

NOTICE OF MEETING

MAIDENHEAD AREA DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 19TH FEBRUARY, 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, DEL CAMPO, JON DAVEY AND NEIL KNOWLES

Karen Shepherd – Head of Governance - Issued: 11 February 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 – if you are viewing this on the website and there are appendices you are unable to access, please contact the Panel Administrator **Shilpa Manek** 01628 796310, or democratic.services@rbwm.gov.uk

Accessibility - Members of the public wishing to attend this meeting are requested to notify the clerk in advance of any accessibility issues.

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AGENDA

PART 1

ITEM	SUBJECT	WARD	PAGE NO
1.	<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 22 January 2020.		7 - 10
	<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 http://www.rbwm.gov.uk/pam/search.jsp APP = Approval CLU = Certificate of Lawful Use DD = Defer and Delegate DLA = Defer Legal Agreement PERM = Permit PNR = Prior Approval Not Required REF = Refusal WA = Would Have Approved WR = Would Have Refused		
4.	<u>19/01140/FULL - LAND TO THE SOUTH OF 18 TO 20 AND OPEN SPACE TO THE SOUTH OF RAY MILL ROAD EAST MAIDENHEAD</u> <i>Proposal: Construction of 17 x one bedroom dwellings; 18 x two bedroom dwellings; 17 x three bedroom dwellings; 28 x four bedroom dwellings, bin storage associated landscaping and parking, new access from Ray Mill Road East and public open space.</i> Recommendation: REFUSE Applicant: Cala Homes (Thames) Ltd And RBWM		11 - 44

	<p>Member Call-In: N/A</p> <p>Expiry Date: 21 November 2019</p>	
5.	<p><u>19/03251/OUT - PATTERNDALE FARM BLACKBIRD LANE MAIDENHEAD SL6 3SX</u> Proposal: Outline application for the construction of a replacement dwelling with all matters reserved. Recommendation: PERMIT Applicant: Mr and Mrs Bolt Member Call-In: Councillor Leo Walters Expiry Date: 17 January 2020</p>	45 - 56
6.	<p><u>19/03444/OUT - POUNDSTRETCHER 31 - 33 HIGH STREET MAIDENHEAD SL6 1JG</u> <i>Proposal: Outline application for access, appearance, layout and scale to be considered at this stage with all other matters to be reserved for the part conversion of first floor and new second and third floors to create 10 No. flats with associated works to ground floor.</i> Recommendation: REFUSE Applicant: Mr Howells Member Call-In: N/A Expiry Date: 10 March 2020</p>	57 - 74
7.	<p><u>19/03455/OUT - ZACARA POLO GROUND MARTINS LANE SHURLOCK ROW READING RG10 0PP</u> Proposal: Outline application for a replacement equestrian building with all matters reserved. Recommendation: PERMIT Applicant: Mr Guest Member Call-In: N/A Expiry Date: 10 March 2020</p>	75 - 86
8.	<p><u>19/03501/FULL - LAND KNOWN AS BUDDS PASTURE</u></p>	87 - 94

**EAST OF MONEYROW GREEN AND NORTH OF
FOREST GREEN ROAD HOLYPORT MAIDENHEAD**

*Proposal: New farm track and widening of the existing access
(Retrospective).*

Recommendation: PERMIT

Applicant: Mr Craig

Member Call-In: Councillor Leo Walters

Expiry Date: 10 February 2020

9.

ESSENTIAL MONITORING REPORTS (MONITORING)

To consider the Appeals Decision Report and Planning
Appeals
Received.

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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

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

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

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

“Comments Awaited”.

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

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

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

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

STATEMENT OF THE HUMAN RIGHTS ACT 1998

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

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

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

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

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

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

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

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

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

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

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

Prejudicial Interests

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

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

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

Personal interests

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

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

Agenda Item 3

MAIDENHEAD AREA DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 22 JANUARY 2020

PRESENT: Councillors Phil Haseler (Chairman), Leo Walters (Vice-Chairman), Gurpreet Bhangra, Maureen Hunt, Greg Jones, John Baldwin, Mandy Brar, Catherine Del Campo, Geoff Hill, Donna Stimson and Helen Taylor

Also in attendance: Councillor David Coppinger

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

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Reynolds. Councillor Del Campo was substituting.

DECLARATIONS OF INTEREST

Councillors Hill and Hunt declared a personal interest as they both own properties in Maidenhead Town Centre but were attending the meeting with an open mind. Councillor Walters declared a personal interest as he is a Bray Parish Councillor. Councillor Walters had not taken part in any discussions at the Parish Council and was attending the meeting with an open mind.

MINUTES

RESOLVED: That the minutes of the meeting held on 18 December 2019 be approved.

19/00063/FULL - STEVENS YARD, KIMBERS LANE FARM, OAKLEY GREEN ROAD, OAKLEY GREEN, WINDSOR SL4 4QF

The Panel considered the Head of Planning report on planning applications and received updates in relation to a number of applications, following the publication of the agenda.

NB: * Updates were received in relation to planning applications marked with an asterisk.

A motion was put forward by Councillor Hunt to REFUSE the application contrary to Officers recommendation. The reason given was that the proposed extension would amount to a disproportionate addition to the original building, which would be exacerbated by the cumulative impact when viewed in combination with the existing development on this site. The proposal therefore amounted to inappropriate development and no very special circumstances had been demonstrated that would outweigh the resulting harm. This was seconded by Councillor Brar.

A named vote was carried out.

It was agreed to refuse the application.

19/00063/FULL - STEVENS YARD, KIMBERS LANE FARM, OAKLEY GREEN ROAD, OAKLEY GREEN, WINDSOR SL4 4QF (Motion)	
Councillor Phil Haseler	For
Councillor Leo Walters	For
Councillor Gurpreet Bhangra	For

Councillor Maureen Hunt	For
Councillor Greg Jones	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Catherine del Campo	For
Councillor Geoffrey Hill	Against
Councillor Donna Stimson	For
Councillor Helen Taylor	For
Carried	

19/01344/FULL - MAIN ROAD AND SURROUNDING LAND FROM THE GREEN TO JUNCTION WITH BARTLETTS ROAD, ASCOT ROAD, HOLYPORT, MAIDENHEAD

A motion was put forward by Councillor Walters to APPROVE 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.

19/01344/FULL - MAIN ROAD AND SURROUNDING LAND FROM THE GREEN TO JUNCTION WITH BARTLETTS ROAD, ASCOT ROAD, HOLYPORT, MAIDENHEAD (Motion)	
Councillor Phil Haseler	For
Councillor Leo Walters	For
Councillor Gurpreet Bhangra	For
Councillor Maureen Hunt	For
Councillor Greg Jones	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Catherine del Campo	For
Councillor Geoffrey Hill	For
Councillor Donna Stimson	For
Councillor Helen Taylor	For
Carried	

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

A motion was put forward by Councillor Hill to APPROVE the application as per Officers recommendation. This was seconded by Councillor Del Campo.

A named vote was carried out.

It was agreed to permit the application

19/02698/FULL - CANCER RESEARCH UK, 101 HIGH STREET, MAIDENHEAD, SL6 1JX (Motion)	
Councillor Phil Haseler	For
Councillor Leo Walters	For
Councillor Gurpreet Bhangra	Against
Councillor Maureen Hunt	Against
Councillor Greg Jones	Against
Councillor John Baldwin	For
Councillor Mandy Brar	Against
Councillor Catherine del Campo	For

Councillor Geoffrey Hill	For
Councillor Donna Stimson	Abstain
Councillor Helen Taylor	Abstain
Carried	

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

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

A named vote was carried out.

It was unanimously agreed to permit the application

19/03067/OUT - FIELD ADJACENT TO NORTH WEST CORNER OF GROVE BUSINESS PARK, WALTHAM ROAD, MAIDENHEAD (Motion)	
Councillor Phil Haseler	For
Councillor Leo Walters	For
Councillor Gurpreet Bhangra	For
Councillor Maureen Hunt	For
Councillor Greg Jones	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Catherine del Campo	For
Councillor Geoffrey Hill	For
Councillor Donna Stimson	For
Councillor Helen Taylor	For
Carried	

ESSENTIAL MONITORING REPORTS (MONITORING)

The reports were noted by the Panel.

The Panel thanked officers for all their hard work.

The meeting, which began at 7.00 pm, finished at 8.15 pm

CHAIRMAN.....

DATE.....

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Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

MAIDENHEAD DEVELOPMENT CONTROL PANEL

19 February 2020

Item: 1

Application No.:	19/01140/FULL
Location:	Land To The South of 18 To 20 And Open Space To The South of Ray Mill Road East Maidenhead
Proposal:	Construction of 17 x one bedroom dwellings; 18 x two bedroom dwellings; 17 x three bedroom dwellings; 28 x four bedroom dwellings, bin storage associated landscaping and parking, new access from Ray Mill Road East and public open space.
Applicant:	Cala Homes (Thames) Ltd And RBWM
Agent:	Mr Douglas Bond
Parish/Ward:	Maidenhead Unparished/Maidenhead Riverside Ward
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1. SUMMARY

- 1.1 The scheme proposes 80 residential units on land that is allocated as an important urban open space within the Adopted Local Plan. The site is located within the settlement of Maidenhead, and is located within a reasonably sustainable location.
- 1.2 The reduction in open space as a result of the proposed development is considered to be acceptable, provided that the proposed enhancements to the open space are secured; this would need to be achieved through the signing of a legal agreement. The site had a slow worm and toad population, but these were re-located from the site in 2016. Subject to the Ecological Mitigation and Management Plan, the impacts on ecology are considered to be acceptable.
- 1.3 The site is located within flood zone 3 (high risk flooding). Whilst the scheme is considered to pass the Sequential Test, it is not considered that the Exceptions Test or paragraph 163 of the NPPF (which relates to flood risk) is passed. The scheme also conflicts with Policy F1 of the Adopted Local Plan.
- 1.4 The scheme has several benefits including the contribution it would make to the Council's 5 year housing land supply, the provision of affordable homes (in excess of the Local Plan Policy requirement) which is much needed in the Borough, and the economic benefits that would arise from the scheme. However, it is not considered that these benefits would outweigh the serious concerns over flood risk.
- 1.5 There are matters relating to transport, that the Highway Authority need to address relating to parking, and this will be reported in the Update to Panel. In addition, comments are awaited from Environmental Protection over the proposed location of the sewage pumping station and the impact this would have on residential amenity, which will also be addressed in the Update to Panel.
- 1.6 A legal agreement has not been entered into to secure the affordable units, or the retention, enhancement and management of the resultant open space; however, the applicant has indicated their willingness to enter into an agreement to secure these matters. Irrespective of this, in the absence of a signed legal agreement, the failure to provide affordable housing and the open space also constitute reasons for refusal.

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

- | | |
|-----------|--|
| 1. | The scheme conflicts with Policy F1 of the Adopted Local Plan. It also fails to |
|-----------|--|

	comply with Paragraph 160 (Exceptions Test) and 163 of the NPPF which relates to flood risk.
2	In the absence of a signed legal agreement to secure the provision of on-site affordable housing, the scheme fails to comply with Policy H3 of the Adopted Local Plan.
3	In the absence of a signed legal agreement, the scheme fails to secure open space as required by paragraph 97 of the NPPF.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is designated as a protected urban open space in the Adopted Local Plan. The site is square in shape and measures circa 2.3 hectares. It comprises overgrown grassland, scrub and scattered trees. Informal paths (created through the cutting of grass) have been created in the eastern half of the site. A Public Right of Way runs to the south (along the southern boundary) and partially along the eastern boundary of the site. The Public Right of Way connects Blackamoor Lane to the Deerswood.
- 3.2 The site is situated to the south of Ray Mill Road East, and to the east of Blackamoor Lane. It is approximately 1 km from Maidenhead town centre. The site is surrounded by residential development on all sides, which comprises predominantly detached and semi-detached dwellings, but also includes flatted development.
- 3.3 The character of the area is mixed, and the site is located next to the Townscapes of late 20th Century suburbs (1960s onwards), Interwar suburbs, and Edwardian and Victorian suburbs according to the Council's townscape assessment
- 3.4 To the north, east and west of the application site, the dwellings are predominantly two storeys in height. To the south of the application site, the scale of the buildings tends to be larger; there are two storey buildings, but also large buildings which accommodate flats that are up to 4 to 5 storeys in height.
- 3.5 According to the Environment Agency Flood map for planning the site is situated within flood zone 3 (high risk of flooding)

4. KEY CONSTRAINTS

- 4.1 -Flood Zone
- Important Urban Open Space
- Ecology
- Public Right of Way

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application site measures circa 2.3 hectares. Approximately 1.3 hectares of the site is proposed to be developed for housing, with the remaining 1 hectare shown to be public open space.
- 5.2 The western part of the site is shown to be developed. Within this part of the site, residential units would vary in type and scale. Generally, buildings of a smaller scale are shown to be located to the northern part of the application site, and the scale of the buildings increases throughout the central and southern part of the application site. A breakdown of the housing proposed is set out in the table below.

Reference	House type	Number of bedrooms	Maximum height in metres (approximate)	Number of units within scheme
A.1	Detached	4-5	10.2	3
A.2	Detached	4-5	9.8	1
A.3	Detached	4-5	10	1
A.4	Detached	4-5	9.7	1
A.5	Detached	4-5	9.6	1
B.1	Semi-detached	4	12	2
B.2	Semi-detached	4	12	2
B.3	Semi-detached	4	11.7	2
B.4	Semi-detached	4	11.6	2
B.5	Semi-detached	4	11.6	2
B.6	Semi-detached	4	11.8	2
C.1	Semi-detached	4	11	2
C.2	Semi-detached	4	11	2
C.3	Semi-detached	4	10.3	2
C.4	Semi-detached	4	10.7	2
C.5	Detached	4	11.3	1
D.1	Semi-detached	3	10.8	2
D.2	Semi-detached	3	10.5	2
D.3	Semi-detached	3	10.8	2
D.4	Semi-detached	3	10.7	4
D.5	Terrace	3	11.2	3
E.1	Terrace	3	10.8	4
F.1	Semi-detached	2	8.5	2
F.2	Detached	2	8.4	1
	Apartment Block	16x 2 bed 16x 1bed	15	32

- 5.3 Based on the area of the application site to be developed, the scheme would have a density of around 62 dwellings per hectare.
- 5.4 The eastern part of the application site would be used to provide Public Open Space. The submitted Design and Access Statement sets out that the open space area would comprise:
- Existing grassland
 - Meadow Area
 - Scrub Habitats
 - Existing and newly planted trees
 - SuDS provision
 - Hedgerow planting
- 5.5 The plans show that the existing ground levels on site (where the housing is proposed) would be raised and lowered across the site. The amount by which the land is to be lowered and raised varies across the site, with the maximum change to ground levels being up to 1 metre. Ground levels are proposed to be altered, as they form part of the proposed flood compensation scheme.
- 5.6 This proposed development would not impact on the Public Right of Way that runs along the southern, and part of the eastern boundary of the site.
- 5.7 The proposed vehicular access would be taken from the existing access off Ray Mill Road East.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design	DG1, H10,H11
Highways	P4 and T5
Trees	N6
Flood Risk	F1
Affordable Housing	H3
Public Right of Way	R14
Making housing Accessible	H9
Protection of Urban Open space	R1
Provision of public open space in new developments	R5
Pollution	NAP3
Archeology	ARCH4

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 2- Achieving sustainable development

Section 4- Decision-making

Section 5- Delivering a sufficient supply of homes

Section 8- Promoting healthy and safe communities

Section 9- Promoting Sustainable Transport

Section 11- Making effective use of land

Section 12- Achieving well-designed places

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

Section 15- Conserving and enhancing the Natural Environment

Section 16- Conserving and Enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Housing Density	HO5
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Housing Development Site	HO1
Nature Conservation and Biodiversity	NR3
Trees, Woodlands and Hedgerows	NR2

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
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Open Space	IF1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3

- 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>

Supplementary Planning Documents

- RBWM Interpretation of Policy F1
- Interpretation of Policies R2, R3, R4, R5 and R6.

Other Local Strategies or Publications

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

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

119 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 3rd May 2019 and the application was advertised in the Local Press on the 9th May 2019.

Neighbours and contributors were consulted on additional information on the 20th December 2019 (this was done as additional flooding information was received).

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

Comment		Where in the report this is considered
1.	Concerns over the impact on flood risk, and the impact to surrounding dwellings.	i
2.	Should this application be considered before the updated flood data from the EA is released?	i
3.	Concerns over ground water flooding; comments that incidents of ground water flooding have not been reported correctly, and queries over the monitoring of ground water flooding have been raised.	i
4.	How can the Sequential Test be concluded, until the 2019 data is released.	The 2019 data supports the EA flood map for planning. The Sequential Test has considered the EA flood map for planning.
5.	Low hazard escape route for future occupiers of the units in a flood event cannot be provided.	i
6	Concerns over the impact of the development on traffic, and that not enough parking would be provided, resulting in overspill car parking onto the surrounding roads which experience on-street car parking pressures.	ix
7	The Inspector in the examination of the Borough Local Plan raised issues in the way the application of the Sequential Test had been applied in selecting sites.	The Borough Local Plan is still going through examination. Other sites that the Local Plan puts forward for housing have not been examined by the Inspector yet.
8	Concerns over the width of the access road, and likely collisions between vehicles.	ix
9	Is this scheme going to provide adequate sustainable drainage to control surface water run-off.?	i
10	Who would be responsible for ensuring the SUDs features are maintained?	i
11	It is understood that if the Environment Agency objects to an application, the Council have never gone against the advice of the EA. As such, if the EA objects to an application, the Council will knowingly put additional properties and lives at risk.	i
12	Neighbouring properties have already experienced flooding, building 80 dwellings will add to this.	i
13	Why has information relating to existing flooding to the Fallows not been included?	The applicant is responsible for preparing the FRA.

14	Queries over the proposed boundary treatment with properties, which currently all vary.	Noted.
15	The development will cause harm to the toads.	vii
16	How will immediate neighbours to the site be protected from noise and dust, and how long will the build take?	If the application was being recommended for approval, a condition could be imposed to secure a construction environment management plan.
17	If the site is open plan, how will boundaries be designated?	Details could be secured by planning condition.
18	This space plays an important role in the biodiversity of the area.	vii
19	Surface water flooding maps show flooding to east of site, with proposed flood mitigation to the east of the development how do we know this will not exacerbate surface water flooding thus increasing the risk of flooding to neighbouring properties.	i
20	The site provides valuable recreation space for local residents. It is used by dog walkers and children play in it; the built development will significantly diminish this space.	ii
21	Concerns over damage caused to neighbouring properties during the construction process, and questions how construction traffic would be managed.	Damage to neighbouring properties during the construction process is a private matter. A CEMP could be secured to manage traffic in the construction phase should permission be forthcoming.

22	Scheme breaches Human Rights Act with regard to the right to peaceful enjoyment of all their possessions, and that persons have a substantive right to respect for their private and family life.	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.
23	The scheme will result in overlooking from second floor windows to neighbouring dwellings.	iv
24	Believe there will be additional stress on infrastructure- schools, health care	The development is liable to the Community Infrastructure Levy. The money raised from this would go towards the provision of infrastructure.
25	Concerns over the proposed sewerage pumping station, and the odour that would come from that, which is in close proximity to residential properties, and also there are concerns over the risk of sewer flooding from this (as the site is within the flood zone).	iv
26	The proposed pond is not actually for wildlife, it is to attenuate water.	Noted.
27	Concerns over the maintenance of the culverts etc by the management company, as developers sell on the land and there is a strong risk that the maintenance regime will not be adhered to.	i

28	The site is in flood zone 3, and was removed from the emerging BLP as a site for housing in the latest version.	i
29	Harm to ecology would arise, as toads will lose their habitat.	vii
30	The development will result in loss of privacy and light to neighbouring properties.	iv
32	Increased traffic will result in additional air pollution.	ix and xii
33	A culvert has now been added to the plans which drains to the rear of 20b Ray Mill Road East. Where is it expected water from this culvert will drain? The gardens of 20a, 20b & 22 Ray Mill Road East and No. 3 The Fallows are all lower than the point at which the water would leave the culvert.	i
34	The heavy rain just before Christmas led to flooding at the junction of Ray Mill Road East and Blackamoor Lane. The water level was across the entire road and reached above the kerb on both sides spreading onto the pavements. If the flooding were a 1 in 100 year event would this route be suitable as this is part of the 'off-site safe access route' as suggested by Cala Homes?	i
35	Three other planning applications in the area have recently been refused, flooding being cited as a reason in each case	Each application is determined on its merits.
36	The EA has released new flood data which changes the flood zones in the area.	i
37	Concerns over lack of adequate consultation with neighbours- advise not all residents received letters.	Letters were sent out.
38	It would be negligent of the Council to ignore new data published by the EA, which has classed the area as at a high risk of flooding.	i
39	The scheme proposes flood protection for the proposed properties, and not for existing dwellings.	i
40	The scheme would increase surface water flooding in the area.	i
41	The Sequential Test process is flawed.	i
42	£25,000 was spent to repair flood damage and to install a new pump, but this has not been taken into consideration in the application.	Noted.
43	Legal responsibility for any flood damage caused needs to be established before the application is determined.	The application is being recommended for refusal on flood risk grounds.
44	Concerns that flood evacuation plan would not be effective.	i
45	If the Council believes that the Sequential Test is passed, the Exceptions Test is not.	i
46	Road Safety Audit identified concerns over the width of the proposed road. Ray Mill Road East already has a lot of traffic, this scheme would add to the problems.	ix
47	Insufficient on-site car parking is proposed.	ix
48	This application was due a decision in July 2019. It is not fair that the application has been allowed to roll on.	It is not uncommon for applications to go beyond their determination date.
49	Scheme would remove green space available for recreation.	ii

Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Object, on the following grounds: <ul style="list-style-type: none"> - The 2019 Thames 'Hurley to Teddington' model was published in January 2020. As such there is now a material change in the best available flood data. The proposed flood compensation is based upon the 2007 flood model. As there is now new published flood data information we request assurance that the proposed development will not increase flood risk up to the 1% annual exceedance probability (AEP) flood with an allowance for climate change flood level. The applicant will need to update the proposed floodplain compensation scheme, including level for level compensation, voids and the proposed culvert design. 	i
Lead Local Flood Authority	No objection, subject to a planning condition being imposed.	i
Highway Authority	Awaiting further comments, which will be reported in the Update report to Panel.	n/a
Council's Ecologist	No Objections, subject to conditions.	vii
Tree Officer	Raises concerns over the level of tree planting/landscaping proposed.	vi
Environmental Protection	Recommend conditions relating to air quality and a CEMP. Further clarification is sought over the acceptability of the proposed location of the sewage pumping station.	xii
Berkshire Archaeology	No objection, provided a planning condition to secure a programme of archaeological work including a Written Scheme of Investigation is secured.	x
Rights of Way Officer	Has no comment.	Noted.

Others

Group	Comment	Where in the report this is considered
Maidenhead Civic Society	There are many aspects of the application we welcome: <ul style="list-style-type: none"> -the mix of dwelling types and sizes -the provision of affordable homes -the car parking provision - the retention and enhancement of the eastern part of the site as open space -pedestrian access will be improved The concern is: <ul style="list-style-type: none"> -the width of the access road running from Ray Mill Road East – is it wide enough for 2 vehicles to pass? The width of the access for this size of development appears to be restricted. 	ix

Wild Maidenhead	Commends the developer for listening and taking recommendations on regarding wildlife.	Noted.
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Development within the flood zone;
- ii Important Urban Open Space;
- iii Design;
- iv Residential Amenity;
- v Provision of open space (required for new residential development)
- vi Trees;
- vii Ecology;
- ix Transport
- x Archaeology
- xi Provision of Affordable Housing
- xii Air Quality
- xiii Planning Balance and Conclusion.

i Development within the flood zone

- 9.2 According to the Environment Agency flood map for planning, the application site is situated within flood zone 3 (high risk flooding). It should be noted that the Council's Strategic Flood Risk Assessment which was published in 2018 shows the site to be located within flood zones 2 (medium risk flooding) and 3. The Environment Agency Flood Map for planning is more up to date than the Council's Strategic Flood Risk Assessment, and should be used for the purposes of determining this application.
- 9.3 Policy F1 of the Adopted Local Plan relates to flood risk. The key objectives of Policy F1 do not conflict with those of the National Planning Policy Framework on flood risk, although the policy criteria do not fully reflect the Sequential and Exception Tests or acknowledge the impacts of climate change. As such, Policy F1 is given weight, but not full weight.
- 9.4 The NPPF and NPPG are material considerations of significant weight to the determination of this application. This National guidance requires the application of both the Sequential Test (this aims to steer new development to areas with the lowest risk of flooding) and, for residential development in flood zone 3a, the Exceptions Test also needs to be passed.
- 9.5 Paragraph 163 of the NPPF explains that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, and that development should only be allowed in areas at risk of flooding where, in the light of a Flood Risk Assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Sequential Test

- 9.6 As the proposed development is located within the flood zone, it is a requirement of the NPPF (paragraph 158) for the Sequential Test to be applied. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. The NPPF explains 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. According to the Environment Agency Flood Maps for planning, the entire site is located within flood zone 3, as such, alternative sites located in flood zones 1 and 2 (as shown on the Environment Agency Flood Maps for Planning) would be sequentially preferable to this application site.
- 9.7 The NPPG provides further information on how to undertake the Sequential Test, but it is for the applicant to undertake the assessment, and then it lies with the LPA to assess whether there are reasonably available sites at a lower risk of flooding that could accommodate the development.
- 9.8 During the course of the application, the agent submitted a revised Sequential Test to consider alternative sites located in flood zones 1 and 2 (sequentially preferable than the application site) throughout the Borough that could accommodate the proposed development. Alternative sites that could accommodate between 50 and 100 dwellings or which cover a net site area of between 1.2 and 1.6ha were considered as comparable for the purposes of the Sequential Test. Sites at a lower risk of flooding that are situated within the Green Belt (where the land had no development on) were discounted, as a development scheme such as this would be inappropriate within the Green Belt.
- 9.9 The applicant has included letters that they sent to agents or landowners asking if they would be willing to sell their site, but all of those written to did not respond to confirm that they would be interested in selling the land. This means those sites can be regarded as not available.
- 9.10 The only site that officer's disagree with the reason given for the applicant discounting the site is Clivemont House in Maidenhead (see pages 65 and 66 in the updated Sequential Test document). This site is situated within flood zone 1. The applicant has not enquired with the land owner if the site is available, and discounts the site for the reason that even when the site (which has consent for 80 flats) is included in calculating the Council's 5 year housing land supply the Council is unable to demonstrate a five year housing land supply. Officers do not agree that this is a reason to discount the site for the purposes of the Sequential Test. However, the site area for Clivemont House is 0.4 hectares, which is a considerably smaller area than the part of the application site at Ray Mill Road East to be developed, which is around 1.3 hectares. It is not considered that the type and density of housing proposed at the Ray Mill Road East application site could be accommodated at the Clivemont House site.
- 9.11 Sites have been considered that are proposed for housing development within the emerging Borough Local Plan, however, at the time of writing the Borough Local Plan is given limited weight, and as such the sites allocated for development in the development plan would not be considered as reasonably available.
- 9.12 It is considered that at the time of writing, there are no other reasonably available sites at a lower risk of flooding that could accommodate the proposed development.

Exceptions Test

- 9.13 As it is considered that the Sequential Test is passed, it is then necessary to consider whether the Exceptions Test is passed as the scheme is for more vulnerable development in flood zone 3. For the Exceptions Test to be passed, it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Whether the development would provide wider sustainability benefits to the community that outweigh the flood risk

9.14 With regard to the first part of the Exceptions Test, the applicant has set these out at pages 84 and 85 of the Housing Need and Flood Sequential and Exception Test Statement, and these are summarised below.

- The scheme is located on an under-utilised site in a highly sustainable location; the scheme is inherently sustainable and therefore contributes towards the sustainable development enshrined in the NPPF.
- The scheme would generate a net increase of 80 residential dwellings on a site inside the settlement boundary. The scheme will make a material contribution towards to the local housing need
- The scheme will contribute to the Council's lack of a 5 year housing land supply.
- The proposal will provide much needed affordable homes. This will exceed the 30% requirement, and will target local needs.
- It will provide significant growth within Maidenhead, which is an objective within the emerging Local Plan.
- The existing site makes no contribution towards the area. The opportunity exists to make a high quality open space on the eastern part of the site which will provide significant benefits to the local community.
- The scheme will provide economic benefits during the construction phase, and when the new residents move in.

9.15 It is considered that the development of 80 residential units would make a reasonable contribution to the Council's 5 year housing land supply. The scheme (subject to the signing of a legal agreement) would provide affordable housing in excess of the Council's Local Plan policy requirements, and the scheme would provide economic benefits during the construction phase, and when future occupiers move into the properties.

9.16 It is not agreed that the existing site makes no contribution towards the area. The other benefits listed are considered to be wider sustainability benefits. However, part b of the Exceptions Test must also be passed.

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

9.17 The NPPG explains that for the second part of the Exceptions Test to be met, the proposed development must show that the development will be safe, and that any residual risk can be overcome. It sets out that the site specific FRA should cover the following:

- the design of any flood defence infrastructure;
- access and egress;
- operation and maintenance;
- design of development to manage and reduce flood risk wherever possible;
- resident awareness;
- flood warning and evacuation procedures; and
- any funding arrangements necessary for implementing the measures

9.18 The Flood Risk Assessment and proposed flood compensation was updated during the course of the planning application to address comments from the Environment Agency. The flood compensation proposed is based upon the Thames Reach 1 and 2 flood model (2007) to extrapolate flood levels to calculate the 35% allowance for climate change.

- 9.19 In January 2020, the 2019 Thames 'Hurley to Teddington' model was published. This is a material change in the flood data that is available. The applicant's Flood Risk Assessment (addendum) sets out that the 1 in 100 year plus 35% climate change flood level would be 24.56mAOD and this figure has been used for the floodplain compensation calculations. The 2019 Thames flood model is a 1D/ 2D flood model, has a range of flood levels across the site from 24.74m AOD to 24.91m AOD. This change in flood levels is considered to be a material change that should be taken into account in the assessment of this planning application.
- 9.20 As such, the application fails to demonstrate that adequate flood compensation (based on the 2019 flood model) can be provided. Even based on the 2007 flood model, the EA advised that the scheme did not provide adequate flood compensation, as the EA have concerns over the design of one of the culverts. The flood compensation scheme also incorporates voids as part of the flood compensation scheme, which officers do not consider should form part of the flood compensation scheme (the reason for this is explained below).
- 9.21 Notwithstanding the fact that the proposed compensation fails to take account of the 2019 flood model, and so is inadequate on this ground, Officers are also concerned about the measures that form part of the proposed flood compensation scheme. The proposed compensation scheme comprises:
- Changes to ground levels across the part of the site proposed for development, including land that would be within the private garden areas of the proposed dwellings
 - The use of voids in the construction of the dwellings.
- 9.22 The FRA, and subsequent e-mails from the applicant's flood risk consultant confirm that the appointed management company would be responsible for:
- Regular inspections of the garden levels to ensure that future occupiers who purchase the plots do not alter ground levels.
 - Regular inspections of the permeable fencing will be carried out by the management company to ensure homeowners are complying with the terms of their plot transfer, which will prevent them from replacing the fence with anything but a like-for-like product.
 - The maintenance and clearance of the culverts which would form part of their routine maintenance regime.
- 9.23 Any future changes to ground levels within private gardens is likely to affect the flood storage capacity. The applicant states that the management company would be responsible for checking ground levels are not altered within the gardens, however, ensuring the management company would undertake sufficient checks on this for the lifetime of the development is considered to be very difficult to secure and difficult for the LPA to monitor and enforce.
- 9.24 The applicant proposes that any solid fencing erected on the boundaries of future gardens would not be permitted, as this could impact on the operation of the flood compensation scheme. The applicant has indicated that all fencing could be designed to be permeable, and this could be secured through a legal undertaking, with the appointed management company charged with ensuring appropriate checks are made. Similar to checking ground levels in private gardens, officers consider that it would be difficult for the LPA to ensure that these checks were being undertaken (and enforced upon if necessary) for the lifetime of the development, particularly in relation to fencing located within private residential gardens.
- 9.25 Two box culverts are proposed in the north eastern part of the proposed residential development. These culverts are proposed in order to connect part of the proposed floodplain compensation scheme to the floodplain, which is disconnected due to the proposed raised road. The culvert to the north east of the site has two 90 degree bends and emerges in the floodplain compensation area at a different level to where it begins in the floodplain. It is also significantly longer than the other culvert. These factors increase the likelihood of blockages within the culvert, which would restrict flood flows and so increase flood risk elsewhere. The design of the culverts is likely to present challenges with inspection and maintenance because, as blockages may not be visible from outside the culvert and would be difficult to clear. The Environment Agency states that this

culvert is not suitable for its intended use. Officers also have doubts over whether the operation of the culvert would be effective, due to difficulties around its maintenance.

- 9.26 32 of the proposed dwellings within the development are designed with voids which form part of the proposed flood compensation scheme. The supporting text for Local Plan policy F1 indicates that flood compensation schemes must be carried out on a level for level basis (paragraph 2.4.10). Level for level compensation is the matching of volumes lost by lowering of ground levels on land connected to the floodplain and above the 1% annual probability flood level plus an appropriate allowance for climate change, whereas voids are considered to be mitigation of risk by design rather than a direct replacement for the loss of storage volume and there is no guarantee that the floodplain will be retained in the same way as the effectiveness of voids would depend on keeping the voids open and on proper maintenance for the lifetime of the development.
- 9.27 To summarise, the proposed flood compensation is based on the 2007 flood model. As new flood data held by the Environment Agency is now publicly available, it is considered the Flood Risk Assessment and flood compensation should be based on this data. The new flood data increases the predicted flood levels across the site compared to the 2007 data, and as such the compensation proposed would not adequately compensate for the loss of the floodplain storage as a result of this development based on the 2019 flood model. Notwithstanding the foregoing there remain the concerns expressed above regarding the likelihood of the various measures of flood compensation and mitigation being properly managed and maintained in the future.

Access and Egress

- 9.28 Based on the 2007 flood model, the application **fails to demonstrate that future occupiers would have a low hazard escape route.**
- 9.29 In the event that there is a 1 in 100 year flood event, the FRA acknowledges that in such a flood event, there is **not** a low hazard escape route from the site to an area wholly outside the flood zone.
- 9.30 The FRA sets out that the route for future occupiers to leave the site and travel to an area outside of the floodplain would be:
- users would need to travel for approximately 500m along the following route to the west of the site:
 - Turn left (west) out of the site entrance, following Ray Mill Road East for 130m;
 - Turn left (south) along Blackamoor Lane for 100m; and
 - Turn right (west) along Ray Mill Road West for 270m (crossing the Strand Water).
- 9.31 The guidance document 'FD2320 Flood Risk Assessment Guidance for New Developments' which is used to assess the safety of escape routes, sets out that generally, assuming a very low velocity of floodwater, floodwater depths need to be 250mm or less to demonstrate that they can be regarded as '**safe**' to all users.
- 9.32 The applicant submitted a route, and what the flood depths would be during a 1 in 100 year flood event (with 35% climate change allowance added). For the most part, the flood depths along the route on Ray Mill Road East and Blackamoor Lane would vary between 0.27-0.52 metres. Along Ray Mill Road West, the flood depths would vary between 0.45- 1.14 metres. It is considered reasonable to assume the flood flow velocities would be 0.00m/s, and so for the most part of Ray Mill Road East and Blackamoor Lane, according to the guidance document, there would be a danger to some (danger to some presents a danger to children, the elderly and the infirm). The danger would increase as occupiers walked along Ray Mill Road West, the velocity of the flood waters would probably be at 0.00m/s, but by the Strande Water, the velocity may be higher at 0.25 m/s. Taking into account the predicted flood depths and velocities, this part of the route would present a danger for most (danger for most presents a danger to the general public).

- 9.33 However, there has now been a change in flood data. The Environment Agency advise that they have compared the deepest level along the access route shown on the Off Site Safe Access drawing (1.14 metres) to the flood level from the 2019 Thames model in the same location, which increases the flood depths. The deepest depth along the route when considering the 2019 Thames flood data is 1.58 metres. Depths of 1.58m with a zero or low velocity would be considered 'danger for most' or 'danger for all' according to Defra document FD2320. The applicant has not submitted an updated plan to show the flood depths across the escape route using the 2019 flood model.
- 9.34 Future occupiers of the proposed dwellings would not have a low hazard escape route in a serious flood event from the site to an area outside of the floodplain. As such, occupiers would either remain on site within their homes, or as the application proposes, a flood evacuation plan would be used to manage how future occupiers respond to flood events. Flood evacuation plans are normally secured by a legal agreement if found to be an acceptable way to manage the safety of future occupiers on the site.
- 9.35 The aim of the Flood Evacuation Plan is to provide a site-wide system for monitoring and disseminating flood warnings, and to subsequently identify safe route(s) into and out of the site to an appropriate safe refuge area in the event of an extreme flood event. The Flood Evacuation plan sets out that the plan would become a 'live' document, to provide advice and guidance to occupants in the event of an extreme flood. However, there are serious concerns over how effective this flood evacuation plan would be when used in practice.
- 9.36 The dwellings would be occupied by independent households, and so managing what residents do in a serious flood event would be more difficult to control compared to a managed facility. The evacuation plan makes statements about when residents should evacuate in a flood event and that the residents should follow instructions, but it does not state whose responsibility it would be to give such instructions. The plan also states if residents become trapped in a serious flood event, they should wait on site and contact the management company, however, in a serious flood event members of the management company would not be permitted to enter the site, and the responsibility to rescue future occupiers would likely fall on the emergency services.
- 9.37 The evacuation plan refers to liaising with the Emergency Planning Team (in the Council) and relying on their advice on what to do in a serious flood event, which is what a flood evacuation plan should be avoiding as there would already be existing pressures on the emergency planners in the Council if a serious flood event were to occur. In addition, there is doubt over how the management company appointed could ensure that all residents' sign up to the EA flood warnings, and how they could ensure residents followed the evacuation procedure. It is not considered the flood evacuation plan would be effective in getting future occupiers to leave the site before a serious flood event occurred. If the flood evacuation plan is not effective, it is likely that many future occupiers of the dwellings would remain in their dwellings, and would not leave in time in advance of a serious flood event occurring, and as a result this would place a burden on the emergency services who may need to rescue occupiers if stranded in their homes during such an event.
- 9.38 The NPPG states that the emergency services are unlikely to regard developments that increase the burden and risk to emergency staff as being safe. Therefore, it is considered that due to the failure to provide a safe route of access and egress and reliance on a Flood Emergency Plan that the proposed development would not be considered safe for its lifetime.

Sustainable Drainage

- 9.39 The Lead Local Flood Authority comment on Sustainable Drainage, and raise no objection to the Sustainable Drainage Scheme proposed, provided a condition is imposed to get the further detailed design.

Residual Risk

- 9.40 Residual risk is defined in the NPPG as those risks remaining after applying the sequential approach to the location of development and taking mitigating actions.
- 9.41 There is no substantive assessment of residual risk submitted with the application or information on how residual risk would be safely managed. However, as the proposal fails to demonstrate that flood risk can be safely managed during a 1 in 100 flood event plus climate change then it follows that the proposal would not be safe when considering any additional residual risk.
- 9.42 Therefore it is not considered that the scheme passes the Exceptions Test, as it has not been demonstrated that the development would be safe, and that it would not increase flood risk elsewhere. The scheme also fails to comply with paragraph 163 of the NPPF.

ii Important Urban Open Space

- 9.43 The site is designated as an Important Urban Open Space within the Adopted Local Plan. Policy R1 of the Adopted Local Plan sets out that the Council will not approve proposals that would result in the loss of existing areas of important urban open land, unless it is replaced by new provision which is at least comparable in terms of facilities, amenity and location, or they can be retained and enhanced through redevelopment of a small part of the site. This policy has different tests on open space from the NPPF. The policy also affects housing land supply matters and as such it is given reduced weight in the determination of this application.
- 9.43 The NPPF at paragraph 97 sets out that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 9.44 In this case, the proposed development would reduce the amount of open space. 1.3 hectares of the site is proposed for housing development, with the remainder of the site being retained for public open space. The planning statement sets out what is proposed for the public open space and this is summarised below:
- Softening of existing boundary fencing with mixed hedgerows;
 - Existing hoggin path retained and extended around the site to improve public access;
 - Retention and enhancement of existing woodland copse;
 - Existing varied grassland to be retained and enhanced to create a diverse sward;
 - Perennial and annual wildflower areas to be provided to act as a buffer to the built development;
 - Provision of interpretation boards with site information;
 - Retention and tidying up of habitat piles, including brush and fallen logs; and Specimen hazel retained with scrub understorey to provide cover for nesting birds and invertebrates.
- 9.45 It is important to consider how the existing open space is currently used. Although the site was historically a playing field, this is clearly not the case anymore. The site now comprises overgrown grassland, scrub and scattered trees, with pathways. Part of the site is currently fenced off (for wildlife/ecology reasons).
- 9.46 The site has not been identified by the Council in the Open Space Audit (2019), which is an audit that covers all forms of open space. The reason it has not been included within this audit is due to its limited public use. In terms of the types of open space it would be categorised within the Open Space Audit within the Natural and Semi-natural Greenspace category. The Open Space Audit sets out that Maidenhead is well served by this type of open space.
- 9.47 It has been established through case law, that the interpretation of the NPPF does not necessarily mean that all open space should be retained in a development scheme. In this case.

The applicant provided a copy of this judgement within their planning statement. The judgement relates to a case where a redevelopment scheme would have resulted in less open space than existed. At Paragraph 37 of the judgement it is set out that:

'The claimant submits that the natural and so correct meaning of paragraph 74 requires any development to provide open space which is at least equivalent to that lost both in quantity and quality. It is not a correct interpretation to allow a smaller quantity because of enhanced quality. The claimant has referred to observations of a MP who was making particular reference to allotments saying that it meant that open spaces were not to be lost. However, I think that that is an over mechanistic approach. No doubt when spaces are fully used such as allotments or playing fields or entirely accessible recreation areas it will be difficult if not impossible to justify a loss of quantity. But it is in my view appropriate in a case such as this to consider the reality which is that the existing spaces were largely unused by the general public. The requirement in such circumstances for equivalent quantity is too restrictive and would, if applied to the letter, prevent sensible development when in reality there has been no overall loss. Accordingly, I do not think the inspector erred in dealing with open space.'

- 9.48 The proposed development does not seek to remove all of the public open space, and so it should be assessed against paragraph 97 of the NPPF (paragraph b). The amount of open space will be reduced, however, the size of the space to be retained largely matches the area of the open space that is currently accessible to the public. With regard to the quality of the public open space, the proposal is to enhance the retained area of open space, through making ecological enhancements and managing the space for the public and also providing visitor information. Taking into account the current use of the site, and considering the enhancements proposed to the open space, it is considered that the scheme would meet the requirements of paragraph 97 (b) of the NPPF.
- 9.49 Given the comments above, the scheme would only be in compliance with paragraph 97 (b) of the NPPF, on the basis that the quality of the open space would be enhanced. A legal undertaking to secure the provision, enhancement and maintenance of the open space would need to be entered into if planning permission was being recommended.

iii Design

- 9.50 As set out within section 3 of this report, the built character of the area is varied and there are a range of densities and scale of buildings surrounding the application site. As such, it is considered that there is some scope to consider a varied scale and density of the development at this site. It is also considered that the application site is quite self-contained, and so rather than the scheme being read within the streetscene of properties on surrounding roads, the scheme would create its own character.
- 9.51 Adopted Local Plan policies DG1 (Design), H10 (housing layout and design) and H11 (Housing design) are large largely consistent with the aims of the NPPF.
- 9.52 The NPPF at Section 11 sets out that the effective use of land should be encouraged. Based on the area proposed to be developed for housing, this would provide a density of circa 62 dwellings per hectare, which is a relatively high density of development, in comparison to the dwellings to the east, west and north of the application site which ranges from 14-21 dwellings per hectare. However, the land to the south, which gained planning permission in 2007, has a density of circa 71 dwellings per hectare (based on the number of dwellings and site area permitted under application 07/01239).
- 9.53 The proposed dwellings are relatively tall, as they have been designed to incorporate flood resilience and resistance measures. Even the smaller scale dwellings in this scheme are taller than a typical two storey dwelling with accommodation in the roof.
- 9.54 However, there is no objection to the dwellings being taller, given that this scheme would create its own character. The larger scale buildings in the south of the site would respond to the larger scale buildings situated beyond the southern boundary of the application site.

- 9.55 Looking at the relationship of the dwellings between plots 4 and 5, the rear elevation of the dwelling on plot 4 would face the side elevation of the dwelling on plot 5, with a gap of around 1 metre between these two elevations, which is very limited spacing, and creates a cramped and poor relationship between these two dwellings. In addition, owing to this poor relationship, the rear elevation on plot 4 has been designed to have limited fenestration with only two windows proposed which would serve non-habitable spaces in this dwelling, and this is a symptom of the cramped relationship, as a rear elevation is a primary elevation where main windows should be located. Plots 10 and 11 have a similarly poor arrangement.
- 9.56 With regard to the car parking, policy DG1 (6) sets out that landscaping proposals should form an integral part of a development's overall layout, and criterion 7 of DG1 sets out that developments should provide adequate car parking, and such provision should be well landscaped and lend itself to a reasonable degree of surveillance. In this scheme, plots 22 through to plot 30 would be dominated by hardstanding to accommodate car parking, as would plots 12 through to 20. In these areas, it is not considered that meaningful landscaping would be provided in some parts of the site.
- 9.57 Although in principle, a higher density of development is accepted on this site, because of the density of development on the land to the south, for the reasons set out above, which include close and awkward relationships between several of the dwellings, a dominance of hardstanding in parts of the site, and a lack of meaningful landscaping across certain parts of the site, this proposal is considered to represent poor design. Although it is not considered to be harmful to the surrounding streetscenes, this site will have its own character, and it is important that the scheme exhibits good design.
- 9.58 The dwellings would have pitched roofs, which is a common roof form within the locality. All of the dwellings would be in brick, but some will be partly finished in cladding and tile hanging, which adds variation to the appearance of the dwellings, and avoids a monotonous appearance.
- 9.59 The scheme has positives in that it creates active frontages, and corner buildings are designed to create interest. Parking areas, generally have good natural surveillance from residential properties.
- 9.60 It is considered that there would be a limited level of harm from the scheme being cramped. This harm would be contained within the site, and not impact on the wider character of the area or adjacent streetscenes. This weighs against the scheme, and is considered in the planning balance.

iv Residential Amenity

- 9.61 It must be considered whether the proposed development would provide an adequate standard of amenity for future occupiers of the residential units, and also for neighbouring properties to the site, this is required by paragraph 127 (f) of the NPPF.

Daylight and Sunlight.

Neighbouring properties

- 9.62 A Daylight & Sunlight Report has been submitted with this planning application. The assessment was conducted in accordance with the guidelines set out in the 2011 Building Research Establishment report 'Site layout planning for daylight and sunlight - A guide to good practice'. This report concludes that the proposed development will have no material impact on the daylight or sunlight amenity to any property surrounding the site and is fully compliant with the BRE guidelines. The impact on daylight and sunlight to neighbouring properties is considered to be acceptable.

Future occupiers of the proposed dwellings

- 9.63 The report sets out that in relation to sunlight, the BRE guidelines state that sunlight to kitchens and bedrooms is less important. The results show that the living rooms served by windows with a

southerly aspect will have access to very good sunlight levels. As would be expected, those with a northerly aspect will experience lower levels of sunlight, however, for the houses that have north-facing living rooms at first floor level, they also have large south-facing ground floor kitchen/dining rooms that will have access to very good sunlight levels, compliant with the BRE guidelines.

- 9.64 The Assessment shows the sunlighting to the garden areas for the proposed dwellings. The BRE guidelines set out that it is recommended that gardens (this usually includes the main back garden of a house) **at least half of the amenity area** (i.e. the garden) should receive at least 2 hours of sunlight on the 21st March. The following plots do not comply with this recommendation:

Plot number	% of the garden area that would receive more than 2 hours of sunlight on the 21 st March 2019.	Recommended % of the garden area that would receive more than 2 hours of sunlight on the 21 st March 2019.
5	22.4	50
8	0.2	
9	5.9	
10	25	
11	9.1	
31	25.7	
32	25.5	
33	17.6	
34	13.2	
35	23.2	
37	7.6	
39	29.3	
41	9	

- 9.65 It is accepted that in June the gardens will receive more sunlight, however, the BRE guidelines set out that the assessment should be based on March 21st and a number of these plots would fail to meet this test within the BRE guidelines. In particular plots 8, 9, 11, 33, 34, 37 and 41 would have a low level of sunlighting to their rear garden areas. This does not create a very good standard of amenity for future occupiers of these plots. This weighs against the scheme and is considered in the planning balance.

Impact on privacy of existing neighbouring properties

- 9.66 Given the relatively deep gardens that neighbouring properties have to the north, east and west of the application site, and the distance that the proposed dwellings would be sited off these boundaries, it is not considered that unacceptable overlooking to these neighbouring properties would arise.
- 9.67 The proposed flats in the southern part of the application site would overlook a car parking area to the south, and beyond the car parking area are rear gardens. There would be a distance of circa 18 metres from the rear elevation of the proposed flats to the boundaries of these rear gardens (numbers 11-29 Kingfisher Drive). Owing to the scale of the proposed flats, there would be some views towards the rear gardens of these properties, but it is not considered to constitute a level of overlooking that would warrant the refusal of this application.

Standard of amenity for future occupiers

- 9.68 House type B are proposed town houses. They are 3 storeys high, with heights ranging from 11.5-12 metres. Some of these house types are situated within the centre of the site (plots 32,

33, 34, 35, 42, 43, 44, and 45) would have a back to back relationship, with a distance of 20 metres between the rear elevations, which is a relatively short distance for buildings of this scale.

- 9.69 The scheme proposes a relatively high density of housing on this part of the site; a number of the rear gardens are small relative to the size of the dwellings proposed.
- 9.70 The proposed flats over garages (labelled 47 and 48) would not have any form of outdoor amenity space for future occupiers.
- 9.71 The proposed apartment block to the south of the site, labelled 49-80 would have extremely limited outdoor amenity space around it, and no balcony areas.
- 9.72 The lack of outdoor amenity space for a number of the future occupiers, particularly those who would occupy the flats is not a positive of the scheme. However, the Council does not have any adopted standards with regard to amenity space that this residential scheme would be required to adhere to. The provision of outdoor amenity space is considered in the planning balance.

Location of the proposed pumping station and impact on residential amenity

- 9.73 Comments have been sought from the Environmental Protection Team in relation to the location of the proposed sewerage pumping station, and the impacts on neighbouring residential amenity. Comments from the Environmental Protection Officer will be reported in the Update report to Panel.

V Provision of open space (required for new residential development)

- 9.74 Policy R4 of the Adopted Local Plan sets out that for new housing developments on sites over 1 hectare in size, 15% of the site should be in the form of open space. This scheme complies, as the amount of the site allocated for public open space exceeds this percentage.
- 9.75 Under Policy R5, new developments for a site of this size should provide a Local Equipped Area of Play. In this case, a Local Equipped Area will not be provided as part of the development scheme, however, as the Public Open Space needs to be designed to be sensitive to the ecological constraints of this site, a Local Equipped Area of Play is not proposed in this case.

Vi Trees

- 9.76 Policy N6 of the Adopted Local Plan provides guidance on development and trees. The Policy is considered to be broadly in compliance with the aims of the NPPF.
- 9.77 The trees within G2 (labelled on the tree survey) are located on the southern part of the application site and comprise a scattered group of young trees, predominately Common Ash with a few Pedunculate Oak which are shown to be removed to make way for the proposed flats and car parking area.
- 9.78 Tree groups G4 (Common Ash), and G1 (Aspen) are shown for retention. Tree group G3 (Common Ash) would need to be removed because of the proximity to the proposed SUDS basin.
- 9.79 None of the trees on site are protected by a Tree Preservation Order, and there is no objection to their loss.
- 9.80 Replacement tree planting is shown to be provided within the application site, although there are concerns that the soft landscaping in the proposed developed part of the site would not be successful. The Council's tree officer advises that the soil volumes within the proposed developed area would be insufficient, and that the soil volumes are likely to be reduced further due to haunching for kerbs and utilities/drainage runs.
- 9.81 It is considered that the soft landscaping within the proposed developed part of the site would be limited. This is connected to the concerns over the cramped form of development. This is discussed in the planning balance.

Vii Ecology

- 9.82 The site lies within 5km and within the zone of influence of the Chiltern Beechwoods Special Area of Conservation (SAC), which is a European Designated site. The primary reason for designation is the Semi-natural dry grasslands and scrubland facies: on calcareous substrates (Festuco-Brometalia); Dry grasslands and scrublands on chalk or limestone Asperulo-Fagetum beech forests; Beech forests on neutral to rich soils *Lucanus cervus*; Stag beetle beetle) . The Natura 2000 data form for the SAC reports that the main threats relate to Forest and Plantation management & use, invasive non-native species, problematic native species, Interspecific floral relations and modification of cultivation practices. 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 the proposed development, along and in combination with the linked proposals, is not considered to have a significant effect on the Chiltern Beechwood SAC, due to the distance of the proposal from the SAC and therefore an appropriate assessment is not required.
- 9.83 The site does not contain any "priority habitats" as defined in the NPPF, and other than slowworms and toads is unlikely to support any protected or priority species.
- 9.84 All native species of reptile and most amphibians are protected from killing or injury under the Wildlife and Countryside Act (1981) as amended. In addition, all common native species of reptile, and common toads (which are in large-scale decline across the UK), are Species of Principal Importance under Section 41 of the NERC Act 2006, i.e. they are "Priority Species" as per the NPPF, and receive further protection through national planning policy.
- 9.85 The site hosts a population of toads which are known to breed in Summerhill Lake approximately 100m to the north and is likely to be of importance for this species during its terrestrial life stages.
- 9.86 The site prior to a translocation exercise contained a low population of slow worms and a population of toads. In 2016, a translocation of the slow worms and toads was undertaken at the site. The slow worms and toads were translocated to the eastern section of the site following the enhancement of this area for slow worms (construction of log piles and hibernacula, planting of scrub and appropriate management of the grassland). This receptor area will not be built on and will remain open space managed for wildlife.
- 9.87 A translocation of slow worms and toads from the development area to the adjacent open space was undertaken in 2016 and since then a reptile proof fencing has been installed and maintained around the development site. The open space area was enhanced prior to the translocation and included scrub planting, incorporation of log piles and hibernacula and grassland management in order to enhance the area for these species. Since then, the toad population has been monitored (using data from the Deerswood toad patrol) and the applicant's ecologist has concluded that the population of toads at the site has remained relatively consistent following the exclusion from a proportion of the site.
- 9.88 Paragraph 175 of the NPPF sets out that when determining planning applications, local planning authorities should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
 - b) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.89 A swale and drainage basin has been incorporated into the design of the wildlife area which is likely to provide additional foraging and sheltering resources for toads and reptiles and potentially a breeding opportunity in wet springs.
- 9.90 An Ecological Mitigation and Management Plan (EMMP) outlines the further mitigation with regards to slow worms and toads during the development and operational phases of the development and includes a precautionary working method in order to avoid killing or injuring slow worms and toads, sensitive timing of works, gaps under new fencing to allow wildlife movement across the site, permeable paving, wildlife friendly curbs, incorporation of amphibian ladders into all drains (which will be monitored on an annual basis) and monitoring of the population of slow worms every 2-3 years. In addition, details of the management of the open space area for wildlife is detailed within the EMMP and includes the creation of a wildflower area, continued grassland management, newly planted trees, creation of a swale/ drainage basin and hedgerow planting. It is considered that with the proposed enhancements to the open space with the measures detailed in the EMMP that adequate compensation can be provided. A condition would need to be imposed to secure the EMMP. The number and species of trees proposed would need to be sensitive to the ecological sensitivities of the site. A final scheme for the open space would need to be submitted for approval by the LPA.
- 9.91 The site did not have the potential to support roosting bats. However, there was some foraging and commuting habitat on site, particularly around the boundaries of the site. Lighting, without appropriate mitigation could have a detrimental effect on bat species by disturbing foraging and commuting lines and discouraging bats from roost sites. It is considered that a condition could be imposed to secure a sensitive external lighting strategy to avoid an adverse impact.

Viii Transport

- 9.92 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 108 (c) of the NPPF sets out that for specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Traffic movements

- 9.93 The Transport Assessment sets out that during the morning peak hour a total of 80 two-way trips are expected to be made by all modes and for all journey purposes. During the evening peak hour this reduces to 70 two-way trips. During the 07:00-19:00 period, a total of 653 trips by all modes would be expected to arise from the proposed development.

Junction Assessments were undertaken on the following:

- Ray Mill Road West / Blackamoor Lane;
- Ray Mill Road East / Blackamoor Lane; and
- Ray Mill Road East / Ray Park Avenue.
-

Junctions have been assessed during the following time periods:

- AM weekday peak (08:00 to 09:00 hours); and
- PM weekday peak (17:00 to 18:00 hours).

- 9.94 In considering the impact of development on junction operation, the ratio of flow to capacity (RFC) value has been used as the basis for assessing junction performance and determining which junctions should be considered for mitigation works. In considering junction performance, the following tests have been applied as a starting point:
- Where appropriate, the RFC or DoS value on approaches is maintained below 0.90, although it is acknowledged that values of up to 1.00 are considered acceptable in certain circumstances where, for example, queues can be safely stored within the highway; or
 - Where baseline RFC or DoS values are already greater than 0.90, development does not result in a material worsening of the existing performance of the junction.
- 9.95 The following scenarios were assessed:
- 2024 assessment year traffic flows (“2024 Assessment Year”).
 - 2024 assessment year plus Proposed Development traffic forecasts (“Assessment Year plus Proposed Development”).
- 9.96 The junction capacity assessments indicate that the assessed junctions (with the proposed development) would not reach beyond a Ratio to Flow Capacity (RFC) of 0.66, which is below the limit of 0.90.
- 9.97 The Transport Assessment sets out that the existing highway network currently operates within capacity during the observed peak hours, with minimal queuing noted on the highway network, and that this situation is predicted to continue with the proposed development traffic added to the network. The Highway Authority therefore raises no objection on this ground.
- 9.98 A swept path analysis has been submitted with the Transport Assessment which shows that a refuse vehicle can manoeuvre within the site, and can enter and leave Ray Mill Road East in a forward gear.

Car Parking

- 9.99 Policy P4 of the Adopted Local Plan requires developments to provide car parking in accordance with the Council’s Adopted Standards. The parking standards are set out in the Council’s Parking Strategy 2004. However, the Council’s parking standards include maximum parking standards, which the NPPF sets out should only be imposed if there is clear and compelling justification that they are necessary for managing the local road network. Policy P4 of the Adopted Local Plan is therefore not given full weight.
- 9.100 The application site is located within a reasonably sustainable location, within a 15 minute walking distance to Maidenhead Town centre. The site is also around a 3-4 minute walk to bus stops. However, when assessed against the Council’s Parking Strategy 2004, the site is not considered to be in an area of good accessibility, as it is not within 800 metres of a train station with a regular train service. As such, according to the Parking Strategy 2004, assessed against the maximum parking standards a total of 171 car parking spaces are required. The scheme provides for a total of 161 car parking spaces. Although there would be a shortfall of 10 car parking spaces, when assessed against the Council’s Parking Strategy, the NPPF is clear that maximum standards should only be imposed when there is compelling justification to do so. In this case, it is not considered to be a compelling justification to impose the maximum parking standards. It is not considered that the parking provision proposed, would result in an overspill of car parking onto the road network that would subsequently result in a danger to highway safety.
- 9.101 The proposed scheme would also result in the loss of an existing parking area which is used in association with the family centre on Ray Mill Road East. The Transport Assessment does not account for the loss of this parking area. The Highway Authority has advised that the applicant should do further surveys to assess the capacity of on-street car parking in Ray Mill Road East to determine if there is capacity in the road to accommodate this. Advice from the Highway Authority is awaited as to whether they would recommend refusal of the application for failing to comply with paragraph 108 (c) or 109 of the NPPF.

Cycle parking

- 9.102 The Transport Assessment sets out that cycle parking will be provided as part of the proposed development. For houses and flats above garage (FOG), space will be provided within the curtilage. For apartments, 1 space will be provided per apartment resulting in a total of 32 cycle parking spaces. Cycle parking for apartments will be provided in covered and secure locations. It should be noted that any structures in the gardens of private dwellings would not be acceptable within the flood zone. Final details of the external cycle storage have not been agreed for the apartments. Depending on the final design, the external cycle stores may further increase the built footprint within the flood zone. In terms of the number of cycle stores, the Council's Sustainable Design and Construction SPD requires 1 cycle space per residential unit. Whether the number of cycle parking spaces could be provided in accordance with the requirements of this SPD is questionable, however, given the SPD is not Adopted Policy, it is not considered that the scheme could be refused on this ground. Certainly a proportion of secure cycle storage could be provided, and this final design would need to be secured by planning condition.

Ix Archaeology

- 9.103 The site lies within the Thames valley. It therefore lies over the floodplain and gravel terraces which have been a focus of settlement, agriculture and burial from the earlier prehistoric period to the present day. If planning permission was to be granted, a condition would need to be imposed to secure a written scheme of investigation.

X Provision of Affordable Housing

- 9.104 Local Plan policy H3 requires the provision of 30% of the total units provided on site as Affordable Housing. As a material consideration, paragraph 63 of the NPPF states that where major development involving housing is proposed, at least 10% of the homes are expected to be available for affordable home ownership, as part of the overall affordable housing contribution from the site unless this would exceed the level of affordable housing required in the area or prejudice the ability to meet the identified affordable housing need within the Borough.
- 9.105 The NPPF 2019 provides a definition of affordable housing in the glossary. The application proposes that there would be 18 shared ownership units and 20 affordable rented properties (this would meet the definition of Affordable rent in the NPPF, and would be a build for rent product). The number of affordable units proposed would exceed the 30% required by Policy H3 of the Adopted Local Plan. The scheme would provide 47% on site affordable units. The provision of affordable housing would need to be secured by a suitably worded legal agreement. It is acknowledged that the Council has undelivered on affordable units within the Borough. The provision of affordable housing is considered to be a significant benefit of the scheme. It is considered further in the planning balance.

Xii Air Quality

- 9.106 Local air quality conditions and the impacts from vehicle exhaust emissions were assessed and the results indicated that predicted annual mean nitrogen dioxide, PM10 and PM2.5 concentrations at receptor points were below the relevant air quality objectives in both the base year 2019 and 2024 scenario. The findings and conclusion of the air quality assessment that the development construction and operational impact on air quality is considered to be not significant is accepted. A condition would need to be imposed to secure a dust management plan for the construction period should permission be forthcoming.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable. The proposed floorspace of the dwellings is circa 8,446 square metres.

Xi Planning Balance and Conclusion

11. Housing Land Supply

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

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

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

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

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

11.3 The 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).

11.4 However footnote 6 of the NPPF further clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where 'policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'. This includes areas at risk of flooding.

11.5 Where there are such restrictive policies in play, and their requirements are not satisfied by the development proposal, the "tilted balance" does not apply, and the planning balance is to be carried out having regard to the statutory test in section 38(6) of the 2004 Act. In this instance, subsection d(i) of paragraph 11 is engaged as flood risk policies in the NPPF provides a clear reason for refusing the development proposed.

11.6 It is considered that the proposed scheme causes some level of harm to the character of the area, through being cramped, however, given the site is well contained and would create its own character, and given the density of development to the south, it is not considered that the scheme would be of such a poor design to warrant refusal on this ground.

11.7 The scheme also does not provide a high standard of amenity for all future occupiers of the site, which is mainly because of the lack of amenity space for future occupiers of the proposed flats; however, the Council does not have adopted amenity standards. In this instance the harm to residential amenity to some of the future occupiers is not considered to constitute a reason for refusal.

11.8 There are benefits that weigh in favour of supporting the scheme, which include the contribution the new dwellings would make to the supply of housing within the Royal Borough, which would make a reasonable contribution to the Council's 5 year housing land supply, this is afforded significant weight; the provision of affordable homes (which exceeds the percentage required by the Local Plan Policy) and which is needed within this Borough this is given significant weight as a benefit; and the economic benefits that would arise from the scheme, which is given moderate weight, as it is not considered 80 households would make a significant contribution to the economy, and the construction jobs associated with the development would only be temporary. In addition, the applicant has advised that they would provide electrical vehicle charging points for each of the dwellings, and would make a contribution towards improved cycling links which are also considered to benefits. However, it is not considered that these benefits would outweigh the significant flood risk concerns, which is that the development would not be safe for its lifetime and would increase flood risk elsewhere. This is given greatest weight. The scheme fails to accord

with Policy F1 of the Adopted Local Plan, and there are not considered to be material considerations which would indicate planning permission should be approved.

11.9 Overall, taking account of the Framework and the above considerations, including the benefits of the development, it is considered that material considerations do not indicate that planning permission should be granted for the development, which conflicts with the development plan.

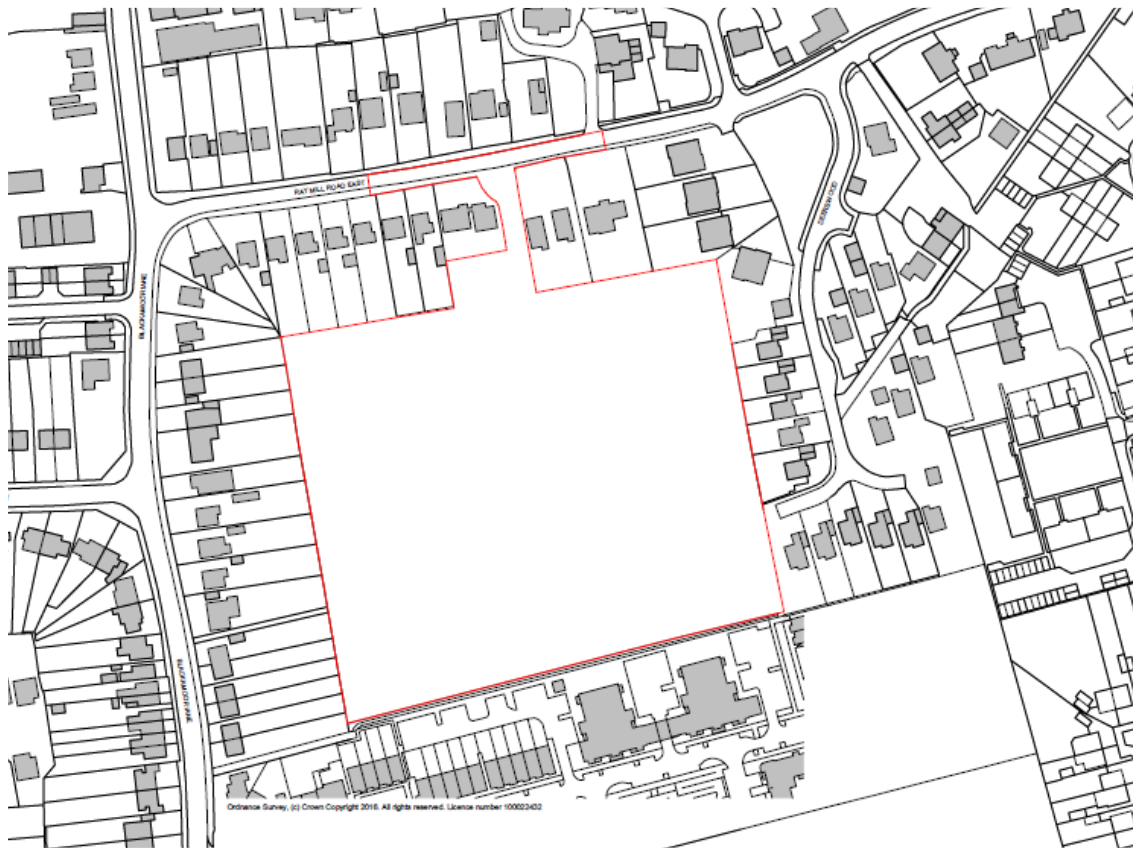
12. APPENDICES TO THIS REPORT

- Appendix A - Site location
- Appendix B – Proposed Block Plan
- Appendix C – Elevations

13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The application site is located in Flood Zone 3 where there is a high risk of flooding and the proposal is for a more vulnerable type of use, as identified in the National Planning Policy Guidance. The application has failed to demonstrate that safe escape from the site and safe access to the site could be achieved in the event of a flood, resulting in lives and properties being put at risk. In addition, the application has failed to demonstrate that it would not reduce the capacity of the site to store water in the event of a flood and not displace that flood water outside the site further increasing risk to lives and properties. Accordingly, the application has failed to demonstrate that the proposal would be safe over its lifetime and that it would not increase flood risk elsewhere. The proposal is contrary to Policy F1 of the Adopted Local Plan. The scheme also fails to pass the Exceptions Test as required by the National Planning Policy Framework. The scheme fails to comply with paragraphs 155, 160 and 163 of the National Planning Policy Framework (2019).
- 2 In the absence of a legal agreement the proposed development fails to secure a satisfactory level of affordable housing. The proposal is therefore contrary to policy H3 of the Windsor and Maidenhead Local Plan, 1999 (including Adopted Alterations 2003), and paragraph 64 of the National Planning Policy Framework (2019).
- 3 In the absence of a legal agreement, the scheme fails to provide a sufficient open space as required by paragraph 97(b) of the National Planning Policy Framework 2019.

Appendix A- Site location



Appendix B- Proposed layout



Appendix C- Elevations

Example of house type A



Example of house type B



Example of house type C

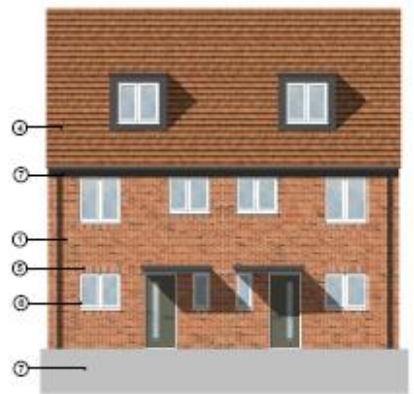


Front Elevation
1 : 100



Left Side Elevation
1 : 100

Example of house type D



Front Elevation
1 : 100



Left Side Elevation
1 : 100

Example of House type E



Front Elevation
1 : 100



Left Side Elevation
1 : 100

Example of house type F



Front Elevation
1 : 100



Right Side Elevation
1 : 100

Proposed apartment block



Front Elevation
1:100



Right Side Elevation
1:100

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Agenda Item 5

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

MAIDENHEAD DEVELOPMENT CONTROL PANEL

19 February 2020

Item: 2

Application No.:	19/03251/OUT
Location:	Patterdale Farm Blackbird Lane Maidenhead SL6 3SX
Proposal:	Outline application for the construction of a replacement dwelling with all matters reserved.
Applicant:	Mr And Mrs Bolt
Agent:	Miss Eva Gascoigne
Parish/Ward:	Bray Parish/Bray

If you have a question about this report, please contact: Dariusz Kusyk on 01628796812 or at dariusz.kusyk@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposed development would not fall into any of the forms of development listed as an exception to inappropriate development in the Green Belt outlined in paragraphs 145 and 146 of the NPPF. The buildings proposed to be replaced are in use as a dwelling and an agricultural store, and so the proposed dwelling would not replace a building purely in residential use. However, although the scheme does not fall under the exceptions to inappropriate development, the existing agricultural store has permission to be converted to residential use under the prior approval that has been granted under application No. 19/01426/CLASSM, and this fall back position is a material consideration to be taken into account in the decision making process, which amounts to a Very Special Circumstance of sufficient weight to outweigh the potential harm to the Green Belt.
- 1.2 After careful consideration of the material planning considerations, the proposed development is recommended for approval.

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

2. REASON FOR PANEL DETERMINATION

- Cllr Leo Walters requested this application to be determined by the Panel, due to public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The proposal site consists of land to the east of Blackbird Lane, located in the Green Belt. The application site contains agricultural buildings, stables and a residential unit granted permission under application No. 17/02245/CLD. A central courtyard is surrounded by stables, an open structure on the northern side, with the existing single storey residential unit along the eastern boundary. The gate to the farm is located around 380.0m from the highway and the existing cluster of buildings with the dwelling is sited about 100.0m from Blackbird Lane, which is a single track road leading to 3no. neighbouring properties. The site is relatively open in character. The application site is located within open countryside and paddocks.

4. KEY CONSTRAINTS

- 4.1 The application site is located in the Green Belt.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal seeks permission for the replacement of the existing single storey dwelling and attached open agricultural structure with a new dwelling. The open structure on the northern side of the plot is in agricultural use, as confirmed in the prior approval application ref. 19/01426/CLASSM. The prior approval granted under this application to change use from agricultural to a residential unit, has not been implemented.
- 5.2 The proposed new dwelling would be an L-shaped, single storey structure with a dual pitched roof form of an increased height in comparison with the existing buildings (as per the indicative elevation drawings). The proposed accommodation includes a living room, kitchen/diner, utility room, bathroom a home office and toilet/shower together with 3 bedrooms (one with en-suite) and a family bathroom.
- 5.3 Planning history.

Reference	Description	Decision
19/01426/CLASSM	Class Q: Change of use from Agricultural building to C3 (dwelling)	Approved - 23/07/2019
17/02245/CLD	Certificate of lawfulness to determine whether existing use of single dwelling is lawful.	Approved – 29/03/2018
17/00563/CLD	Certificate of lawfulness to determine whether the existing use of the former workshop as a separate dwelling for 4 years is lawful.	Refused – 19/06/2017
11/02305/FULL	Replacement courtyard style stable block with grooms accommodation and outdoor all weather arena.	Refusal – 24/10/2011
11/01455/FULL	Replacement courtyard style stable block with grooms accommodation and outdoor all weather arena.	Withdrawn – 21/07/2011

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
Appropriate development in the Green Belt	GB1, GB3
Acceptable impact on Green Belt	GB2
Design in keeping with character and appearance of area	DG1
Highways	P4 and T5

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 2 – Achieving Sustainable Development

Section 4- Decision-Making

Section 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

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
Sustainable Transport	IF2
Ecology Impact	NR3

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	QP5
Design in keeping with character and appearance of area	QP1, QP3
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. 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 Parking Strategy

More information on these documents can be found at:

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

No letters were received with regards to the application from neighbouring occupiers or the public.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Bray Parish Council	Recommended for approval.	Section iii

Consultees

Consultee	Comment	Where in the report this is considered
Environment Protection	<p>Should planning permission be granted, the following conditions and informative be attached to the consent notice.</p> <p>Conditions:</p> <p>EP2 - Construction Site Working Hours EP3 - Collection during Construction and Demolition</p> <p>Informative:</p> <p>Smoke Control Informative Dust Control Informative Asbestos informative</p>	<p>Noted. Conditions/Informatives not considered necessary due to the isolated location of the site.</p>

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- I. Impact upon the Green Belt;
- II. Impact on existing neighbouring occupiers' amenities and future occupiers;
- III. Impact on highways and parking;
- IV. Other issues;
- V. Planning balance.

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

9.2 The site is situated within the Green Belt. Paragraph 145 of the NPPF states that the construction of replacement buildings within the Green Belt should be regarded as inappropriate development, unless the new building is not materially larger and of the same use as the existing building. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

9.3 Policy GB1 of the adopted Windsor and Maidenhead Local Plan (2003) sets out acceptable uses and development in the Green Belt which differs from the NPPF (2019) and therefore cannot be considered to be up-to-date. Part (a) of policy GB2 of the Local Plan addresses the effect of the

proposed development on openness and the purposes of including land in the Green Belt while part (b) goes beyond the scope of Green Belt policy. Therefore, policies GB1 and GB2 are not wholly consistent with the Framework. However, GB2 (a) is essentially compliant with the aims and objectives of the NPPF. The principle of development within the Green Belt will therefore be considered in the context of the NPPF and policy GB2 (a).

- 9.4 The NPPF regards the construction of replacement buildings as inappropriate development in the Green Belt, except in certain specified circumstances. Paragraph 145(d) of the NPPF states, inter-alia that any replacement building must be in the same use as the building it would replace. Whilst the eastern building is used as a dwellinghouse, the northern structure has not been converted to residential use as per the previously granted prior approval application (19/01426/CLASSM). It is therefore considered that the northern building remains in agricultural use. As the existing buildings proposed to be replaced are in two separate uses, the proposed dwelling would not replace a building in the same use as it would also replace a building in agricultural use. Therefore the proposed development would not fall under the exception to inappropriate development in the Green Belt under NPPF paragraph 145(d). The development would therefore be regarded as inappropriate.
- 9.5 Paragraph 133 of the NPPF confirms that the essential characteristics of Green Belts are their openness and their permanence, which can have a spatial and visual dimension. Openness may be defined as the absence of development. At present, the existing buildings and adjacent structures appear in general insignificant in terms of their scale. The replacement dwelling would be situated in the same position as the existing buildings. Although the submitted application is outline with all matters reserved, plans including indicative elevations have been provided. These indicative plans have been taken into consideration in assessing this proposal.
- 9.6 The proposed dwelling is indicated to be around 5.0 metres high, which amounts to an increase in terms of the roof height of 1.4m – 1.6m in comparison with the existing structures. The volume of the proposed development would also be increased, from around 597.0m³ up to 690.0m³, which constitutes approximately a 15.5% increase. No enlargement of the footprint is proposed. It is therefore considered that the proposed building would not be materially larger than the buildings it would replace.

II. Impact on existing neighbouring occupiers' amenities and those of future occupants

- 9.7 The NPPF paragraph 127 f) states that planning decisions should ensure that developments create places that have a high standard of amenity for existing and future users. The proposed site would be in a significant distance from the nearest residential properties to the north-west and given this distance, the scheme is not considered to result in any loss of amenity by virtue of any overbearing impact, loss of light or privacy.

III. Impact on highways and parking

- 9.8 The proposed erection of a 3 bedroom dwelling will increase levels of traffic, generating some additional activity per day, but due to the location of the site and its surroundings, it is considered that no significant impact would occur. In terms of parking, sufficient space and hardstanding exists on site in order to accommodate the requisite on site parking and manoeuvring space.

IV. Other issues

Environmental Health

- 9.9 The proposed development would not entail any unacceptable impact from the Environmental Protection perspective. Conditions are recommended with regards to hours of construction work and collection during construction and demolition period. However, these conditions are not considered necessary to make the development acceptable.

Flood Risk

- 9.10 The proposed development would be sited around 95.0m from Flood Zone 3 and approximately 90.0m from Flood Zone 2, therefore no unacceptable flood risk issues would arise.

Ecology

- 9.11 The proposed development would not cause any negative impact upon any protected species. The existing materials and the roof form are considered unsuitable for bats, due to the lack of any loft accommodation or tiles, typical for their habitat. There have been no other protected species discovered within the application site or in close proximity of its boundaries.

V. Planning balance

- 9.12 As explained in section I of this report, the scheme is not considered to fall under one of the exceptions to inappropriate development in the Green Belt. The NPPF at paragraph 144 sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The scheme is considered inappropriate development, as the proposed dwelling is not replacing buildings all within a residential use. However, based on the indicative plans submitted, the proposed dwelling is not considered to be materially larger than the buildings it would replace and there is not considered to be any other harm arising from the scheme.
- 9.13 The building in agricultural use has prior approval for conversion to residential use, and if this conversion was implemented then the site would accommodate two separate dwellinghouses. This fall-back position that the building could be converted to a separate residential use is given significant weight as a material consideration. In this case, in considering the fall-back position of the prior-approval scheme, and taking into account that the scheme would not harm the openness of the Green Belt, and there would be no other harm arising, it is considered that the potential harm to the Green Belt arising from the proposed development is clearly outweighed by other considerations.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development for a replacement dwelling is not CIL liable. The proposed floorspace of the replacement dwelling (minus the allowance for the existing dwellinghouse is circa 88.0m²).

11. CONCLUSION

- 11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.11-9.12 it is considered that in this instance the development is in compliance with the development plan and therefore must be approved without delay, in accordance with paragraph 11 c).

12. APPENDICES TO THIS REPORT

- Appendix A – Site location plan
- Appendix B – Indicative proposed floorplan
- Appendix C – Indicative proposed elevations
- Appendix D – Proposed site plan

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 Details of the access, appearance, landscaping, layout and scale (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 Prior to the construction of the dwelling hereby approved samples of the materials to be used on the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

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

5 The development shall not be occupied until all walls, fencing or any other means of enclosure (including any retaining walls), have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.

6 No part of the development shall be occupied until vehicle parking and turning space has been submitted and approved by the Local Planning Authority. The space approved shall be kept available for parking and turning in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4 and T5.

7 The landscape details to be approved by reserved matters shall be carried out within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

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

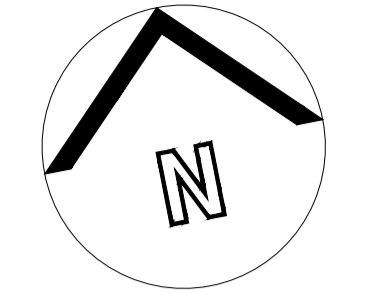
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

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ALL DIMENSIONS MUST BE CHECKED ON SITE.
 INFORM THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.
 KEY PLAN



NOTES
 DRAWING REMAINS COPYRIGHT OF THE ARCHITECT.
 ALL MEASUREMENTS TO BE CHECKED AND CONFIRMED ON SITE.
 DIMENSIONAL DISCREPANCIES TO BE REFERRED TO THE ARCHITECT.
 DO NOT SCALE - IF IN DOUBT ASK!

REV DATE	DESCRIPTION	DRN	CHK
P01 06.11.19	OUTLINE PLANNING APPLICATION	BG	BG

connected architecture

CLIENT
 Mr and Mrs Bolt
 PROJECT
 Patterdale Farm, Blackbird Lane,
 Maidenhead, SL6 3SX

DRAWING TITLE
 Proposed Floor Plan

SCALE 1:500A1 / 1:1000A3 A1 SHEET

STATUS
 OUTLINE PLANNING

DRAWING NO
 0045-GA-0100 P01



NOTES
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REV DATE	DESCRIPTION	DRN	CHK
P01 06.11.19	OUTLINE PLANNING APPLICATION	BG	BG

connected architecture

CLIENT
Mr and Mrs Bolt
PROJECT
Patterdale Farm, Blackbird Lane,
Maidenhead, SL6 3SX

DRAWING TITLE
Proposed Elevations

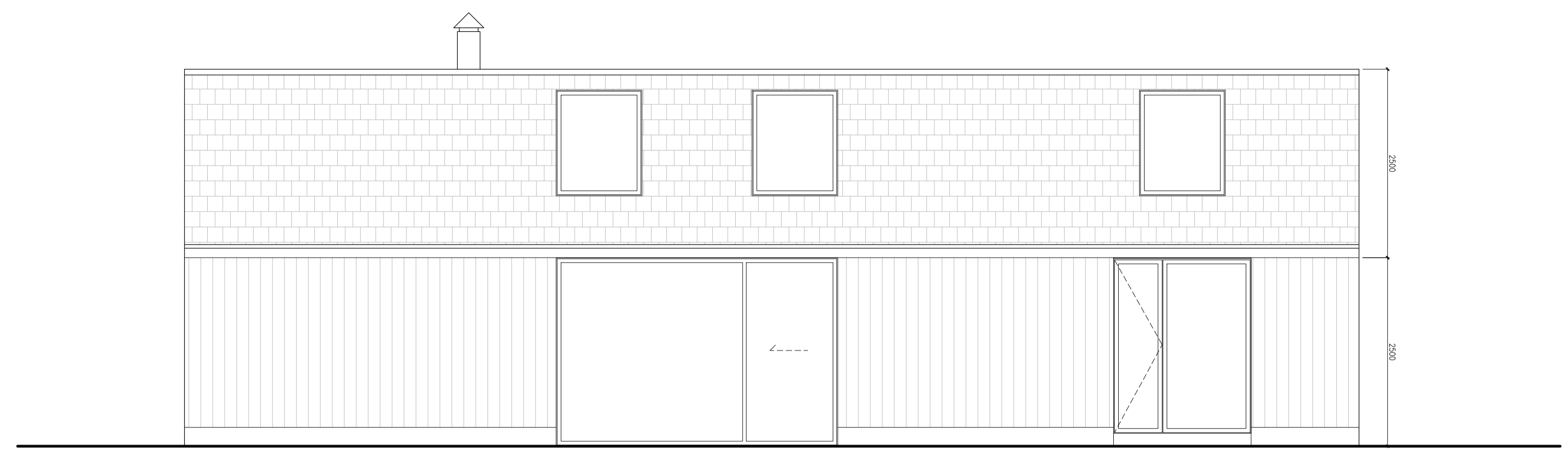
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STATUS
OUTLINE PLANNING

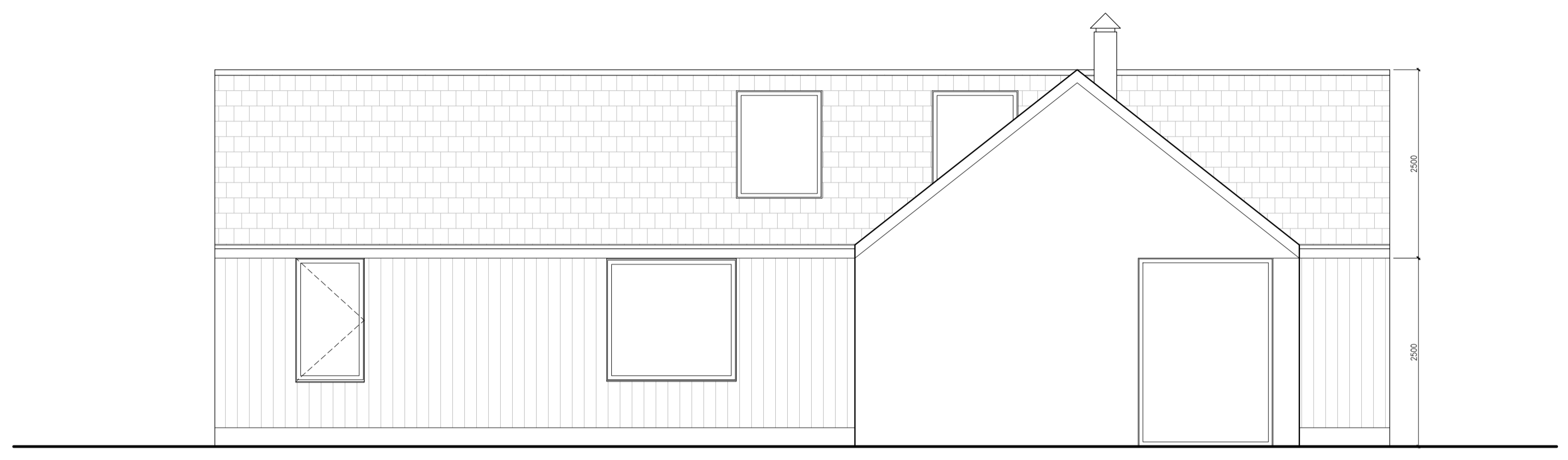
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0045-GA-0101 P01

54

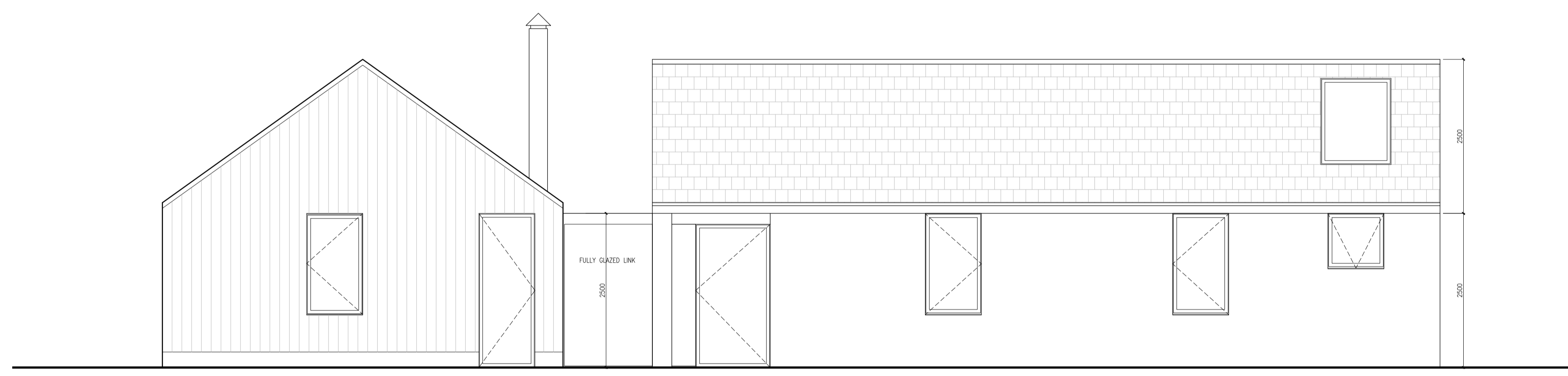
01 Proposed North Elevation
GA-0101 1:500A1



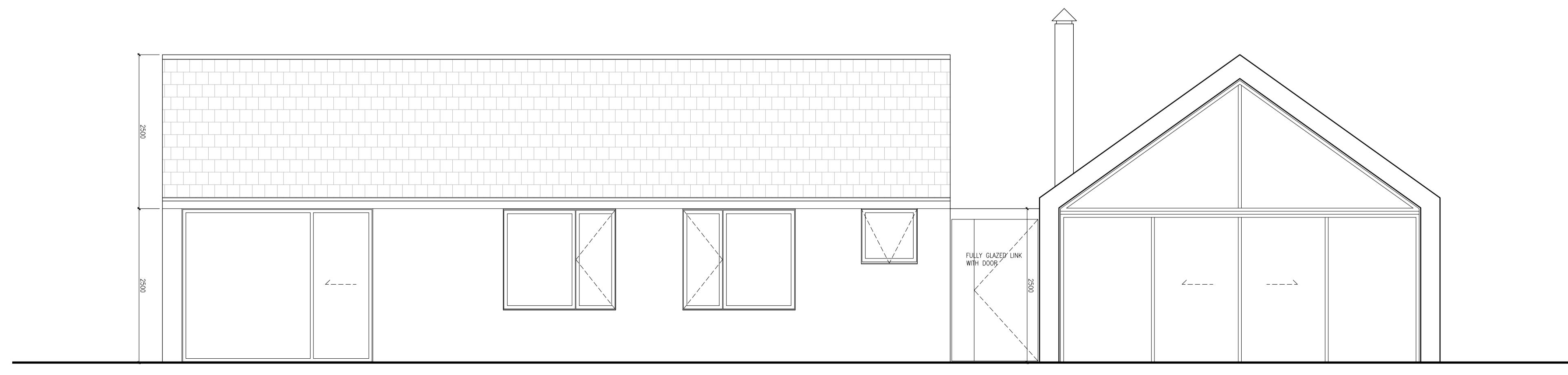
02 Proposed South Elevation
GA-0101 1:500A1

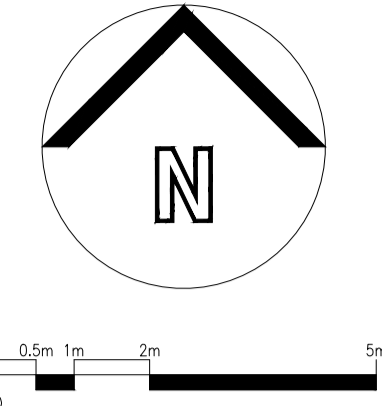


03 Proposed West Elevation
GA-0101 1:500A1



04 Proposed East Elevation
GA-0101 1:500A1





NOTES
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ALL MEASUREMENTS TO BE CHECKED AND CONFIRMED ON SITE.
DIMENSIONAL DISCREPANCIES TO BE REFERRED TO THE ARCHITECT.
DO NOT SCALE - IF IN DOUBT ASK!

PATTERDALE FARM
CENTRAL STABLES AREA SURVEY
SURVEYED: SEPT 2019
DRAWING: PATTCENT/1

CH SURVEYS LTD
E MAIL:
CLIVE@CHSURVEYS.CO.UK
MOB: 07860 293724



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Agenda Item 6

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

19 February 2020

Item: 3

Application No.:	19/03444/OUT
Location:	Poundstretcher 31 - 33 High Street Maidenhead SL6 1JG
Proposal:	Outline application for access, appearance, layout and scale to be considered at this stage with all other matters to be reserved for the part conversion of first floor and new second and third floors to create 10 No. flats with associated works to ground floor.
Applicant:	Mr Howells
Agent:	Not Applicable
Parish/Ward:	Maidenhead Unparished/St Marys
If you have a question about this report, please contact: Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application is for outline consent for the part conversion of the first floor and new second and third floor to create 10 flats, with associated works to the ground floor. Matters to be considered are access, appearance, layout and scale with landscaping to be considered as a reserved matter.
- 1.2 It is also considered that the proposed scheme causes harm to the amenity of the occupants of the residential flat at no. 29 High Street as it would result in loss of daylight and would appear visually overbearing and intrusive when viewed from the second floor windows on the rear elevation serving a bedroom at no. 29 High Street due to the siting along the shared boundary, height, depth and form.
- 1.3 It is not considered that the benefits of the scheme resulting from its small contribution towards the Local Planning Authority in meeting their 5 year housing land supply; the redevelopment of a brownfield site and the provision of additional housing in a sustainable town centre location; and economic benefits through employment during construction and increase in local spends from additional residents would outweigh the adverse impacts of allowing this planning application.

It is recommended the Panel REFUSES planning permission for the following summarised reason (the full reason are identified in Section 13 of this report):	
1.	By reason of its the siting along the shared boundary, height, depth and form, the proposal would appear as a visually overbearing and intrusive form of development when viewed from the second floor window on the rear elevation of no. 29 High Street and would also give rise to an unacceptable loss of daylight to this window.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site measures approximately 0.05ha and is located within Maidenhead Town Centre. It comprises of a flat roof, 2-storey, 6-bay building at no. 31-33 which fronts onto the High Street. The building measures a maximum 7.7m in height and 16.2m in width with the ground floor measuring a maximum 29.6m in depth while the first floor is set back by approximately 3m from

the ground floor front elevation. It is a 20th century insert between Jasmine Peaking restaurant at no. 29 High Street to the east which was built c.1908, and HSBC at no. 35 High Street to the west which was built c.1922. This row of 3 forms a short parade within the High Street sited between Park Street and Old Post Office Lane. The ground floor of no. 31-33 High Street is in A1 (retail) use with ancillary A1 uses on the first floor, and currently occupied by Poundstretcher. To the rear of the site is a small service area with access from Park Street and beyond is no. 1 Park Street, which is occupied by offices.

4. KEY CONSTRAINTS

- 4.1 The site lies within the Maidenhead Town Centre Conservation area, and as part of the High Street forms part of a secondary shopping frontage. The site also lies within Maidenhead Air Quality Monitoring Area. The adjoining neighbours at no. 29 and 35 High Street, and 1 Park Street are important non-designated buildings.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for outline planning permission for 10 flats (5 x 1-bed, 5 x 2-bed) following part conversion of the first floor, the erection of a new second floor and third floor within the proposed crown roof. Matters to be considered are access, layout, scale and appearance with landscaping being a reserved matter.
- 5.2 The existing ground floor unit would be retained for retail use. Approximately 240sqm of the first floor to the rear of the building will also be retained for ancillary retail use, while the floorspace to the front will be converted to 1 x 1-bed flat measuring approximately 62sqm and 1 x 2-bed flat measuring approximately 85sqm. The section of flat roof owing to the first floor set back will be converted and utilised as a balcony, one for each flat.
- 5.3 The proposed second floor would extend over the existing first floor, being set back approximately 3m from the ground floor front elevation and extending rearwards by a maximum 26m to form 2 x 1-bed flats measuring approximately 62sqm each and 2 x 2-bed flats measuring approximately 90sqm each. The 2-bed flat to the rear would benefit from a private balcony measuring approximately 42sqm, while the 1-bed flat to the rear would benefit from a private balcony measuring approximately 13sqm. No private amenity space is proposed for the 2 flats to the front.
- 5.4 2 x 1-bed flats each measuring approximately 55sqm and 2 x 2-bed flats each measuring approximately 78sqm would be accommodated in the proposed crown roof. No amenity space is proposed for any of these flats. The crown roof measures approximately 3m from the eaves to ridge with a pitch of 70 degrees. 3 flat roof dormers are proposed to the front roof slope together with two decorative Dutch gables. On the rear roof slope are 5 flat roof dormers.
- 5.5 Access to the flats would be from the ground floor from High Street with a communal stairway. The retail unit would retain a separate access from the High Street serving the main shopfloor, and an access from Park Street for deliveries of goods. No off-street parking is proposed.
- 5.6 There is extensive planning history related to the operation of the retail unit (e.g. alterations to the shopfront, advertisement consent etc.) but no relevant planning history related to the redevelopment of the site.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Character and Appearance	DG1, H10, H11
Impact on Conservation Area	CA2
Housing Provision	H6, H8, H9
Highways	P4, T5, T7
Trees	N6

These policies can be found at

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

6.2 Adopted Maidenhead Town Centre Area Action Plan (MTCAAP) (2011)

Issue	Policy
Character and Appearance	MTC4,
Retail Use	MTC7
Housing Provision	MTC12
Highways	MTC14
Infrastructure	IMP2

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/155/maidenhead_town_area_action_plan_aap_documents

7. MATERIAL PLANNING CONSIDERATIONS

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

Section 2 – Achieving Sustainable Development

Section 4 – Decision-Making

Section 5 – Delivering a Sufficient Supply of Homes

Section 7 – Ensuring the vitality of Town Centres

Section 11 – Making Effective Use of Land

Section 12 – Achieving Well-Designed Places

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 16 – Conserving and Enhancing the Historic Environment

7.2 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.

7.3 Borough Local Plan: Submission Version (2018)

Issue	Local Plan Policy
Character and Appearance	SP2, SP3
Housing Provision	HO2, HO5
Town centre	TR3
Historic Environment	HE1
Trees	NR2
Environmental Protection	EP1, EP2, EP4, EP5
Highways	IF2
Infrastructure	IF1

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

Issue	Local Plan Policy
Character and Appearance	QP1, QP3
Housing Provision	HO2
Town centre	TR3
Historic Environment	HE1
Trees	NR3
Environmental Protection	EP1, EP2, EP4, EP5
Highways	IF2
Infrastructure	IF1

7.5 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.

7.6 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.

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

7.8 **Supplementary Planning Documents**

- Planning Obligations and Developer Contributions

7.9 **Other Local Strategies or Publications**

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Maidenhead Town Centre Conservation Area Appraisal

8. **CONSULTATIONS CARRIED OUT**

Comments from interested parties

8 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 8 January 2020 and the application was advertised in the Local Press on 19 December 2019.

No letters have been received supporting or objecting to the application.

Consultees

Consultee	Comment	Where in the report this is considered
Arboriculture Officer	Further details required on location of proposed utilities to ensure no transgression	Section 9 (v)

	<p>within root protection area of nearby street trees. Should these details be satisfactory, full details will be required on submission of reserved matters.</p> <p>Construction management plan will be required to show that trees will not be affected by or within any working areas required for the development.</p>	
Conservation Officer	Raises objection to the overall bulk and design of the additions. It is considered that the proposals would not preserve or enhance the character or appearance of the conservation area, would harm its significance and have a negative impact on the setting of the nearby non-designated heritage assets. The level of harm would be less than substantial, but not considered to be outweighed by any public benefits provided by the scheme.	Section 9 (ii)
Environmental Protection	No objection subject to conditions relating to a Site Specific Construction Environmental Management Plan (CEMP), restricted hours for vehicle delivery/collections, and measures to reduce dust during construction and demolition; and informatives relating to dust and smoke control.	Section 9 (iii)
Highways Officer	No objection to the conversion and construction of a new second and third floor for residential purposes given the accessibility of the site. However, further details of refuse and recycling provisions are required.	Section 9 (iv)
Lead Local Flood Authority	No objection	Section 9 (iv)

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 Residential Amenity
- iv Highway Safety and Parking
- v Trees
- vi Sustainable Drainage
- vii Housing Land Supply

i Principle of Development

Residential Development

9.2 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, paragraph 85 of the NPPF states that planning decisions should support the role of town

centres at the heart of local communities and should recognise that residential development plays an important role in ensuring the vitality of town centres. In compliance with the NPPF, Local Plan policy H6 states that the Council will grant planning permission for the provision of additional residential accommodation within town centres. MTCAAP policy MTC12 states that new housing development will be supported throughout the town centre. In this context, there is no objection in principle to residential development to the upper floors of the property.

Retail Use

- 9.3 Maidenhead town centre is a focal point for shopping facilities which serves the local community, and contributes to the wider vitality and viability of the area. As such, MTCAAP policy MTC7 seeks to maintain and enhance the town centre's role by supporting and enhancing retail activity.
- 9.4 While the proposal seeks to retain the existing retail use on the ground floor, there would be a loss of approximately 173sqm of ancillary A1 floor space on the first floor. However, it is considered that the remaining retail units would still be viable in terms of operations. The Council's Retail and Town Centre Study (2015) reports that retailers are moving towards a more efficient use of space in response to the growth of internet / click and collect shopping and decline in 'bulk' shopping. Together with advances in technology to better manage stock it is reported that in-town retail units do not necessarily need the same space traditionally required for storage; much of which is now surplus to requirements. In this context, it is considered that adequate storage and facilities could be sufficiently accommodated within the proposed first floor floorspace. In relation to servicing, refuse collection arrangements would remain the same with access to a service area from Park Street. On balance, it is considered that the proposal would not unduly compromise the viability of the retail use in terms of operation.

ii Impact on Character, Including Maidenhead Town Centre Conservation Area

Density

- 9.5 The proposal will result in a density of approximately 200 dwellings per hectare (dhp), which represents a high density development. MTCAAP policy MTC12 states that higher density housing will be appropriate in suitable locations. In this case, the site is located in Maidenhead Town Centre which is a sustainable location and had been identified as an area for strategic growth. 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 with 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.

Design Policies

- 9.6 Local Plan policy H10 and MTCAAP 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. These policies are considered to be in line with paragraphs 124 and 130 of the NPPF which advise that high quality buildings and places is 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 and the way it functions.
- 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. Local Plan policy CA2 requires development to preserve or enhance the character or appearance of the conservation area by ensuring development is of a high standard of design and sympathetic to local character.

- 9.8 The recently published National Design Guide sets out the characteristics of well-designed places and what good design means in practice. In terms of context, the guide states that well-designed development responds positively to the composition of street scenes; the height, scale, massing and relationship between buildings; and appearance, details and material.

Identified Character of the Area

- 9.9 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 (Park Street, Old Post Office Lane) Key characteristics include irregular building plots; buildings of human scale, typically 2 to 4 storeys in height and irregular building frontages and rooflines which create a varied streetscape.
- 9.10 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 and some modern 20th century insertions. Variations in appearance from building to building can be attributed to the organic construction of buildings along the commercial main street of the town. The Maidenhead Town Centre Conservation Area Appraisal notes that the varied building heights and complex roofscape particularly create visual interest and reflects the historic development of the town centre but in terms of commonality the large majority of the built form within the conservation area is on narrow plots that face onto the street and are 2 to 4 storeys in height.

Siting, Form, Height, Scale and Architectural Detailing

- 9.11 While the adjacent buildings at no. 29 and 35 High Street and 1 Park Street are important non-designated heritage asset, the existing building at no. 31-33 High Street is not considered to be of architectural or historic interest in its own right. In relation to the conservation area and setting of the neighbouring important non-designated heritage assets, as a modern development the existing building is larger than the historic scale identified as a special character of the conservation area which the neighbouring properties conform to. However, although the scale is apparent from Old Post Office Lane, the set back first floor, flat roof and plain design minimises its visual presence from the High Street and Park Street. Overall, it is considered that the existing building makes a neutral contribution to the Maidenhead Town Centre Conservation Area and setting of the neighbouring important non-designated heritage assets.
- 9.12 The proposal includes a second floor with a crown roof accommodating a third floor within the roof space. While both its eaves and ridge height would be above those of adjacent neighbours, it would reflect some of the prevailing heights of other buildings in the area and variation in height is identified as special characteristics of the conservation area. This local variation allows a higher roof to integrate into the streetscene without appearing overly dominant when seen in context with the neighbouring important non-designated heritage assets.
- 9.13 The height and depth of the proposal would increase the building's scale and mass to the rear, but side/rear views from Park Street would be limited to views through an existing gap and consequently would not unduly draw the eye from the road. The height, scale and mass to the rear would be more apparent from Old Post Office Lane, but due to the extent of development to the rear of the application site and no. 29 High Street it is considered that the setting of the no. 29 High Street as a non-designated heritage asset is already compromised. That would remain the same with the new development in place.
- 9.14 On balance, it is considered that the character and appearance of the streetscene, conservation area, and setting of the neighbouring non-designated heritage assets would be preserved.

iii Residential Amenity

- 9.15 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 states that planning decisions should ensure that development should achieve a high standard of amenity for existing and future users.
- 9.16 To the east of the site is a residential flat on the upper floors of no. 29 High Street. The existing first floor at the application site extends along the shared boundary and approximately 13m further rearwards than the rear elevation of the first floor at no. 29 High Street. The proposed second floor and crown roof also extend along the shared boundary but at a depth of 9.9m. To the rear of the second floor, the proposed balcony area would have a flank wall measuring 1.3m in height extending a further 5m in depth. There are no first floor windows on the rear elevation at no. 29 High Street, only a solid door leading to the flat roof of the ground floor. However, on the second floor there are two windows on the rear elevation. At a site visit the occupants of no. 29 have confirmed that the smaller window to the east serves a bathroom (a non-habitable room) but the larger windows to the west, adjacent to the shared boundary with the application site, serves a bedroom. This window is the sole window serving this habitable room. When viewed from this window, given the height and depth of the second floor and roof extension it is considered that the resultant building would appear unduly visually overbearing and intrusive, to the detriment of their amenity.
- 9.17 In terms of daylight, taking a diagonal downward 45 degree angle from the nearest top corner of the extension, the centre of the subject window would lie within the 45 degree angle. The extension would also intrude through a 45 degree line taken from the mid-point of the window. As such, together with the south facing orientation, it is considered that the proposal would result in an unreasonable loss of daylight to this room. 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. However, in balancing this against the impact on neighbouring amenity it is not considered that the resulting scheme would provide an acceptable living standard. This would be contrary to Local Plan policy H11 and paragraph 127 of the NPPF.

Air Quality

- 9.18 The site lies in 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 compliance with relevant limits and take opportunities to improve air quality or mitigate potential impacts from both the construction and operational phases.
- 9.19 The Air Quality Assessment submitted with the application reports that the potential air quality impacts from construction activities would not be significant assuming good practice. If minded to approve it is recommended that a Construction Environmental Management Plan, which includes a Dust Management Plan, can be secured by condition. During the operational phase, it is considered that the main air pollutant would be from road traffic. A detailed dispersion modelling of the annual mean nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}) at existing and proposed receptor locations has also been submitted, and it is concluded that the air quality impact of the development is not significant.

iv Highway Safety and Parking

- 9.20 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, and policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking. MAAP policy MTC14 states that where appropriate development should provide adequate parking facilities.
- 9.21 The site currently benefits from servicing area with access off Park Street, and pedestrian access from the High Street. There are no proposed changes to this arrangement and therefore the

proposal is not considered to result in any undue harm to highway safety over and above the existing situation in this respect.

- 9.22 No on-site parking is proposed but, given that the town centre is considered to be a sustainable location with good access to local services and public transport, it is considered that this location could support a car-free development. Furthermore, there are parking restrictions within the vicinity such as double yellow lines, time limited parking bays and disabled parking bays to prevent any potential indiscriminate on-street parking to the detriment of highway safety.
- 9.23 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. If minded to approve this could be secured by condition. It is also considered that details of refuse and recycling storage could also be secured by condition.
- 9.24 Given the car free nature of the proposed development it is considered that the vehicle trip generation would be limited and therefore would not impact on the local highway infrastructure network and the proposal is therefore acceptable in this respect.

v Trees

- 9.25 Local Plan policy N6 states that an application for new development should wherever practicable allow for the retention of existing trees, and where the amenity value of trees outweighs the justification for development, planning permission may be refused.
- 9.26 There are no trees on site, but there are 3 trees on the adopted highway to the west on Park Street. Additional information has been submitted to demonstrate that utilities servicing the proposed development can be installed outside of the root protection area of these trees. At the time of the writing, comments from trees are still pending, and so any further comments received will be reported in an update.

vi Sustainable Drainage

- 9.27 Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. While classified as a major development, no sustainable drainage measures have been proposed. However, the submitted Drainage and Utilities Statement indicates that the existing site is 100% impermeable and as the proposed development would not alter the footprint there is unlikely to be an increase in surface water runoff. Furthermore, given the constraints of the site, it is accepted there would be limited scope for the inclusion of sustainable drainage measures. As such, in this instance the lack of sustainable drainage systems is considered to be acceptable.

vii Housing Land Supply

- 9.28 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.*

- 9.29 Footnote 7 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).'

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

9.31 Footnote 6 of the NPPF (2019) clarifies that section d(i) of paragraph 11 of the NPPF 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 designated heritage assets (conservation areas) but as set out in paragraphs 9.5 to 9.14 the application of policies in this Framework that protect heritage assets does not provide a clear reason for refusing the development. As such, 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 In accordance with the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, the development is CIL liable, but the required CIL payment for the proposed development is set at £0 per square metre.

11. CONCLUSION

11.1 It is also considered that the proposed scheme causes harm to the amenity of the occupants of the residential flat at no. 29 High Street as it would result in loss of daylight and would appear visually overbearing and intrusive when viewed from the second floor windows on the rear elevation serving a bedroom at no. 29 High Street due to the siting along the shared boundary, height, depth and form. This would be contrary to Local Plan policy H11 and paragraph 127 of the NPPF, and given **significant weight against** the development.

11.2 The proposal is considered to be acceptable in relation to retention of retail use at the site, character and appearance including Maidenhead Town Centre Conservation Area, highway safety and parking, air quality and sustainable drainage.

11.3 In relation to benefits that weigh in favour of the development. It is acknowledged that the proposal for 10 units would make a small contribution towards the Local Planning Authority in meeting their 5 year housing land supply, which is given **moderate weight in favour** of the development. There is also considered to be some environmental benefits as the proposal would involve the redevelopment of a brownfield site and the provision of additional housing in a sustainable, town centre location, which is also given **moderate weight in favour** of the development. It is likely that there would be some economic benefits through employment generation during construction, and an increase in local spends from additional residents, although unquantified and therefore given **limited weight in favour**.

11.4 For the reasons set out above and having regard for the tilted balance, it is considered that the adverse impacts of allowing this planning application would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, when taken as a whole.

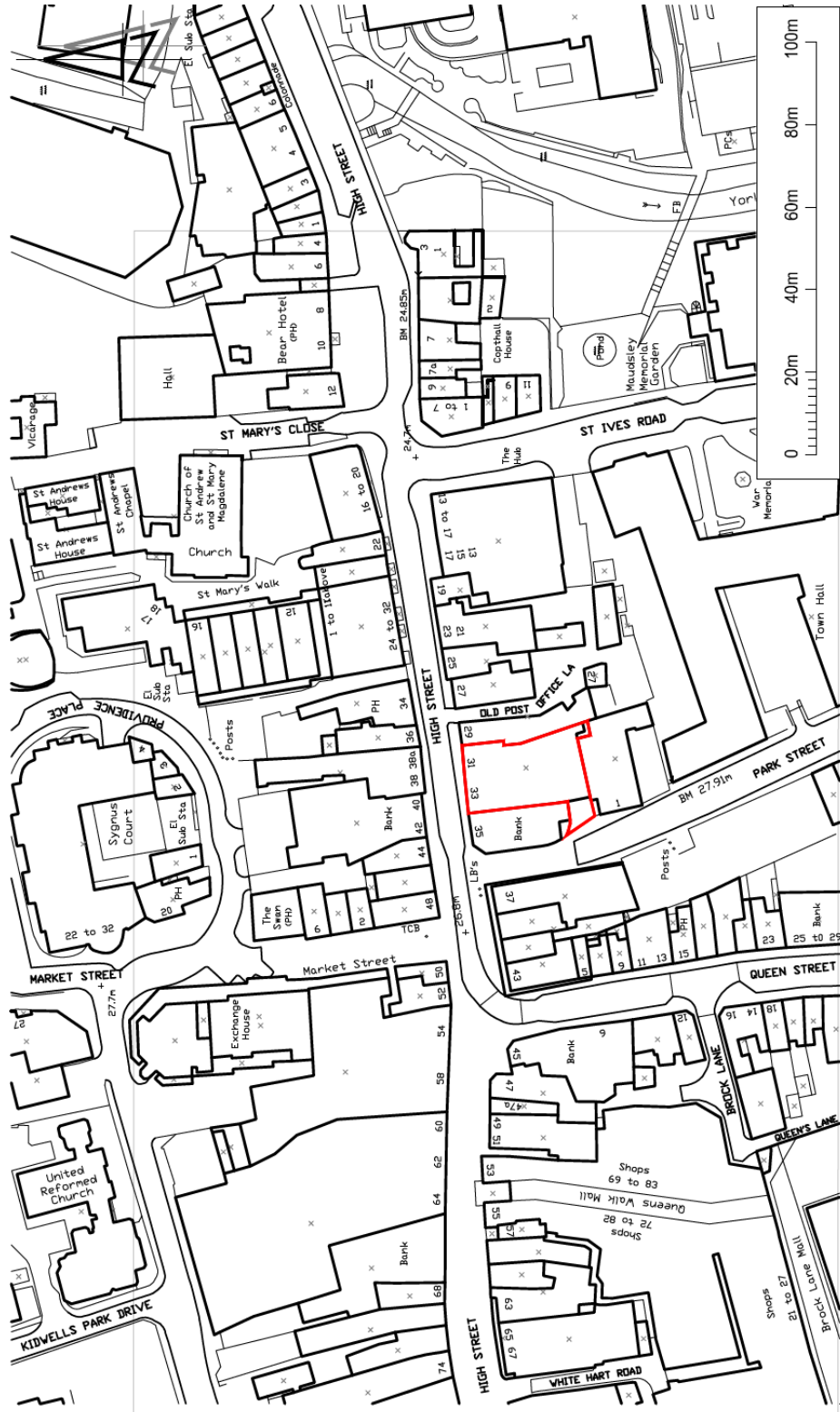
12. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan
- Appendix B Proposed Plans and Elevations

13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

1 By reason of its siting along the shared boundary, height, depth and form, the proposal would appear as a visually overbearing and intrusive form of development when viewed from the second floor window on the rear elevation of no. 29 High Street and would also give rise to an unacceptable loss of daylight to this window. This window is the sole window serving a habitable room within a residential flat. The proposal would therefore have an undue detrimental impact on the residential amenity of the occupants of the residential flat at no. 29 High Street, contrary to policy H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003), and paragraph 127 of the National Planning Policy Framework 2019.

Appendix A – Site Location Plan



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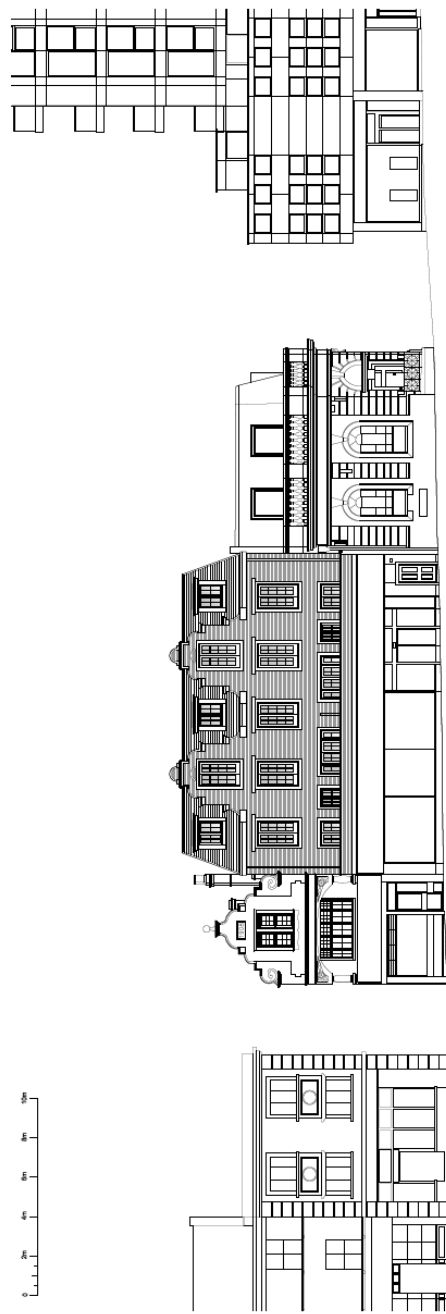
Enhancement of 31-33 High Street, Maidenhead and Addition of Flats Above
 Location plan
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 HSMD31-33/PLN/100

22/08/19

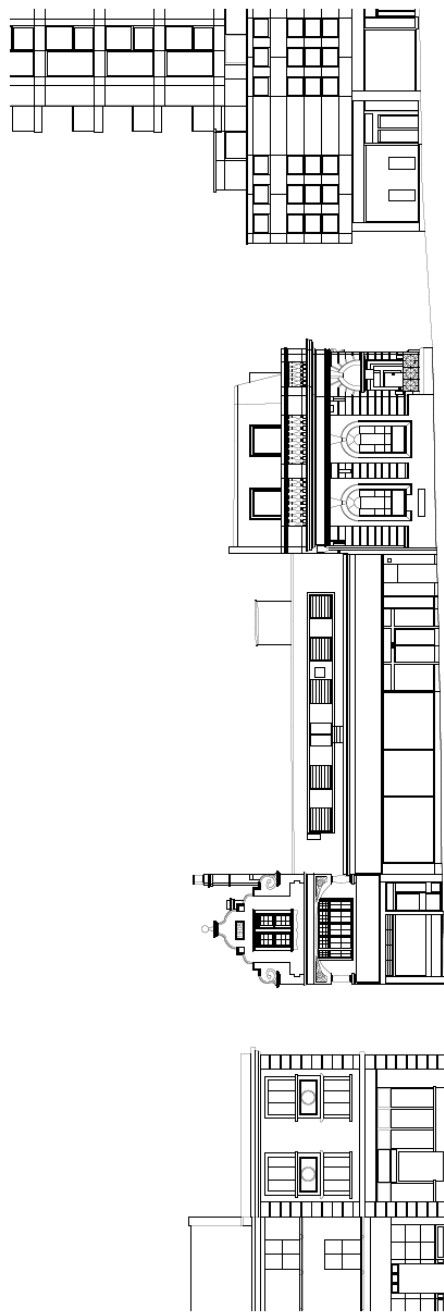


Appendix B – Proposed Plans and Elevations

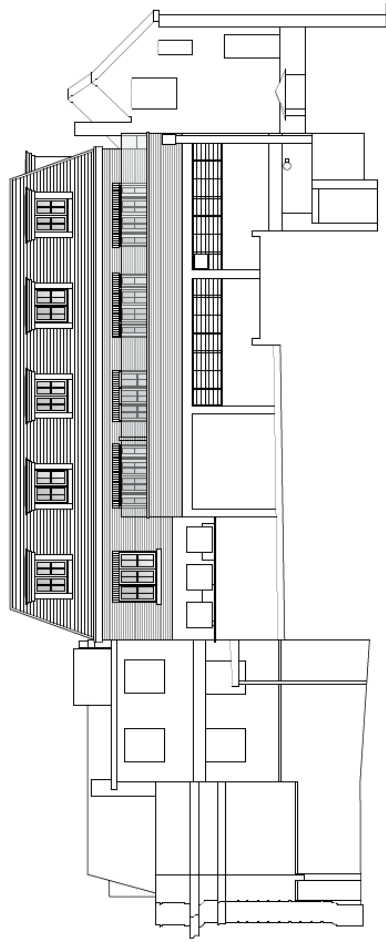
<p>Consultant:</p>	<p>© This drawing is the property of Sorbono Properties LLC and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Sorbono Properties LLC.</p>	<p>Notes:</p>	<table border="1"> <tr> <td>Rev.</td> <td>Description</td> <td>Date</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	Rev.	Description	Date				<p>Project:</p> <p>Enhancement of 31-33 High Street, Maidenhead and Addition of Flats Above</p>	<p>Title: 1/21</p> <p>Existing and Proposed North Elevations</p>	<p>SORBONO ESTATES</p> <p>Sorbono, Anthony Blvd., Blackwood, NJ 07004 Tel: 973.434.1131 Fax: 973.434.1747 www.sorbono.com</p>	<table border="1"> <tr> <td>Drawn By:</td> <td>AJT</td> <td>Date:</td> <td>22/09/19</td> </tr> <tr> <td>Scale:</td> <td>1:100</td> <td>Sheet:</td> <td>AT</td> </tr> <tr> <td>Project No.:</td> <td colspan="3">HSM031-33PLM1/04</td> </tr> </table>	Drawn By:	AJT	Date:	22/09/19	Scale:	1:100	Sheet:	AT	Project No.:	HSM031-33PLM1/04		
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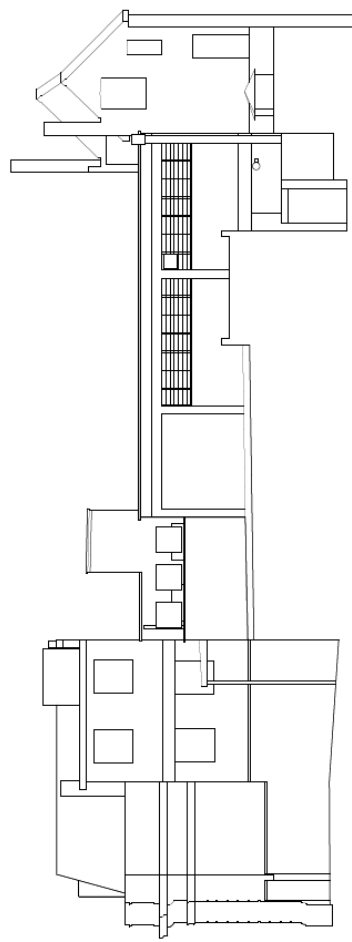
Proposed North Elevation (High Street)



Existing North Elevation (High Street)



Proposed South Elevation



Existing South Elevation

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Notes

Rev.	Description	Date

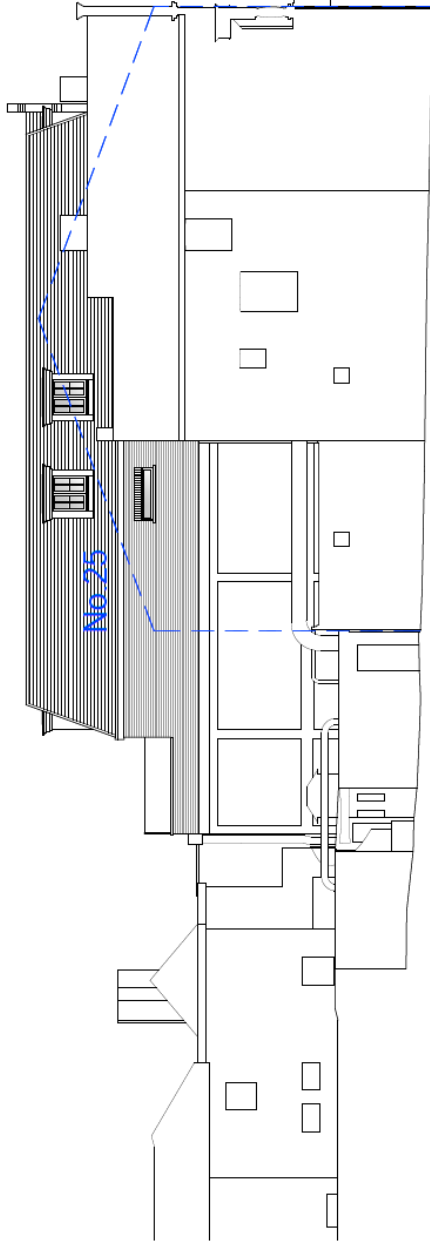
Project:
**Enhancement of
 31-33 High Street, Maidenhead
 and Addition of Flats Above**

Drawing Title
**Existing and Proposed
 South Elevations**

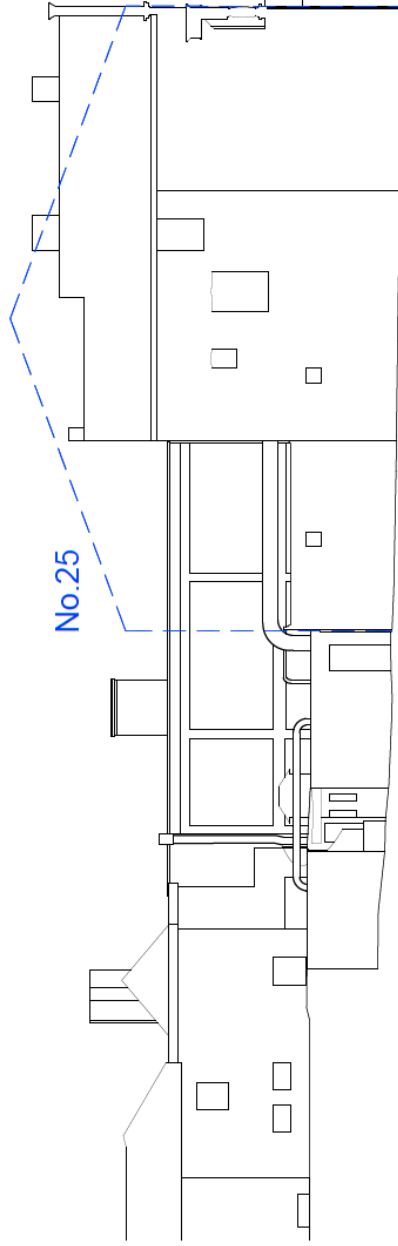
SORBON
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Scale: 1:100	A2
Drawing No. HSMD31-33/PLN/105	Revision



Proposed East Elevation (Old Post Office Lane)



Existing East Elevation (Old Post Office Lane)

All dimensions and areas must be checked on site and verified prior to construction.

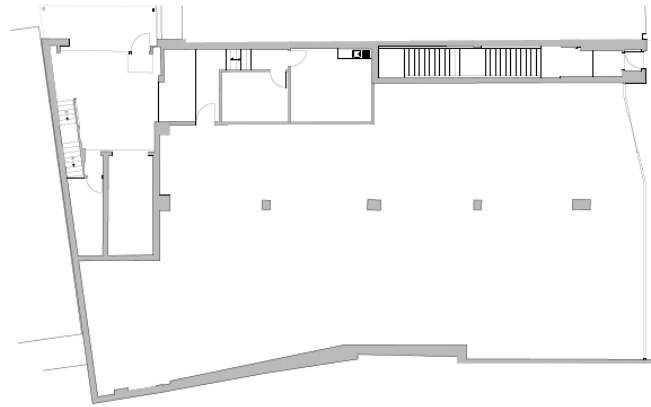
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Rev.	Description	Date

Project
**Enhancement of
 31-33 High Street, Maidenhead
 and Addition of Flats Above**

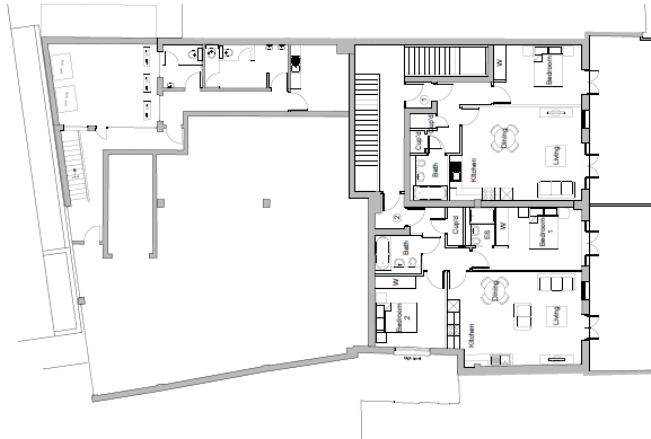
Drawing Title
**Existing and Proposed
 East Elevations**

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Drawn By: AJT	Date: 22/08/19
Scale: 1:100	A2
Drawing No. HSM031-33/PLN/107	Revision



Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan

DATE: 11/11/11

By: [Signature]

NO.	REVISION	DATE

Enhancement of
31-53 High Street, Make/Improve
and Addition of Flats Above

SORBON
ESTATES

DATE: 11/11/11	SCALE: 1:100
PROJECT: HSN03-33/PLN/102	NO. 111

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Agenda Item 7

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

19 February 2020

Item: 4

Application No.:	19/03455/OUT
Location:	Zacara Polo Ground Martins Lane Shurlock Row Reading RG10 0PP
Proposal:	Outline application for a replacement equestrian building with all matters reserved.
Applicant:	Ms Guest
Agent:	Mr Tom McArdle
Parish/Ward:	Waltham St Lawrence Parish/Hurley And Walthams
If you have a question about this report, please contact: Charlotte Goff on 01628 685729 or at charlotte.goff@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application seeks outline planning consent with all matters reserved for the demolition of an existing barn and seasonal stables, grooms accommodation and storage, and erection of a new equestrian building to accommodate 13 looseboxes, two tack rooms and a 60 x 20m arena.
- 1.2 The proposed development is considered to be appropriate development in the Green Belt, which would preserve its openness and not conflict with the purposes of including land within the Green Belt.
- 1.3 Although matters relating to layout, scale, appearance, access and landscaping are reserved, the indicative plans show a building that is typical of agricultural buildings in the surrounding area in terms of its design. The proposals utilise existing hardstanding and access routes into the site and do not result in any adverse impacts to the trees within the site.

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; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Zacara Polo Ground is located to the north of Martins Lane. The area is rural in nature with farm holdings, dwellings, and open fields surrounding the site. The site and environs are designated Green Belt.
- 3.2 The property at present consists of two all-weather exercise tracks, an outdoor arena, a full size high goal polo pitch, horsewalker, irrigation lake and yard area accommodating the existing buildings which consist of a large portal frame barn with stables/storage, two stable buildings set out in an L-shape and three smaller buildings consisting of grooms accommodation and two storage buildings. The latter stable buildings, grooms accommodation and storage are seasonal structures, only permitted to be erected for 7 months of the year (from 1st March until 30th September each year) (application 15/03896/FULL).

4. KEY CONSTRAINTS

- 4.1 The main constraint related to this site is its siting within the Green Belt.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 This application seeks outline consent with all matters reserved for the demolition of the existing buildings within the yard and erection of a single building approximately 60m x 23.8m with a floor area of 1428 sq.m, a volume of 5684.72 m³ and an overall maximum height of 5 metres.
- 5.2 The proposed building is to be sited upon the existing hardstanding within the yard, screened from the surrounding area by the existing landscaped bunds. The proposed building will be clad in featheredge timber cladding painted black with corrugated roofing. It is proposed that the building will comprise of 13 looseboxes, two tack rooms and a standard 60 x 20m arena which is to be used for dressage training, training of polo ponies for winter arena polo, breaking and exercising home bred horses and re-training and exercising retired racehorses.
- 5.3 The use of the site will not alter from an equestrian use. It is still proposed to be used throughout the year for equestrian stabling principally associated with polo but with associated breeding as well as continuous training and rehabilitation of horses for both the summer polo season and also the winter polo season. The building will ensure the continued equestrian use of the property for the multi equestrian disciplines of the applicant.
- 5.4 There have been a number of planning applications on this site; of most relevance are the following:

Reference	Description	Decision
06/00821/FULL	Formation of one polo pitch (including regarding and levelling) with new access on to Shurlock Row	Allowed on appeal
09/01946/FULL	Change of use of equestrian barn to equestrian use with demountable stabling and attached toilet facilities plus horse exercise track.	Permission granted 12.11.2009
10/01968/FULL	Provision of an arena for all weather training of polo ponies	Permission granted 2.11.2010
12/03246/FULL	Siting of seasonal demountable stables and associated storage and grooms accommodation for a temporary 2 yr period.	Permission granted 01.03.2013
13/00163/FULL	Extension to existing barn, access way, yard area and associated landscaping works.	Permission granted 19.03.2013
14/02853/FULL	Temporary (1 year) seasonal demountable stables and grooms accommodation.	Permission granted 04.11.2014
15/03896/FULL	Construction of seasonal stables and associated storage and grooms accommodation.	Permission granted 22.01.2016

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
Green Belt	GB1, GB2
Equestrian uses	GB6
Design in keeping with character and appearance of area	DG1
Highways	P4 and T5
Trees	N6

These policies can be found at

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

7. **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Appropriate development in the Green Belt	SP1, SP5

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
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. 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

7.3 Other Strategies or publications material to the proposal are:

- RBWM Parking Strategy

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

The planning officer posted a notice advertising the application at the site on 18th December 2019 and the application was advertised in the Local Press on 19th December 2019

No letters were received in response to this consultation

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection to the scheme. The proposal is likely to reduce vehicular movements to and from the site.	9.10
Lead Local Flood Authority	The development is unlikely to increase surface water flooding given its location within an existing area of hardstanding. No objection is raised subject to a condition to secure the provision of surface water drainage details.	n/a
Trees	No objection subject to conditions to secure tree retention/replacement and tree protection.	9.11

Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	The replacement building should not exceed the existing permanent (ie not temporary seasonal) permission in total floor area to avoid conflict with Green Belt policies, in particular GB2. If this application is approved, there will be a need for additional polo stables to avoid unacceptable traffic hazard-para 4.6 and GB6. We note that the plan includes 'temporary seasonal buildings' of which 462sq.m were approved.	9.2-9.9 No additional polo stables are required as the applicant is looking to diversify the type of equestrian disciplines at the site.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- Green Belt
- Character and appearance;

iii Highways;

iv Trees

PLANNING ASSESSMENT

i Green Belt

Appropriate Development in the Green Belt

- 9.2 The site lies within the designated Metropolitan Green Belt as shown on the Local Plan Proposals Map. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 of the NPPF states that new buildings in the Green Belt should be regarded as inappropriate development with some exceptions. Further to paragraph 145 of the NPPF, paragraph 146 of the NPPF goes on to state that certain other forms of development are appropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Local Plan policies GB1 and GB3 and BLPSV policy SP5 also set out appropriate development in the Green Belt, however, the Local Plan was prepared in accordance with the cancelled PPG2: Green Belts while the BLPSV was prepared in accordance with the NPPF (2012). While the Development Plan comprises of the Local Plan, policies GB1 and GB3 are not entirely consistent with the NPPF and are not given full weight for the purposes of this assessment. The NPPF is considered to be a more up-to-date expression of Government intent and is afforded significant weight as a material consideration.
- 9.3 At present, there is one large barn used for stabling and storage which is a permanent fixture. There are five further buildings on the site of varying size, although these are only permitted to be erected from 1st March until the 30th September (to be removed by 7th October) and consist of two stable buildings, grooms accommodation and two storage buildings. It is proposed to demolish all these existing structures and erect one single building with stables and an arena.
- 9.4 The following table sets out the floor area and volumes of the existing buildings and structures on the site and that proposed within this application.

	Description	Floor Area (sq.m)	Volume (cu.m)	Maximum Height (m)
Existing	Permanent Barn	578.86	4428.87	7
	Seasonal stables, grooms accommodation and stores (1 st March – 30 th September)	535.5	2275.28	3.4
	Total existing	1114.36	6704.15	7
Proposed	Building comprising 13 looseboxes, two tack rooms and standard 60 x 20m arena.	1428	5684.72	5

- 9.5 Paragraph 145 (b) of the NPPF (2019) states that the provision of appropriate facilities for outdoor sport and recreation would not amount to inappropriate development in the Green Belt provided that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Paragraph 145 (d) states that the replacement of a building would not be inappropriate development in the Green Belt provided that the new building is in the same use and not materially larger than the one it replaces.
- 9.6 The proposed building would replace existing buildings on the site and be in the same use. Whilst the Council appreciate that there are a number of buildings being demolished on the site, only the barn has permission to be permanently erected on the site. The stables, grooms

accommodation and stores have consent to be erected from 1st March – 30th September to coincide with the polo season.

- 9.7 As these buildings are only permitted on site for 7 months of the year it is not considered entirely appropriate to assess this proposal as a potential exception to the presumption against new buildings in the Green Belt under paragraph 145 (d) of the NPPF.
- 9.8 Notwithstanding this conclusion, given the proposed use of the building, it also falls to be considered as an exception under paragraph 145 (b) of the NPPF. Turning to the exception under bullet point (b), the first test is whether the proposed building comprising 13 looseboxes, two tack rooms and an arena, which will be used for competition level dressage training, training of polo ponies for winter arena polo, breaking and exercising home bred horses and re-training and exercising of retired racehorses, represents appropriate facilities for outdoor sport and recreation. It is clear that the proposed building could be considered as appropriate, given that it is solely to be used in connection with stabling, training and exercising of horses. The statements accompanying the application have provided clear evidence and justification as to why the building needs to be of the size proposed and to enable them to function for their intended purpose. It is therefore considered an appropriate facility in connection with outdoor sport and recreation.
- 9.9 Turning to the second test of the exception of whether the proposed building would preserve the openness of the Green Belt and whether it would conflict with the purposes of including land within it, the NPPG advises that the impact on openness of the Green Belt should be assessed by taking into account both its spatial and visual impact, while paragraph 133 of the NPPF makes it clear that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The Green Belt purposes are set out in paragraph 134.
- 9.10 At present the site consists of a permanent barn. There are further buildings on the site, although these are only permitted to be erected from 1st March until the 30th September. These include, two stable buildings set out in an L-shape, grooms accommodation and two storage buildings (paragraph 9.4 sets out the floor area, volumes and maximum heights of these buildings). The entire yard within which these buildings sit, is surrounded by an earth topped bund with hedging between 7-8m in height above ground level, which prevents much of the site from being visible from the surrounding area.
- 9.11 The proposal would be to remove the permanent and seasonal buildings, and consolidate all built form into a single building. The following table provides a comparison of the differences between the existing permitted buildings on the site and that proposed within this application.

	Floor Area	Volume	Maximum Height
% difference between permanent and seasonal buildings and current proposal.	28 % increase	15.2 % reduction	28.57% reduction
% difference between permanent building only and current proposal.	146.7% increase	28.3% increase	28.57% reduction

- 9.12 Although some of the buildings on the site are only erected for 7 months of the year, it is considered relevant to consider them in relation to impact on openness. Taking into account the above table, the building is an obvious enlargement when considered against solely the permanent building on the site. It does however represent an overall decrease in volume, height and scale, and level of activity on the site, when considered in relation to the built structures on site from 1st March – 30th September annually. The removal of all of the existing buildings would

also result in a reduction in the spread of development across the site. In such circumstances, and recognising that there is both a spatial and visual component to openness, it is considered that whilst the proposed building would be larger than the existing permanent building, the actual impact on openness, when taking account of the permanent removal of all buildings on the site, would be positive. In terms of conflict with the purposes of including land within the Green Belt, the proposal would be sited within the existing developed area of the site, within the raised bunds, and therefore would not encroach into the countryside. The scheme thereby meets the fundamental aim of keeping land permanently open and preventing urban sprawl. The proposal is therefore considered to fall under the exception of paragraph 145 (b) of the NPPF (2019) and therefore constitutes appropriate development in the Green Belt.

Character and Appearance

- 9.13 National Planning Policy Framework Section 12 (Achieving well-designed places) and Local Plan Policy DG1 advises that all development should seek to achieve a high quality of design that improves the character and quality of an area.
- 9.14 Although this application is in outline with all matters reserved, indicative elevations and discussion of materials have been included within the accompanying documentation. The building will appear similar to many of the agricultural buildings visible within the surrounding landscape. The existing bunds surrounding the yard are also proposed to remain, which would ensure that the rural landscape setting of the site is maintained. Although the precise scale of the building is a reserved matter, the plans indicate that the height of the building would be around 5 metres in height. This would ensure that the building sits below the height of the bund and is not prominent in view.

Highways

- 9.15 The property has an existing double gated entrance from Martins Lane. No alterations are proposed to the entrance. The driveway into the application site and existing hardstanding in the yard is to remain to provide vehicle parking. The Highways Officer has reviewed the proposal and raises no objection to the proposed scheme.

Trees

- 9.16 An arboricultural report accompanies this application which shows the Root Protection Areas of the trees located within the bunded yard area. All trees are to be retained on the site and the proposed building has been sited so as to avoid these areas. The scheme has been reviewed by the Councils Arboricultural Officer who raises no objection to the proposals.

10. CONCLUSION

- 10.1 It is a material consideration in the assessment of this application that in assessing the scheme under paragraph 145 (d) of the NPPF (2019) that, whilst not considered to fall under this exception, the scheme would result in a replacement building that would be smaller in terms of both its volume and height than the existing permanent building when considered together with the temporary buildings on the site. However, for the reasons set out within the report, it is considered that the replacement equestrian building would constitute an appropriate form of development within the Green Belt under paragraph 145 (b) of the NPPF.

11. APPENDICES TO THIS REPORT

- Appendix A – Location Plan
- Appendix B - Existing buildings to be demolished and proposed building
- Appendix C – Proposed site layout

12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 Application for approval of the reserved matters for landscaping, means of access, appearance, layout and scale shall be made to the Local Planning Authority before the expiration of three

years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 No development on the site shall commence until details of the landscaping, means of access, appearance, layout and scale of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that planning permission for the whole of the development exists before the development commences, in accordance with the requirements of Section 57 of the Town and Country Planning Act 1990 as amended.

3 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.

4 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.

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

5 The construction of the external surfaces of the building(s) hereby permitted shall not be commenced until details of the materials to be used have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

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

6 The existing structures proposed to be removed as part of this proposed development, shall be permanently dismantled and removed from the site in their entirety prior to the first use of the building hereby permitted and not thereafter reinstated.

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

7 The application for the approval of reserved matters shall include details of a surface water drainage scheme based on sustainable drainage principles. Details shall include: i) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details; ii) Supporting calculations based on infiltration testing undertaken in accordance with BRE365 demonstrating compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (DEFRA March 2015); iii) Details of site investigation results confirming whether contaminants are present within the substrata and, if necessary, measures to be taken to prevent mobilisation of contaminants via the infiltration of surface water runoff; iv) Details of the maintenance arrangements relating to the proposed surface water drainage system confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with the National Planning Policy Framework 2019 and Non-Statutory Technical Standards for Sustainable Drainage System.

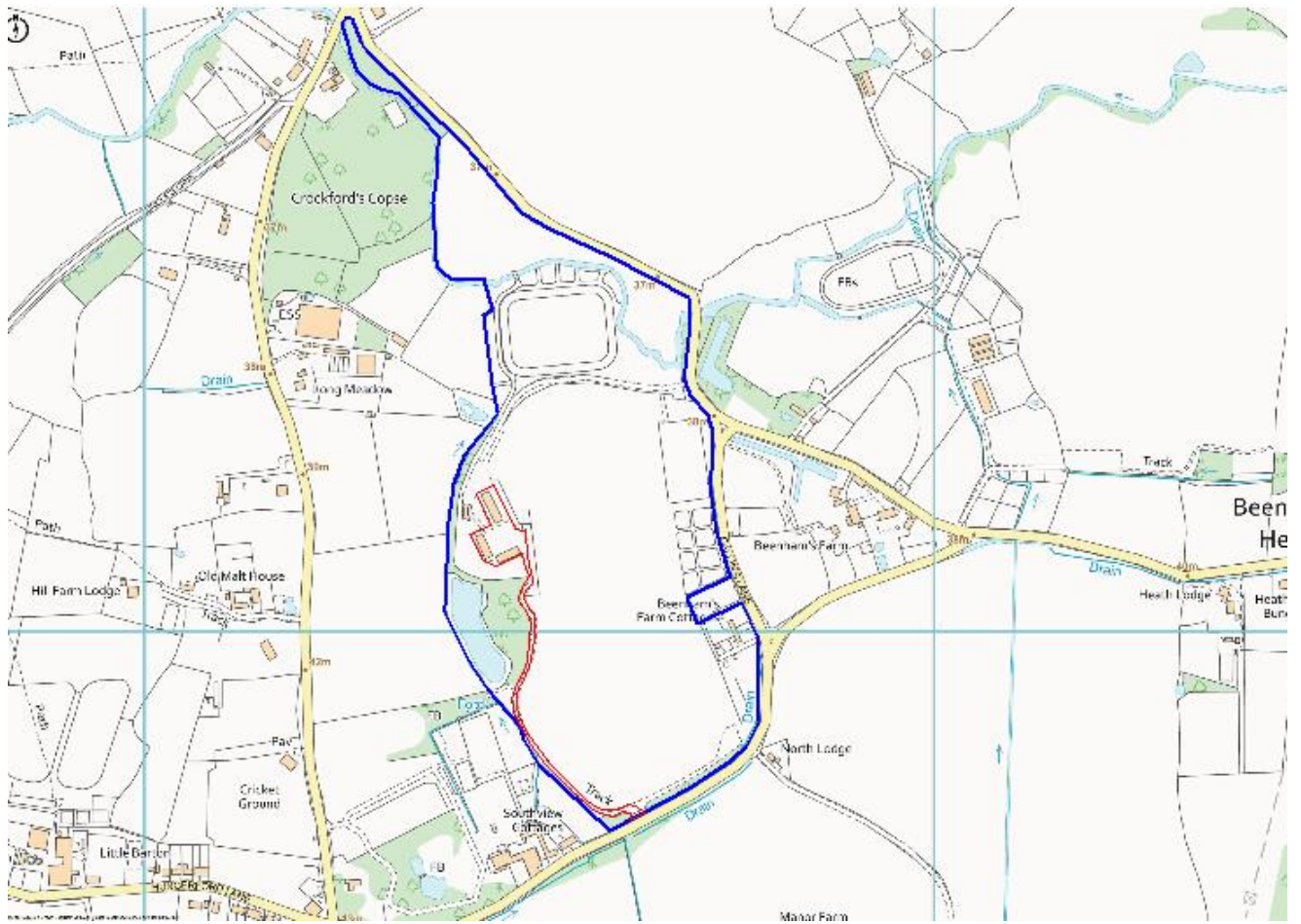
8 Prior to the erection of any external lighting on the site details of the location, lamp standard and illumination levels shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter any lights shall only be erected in accordance with the approved details.

Reason: The site is in the Green Belt and control is required over any lighting to protect the character of the area. Local Plan Policy DG1.

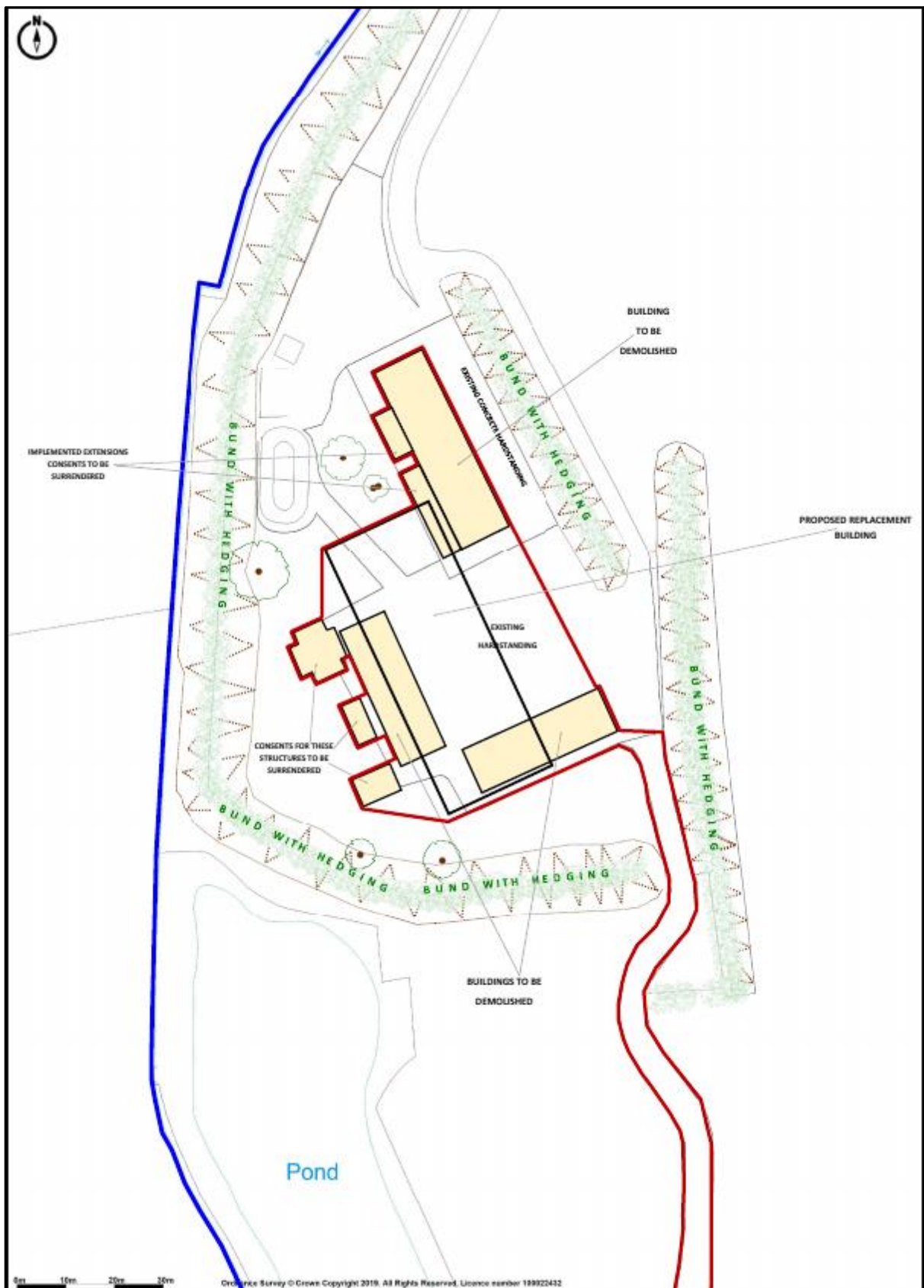
9 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

Appendix A - Site Location Plan



Appendix B - Existing buildings to be demolished and proposed building.



Appendix C – Proposed Site layout



MAIDENHEAD DEVELOPMENT CONTROL PANEL

19 February 2020

Item: 5

Application No.:	19/03501/FULL
Location:	Land Known As Budds Pasture East of Moneyrow Green And North of Forest Green Road Holyport Maidenhead
Proposal:	New farm track and widening of the existing access (Retrospective).
Applicant:	Mr Craig
Agent:	Not Applicable
Parish/Ward:	Bray Parish/Bray
If you have a question about this report, please contact: Dariusz Kusyk on 01628796812 or at dariusz.kusyk@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposed development is considered appropriate within the Green Belt in accordance with Local Plan Policy GB1 and the NPPF paragraph 146.

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

2. REASON FOR PANEL DETERMINATION

- Listed by Cllr Leo Walters, in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application property is approximately 26ha in area. The planning history includes sufficient information in order to confirm that the lawful use of the land is solely agricultural. The historical application ref. 19/00365/AGDET contains rural registry maps which confirm the established class of use of the application property.
- 3.2 The surrounding area of the application site includes sporadic residential units, formed as a ribbon development along Forest Green Road, sited within open and rural Green Belt. There is Moneyrow Green village centre circa 400.0m to the west.

4. KEY CONSTRAINTS

- 4.1 The application site is within the Green Belt.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposed development is retrospective and includes a circa 200.0m long farm track, made of hardcore and gravel. The track is approximately 3.0m wide and provides a wider access out onto Forest Green Road in order to improve overall functionality of the access and provide adequate sightlines.
- 5.2 Relevant planning history

Reference	Description	Decision
-----------	-------------	----------

19/00365/AGDET	Notification to determine whether prior approval is required for the construction of a new agricultural building.	Approval – 05/03/2019
18/03531/AGDET	Notification to determine whether prior approval is required for the construction of a new agricultural building.	Refusal – 08/01/2019

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Appropriate development in the Green Belt	GB1
Acceptable impact on Green Belt	GB2
Design in keeping with character and appearance of area	DG1
Highways	P4 and T5
Trees	N6

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

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
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	QP5
Design in keeping with character and appearance of area	QP1, QP3
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. 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

7.3 Other Strategies or publications material to the proposal are:

- RBWM Parking Strategy

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

No letters were received with regards to the application.

Consultees

Consultee	Comment	Where in the report this is considered
Bray Parish Council	Recommended for approval, with the following conditions: 1. The new farm track and entrance to be used by agricultural vehicles only. 2. The materials to be used for the vehicle access must be environmentally friendly. 3. The hedge which runs along the front of the field to be	Section 9.

	extended into the entrance splay on the right-hand side.	
Highways Officer	No objections, subject to a condition to provide bonded surface access.	Section 9.
Ecology Officer	No objections.	Noted.
Trees Officer	No objections.	Noted
Environmental Protection	No objections.	Noted

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- I Impact upon the Green Belt;
- II Highways Impact;
- III Neighbours Impact.

Issue I - Impact upon the Green Belt

9.2 Paragraph 146 of the NPPF states that *“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include:*

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;”

9.3 Local Plan Policy GB1 lists the forms of development which could be granted approval, which includes *A1) Development for agriculture or forestry and C) Engineering and other operations and the making of material changes in the use of land which maintain openness and do not conflict with the purposes of including land in the Green Belt.* However, the Development Plan 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.

9.4 The proposal is for a 200.0m long farm track that leads to an agricultural barn, being used for agricultural purposes in connection with the farm. The applicant states that the proposal is necessary, due to the type and proportions of machinery and agricultural vehicles in use by the farm and which require a track of sufficient width. As such the development comprises an engineering operation for agricultural purposes, which due to its nature and form would preserve openness and not conflict with any of the purposes of the Green Belt. The proposal is therefore considered to accord with paragraph 146 of the NPPF and policy GB1 of the Local Plan.

Issue II - Highway consideration and parking provision.

9.5 Forest Green Road is classified as a district distributor road which provides an alternative link between the A308 and A330. This section of Forest Green Road is restricted to a 40mph speed limit and has no footways or street lighting.

9.6 The submitted Design and Access Statement confirms that the existing access has been widened by approximately 3.0m to enable the access to achieve better visibility splays and provide better manoeuvrability for the agricultural vehicles entering and leaving the site. Given that the proposal would not affect the existing parking and turning arrangements, it is considered acceptable in highways terms.

Issue III – Neighbours Impact

9.7 The proposed development would not result in any negative impact upon occupiers of the nearby residential properties, due to the significant separation distances involved. The proposal would therefore comply with the NPPF paragraph 127 f), which states that planning decisions should ensure that developments create places that have a high standard of amenity for existing and future users.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is not CIL liable.

12. APPENDICES TO THIS REPORT

1. Appendix A - Aerial photograph of the farm track;
2. Appendix B – Location Plan.

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 Within three calendar months of the date of this permission the access shall be surfaced with a bonded material across its entire width for a distance of at least five metres measured back from the carriageway and shall thereafter be maintained as such. Reason: To avoid spillage of loose material onto the carriageway which could adversely affect conditions of highway safety. Relevant Policies - Local Plan T5.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

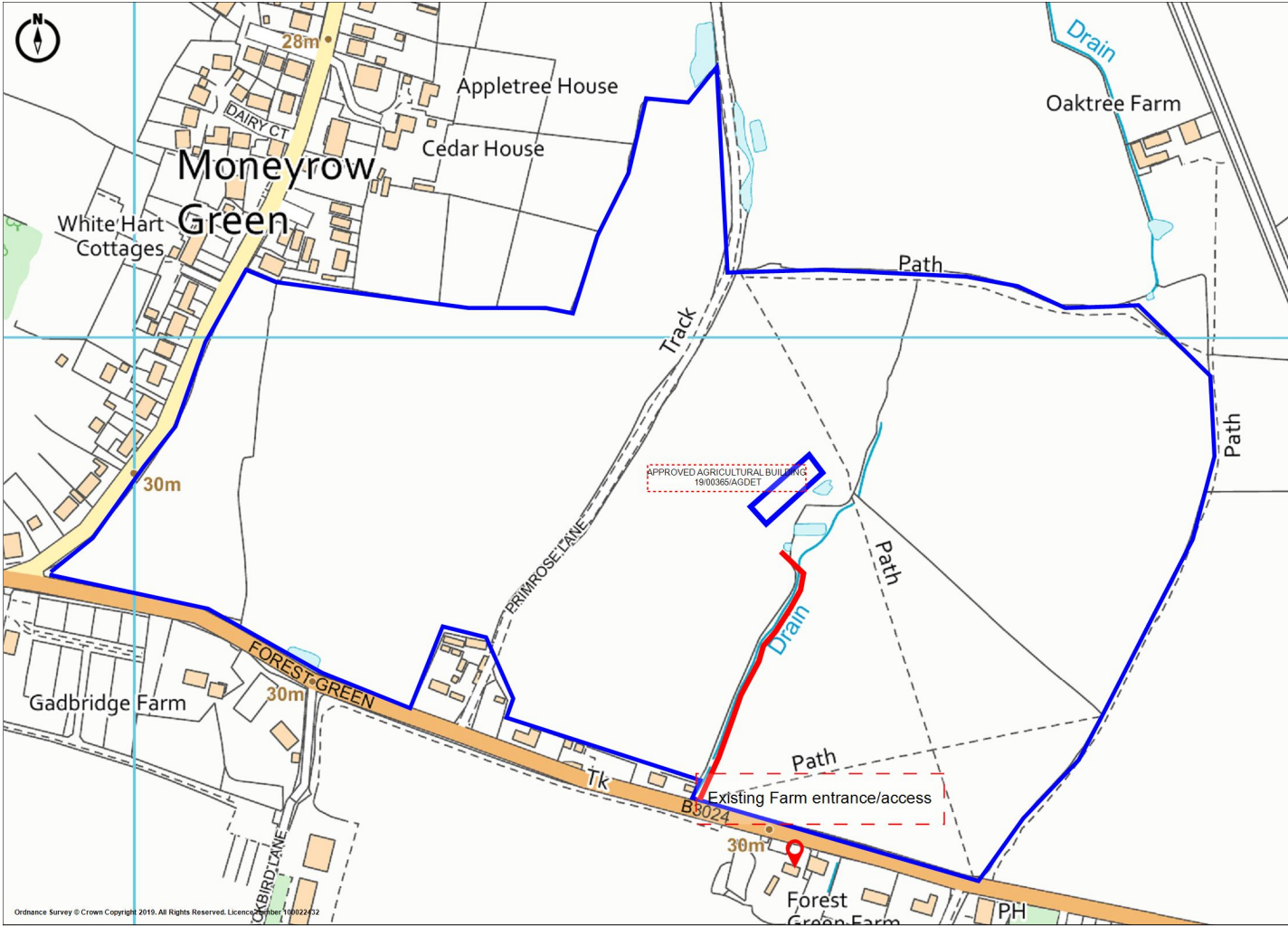
- 1 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least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

Existing farm entrance and farm track at Budds Pasture



Retrospective hardcore farm track to previously approved agricultural building (19/00365/AGET)

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Agenda Item 9

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

MAIDENHEAD DEVELOPMENT CONTROL PANEL

Planning Appeals Received

11 January 2020 - 10 February 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 Plns reference number. If you do not have access to the Internet please write to the relevant address, shown below.

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

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

Ward:
Parish: White Waltham Parish
Appeal Ref.: 20/60004/REF **Planning Ref.:** 19/01877/FULL **Plns Ref.:** APP/T0355/D/19/3241639
Date Received: 17 January 2020 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Alterations to the ground floor side and first floor rear fenestration, x1 front dormer and x1 side dormer to both side elevations to enlarge the existing first floor accommodation.
Location: **7 Breadcroft Road Maidenhead SL6 3PA**
Appellant: Mr Gramham Search **c/o Agent:** Mr Hayden Cooper HAC Designs 56 Shepherds Lane Caversham Reading RG4 7JL

Ward:
Parish: White Waltham Parish
Appeal Ref.: 20/60005/ENF **Enforcement Ref.:** 18/50356/ENF **Plns Ref.:** APP/T0355/C/19/3243627
Date Received: 17 January 2020 **Comments Due:** 28 February 2020
Type: Enforcement Appeal **Appeal Type:** Written Representation
Description: Appeal against the Enforcement notice: Without planning permission, the construction of a car port within the front garden.
Location: **Copperfields Waltham Road White Waltham Maidenhead SL6 3JD**
Appellant: Mrs Alexandra Chatzidakis **c/o Agent:** Mr Mark Berry JSA Architects Ltd Tavistock House Waltham Road Maidenhead SL6 3NH

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 20/60012/REF **Planning Ref.:** 19/02030/FULL **Plns Ref.:** APP/T0355/W/19/3242038
Date Received: 30 January 2020 **Comments Due:** 5 March 2020
Type: Refusal **Appeal Type:** Written Representation
Description: Proposed development comprising nine apartments with associated landscaping, parking and access.
Location: **Land Adj 33A The Crescent Maidenhead SL6 6AG**
Appellant: Mr Matt Taylor Churchgate Premier Homes ID Maidenhead Vanwall Business Park Maidenhead SL6 4UB

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 20/60013/REF **Planning Ref.:** 19/00674/FULL **Plns Ref.:** APP/T0355/W/19/
3243363
Date Received: 3 February 2020 **Comments Due:** 9 March 2020
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of a new building comprising x8 apartments with refuse and cycle stores, associated landscaping, parking and access, following demolition of the existing dwelling.
Location: **Zaman House Church Road Maidenhead SL6 1UR**
Appellant: Mr Iqbal **c/o Agent:** Mr Matt Taylor Churchgate Premier Homes ID Maidenhead Vanwall Business Park Maidenhead SL6 4UB

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 20/60015/REF **Planning Ref.:** 19/01185/FULL **Plns Ref.:** APP/T0355/W/20/
3244531
Date Received: 5 February 2020 **Comments Due:** 11 March 2020
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of x2 dwellings, following demolition of the existing garages
Location: **Land Rear of 17 Ray Park Avenue Maidenhead**
Appellant: Mr And Mrs Leiserach **c/o Agent:** Dr. Bob Newell 56 Saunderton Vale Saunderton High Wycombe Buckinghamshire HP14 4LJ

Appeal Decision Report

14 January 2020 - 10 February 2020

www.rbwm.gov.uk



Royal Borough
of Windsor &
Maidenhead

MAIDENHEAD

Appeal Ref.: 19/60090/REF **Planning Ref.:** 18/02882/FULL **Plns Ref.:** APP/T0355/W/19/3223364

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

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

Description: Erection of a proposed barn (retrospective)

Location: **Land At Moor Farm South of The Pond Ascot Road Holyport Maidenhead**

Appeal Decision: Dismissed **Decision Date:** 17 January 2020

Main Issue: The Inspector found that the siting of the barn, at the edges of the existing distribution of buildings on the wider site, spreads built development further into the countryside. This does not safeguard the countryside from encroachment and so there is conflict with the purposes of including the land within the Green Belt. The barn is therefore inappropriate development in the Green Belt, and does not comply with Policies GB1 and GB2 or the Framework. The Inspector also concluded that the barn is not safe from flooding and is therefore contrary to Policy F1 of the Local Plan and the flooding policies of the Framework. He did not consider the harm to the Green Belt together with the other harm identified above, are matters, which are clearly outweighed by other considerations. He therefore found the very special circumstances necessary to justify the development do not exist.

Appeal Ref.: 19/60091/REF **Planning Ref.:** 18/02881/FULL **Plns Ref.:** APP/T0355/W/19/3223366

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

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

Description: Erection of a barn (retrospective).

Location: **Land At Moor Farm North of Livery And East of The Bourne Ascot Road Holyport Maidenhead**

Appeal Decision: Dismissed **Decision Date:** 17 January 2020

Main Issue: The Inspector found that the siting of the barn, at the edges of the existing distribution of buildings on the wider site, spreads built development further into the countryside. This does not safeguard the countryside from encroachment and so there is conflict with the purposes of including the land within the Green Belt. The barn is therefore inappropriate development in the Green Belt, and does not comply with Policies GB1 and GB2 or the Framework. The Inspector also concluded that the barn is not safe from flooding and is therefore contrary to Policy F1 of the Local Plan and the flooding policies of the Framework. He did not consider the harm to the Green Belt together with the other harm identified above, are matters, which are clearly outweighed by other considerations. He therefore found the very special circumstances necessary to justify the development do not exist.

Appeal Ref.: 19/60096/ENF **Enforcement Ref.:** 18/50124/ENF **Plns Ref.:** APP/T0355/C/19/3225462

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

Decision Type: Enforcement **Officer Recommendation:**

Description: Appeal against the Enforcement Notice: Without planning permission the importation of soil, rubble and other materials for the purpose of raising of land levels, formation of bunds and erection of two barns, the stripping of land to create earth bunds, formation of hardstanding and a change of use of the land for the parking / storage of vehicles.

Location: **Moor Farm Ascot Road Holyport Maidenhead SL6 2HY**

Appeal Decision: Upheld and Varied **Decision Date:** 17 January 2020

Main Issue: Impact on Green Belt with no special circumstances. Flood Plain. Compliance time extended from 28 days to 4 months.

Appeal Ref.: 19/60097/ENF **Enforcement Ref.:** 18/50124/ENF **Plns Ref.:** APP/T0355/C/19/3225461

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

Decision Type: Enforcement **Officer Recommendation:**

Description: Appeal against the Enforcement Notice: Without planning permission the importation of soil, rubble and other materials for the purpose of raising of land levels, formation of bunds and erection of two barns, the stripping of land to create earth bunds, formation of hardstanding and a change of use of the land for the parking / storage of vehicles.

Location: **Moor Farm Ascot Road Holyport Maidenhead SL6 2HY**

Appeal Decision: Upheld and Varied **Decision Date:** 17 January 2020

Main Issue: Impact on Green Belt with no special circumstances. Flood Plain. Compliance time extended from 28 days to 4 months.

Appeal Ref.: 19/60098/ENF **Enforcement Ref.:** 18/50124/ENF **Plns Ref.:** APP/T0355/C/18/3218796

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

Decision Type: Enforcement **Officer Recommendation:**

Description: Appeal against the Enforcement Notice: Without planning permission the importation of soil, rubble and other materials for the purpose of raising of land levels, formation of bunds and erection of two barns, the stripping of land to create earth bunds, formation of hardstanding and a change of use of the land for the parking / storage of vehicles.

Location: **Moor Farm Ascot Road Holyport Maidenhead SL6 2HY**

Appeal Decision: Dismissed **Decision Date:** 17 January 2020

Main Issue: Impact on Green Belt. As there is no Ground (a) appeal there can be no consideration for any planning merits of the development enforced.

Appeal Ref.: 19/60094/ENF **Enforcement Ref.:** 16/50242/ENF **Plns Ref.:** APP/T0355/C/18/3215426

Appellant: Mr Perrin Stevens **c/o Agent:** Mr Joe Cunnane Cunnane Town Planning LLP Oriel House 26 The Quadrant Richmond TW9 1DL

Decision Type: Enforcement **Officer Recommendation:**

Description: Appeal against the Enforcement Notice. Without planning permission the material change of use of the land to a mixed use comprising a dwellinghouse, outbuildings and hardstanding. Use of the paddock for equestrian purposes and car repairs and associated car storage.

Location: **Kimbers Lane Farm Oakley Green Road Oakley Green Windsor SL4 4QF**

Appeal Decision: Upheld and Varied **Decision Date:** 29 January 2020

Main Issue: The Inspector concluded that there is a loss of openness due to the storage of the vehicles and the additional built form of the extension. Whilst this might sometimes be acceptable on an already developed site such as this in another location, in the Green Belt this loss of openness means that the change of use is inappropriate development, which causes harm by definition.

Appeal Ref.: 19/60114/REF **Planning Ref.:** 19/01941/FULL **Plns Ref.:** APP/T0355/D/19/3238049

Appellant: Mr Jigar Chheda **c/o Agent:** Mr Allen Watson Buttery And Watson Berry House 78 Altwood Road Maidenhead Berkshire SL6 4PZ

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

Description: Raising of the roof with x1 side dormer and x3 side rooflights, garage conversion and single storey extension to the existing garage

Location: **34A Rutland Road Maidenhead SL6 4HY**

Appeal Decision: Allowed **Decision Date:** 31 January 2020

Main Issue: The Inspector found that the appeal scheme would not harm living conditions and therefore a conflict with Policy H14 of the Royal Borough of Windsor and Maidenhead Local Plan 2003, which seeks to protect living conditions, would not occur.

Appeal Ref.: 19/60115/REF **Planning Ref.:** 19/00709/OUT **Plns Ref.:** APP/T0355/W/19/3240597

Appellant: Mr Bennett **c/o Agent:** Miss Eva Gascoigne Pike Smith And Kemp Rural Hyde Farm Marlow Road Maidenhead SL6 6PQ

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

Description: Outline application for three dwellings with all matters reserved

Location: **Land Between The Lodge And Garden Cottage Fifield Road Fifield Maidenhead**

Appeal Decision: Allowed **Decision Date:** 6 February 2020

Main Issue: The appeal is allowed and planning permission granted for 3 detached dwellings on land between The Lodge and Garden Cottage, Fifield Road, Fifield. It is outline with all matters reserved for subsequent approval. The appeal site is currently an undeveloped open area of land, which provides a gap in the built development along Fifield Road. On this basis, it constitutes an infill plot within the existing pattern of development. The proposal does not amount to inappropriate development in the Green Belt. There is already an extant permission for 2 dwellings on this site and the appeal proposal is not materially different from the extant permission with regards to its impact upon the openness of the Green Belt. On this basis, the proposed development would not cause harm to the openness of the Green Belt when compared to the established fallback position. The resulting plot area for each of the proposed dwellings would be comparable to the plot area of other dwellings within the ribbon development. Whilst the plot widths would be less than those of neighbouring properties, with the correct design approach, the Inspector considered that there would be sufficient space for 3 detached dwellings on the site without harming the street scene and the character and appearance of the area. The inspector concluded that the development would not represent a cramped form of development and would not harm the character and appearance of the area and would accord with saved policies DG1 and H11 and emerging policy QP3. Conditions have been imposed requiring an assessment of ground conditions and for details of any required remediation to be submitted to and approved by the LPA. Due to the Green Belt designation a condition has also been imposed removing Permitted Development to control future additions.

Appeal Ref.: 19/60116/REF **Planning Ref.:** 19/01733/FULL **Plns Ref.:** APP/T0355/W/19/3239314

Appellant: Mr C Butler **c/o Agent:** Mr Duncan Gibson Duncan Gibson Consultancy 74 Parsonage Lane Windsor Berkshire SL4 5EN

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

Description: Construction of a three-bedroom dwelling, associated parking and new vehicular access from Lees Gardens.

Location: **Land At 47 Bannard Road Maidenhead**

Appeal Decision: Dismissed **Decision Date:** 4 February 2020

Main Issue: The Inspector concluded that the proposed development would be harmful to the character and appearance of the area. It would be contrary to Saved Policies H11 and DG1 of The Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003) (LP). These, in part, require development to be compatible with the building lines, rhythm and density of street façade and character of the surrounding area and seek to prevent development that would appear cramped. These policies are broadly in line with the aim of the National Planning Policy Framework (Framework) where it seeks to ensure developments are sympathetic to local character and the desirability of maintaining an area's prevailing character and setting.

Appeal Ref.: 19/60119/REF **Planning Ref.:** 19/00083/FULL **Plns Ref.:** APP/T0355/W/19/3240117

Appellant: Mr And Mrs Wingrove **c/o Agent:** ET Planning 200 Dukes Ride Crowthorne RG45 6DS

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

Description: Replacement dwelling with double garage and detached outbuilding, following demolition of all existing buildings

Location: **Lowater Church Lane Bisham Marlow SL7 1RW**

Appeal Decision: Dismissed **Decision Date:** 3 February 2020

Main Issue: The Planning Inspector found that the proposal would appear as a substantially larger building than is currently evident on site, and as such, it would be materially larger than the existing building in both quantitative and qualitative terms. The proposal is therefore inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Very special circumstances to justify the development did not exist in this case.

Appeal Ref.: 19/60124/REF **Planning Ref.:** 19/01231/OUT **Plns Ref.:** APP/T0355/W/19/3237079

Appellant: Cube Group **c/o Agent:** Mrs Rosalind Gall Solve Planning Ltd Sentinel House Harvest Crescent Fleet GU51 2UZ

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

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**

Appeal Decision: Dismissed **Decision Date:** 6 February 2020

Main Issue: The Inspector concluded that the proposal would be inappropriate development in the Green Belt. It would also lead to a moderate loss of openness to the Green Belt and harm the character and appearance of the area. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policies GB1, GB2, GB3, H11 and H10 of the Local Plan, Gen 2 of the Neighbourhood Plan and Policies QP1, QP3 and QP5 of the Boroughs emerging plan and the Framework.

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