (2003)

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Appropriate development in the Green Belt	GB1, GB2
Trees	N6

These policies can be found at

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

### Hurley and the Walthams Neighbourhood Plan (made on 12 December 2017)

6.2 The Hurley and the Walthams Neighbourhood Plan, which was formally adopted (made) by the Council on 12 December 2017 has the following Spatial Policy relating to Grove Business Park:

WW1 – Housing at Grove Park:

Proposals for the redevelopment of Grove Park, to provide housing, will be supported, subject to:

- i) the majority of dwellings comprising smaller 2 and 3 bedroom houses of no more than two storeys in height;
- ii) providing for a range of housing, including dwellings for downsizers and first time buyers;
- iii) having a positive impact on local character; and
- iv) ensuring safe and secure access onto Waltham Road.

It has the following Policy relating to White Waltham Airfield:

WW3 – White Waltham Airfield

Proposals for development on the White Waltham Airfield, as shown on the Policies Map, will only be supported if they are ancillary to the established airfield use, conserve heritage assets and are appropriate in the Green Belt.

White Waltham Airfield is designated as an Area of Special Character, and the text refers to the protection of existing buildings within the airfield. Policy GEN3 is concerned with Areas of Special Character. It states:

GEN3

Development proposals in a designated area should have regard to the desire to conserve and enhance the characteristics that define that area, as set out in the Neighbourhood Plan Areas of Special Character Study.

This Plan forms part of the development plan and carries significant weight in the decision making process.

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

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

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Housing	HO1
Economy	ED2
Development in the Green Belt	SP5

### Borough Local Plan: Submission Version Proposed Changes (2019) (BLPSVPC)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Housing	HO1
Economy	ED2
Rural Development	QP5

- 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.

These documents can be found at:

<https://www3.rbwm.gov.uk/blp>

- 7.3 The Borough Local Plan Submission Version has policies which relate to Grove Business Park, both Policy HO1 in the Housing Section and Policy ED2 in the Economy Section.

Policy HO1 – Housing Development Sites. Among the sites allocated for housing development and defined on the Policies Map is HA50 – Grove Business Park: allocated for mixed use development. This site has however been removed from the Borough Local Plan Submission Version Proposed Changes (BLPSVPC).

Policy ED2: Employment Sites. The Borough Local Plan will retain sites for economic use and employment as defined on the Policies Map: 6. Established Employment Sites in the Green Belt f) Grove Business Park White Waltham, mixed uses. The Borough Local Plan Submission Version Proposed Changes (BLPSVPC) also lists Grove Park Business Park, Mixed Uses as an established employment site in the Green Belt.

Within business areas and mixed use areas, intensification of employment activity will be encouraged subject to the provision of appropriate infrastructure and safe access. An element of residential development may also be acceptable in mixed use areas but it must ensure that the overall quantum of employment floorspace within the mixed use area as a whole is not reduced, except where it is identified in the proforma in this plan.

Policy H01 and ED2 carry less than significant weight as a material planning consideration in the decision making process due to the status of the BLP at this time.

### Other Local Strategies or Publications

- 7.4 Other Strategies or publications material to the proposal are:
- RBWM Landscape Character Assessment

More information on this document can be found at:

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

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

24 businesses within the Grove Business Park, together with Sorbon Estates which owns the business park and West London Aero Club were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 28.11.2019 and the application was advertised in the Maidenhead Advertiser on 5.12.2019.

No objections were received.

### Consultees

Consultee	Comment	Where in the report this is considered
White Waltham Parish Council	No objection	Noted
Environmental Protection	No objection, suggested informatives	The relevant informatives have been added 12
Local Lead Flood Authority	Recommended a condition if the application is approved	9.14 and condition added 12
Highways	No objection	9.10
Tree Officer	No objection	9.9

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i whether the proposal amounts to appropriate development in the Green Belt;
- ii impact on the openness of the Green Belt;
- iii whether the proposed design would have an acceptable impact on the character of the area;
- iv impact on trees that are important to the character of the area;
- v highways impact, and
- vi impact on Grove Business Park and any potential future uses there



vii other matters, including drainage and airfield issues.

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

- 9.2 Paragraph 145 of the NPPF (2019) states that the construction of new buildings for agriculture and forestry is not inappropriate development within the Green Belt. Policy GB1 of the Local Plan reiterates this exception to the construction of new buildings in the Green Belt as being inappropriate.
- 9.3 The proposed barn would be a building for agriculture. The applicants have stated, inter-alia, the following in support of the enlargement of the previously approved barn:

*The estate as a whole extends to 823.59 ha, of which the arable operations extend over 522.43 ha and 129.35 ha of pastureland. An application for an agricultural storage barn has previously been permitted on the same site however the revised dimensions are proposed due to 1) increased yields, 2) recent investment in upgrading to larger machinery and 3) a reduction in Oil Seed Rape (OSR) being grown and instead increased spring barley being grown. Spring barley will be partially substituted for OSR, and this has a yield of 7.1 tonnes per ha., as opposed to 4 tonnes per ha., namely a 77.5% increase in storage requirement over the calculations in the previous application. The new larger combine harvester has a lift height of 6.690m, hence the required eaves height of 7m in the proposed new barn.*

Figures have been provided which show that the floor area and height proposed is what is reasonably required to store the crops.

- 9.4 Given the above, it is considered that the proposed barn is an agricultural building which is reasonably required for the purposes of agriculture. It will ensure that the viability of the farm is maintained into the future. Consequently it is considered that the proposal is appropriate development in the Green Belt, and complies with Policy GB1 of the Local Plan and paragraph 145 of the NPPF as a material consideration of significant weight.

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

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

### **Design**

- 9.7 Policy DG1 of the Local Plan states among other design guidelines that harm should not be caused to the character of an area through the loss of important features that contribute to that character.
- 9.8 The proposed design would be typical of modern farm barns, and is not considered to be harmful to the open rural character of the area, given its location close to the buildings in Grove Business Park. Views of the barn from within the business park would be softened by the large trees near the northern boundary of the business park and the 10m distance from the mutual boundary. The design of the proposal is considered to be acceptable. The appearance, layout and scale of the proposal is considered to be acceptable.

## **Trees**

- 9.9 Policy N6 of the Local Plan requires the protection of important trees on or near development sites. In this case, there are no trees within the application site, but there are trees within the Grove Business Park adjacent to the site which are the subject of Tree Preservation Orders. The building would be 10m away from the boundary and outside of the Root Protection Areas of the protected trees. It is considered that they are far enough away not to be affected by the proposed development. The impact on trees is therefore acceptable, and the proposal complies with Policy N6 of the Local Plan.

## **Highways**

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

## **Grove Business Park and potential future uses there**

- 9.11 Given the policies in the Hurley and the Walthams Neighbourhood Plan, it is envisaged that Grove Business Park may be redeveloped at some stage in the future to provide mixed employment and residential uses, with the quantum of employment floorspace being no less than it is currently.
- 9.12 There is a current outline application (18/03348) under consideration for the redevelopment of Grove Business Park for up to 79 dwellings and a nursery building (access, layout and scale to be considered). The draft allocation in the BLPSV had been for approximately 66 units, however this site for housing has been removed in the BLPSC Proposed Changes document. No recommendation has been reached at this stage as to whether the current application complies with the Development Plan and other material considerations. The indicative layout submitted with application 18/03348 shows rear gardens to houses along the north-western boundary of the site, which comprises the mutual boundary with this application under consideration.
- 9.13 The proposed barn would be very large at 73m in length, and would be higher than previously approved at 9.8m to ridge. It would be located 10m from the North West boundary of the Grove Business Park. It is considered that this is far enough away not to materially impact whatever the future development or use of this end of the business park site might be. There are also a number of mature trees protected by Tree Preservation Orders along the boundary of the site, which would help to soften views of the barn from within the business park. The agent has confirmed that any grain drying will be a quiet operation that would not be heard outside the barn. It is considered that the recommendation to grant planning permission for this proposed development is not contrary to the development plan or the emerging development plan and that a grant of planning permission would not unreasonably fetter the future redevelopment of the Grove Business Park or conflict with policy WW1 of the Neighbourhood Plan.

## **Other material considerations**

- 9.14 A sustainable drainage scheme was required to be submitted in order to demonstrate that this proposal would not increase the risk of flooding in the area as this is a major application. This has now been supplied together with a soakaway plan, and the Local Lead Flood Authority (LLFA) was re-consulted. The LLFA's response was to request that a condition be added to any permission requiring further details before any works commence.
- 9.15 The Policies Map for the Hurley and the Walthams Neighbourhood Plan shows the White Waltham Airfield site as incorporating the site of the proposed barn, and also several other fields. The airfield and the application site are in the same ownership. The applicants have confirmed that the site of the proposed barn does not fall within the airfield site, but is located in the south of a field which is itself to the south of the airfield. They have provided a copy of the Civil Aviation Authority license registration which includes a plan defining the boundaries of White Waltham Airfield, and the site of the proposed barn is clearly outside of this. If it were within the airfield,

Policy WW3 would apply, which is as follows: 'Proposals for development on White Waltham Airfield, as shown on the Policies Map, will only be supported if they are ancillary to the established airfield use, conserve heritage assets, and are appropriate in the Green Belt.' It is reiterated here that the barn would be appropriate development in the Green Belt, also the site is not part of the airfield, and the proposal conserves heritage assets (namely the buildings on the airfield). Given the location of the barn it is not considered that it would in any case prejudice the operation of the airfield or harm the heritage asset. The neighbourhood plan is a material consideration which is afforded significant weight in the overall planning balance. The proposal has a degree of conflict with Policy WW3 but does not contravene the requirements, aims and purposes of the policy based on the information provided. The previous planning permission for a barn on this site was also considered in light of the foregoing and considered to be acceptable.

## 10. CONCLUSION

The proposal is considered to be appropriate development in the Green Belt which will be beneficial to agriculture and would not be harmful to the character of the area or to the health of nearby protected trees. It would not harm the existing uses (or prejudice future potential uses) of the neighbouring Grove Business Park. The proposal would not harm or prejudice the continued use of the airfield site despite some limited conflict with the Policy Map shown as part of Neighbourhood Plan policy WW3. The proposal is therefore considered acceptable and material planning considerations do not lead to a different conclusion.

## 11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Elevations and floor plan

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

1 Details of the landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.

Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) Order 1995.

2 An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3 The Development shall commence within two years from the date of approval of the last of the reserved matters.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

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

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

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

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

6 No construction shall commence until a surface water drainage scheme for the development, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Full details of all components of the proposed surface water drainage system including

dimensions, locations, gradients, invert levels, cover levels and relevant construction details.

- Supporting calculations based on infiltration rates determined by infiltration testing carried out in accordance with BRE365 confirming compliance with the Non-Statutory Standards for Sustainable Drainage Systems

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

- 7 Prior to any construction works above ground, details of noise attenuation measures including details of any equipment to be used shall first be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to occupation and thereafter retained.

Reason:To ensure a satisfactory level of amenity for the occupants of all existing and proposed neighbouring properties. Relevant Policies - Local Plan NAP2.

- 8 Prior to its installation, details of any external lighting shall first be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to occupation and thereafter retained.

Reason:To ensure a satisfactory level of amenity for the occupants of all existing and proposed neighbouring properties. Relevant Policies - Local Plan NAP2.

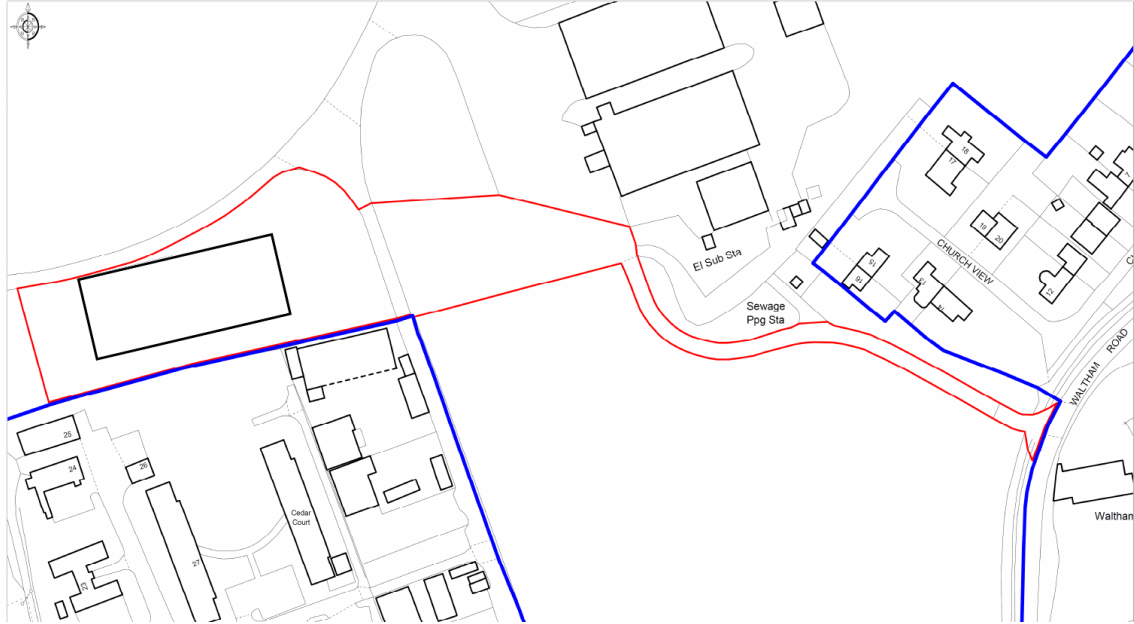
- 9 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

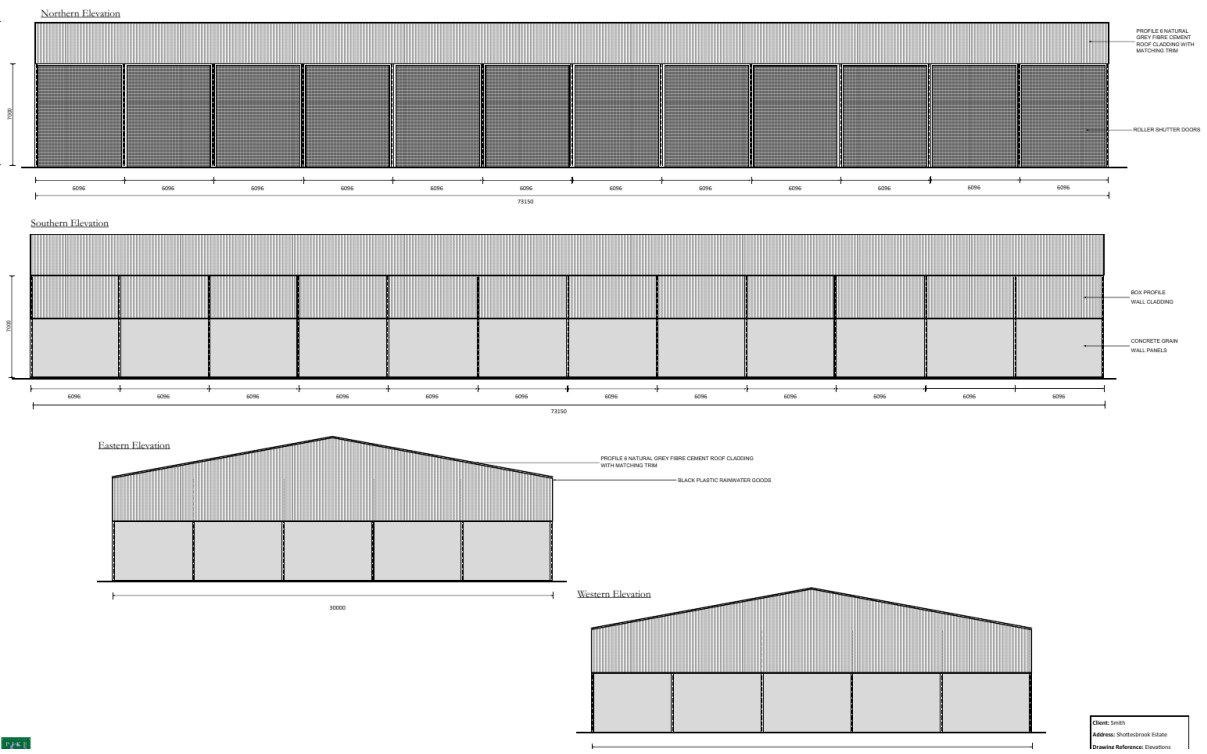
## **Informatives**

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

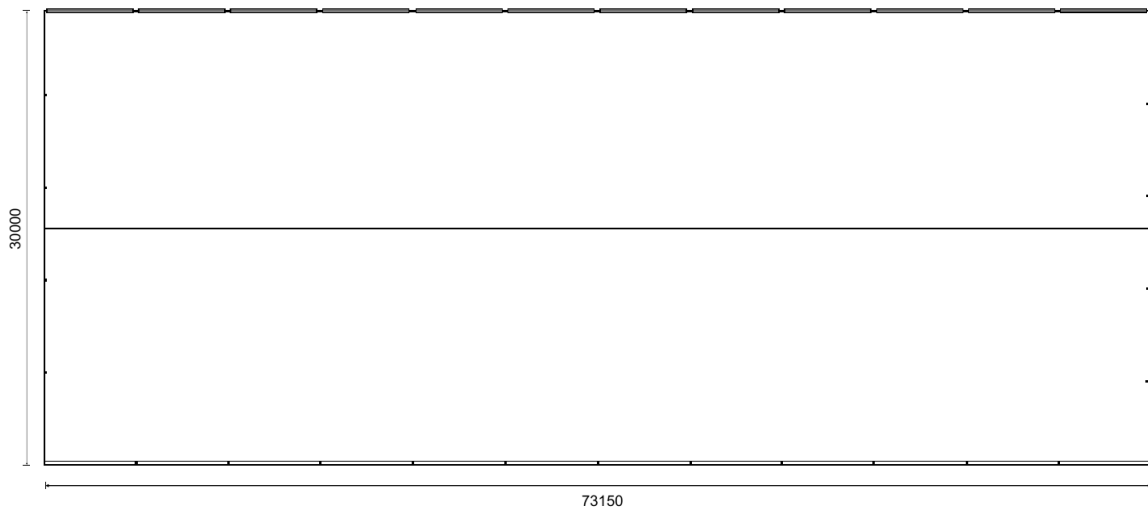
### Location Plan



Appendix A



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



Appendix B

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD  
PLANNING COMMITTEE



Planning Appeals Received

10 December 2019 - 10 January 2020

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 PIn 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:** White Waltham Parish  
**Appeal Ref.:** 19/60124/REF      **Planning Ref.:** 19/01231/OUT      **Plns Ref.:** APP/T0355/W/19/3237079  
**Date Received:** 10 December 2019      **Comments Due:** 14 January 2020  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Outline application for access and parking only to be considered at this stage with all other matters to be reserved for 1 x dwelling.  
**Location:** **Bath Cottage Bath Road Littlewick Green Maidenhead SL6 3QR**  
**Appellant:** Cube Group c/o **Agent:** Mrs Rosalind Gall Solve Planning Ltd Sentinel House Harvest Crescent Fleet GU51 2UZ

**Ward:**  
**Parish:** Cookham Parish  
**Appeal Ref.:** 19/60125/REF      **Planning Ref.:** 19/00241/OUT      **Plns Ref.:** APP/T0355/W/19/3237343  
**Date Received:** 10 December 2019      **Comments Due:** 14 January 2020  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Outline application for the erection of 2 x detached houses with access to be considered and all other matters reserved.  
**Location:** **Land At April Dene Warners Hill Cookham Maidenhead**  
**Appellant:** Mr Kris Collett c/o **Agent:** Mr T Rumble Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

**Ward:**  
**Parish:** Bisham Parish  
**Appeal Ref.:** 19/60126/REF      **Planning Ref.:** 19/01312/CPD      **Plns Ref.:** APP/T0355/X/19/3237532  
**Date Received:** 19 December 2019      **Comments Due:** 6 February 2020  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Certificate of Lawful Use (existing) for the permanent stationing of a mobile log home for use as a residential annexe.  
**Location:** **Bridge Cottage Bisham Road Bisham Marlow SL7 1RP**  
**Appellant:** Mr And Mr Wheeler And Palmer c/o **Agent:** Mr Richard Cosker RCC Town Planning Consultancy Sandcliffe House Northgate Street Devizes Wiltshire SN10 1JT

**Ward:**  
**Parish:** Cox Green Parish  
**Appeal Ref.:** 19/60127/REF      **Planning Ref.:** 19/01502/FULL      **Plns Ref.:** APP/T0355/W/19/  
3240867  
**Date Received:** 20 December 2019      **Comments Due:** 24 January 2020  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** New four bedroom detached dwelling.  
**Location:** **Land Adjacent To 65 Treesmill Drive Maidenhead**  
**Appellant:** Mr S Ali **c/o Agent:** Mr Stuart Keen SKD Design Ltd Unit 16 Woodlands Business Park  
Woodlands Park Avenue Maidenhead Berkshire SL6 3UA



# Appeal Decision Report

10 December 2019 - 13 January 2020

## MAIDENHEAD

**Appeal Ref.:** 19/60028/REF      **Planning Ref.:** 18/03047/TPO      **Plns Ref.:** APP/TPO/T0355/  
7274

**Appellant:** Mr Matt Arpino Pendle House 75 Altwood Road Maidenhead SL6 4PS

**Decision Type:**      **Officer Recommendation:** Partial  
Refusal/Partial  
Approval

**Description:** (T2 and T4)- Corsican Pine - Fell. (T5) - Lime - Fell. (TPO 1 of 1971).

**Location:** **Pendle House 75 Altwood Road Maidenhead SL6 4PS**

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

**Main Issue:** The Inspector concluded that the tree, Lime T5, makes a positive contribution to the local area. Insufficient evidence has been produced to justify its felling.

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**Appeal Ref.:** 19/60056/NOND    **Planning Ref.:** 17/03857/OUT    **Plns Ref.:** APP/T0355/W/19/3225689  
**Appellant:** Mr Craig Killoran **c/o Agent:** Mrs Elizabeth Alexander Bell Cornwell LLP Unit 2 Meridian Office Park Osborn Way HOOK RG27 9HY  
**Decision Type:** Committee    **Officer Recommendation:** Would Have Refused

**Description:** Outline application for 150 dwellings off with new access off Holyport Road with emergency access only onto Ascot Road. Provision of a 667sq.m. Doctors Surgery with 25 parking spaces. Change of use of agricultural land to community park, open space, two grass football pitches, allotments and the change of use of an existing farm building to a community building. Ancillary landscaping and parking. All matters reserved except for access.

**Location:** **Lodge Farm And Water Tower Ascot Road Holyport Maidenhead SL6 2HX**

**Appeal Decision:** Dismissed    **Decision Date:** 16 December 2019

**Main Issue:** The Inspector concluded that, overall, the scheme would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. With regard to openness, the Inspector stated that the concentration of up to 150 dwellings, together with the provision of a doctor's surgery, would present a significant impact on openness of the Green Belt, resulting in its permanent loss and an unacceptable change to its character and nature. It was considered that the development would result in encroachment into the countryside and would represent unrestricted urban sprawl, contrary to both of these purposes of the Green Belt and that by introducing the presence of considerable built form and associated domestic gardens and paraphernalia into this area, it would considerably diminish the rural spaciousness and character currently provided by the appeal site thereby harming the character and appearance of this rural area. As such, the visual impact of the development would impinge on the character and nature of the Green Belt significantly diminishing the quality of its openness. This identified harm to the Green Belt should be given substantial weight in the balance of this decision. Bearing in mind the scale of the development and its impact on the non-designated and designated heritage assets, including the conservation area as a whole, it was considered that the level of harm would be less than substantial. Accordingly, the appeal development would conflict with Policy CA2 of the LP, which amongst other aims seeks to ensure that development preserves or enhances the character of the conservation area, as well as seeking to protect views that contribute to the distinctive character of the conservation area. It would also be contrary to the objectives of the Framework, which amongst other aims seeks to conserve designated heritage assets in a manner appropriate to their significance. The Inspector concluded that the deficit in the Council's 5 year housing land supply represented a significant shortfall and attached significant weight to this. He also considered that the provision of affordable housing would be a clear benefit, which must be given significant weight in the overall balance of the decision. The Inspector attributed significant weight to the provision of housing and affordable housing and this weighs in favour of the proposal. He only attributed moderate weight to the provision of mainly houses rather than flats, the provision of a community park, allotments, sports provision and economic benefits and limited weight to the provision of a doctor's surgery, and the ecological benefits. Even when taking these matters cumulatively, they do not clearly outweigh the totality of harm to the Green Belt and other harm. As such very special circumstances to justify inappropriate development do not exist. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Inspector found conflict with saved policies GB1 and CA2 of the LP and therefore considered that the proposal conflicts with the development plan as a whole. Overall, taking account of the Framework and the above considerations, including the benefits of the development, the Inspector found that material considerations do not indicate that planning permission should be granted for the development, which conflicts with the development plan. The development was therefore found to be unacceptable for the reasons set out above and the appeal was dismissed, and planning permission refused.

**Appeal Ref.:** 19/60067/ENF      **Enforcement Ref.:** 17/50209/ENF      **Plns Ref.:** APP/T0355/F/18/3219317

**Appellant:** Mr Leroy Nicholas Bangs **c/o Agent:** Mr Tom Brooks Icen Projects Ltd Da Vinci House 44 Saffron Hill London EC1N 8FH

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

**Description:** Appeal against Listed Building Enforcement Notice: Without Listed Building Consent: 1. Removal of a chimney stack and fireplace from the dining room. 2. The creation of new openings and fitting of windows in the west elevation in what is known as bedroom 3. 3. The reconfiguration of the projecting roof on the ground floor covering the dining room.

**Location:** **Blaizes Twyford Road Waltham St Lawrence Reading RG10 0HE**

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

**Main Issue:** The works undertaken in relation to the appeal as described in the Notices have caused great harm to the significance and special architectural and historic interest of the listed building, each coming within the level of 'less than substantial' harm as categorised by the National Planning Policy Framework. The Inspector does not consider that the benefits identified anywhere near outweigh the harm of what has been done as identified in the various allegations, either individually or cumulatively, such that listed building consent should be granted, either individually or cumulatively. The appeals on ground (e) fail and listed building consent do not accord with LP Policy LB2 or the emerging ELP HE1 and are refused.

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**Appeal Ref.:** 19/60068/ENF      **Enforcement Ref.:** 17/50209/ENF      **Plns Ref.:** APP/TO355/F/18/3219318

**Appellant:** Mr Leroy Nicholas Bangs **c/o Agent:** Mr Tom Brooks Icen Projects Ltd Da Vinci House 44 Saffron Hill London EC1N 8FH

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

**Description:** Appeal against Listed Building Enforcement Notice: Without Listed Building Consent: 1. The removal of internal walls. 2. Plastering of Walls, ceilings and fireplaces. 3. Removal of the external wall on the first floor on the north elevation of the bathroom.

**Location:** **Blaizes Twyford Road Waltham St Lawrence Reading RG10 0HE**

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

**Main Issue:** The works undertaken in relation to the appeal as described in the Notices have caused great harm to the significance and special architectural and historic interest of the listed building, each coming within the level of 'less than substantial' harm as categorised by the National Planning Policy Framework. The Inspector does not consider that the benefits identified anywhere near outweigh the harm of what has been done as identified in the various allegations, either individually or cumulatively, such that listed building consent should be granted, either individually or cumulatively. The appeals on ground (e) fail and listed building consent do not accord with LP Policy LB2 or the emerging ELP HE1 and are refused.

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**Appeal Ref.:** 19/60069/ENF      **Enforcement Ref.:** 17/50209/ENF      **Plns Ref.:** APP/T0355/F/18/3219319

**Appellant:** Mr Leroy Nicholas Bangs **c/o Agent:** Mr Tom Brooks Icen Projects Ltd Da Vinci House 44 Saffron Hill London EC1N 8FH

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

**Description:** Appeal against Listed Building Enforcement Notice: Without listed building consent new windows and removal of a window.

**Location:** **Blaizes Twyford Road Waltham St Lawrence Reading RG10 0HE**

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

**Main Issue:** The works undertaken in relation to the appeal as described in the Notices have caused great harm to the significance and special architectural and historic interest of the listed building, each coming within the level of 'less than substantial' harm as categorised by the National Planning Policy Framework. The Inspector does not consider that the benefits identified anywhere near outweigh the harm of what has been done as identified in the various allegations, either individually or cumulatively, such that listed building consent should be granted, either individually or cumulatively. The appeals on ground (e) fail and listed building consent do not accord with LP Policy LB2 or the emerging ELP HE1 and are refused.

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**Appeal Ref.:** 19/60076/REF      **Planning Ref.:** 19/00379/FULL      **Plns Ref.:** APP/T0355/W/19/3232541

**Appellant:** Mrs Khan **c/o Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead SL6 5EY

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

**Description:** Two storey front infill extensions, two storey rear extension, new entrance canopies and single storey side extension to 49 Cookham Road, following demolition of the existing single storey rear element of 1 Australia Avenue and raising of main ridge, 2 No. front dormers, rear rooflights, first floor front balcony and alterations to front, rear and first floor side facing windows.

**Location:** **1 Australia Avenue Maidenhead And 49 Cookham Road Maidenhead**

**Appeal Decision:** Dismissed      **Decision Date:** 6 December 2019

**Main Issue:** The Inspector deemed the proposal harmful to the character and appearance of the host properties. They stated that the contribution that the dwellings make to the character and appearance of the area would be diminished as a result of the new extensions and alterations. Moreover, the proposal would introduce a type of development into the locality, which would be uncharacteristic, and this would result in significant harm to the established character and appearance of the area. The proposal therefore would conflict with Policies DG1 and H14 of the Local Plan and emerging Policies SP2 and SP3 of the Borough Local Plan 2013 - 2033 Submission Version.

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**Appeal Ref.:** 19/60093/REF      **Planning Ref.:** 19/00342/CPD      **Plns Ref.:** APP/T0355/X/19/3233539

**Appellant:** Ms Eleanor Jones 7 South Road Maidenhead SL6 1HF

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

**Description:** Certificate of lawfulness to determine whether the proposed hip-to-gable conversion, L-shaped rear dormer and front rooflights is lawful.

**Location:** **7 South Road Maidenhead SL6 1HF**

**Appeal Decision:** Allowed      **Decision Date:** 5 December 2019

**Main Issue:** The Inspector considers that the proposed L-shaped former is one discrete operation, not separate out its constituent parts. The proposed L-shaped dormer would be a single structure, and so as a matter of fact and degree, it would be an enlargement which joins the main roof to the roof of the outrigger and conditions B.2 (b)(i)(aa) and B2(b)(ii) do not apply. Furthermore, they considered the proposal not fall under Class A,

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