

# Public Document Pack

## NOTICE OF MEETING

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## ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

will meet on

**WEDNESDAY, 15TH JULY, 2020**

**At 6.15 pm**

in the

**VIRTUAL MEETING - ONLINE ACCESS**

**THE MEETING WILL BE AVAILABLE ON OUR WEBSITE PRIOR TO THE MEETING  
TO VIEW THE MEETING PLEASE GO TO OUR RBWM YOUTUBE PAGE –  
[HTTPS://WWW.YOUTUBE.COM/CHANNEL/UCZNP1KMF3YNABN6ENZLYELQ](https://www.youtube.com/channel/UCZNP1KMF3YNABN6ENZLYELQ)**

**TO: MEMBERS OF THE ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL**

**COUNCILLORS PHIL HASELER (CHAIRMAN), DAVID CANNON (VICE-CHAIRMAN), JOHN BOWDEN, GEOFF HILL, DAVID HILTON, NEIL KNOWLES, JOSHUA REYNOLDS, AMY TISI AND LEO WALTERS**

**SUBSTITUTE MEMBERS**

**COUNCILLORS GURPREET BHANGRA, MANDY BRAR, WISDOM DA COSTA, KAREN DAVIES, ANDREW JOHNSON, GREG JONES, JULIAN SHARPE, SHAMSUL SHELM AND HELEN TAYLOR**

Karen Shepherd – Head of Governance - Issued: 07/07/2020

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

**Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain.**

**If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.**



## AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u>  To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u>  To receive any declarations of Interest.	5 - 6
3.	<u>MINUTES</u>  Panel to agree the minutes of the last meeting held on 17 June 2020 to be a true and accurate record.	7 - 8
4.	<u>19/02521/FULL - THE WALLED GARDEN - FROGMORE - WINDSOR</u>  <b><i>PROPOSAL: Erection of a structure for a temporary period of 5 years, alterations to ground levels and associated hard and soft landscaping.</i></b>  RECOMMENDATION: Defer & Delegate  APPLICANT: Mr Maynard  MEMBER CALL-IN: N/A  EXPIRY DATE: 31 July 2020	9 - 22
5.	<u>20/00780/FULL - HILL HOUSE - CROSS ROAD - SUNNINGDALE - ASCOT - SL5 9RX</u>  <b><i>PROPOSAL: Erection of 10 no. apartments with basement parking following demolition of existing building</i></b>  RECOMMENDATION: Refuse  APPLICANT: Mr Mills  MEMBER CALL-IN: N/A  EXPIRY DATE: 17 July 2020	23 - 42
6.	<u>20/00973/OUT - POUNDSTRETCHER - 31-33 HIGH STREET - MAIDENHEAD - SL6 1JG</u>	43 - 64



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 12 No. flats with associated works to ground floor.

RECOMMENDATION: Permit

APPLICANT: David Howells

MEMBER CALL-IN: N/A

EXPIRY DATE: 24 July 2020

7.

ESSENTIAL MONITORING REPORTS (MONITORING)

65 - 68

To consider the Appeals Decision Report and Planning Appeals Received.







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

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

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

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

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

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

“Comments Awaited”.

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

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

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

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

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

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

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

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



## MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

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

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

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

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

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

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

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

### Prejudicial Interests

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

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

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

### Personal interests

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

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



# Agenda Item 3

## ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 17 JUNE 2020

**PRESENT:** Councillors Phil Haseler (Chairman), John Bowden, David Cannon, Geoff Hill, David Hilton, Neil Knowles, Joshua Reynolds, Amy Tisi and Leo Walters

Also in attendance: Councillors Brar, Bhangra, Coppinger, DaCosta, W, Hunt, Shelim and Taylor

Officers: Victoria Gibson, Rachel Lucas, Shilpa Manek, Fatima Rehman and Adrien Waite

### APOLOGIES FOR ABSENCE

There were no apologies for absence.

### DECLARATIONS OF INTEREST

There were no declarations of Interest.

### MINUTES OF MADMP & WADMP

**RESOLVED UNANIMOUSLY:** that the Panel noted the minutes of Maidenhead Area Development Management Panel from 19 February 2020 and Windsor Area Development Management Panel from 4 March 2020.

### 19/03104/FULL - MEZEL HILL YARD - WINDSOR GREAT PARK - WINDSOR

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

A named vote was carried out.

<b>19/03104/FULL - MEZEL HILL YARD - WINDSOR GREAT PARK - WINDSOR (Motion)</b>	
Councillor Phil Haseler	For
Councillor John Bowden	For
Councillor David Cannon	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Joshua Reynolds	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
<b>Carried</b>	

**It was Unanimously agreed to APPROVE the application.**

### ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel noted the reports.



Councillor Reynolds asked if there had been any changes as many of the applications had been dismissed. Adrien Waite informed the Panel that these were regularly monitored. The performance was generally very good and on target. The monitoring would continue.

The meeting, which began at 6.15 pm, finished at 7.00 pm

CHAIRMAN.....

DATE.....



Agenda Item 4

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

**DEVELOPMENT CONTROL PANEL**

15 July 2020

Item: 1

<b>Application No.:</b>	19/02521/FULL
<b>Location:</b>	The Walled Garden Frogmore Windsor
<b>Proposal:</b>	Erection of a structure for a temporary period of 5 years, alterations to ground levels and associated hard and soft landscaping.
<b>Applicant:</b>	Mr Maynard
<b>Agent:</b>	Mr Phil Hiscocks
<b>Parish/Ward:</b>	Windsor Unparished/Old Windsor
<b>If you have a question about this report, please contact:</b> Susan Sharman on 01628 685320 or at <a href="mailto:susan.sharman@rbwm.gov.uk">susan.sharman@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The application seeks temporary planning permission, for a period of 5 years, for the erection of a modular building for the storage of items from Buckingham Palace whilst it is undergoing comprehensive reservicing works.
- 1.2 The site is located in the Green Belt and within the 19<sup>th</sup> Century walled gardens of the Grade I Royal Estate. The proposal is inappropriate development in the Green Belt and would result in less than substantial harm to the heritage assets.
- 1.3 However, the proposed store is urgently required as the works at Buckingham Palace have commenced and there are no alternative sites or facilities that meet the specific and necessary storage requirements. The public benefits of the proposal, arising from its association with Buckingham Palace, are substantial and long-term compared to the temporary harm that would be caused from the proposal.
- 1.4 On balance, the public benefits of the proposal outweigh its harm so that very special circumstances exist in this case to justify approving the application.
- 1.5 Should the Panel be minded to approve the application, the Planning Authority is required to refer the application to the National Planning Case Work Unit prior to issuing a formal decision. This referral is required as the proposal exceeds 1000sqm and is inappropriate development in the Green Belt, and to provide the Secretary of State the opportunity to call-in the application for his determination should he decide it necessary.

**It is recommended the Panel defers and delegates the decision to GRANT planning permission to the Head of Planning subject to the conditions listed in Section 13 of this report and there being no call-in from the Secretary of State to determine the application himself.**

**2. REASON FOR PANEL DETERMINATION**

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

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

- 3.1 The application site of 0.72 hectares is located towards the east side of the Windsor Castle Estate and falls within the Windsor Home Park (Grade I) listed area. The site currently comprises two areas of walled garden located to the North-West of the Windsor Farm Shop. Part of one of



the walled gardens (Garden B) is currently used for storage in association with the shop, with the remaining area and Garden A disused. The application site is accessed via the farm shop car park located off Datchet Road.

- 3.2 The Royal Gardens lie immediately to the North of the application site with Windsor Hall and Frogmore further North. To the East is the storage facility (warehouse) for the Windsor Farm Shop which is adjacent to Datchet Road. Open fields lie to the South and West of the site bounded by the Albert and Datchet Roads.

#### **4. KEY CONSTRAINTS**

- 4.1 The main planning constraints relating to the proposal are that the application site is located within the Green Belt and the walled gardens, being part of the Grade I Royal Estate: Windsor castle and Home Park Registered Park, are curtilage listed.

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

- 5.1 The application seeks temporary planning permission, for 5 years, for the erection of a modular building for the storage of items from Buckingham Palace whilst it is undergoing comprehensive reservicing works. The building would provide approximately 2171 sqm of floor area and measure approximately 25m wide, by 84m long and 6.3m high. It would be constructed of laminated wooden beams, insulated aluminium side wall panels and a PVC roof. The exterior materials would be finished in a dark green colour. The building would be positioned roughly in the centre of Garden A on a new, temporary hard surface, (comprising terram (porous) membrane overlaid with 200mm of compacted MOT type 1 aggregate). It would be enclosed to all sides by the existing 3.4m high wall, but set back from the wall by at least 3.7m and over 7m from the South East wall facing the Windsor Farm Shop. No physical works are proposed to the walls. After the 5 year period, the temporary storage structure and hardsurfacing would be removed and replaced with topsoil.
- 5.2 There is no planning history relevant to the consideration of the application.

#### **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 (A),
Listed Buildings and/or their settings	LB2
Historic Gardens and Formal Landscapes	HG1
Area of Special Landscape Importance	N1
Trees	N6

These policies can be found at

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

#### **7. MATERIAL PLANNING CONSIDERATIONS**

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

Section 4- Decision-making

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

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

Section 16- Conserving and enhancing the historic environment

##### **Borough Local Plan: Submission Version**



Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Flood risk	NR1

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

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Flood risk	NR1

- 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>

## **8. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

No neighbours were directly notified of the application.

The planning officer posted a notice advertising the application at the site on 27<sup>th</sup> September 2019 and the application was advertised in the Local Press on 19<sup>th</sup> September 2019.

### **Consultee responses (summarised)**

Consultee	Comment	Where in the report this is considered
Historic England	<p>The Royals Gardens retain their historical significance and clear evidential and communal values. The walls surrounding the former kitchen gardens and the gardener's house survive as a reminder of the original function of the site as an ancillary structure to the Castle and help demonstrate how the great manorial complex as a whole once functioned. Forming part of the setting of the Castle, The Royal Gardens make an important contribution to its significance.</p> <p>The proposal would have a detrimental impact on the setting</p>	9.9 – 9.14 & section 11



	<p>of the listed building and the overall landscape surrounding the Royal Gardens, notwithstanding the reversibility of this harm due to the intrinsic provisional nature of the proposed building. In particular, the large scale and sizable massing of the intended structure would entail disruptive views of its top section above the walls along Albert Road to the south and Datchet Road to the east; an area particularly sensitive as the former tree cover has been significantly eroded over the last decades.</p> <p>We also have slight concerns about the potential harm to buried archaeological deposits due to the required construction of soakaways, associated with the proposal, within this archaeological rich landscape. Accordingly, your archaeological advisor's recommendation on the need for an archaeological watching brief should be sought.</p> <p>Alternative locations for the temporary structure explored by the applicants have proved unsatisfactory and thus impracticable on size, accessibility, environmental-conditions, commercial and security grounds. On account of this, we believe the preferred location could be considered acceptable, if the accruing heritage harm were mitigated by the restoration of the historical character of the former kitchen garden. Historic maps and descriptions record the original symmetrical arrangement of four central compartments surrounded by an outer slip and including a granite fountain in the centre, while straight rows of trained orchard trees lined the encircling walls. These records can act as sources of inspiration for the production of feasible garden scheme. In particular, provision of trees along the surviving walls would play a fundamental role for screening the proposed development from key street views and provide much needed green cover to the currently blighted landscape, helping re-establish its distinctive historic character and appearance.</p> <p>HE recognises the justification for the preferred site, as well as the temporary nature of the proposed structure, however it considers the degree of harm it would cause to the significance of the setting of the designated Windsor Castle and registered Home Park would need to be mitigated by provision of clear heritage and public benefits. The recommended development of a scheme for restoration of the former kitchen garden would address this issue through enhancement of the character and appearance of the Castle's setting, and provision of rows of trees, gardens and green areas for the present and future enjoyment of the local and wider community.</p>	
Berkshire Gardens Trust	<p>Considering the application on its merits, we note this is a temporary structure serving a particular need for the next 5 years. No doubt the security of this site is a relevant consideration for the applicants.</p> <p>We recognise the care taken in choosing the site to minimise impact on the setting of the registered gardens. It is important that at the conclusion of the 5 years, the site is restored to its present condition or improved. Subject to that we have no objection.</p>	9.13



Berkshire Archaeology	Historic England has confirmed concerns about potential harm to buried archaeological deposits resulting from the groundwork required to facilitate the development. As such it has made recommendations that the scheme should be reviewed to take these factors into account, and furthermore that the grant of any permission should be conditioned to undertake an archaeological watching brief over any excavations required to facilitate the development. This would likely mitigate harm caused to buried archaeological deposits. Berkshire Archaeology is in agreement with these findings.	9.12
Conservation	No objection in principle. Some initial concerns with regards to height and design of the proposed building and the potential harm to the setting of the walled garden and Grade I Registered Park. Insufficient details with regards to the impact of ground works and the impact of any security installations.	9.10
Trees	There are a few young and semi-mature trees on site, but these are not protected by statutory controls. The trees are predominantly self-seeded aspen, the larger of these are within a metre or so of the historic wall. These older trees are not sustainable, some are already in conflict with the wall and are likely to cause damage. Aspen stems growing within 3m of the wall should be removed.	9.20 – 9.22
Lead Local Flood Authority	No objections subject to a condition requiring a surface water drainage scheme.	9.18, 9.19
Highway Authority	The proposal raises no highway concerns.	9.24

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of development (Green Belt);
- ii The impact of the proposal on the significance of heritage assets;
- iii The impact on the character and appearance of the area;
- iv Surface water drainage;
- v Trees;
- vi Other material considerations (ecology, highways); and
- vii The Planning Balance and conclusion.

### **The principle of development (Green Belt)**

9.2 The application site is located within the Green Belt. Paragraph 145 of the NPPF states a local planning authority should regard the construction of new buildings in the Green Belt as inappropriate, with the exception of certain types of buildings. In this case, the proposal is for a type of building that is not included in the 'exceptions' list and accordingly, the proposal is inappropriate development in the Green Belt, i.e. the principle of development is not acceptable.

9.3 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, (paragraph 143). The NPPF states further that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and that 'very special



circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations, (paragraph 144). In terms of other harm to the Green Belt, while the proposed building would be surrounded by the 3.4m high wall, there would be loss of openness (a key characteristic of Green Belt) resulting from the upper section of the proposed building rising above the wall, representing a loss of openness of approximately 6000m<sup>3</sup>.

- 9.4 The application submission includes detailed information on the need for the proposed building and specifically its proposed location at the application site. In summary, the building is required to facilitate the temporary storage of items from Buckingham Palace, as part of the major reservicing programme currently underway; (The reservicing of Buckingham Palace involves the urgent and complete overhaul of its electrical cabling, plumbing and heating in order to prevent long-term damage to the building and its contents - full details of the programme of works can be found at: <https://www.royal.uk/reservicing-buckingham-palace-0> ). The initial option of installing a store within the London estate was assessed, but discounted on the grounds of lack of space for the size of storage facility required and the imposition on the daily operation of the various sites, which are used regularly for functions and events, and for which security would be compromised as a result.
- 9.5 The application submission advises that external storage providers have been reviewed, including assessment of the storage volumes available, commercial storage costs, security, travel distances and access to stored items. However, the use of external storage providers has been ruled out due to the excessive costs involved and poor accessibility for the staff currently working for the Royal Household at the established sites, including Windsor Castle.
- 9.6 To maximise efficiencies in construction, ensure the temporary building is to some extent recyclable (once dismantled) and to provide a solution that can accommodate the environmental conditions and storage volumes required, a modular building is proposed. Whilst this option will meet the time frames, security and environmental conditions required, and provide the most economically viable solution, modular buildings are only available in pre-determined heights and widths. In this case, the size of the building has been selected to suit the volume requirements of the items to be stored and the height of the specialist racking that is required to safely store larger items.
- 9.7 The items identified for storage comprise a diverse mix of objects of differing materials, weights, heights, fragility and vulnerability to movement and environmental conditions. The special requirements of the building include:
- Provision of a dry, insulated, heated, watertight structure that can accommodate and maintain a carefully controlled range of both temperature and humidity within different zones of the building;
  - Provision of a floor structure that can accommodate significant weight loads from both storage racking and specialist items including the use of forklift/assisted lifting equipment;
  - Provision of a ceiling height that can accommodate the specialist racking required for the safe storage of items (4m clear internal height);
  - Provision of specialist lighting suitable for the long-term storage of items;
  - Security of the facility to meet the existing level of security required across the Windsor and London Estates;
  - Access for the monitoring and care of stored items, including the ability to remove items to the workshops and facilities already located on the Windsor Estate for planned work whilst the items are not in use;
  - Ability for the structure to be dismantled safely at the end of its use with the minimum of environmental impact on surrounding areas, and the ability to recycle as much of the dismantled structure as possible; and
  - To provide a well-insulated, efficient and watertight structure that will support the minimum mechanical and electrical equipment necessary to meet the environmental conditions required, whilst minimising costs and reducing the impact, as far as practicable, on the environment.



- 9.8 Consideration of the justification for the proposal, as outlined above, is set out further in the Planning Balance section of this report, which weighs up the benefits and harm of the proposal, (that is, harm to the Green Belt and any other harm outlined further in this report), to assess whether 'very special circumstances' exist in this case to justify approving the application.

### **The impact of the proposal on the significance of heritage assets**

- 9.9 The application site is located within the 19<sup>th</sup> Century walled gardens that form part of a group of garden and service buildings associated with the Royal Gardens and which form part of the Royal Estate. They are located within the Grade I Royal Estate: Windsor Castle and Home Park Registered Park.
- 9.10 The application submission is required (by paragraph 189 of the NPPF) to assess the significance of the walled garden and consider the impact of the proposal on its setting and its wider setting within the Grade I historic park. A subsequent revised heritage statement (HS) was submitted in response to the Conservation Officer's initial concerns (outlined in Section 8 of this report), which identifies and assesses the significance of the heritage assets. In summary, the HS sets out that no physical works to the walls are proposed and that the proposed groundworks are to be kept clear of the brickwork. In terms of significance, the HS concludes that although the walled gardens have a high historic and aesthetic value, they have a low communal and evidential (evidence of past human activity) value. Accordingly, the level of impact affecting the significance of the heritage assets was noted as being less than substantial, and whilst the impact on the aesthetic value of the heritage assets is considered to be at the upper end of less than substantial, this may be acceptable given the temporary arrangement proposed with the complete removal of the building and reinstatement of the ground works after the expiry of the 5 year period.
- 9.11 Historic England (HE) and Berkshire Gardens Trust were consulted, as statutory consultees, on the application and their respective advice is also set out in Section 8 above. HE's advice in respect of the suggested mitigation measures are noted. However, while it is agreed that the proposal would have less-than substantial harm to the heritage assets and that the potential harm has to be weighed against the potential public benefits it would bring, the mitigation measures suggested by HE are considered excessive and disproportionate to the proposed scheme. The applicant has provided clear and convincing justification for the proposal, (set out in paragraphs 9.4 to 9.7 above). Furthermore, the public benefits of the proposal, by enabling and facilitating the works being undertaken at Buckingham Palace, to protect and secure this (BP) heritage asset in the long term (well beyond 5 years) are substantial. The mitigation measures suggested by HE would involve substantial and costly works beyond the boundaries of the application site and would be permanent, while the proposed development would be confined to the walled garden areas and would be temporary. Any tree planting, suggested by HE, would take a number of years to establish to provide meaningful screening to the development. Accordingly, the mitigation measures suggested by HE are unreasonable and unnecessary.
- 9.12 With regard to potential archaeological finds, Berkshire Archaeology has recommended a condition be attached to any approval in respect of an archaeological watching brief, covered by condition 7 in Section 13 below.
- 9.13 Berkshire Gardens Trust raised no objection to the proposal subject to a condition that the site is restored to its present condition or improved after the temporary period has lapsed and the building removed from the site. This is covered by condition 2 in Section 13.
- 9.14 The applicant's submission, together with Historic England's and Conservation responses, concur that the impact of the proposal on the significance of the heritage assets is "less than substantial". Paragraph 196 of the NPPF states where this is the case, the harm should be weighed against the public benefits of the proposal and this 'balancing' assessment, as with the Green Belt considerations, is set out in the Planning Balance section of this report below.



## **The impact on the character and appearance of the area**

- 9.15 The area surrounding the site is largely open to the south and west with the walls visible from the Albert Road and roundabout to the South. A substantial belt of trees within Home Park runs adjacent to the north side of the B3021 (Southlea Road), to the west of Albert Bridge and to the north-east of the application site. These trees provide screening of the application site when viewed from the raised elevation of the Albert Bridge, approximately 400m from the site, such that only minor glimpses of the roof of the development will be visible from the bridge. Given the separation distance and existing landscaping, it is not considered that the proposal will harm the setting of the River Thames at this point.
- 9.16 As the top section of the proposed store would rise above the existing walls, it will be partially visible from the south and west. However, at its closest point, (which is to the South-East from Datchet Road), the proposed store would be approximately 220m from the public highway. The building itself would also be set back at least 7m from the South-East facing wall and would be finished in a dark green colour.
- 9.17 In terms of visual impact only and having regard to the fact that the application site is located within a working farm, where large agricultural buildings would not look out of place, together with the fact that it would be predominantly screened by the walls and is for a temporary period of 5 years, the rural and largely undeveloped character of the area would be maintained and not harmed as a result of the proposal.

## **Surface water drainage**

- 9.18 The initial consultation response from the Lead Local Flood Authority (LLFA) advised that it notes from the application form that surface water runoff will be drained to soakaways. However, no details of the proposed surface water drainage had been submitted to demonstrate that the development complies with the relevant requirements of the Non-Statutory Technical Standards for Sustainable Drainage Systems (DEFRA, March 2015). Accordingly, the LLFA advised that the applicant be given the opportunity to provide this information or otherwise recommended refusal of the application.
- 9.19 In response to the LLFA's initial advice, additional information has been received to which the LLFA raises no objections subject to a condition (No. 7 in section 13 below).

## **Trees**

- 9.20 The Council's Tree Officer has advised that there are a few young and semi-mature trees present on the application site, but that these are not protected by statutory controls. The trees are predominantly self-seeded aspen, the larger of which are within a metre or so of the historic garden wall. The Tree Officer has advised that the older trees are not sustainable and that some are already in conflict with the wall which is likely to cause damage. It is recommended that aspen stems within 3m of the wall be removed.
- 9.21 The Tree Officer has advised that the loss of soft ground and associated plants and trees needs to be compensated for nearby, outside of the application site boundary, and has suggested additional tree planting be undertaken along Albert Road, where tree cover has become eroded over the years, together with the reinstallation of a pond linked to the Battle Bourne. The trees and pond would complement the current land use, which is understood to be grazing; the trees providing shade and the pond a potential watering hole.
- 9.22 The longer term issues with regard to tree planting and biodiversity enhancements across this part of the Estate have been discussed with the Royal Household and its agents, who have confirmed their willingness to engage with the Council on this matter at a later date. However, at this time, the priority of the applicant is to provide the storage building as soon as possible as the reservicing works to Buckingham Palace have already commenced. Having regard to the fact that the trees on the application site could be removed without formal consent and immediately, irrespective of the current application, and as the Tree Officer has advised that some trees on site should be removed, it is not reasonable to impose conditions in this case on any planning



permission requiring tree replacement planting. Biodiversity enhancements to the site are recommended (see Other Material Considerations below), but these need to be reasonable and in proportion to the scale of the development being proposed, so the installation of a pond is not considered necessary to mitigate the impact of this current proposal.

### **Other Material Considerations**

- 9.23 Ecology – A Preliminary Ecological Appraisal (PEA) and Reptile Survey Report (RSR) were submitted with the application. At the time these surveys were undertaken, the site was overgrown and would have provided habitats for a number of wildlife species. However, at the time of the site visit, the site had been cleared, with just the boundary trees remaining, thus largely removing its potential to support wildlife habitats. Essentially, however, the reports found that the proposal was highly unlikely to have an adverse impact on Great Crested Newts; that no reptiles were found and therefore no mitigation measures would have been necessary for these; that no badger setts were found on the site; and the site had no potential to support Hazel Dormice or bats. There would have been some potential to support hedgehogs but this would have been lost due to the site being cleared. In the circumstances, it is considered reasonable and necessary to impose a condition with any planning permission that requires appropriate biodiversity enhancements.
- 9.24 Highways – Access to the site is via the Windsor Farm Shop car park, which provides direct access to the Datchet Road. Specifically, entrance to the site will be through a 5.0m width gate. The application states that some alterations to the car park will be required in order to ease vehicular access. The site provides sufficient parking spaces to serve the temporary structure. The Highway Authority has advised that the proposal raises no highway concerns.

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

- 10.1 The development is CIL not liable.

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

- 11.1 This report outlines above that the proposal is inappropriate development in the Green Belt that would also lead to some loss of openness. As the NPPF states, substantial weight should be given to any harm to the Green Belt. In addition, the proposal would result in less than substantial harm to the identified heritage assets and that this harm should be weighed against the public benefits of the proposal. Although there is substantial and less than substantial harm as a result of the proposal, it is material to the consideration of the application that this harm is limited by the fact that the development is of a temporary nature.
- 11.2 In terms of the other planning considerations, there would be no harm to the character and appearance of the area or any trees or to highway safety. Ecological matters and an appropriate surface water drainage system can be sufficiently secured by conditions.
- 11.3 In support of the application, the proposed store is required to enable the major reservicing works currently being undertaken at Buckingham Palace. Buckingham Palace is one of the most iconic buildings of the world and instantly recognisable as home of The Sovereign. It is also a working building, hosting almost 100,000 guests and attracting over 15 million tourists every year. The reservicing of Buckingham Palace involves the complete overhaul of its electric cabling, plumbing and heating in order to prevent long-term damage to the building and its contents. The work is necessary and urgent.
- 11.4 The application has demonstrated that there are no alternative sites to the one proposed and has sufficiently justified the need for the size and type of store building proposed. The building would be sited within the walled garden, which would largely screen it from public view, and would be finished in a dark green colour to limit its visual impact. The building would be removed in its entirety after 5 years with the site restored to its current condition.



- 11.5 In weighing up the issues, the proposal would result in substantial harm to the Green Belt and less than substantial harm to the heritage assets. This harm would be limited however due to the temporary nature of the proposal. On the other hand, the public benefits of the proposal, by enabling and facilitating the works being undertaken at Buckingham Palace, to protect and secure this heritage asset in the long term (well beyond 5 years) are substantial. Accordingly, the other considerations in this case outweigh the harm resulting from the proposal and very special circumstances exist to justify approving the application. The proposal therefore complies with Policy GB1 of the Local Plan and paragraph 144 of the NPPF.

## 12. APPENDICES TO THIS REPORT

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

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

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Prior to installation a scheme of works to restore the site to its existing condition, (which shall include details of the existing condition of the site including site levels) has been submitted to and approved in writing by the local Planning Authority. The development shall be discontinued, all structures removed from the site and the land restored to its former condition (as agreed in the approved scheme of works) on or before 5 years from the date of this permission.  
Reason: The proposal does not constitute a form of development that the Local Planning Authority would normally permit. However, in view of the particular circumstances of this application temporary planning permission is granted. Relevant Policies - Local Plan GB1, LB2.
- 3 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 4 Prior to installation, details of any external lighting, security systems, venting, ducting, extraction equipment and/or any other plant or equipment to the exterior of the building, other than that shown on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented and maintained as approved for the duration of the development.  
Reason: To ensure the proposed equipment does not harm the appearance of the building in the interests of the visual amenity of the area. Relevant Policies - Local Plan DG1.
- 5 The building hereby permitted shall not be occupied until the locations and specifications of biodiversity enhancements, which shall include but not be limited to, bird boxes, have been submitted and approved in writing by the council. The biodiversity enhancements shall be installed as agreed.  
Reason: To incorporate biodiversity in and around the development in accordance with paragraph 175 of the NPPF.
- 6 Prior to the commencement of the development (other than demolition to ground level) a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: i) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details; ii) Supporting calculations confirming compliance with the Non-statutory Standards for Sustainable Drainage, proposed discharge rates and attenuation volumes to be provided. The supporting calculations should be based on infiltration testing undertaken in accordance with BRE365; and iii) Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.  
Reason: To ensure compliance with the National Planning Policy Framework (2018), its associated guidance and the Non-Statutory Technical Standards for Sustainable Drainage



Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

- 7 A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

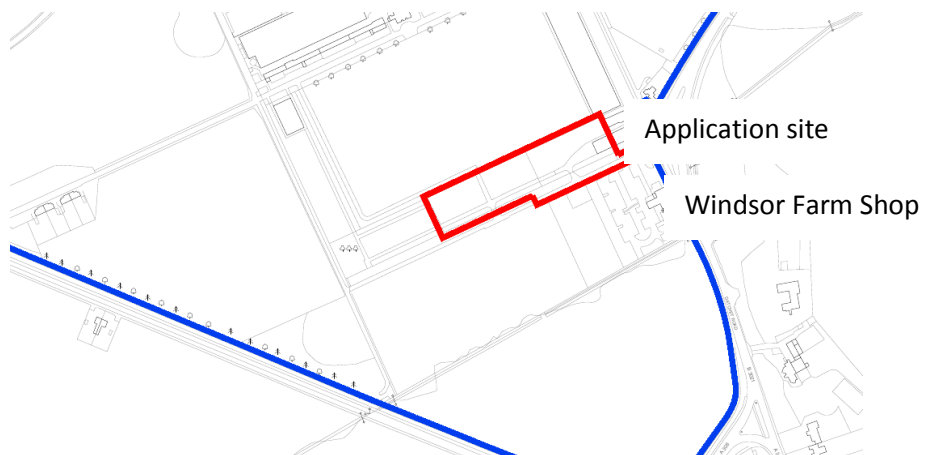
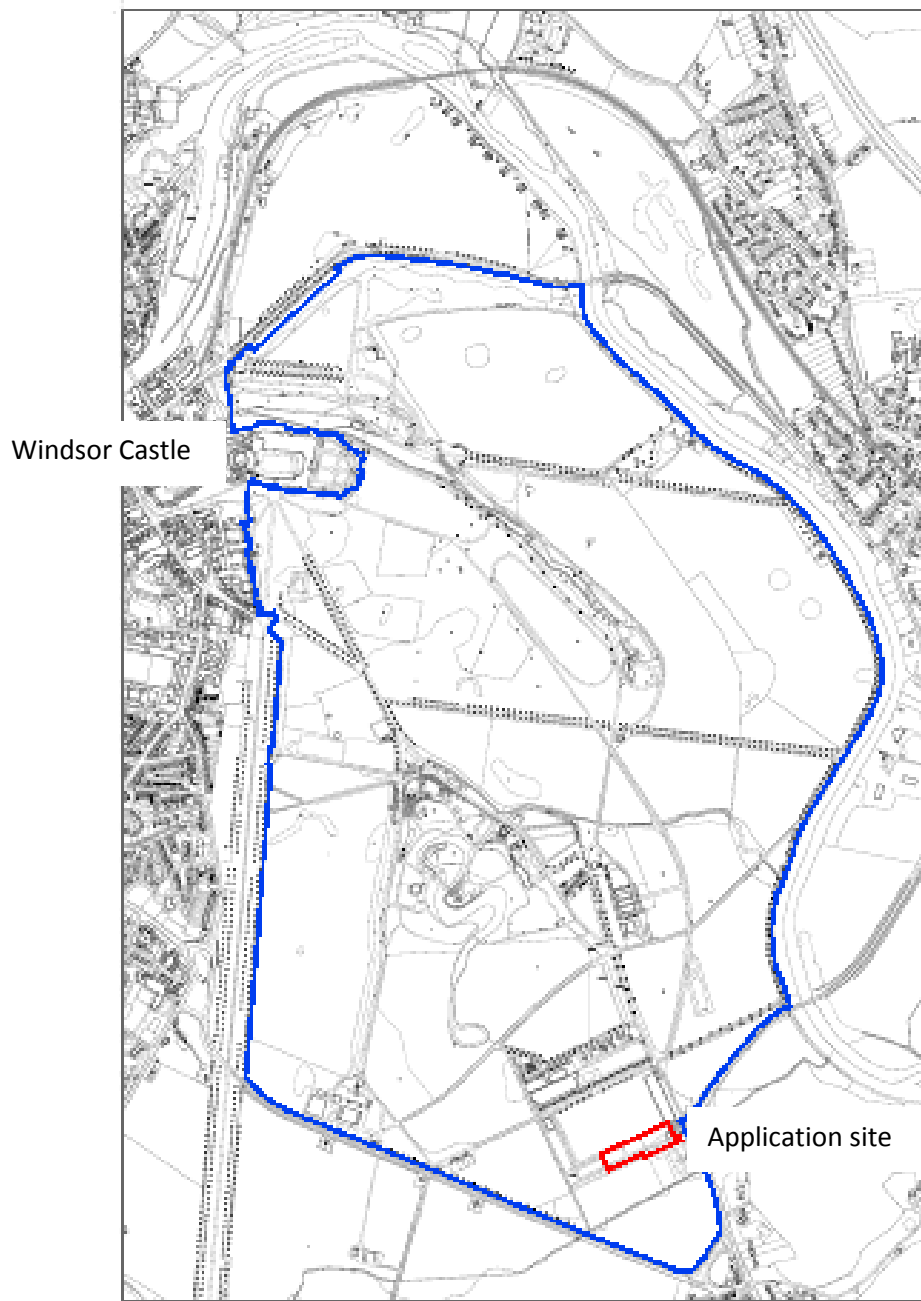
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure the continued preservation in situ or by record of any finds made in this area of archaeological interest. Relevant Policies - Local Plan ARCH2, ARCH4 and paragraph 199 of NPPF 2019.

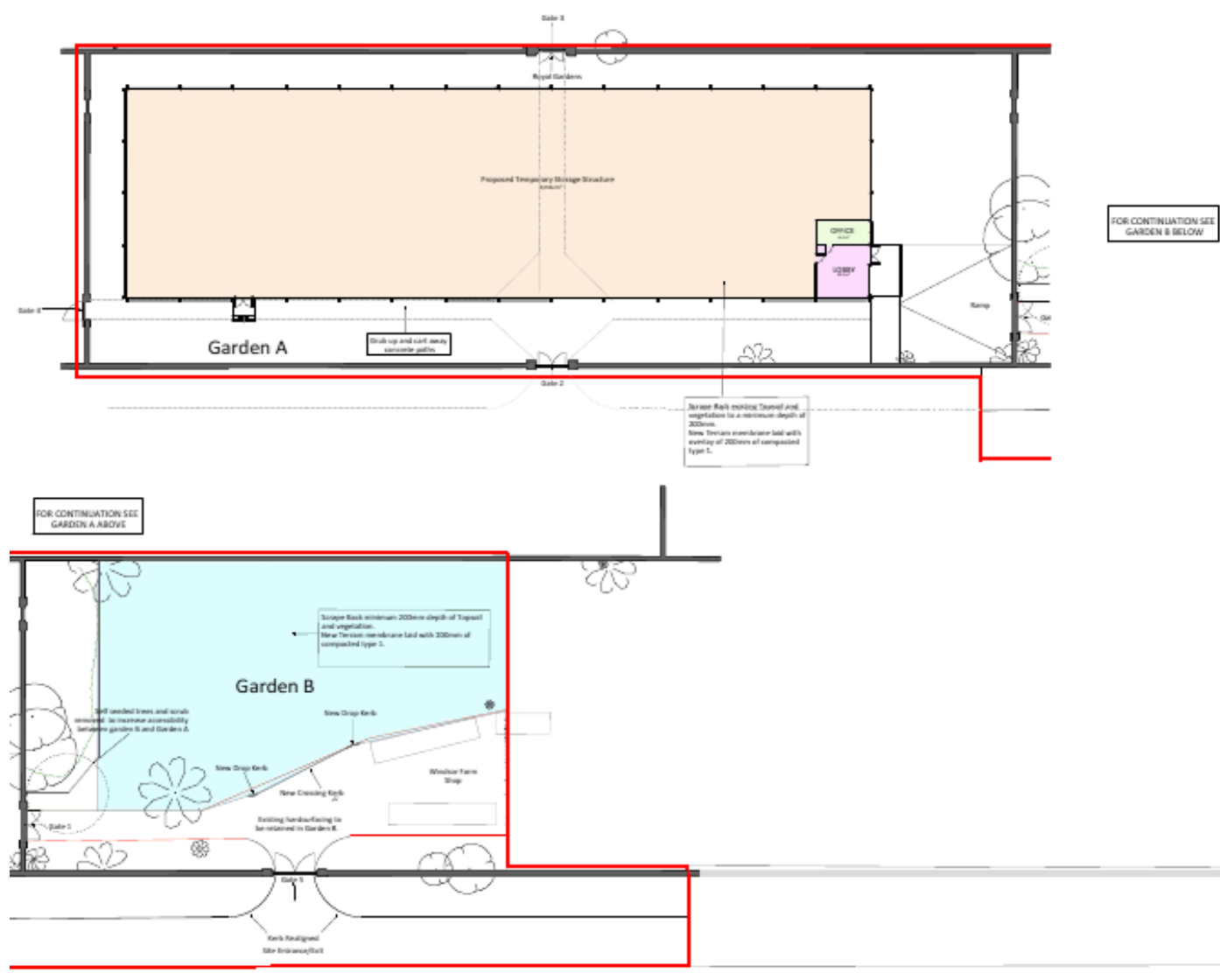
- 8 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

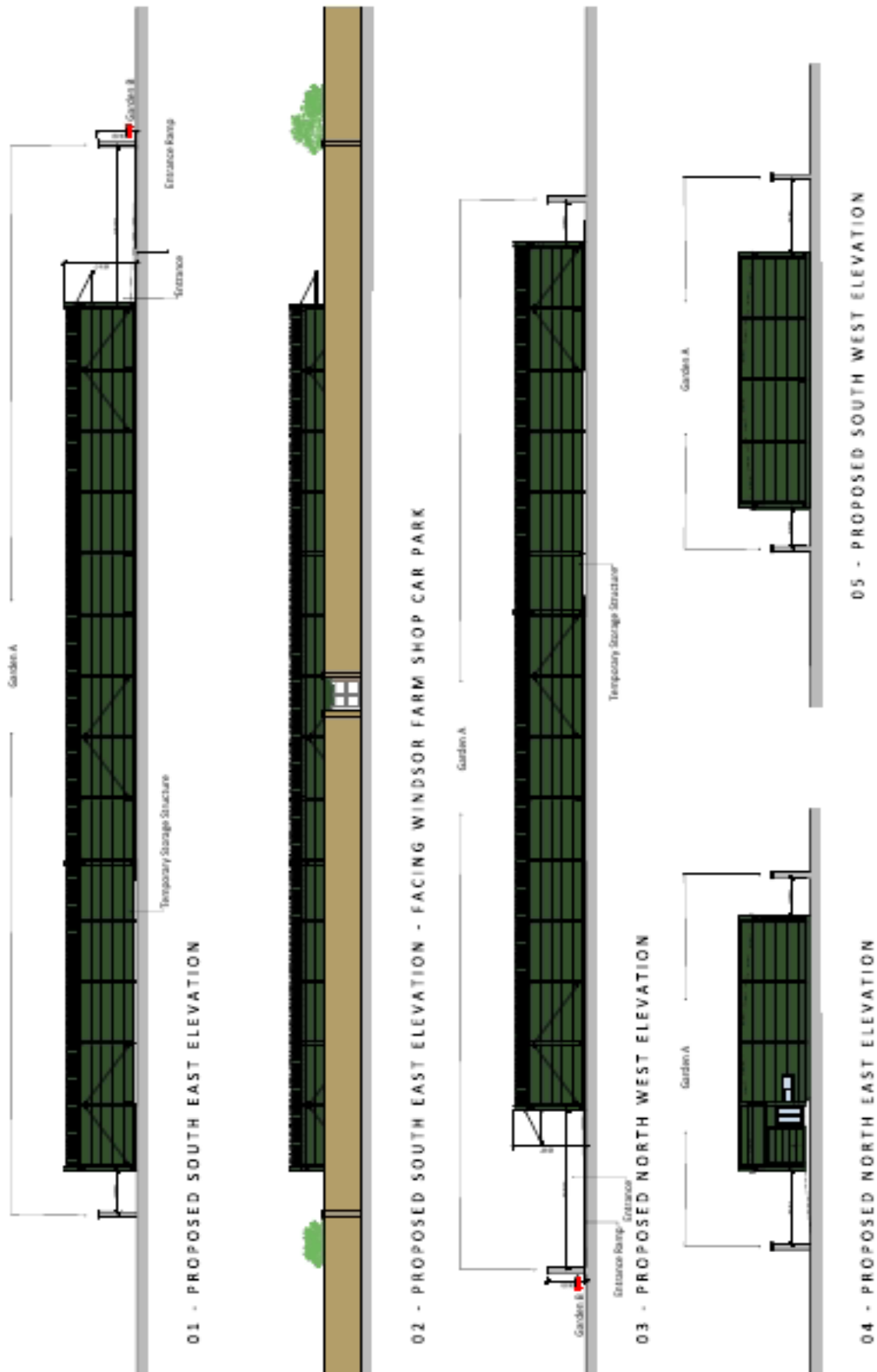














# ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

## Agenda Item 5

### DEVELOPMENT CONTROL PANEL

15 July 2020

Item: 2

<b>Application No.:</b>	20/00780/FULL
<b>Location:</b>	Hill House Cross Road Sunningdale Ascot SL5 9RX
<b>Proposal:</b>	Erection of 10 no. apartments with basement parking following demolition of existing building
<b>Applicant:</b>	Mr Mills
<b>Agent:</b>	Mr Paul Dickinson
<b>Parish/Ward:</b>	Sunningdale Parish/Sunningdale And Cheapside
<b>If you have a question about this report, please contact:</b> Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

#### 1. SUMMARY

- 1.1 The proposed development is of scale and massing that is incongruous with the surrounding properties. The proposed contemporary design on the rear portion of the building also creates a development which appears as two separate buildings which are incongruous with each other, thereby reducing the overall design quality of the development. In addition, this contemporary design is at odds with the existing buildings within the street. The proposed development is of poor design and would be harmful to the character and appearance of the area.
- 1.2 The ecology report letter submitted with this application (AA Environmental Ltd, dated June 2017), which has been submitted as part of previous applications, is now almost three years old. Some of the conclusions and results obtained from this report could therefore now be inaccurate, as conditions on the site could have changed during this three year period, the status of the bat roost may have changed and the site could have become more suitable for use by bats and other protected species. As such the extent to which protected species would be affected by the proposals has not been established.
- 1.3 The development proposes pruning to tree T17, which is covered by the Tree Preservation Order on site. The Council's Tree Officer has assessed this tree and does not agree crown reductions are required as the tree is in a healthy condition. The loss of foliage on this tree would inhibit its ability to photosynthesis and would therefore have a detrimental impact on the future health and appearance of the tree. In addition, the relationship between the development and trees T17, T41, T42 and T43 is considered to be poor and would likely lead to a pressure to prune in the future due to overshadowing, loss of light or general apprehension from the future occupiers. The loss of or harm to these trees would harm the character and appearance of the area.

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

- |           |  |
|-----------|--|
| <b>1.</b> | The overall scale and massing of the proposed building would make it dominant in the street scene and out of keeping with the surrounding developments. The proposal also represents, due to its scale, over development of the site. The contemporary design of the rear part of the building is at odds with the front part of the development and the existing buildings within the street scene. Overall the proposed development is of poor design, represents over development of the site and would be harmful to the character and appearance of the area. |
| <b>2.</b> | The ecology report letter submitted with this application (AA Environmental Ltd, dated June 2017) is almost three years old. As such it is not possible to establish the extent to which protected species would be affected by the proposals. The development fails to comply with paragraph 170 of the NPPF, policy NP/EN4 of the Ascot, Sunninghill and Sunningdale   |



	Neighbourhood Plan and Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System.
3.	The development proposes pruning to tree T17, which is covered by a Tree Preservation Order (TPO). The Council's Tree Officer has assessed this tree and does not agree crown reductions are required as the tree is in a healthy condition. The loss of foliage on this tree would inhibit its ability to photosynthesis and would therefore have a detrimental impact on the future health and appearance of the tree. In addition, the relationship between the development and trees T17, T41, T42 and T43 (also covered by a TPO) is considered to be poor and would likely lead to a pressure to prune these trees in the future. The loss of or harm to these trees would harm the character and appearance of the area.
4.	The proposal is likely to have a significant effect in combination with other plans and projects in the locality on the Thames Basin Heaths Special Protection Area [SPA] as designated under The Conservation (Natural Habitats, etc) Regulations, and which is also designated as a Site of Special Scientific Interest [SSSI]. This would arise through increased visitor and recreational pressure on Chobham Common, as a constituent part of the SPA, causing disturbance to three species of protected, ground-nesting birds that are present at the site. In the absence of an assessment to show no likely significant effect, including sufficient mitigation measures to overcome any such impact on the SPA, and in the absence of financial provision towards the Strategic Access Management and Monitoring (SAMM) project and the provision of Suitable Alternative Natural Greenspace (SANG) noted in the Council's Thames Basin Heaths Special Protection Area SPD or satisfactory alternative provision, the likely adverse impact on the integrity of this European nature conservation site has not been overcome.

## 2. REASON FOR PANEL DETERMINATION

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

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is currently occupied by the Hill House property, which is located on the northern side of Cross Road. The site has previously been split into 2 with a scheme for 5 apartments having been approved on the lower part of the site now known as 'Land at Hill House'. Planning permission has also already been granted for a 5-apartment scheme on the upper part of the site, which is the land subject of this application. This site is 0.37 hectares and benefits from an existing access in the South East corner. The site is well planted and many of the trees are subject to Tree Protection Orders.
- 3.2 The property lies near the edge of the settlement area and is approximately 150m to the east of the A30 London Road, within walking distance of the shops and railway station in Sunningdale. Land to the West and North is predominantly residential in character with large dwellings and, particularly on the northern side of Cross Road, flatted developments. The Sunningdale Ladies Golf Club is to the South East of the site which is within the Green Belt. The site slopes up towards the South East.
- 3.3 Apart from the nearby area of the Green Belt, the site and its immediate surroundings are classified as being within the 'leafy residential suburb' townscape type within the Borough's Townscape Assessment. Some nearby properties to the South West are within the 'villas in a woodland setting' townscape type, although these do not form part of the immediate context for the application site.
- 3.4 The site is located within 5km of the Thames Basin Heaths Special Protection Area, however, outside of the 2km catchment area for Allen's Field.



#### 4. KEY CONSTRAINTS

- Protected trees
- 'Leafy Residential Suburb' Townscape Area
- Ecological impacts
- Thames Basin Heaths Special Protection Area

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

- 5.1 The proposal is for the construction of a building to accommodate 7 x 2-bedroom and 3 x 3-bedroom apartments. The apartment building is split into two sections, with separate distinct styles. To the rear the apartment building has a contemporary flat roof design, with high levels of glazing, and ranges between 8.5 and 8.8m tall due to the changes in ground levels. The front part of the building is more traditional in design, including a crown roof, and ranges between 9.5 and 9.9m in height, with the central portion of the building (when viewed from the front) being taller. The front part of the building is approximately 22m wide and the rear ranges between 17m and 14m depending on the floor. The building would be set back approximately 23m from the road. There is an existing dwelling on site which would be demolished.
- 5.2 Access to the site would be provided via the existing access in the South East corner which is to be widened to provide visitor parking spaces and a turning area. 20 parking spaces (2 per apartment) for the residents of the apartment building would be provided in a basement parking area. Space for cycle parking and refuse storage would also be provided in the basement.

Reference	Description	Decision
13/01206/FULL	Construction of detached house.	Permitted - 15.08.2013
13/02972/FULL	Demolition of existing dwelling house and erection of two linked buildings comprising 10 apartments.	Refused – 13.01.2014
14/01029/FULL	Erection of 10 apartments with associated works. Amendment to planning application 13/02972.	Refused – 06.06.2014
14/00451/FULL	Construction of 5 no. apartments.	Refused – 09.06.2014
14/03591/FULL	Construction of 4 no. apartments.	Refused – 10.02.2015
15/01199/FULL	Construction of 1 apartment block comprising of 4 x 2 bed and 1 x 3 bed apartments.	Refused – 10.02.2015 & dismissed at appeal
16/00266/FULL	Erection of 4 x apartments (3 x 2 and 1 x 3 bed).	Would have approved – 15.07.2016 & dismissed at appeal 07.09.2016
16/01179/FULL	Erection of 5 no. apartments with basement and new access.	Would have approved – 15.07.2016 & dismissed at appeal 07.09.2016
16/02220/FULL	Construction of 5 no. apartments with basement and new access.	Permitted – 16.12.2016
17/00120/FULL	Erection of 4 x 2 bedroom and 1 x 3 bedroom apartments with basement car parking, cycle and bin store following demolition of existing dwelling.	Permitted – 17.10.2017
18/00624/FULL	Erection of a building comprising 10 apartments (4 x 3 bed and 6 x 2 bed apartments) following demolition of the existing dwelling.	Refused – 10.09.2018 & dismissed at appeal



## 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
Within settlement area	DG1, H9, H10, H11
Highways and parking	P4, T5
Trees	N6

These policies can be found at

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

### Adopted Ascot Sunninghill and Sunningdale Neighbourhood Plan (2011-2026)

Issue	Neighbourhood Plan Policy
Within settlement area	NP/H2, NP/DG1, NP/DG2, NP/DG3, NPEeN3
Highways and parking	NP/T1
Trees	NP/EN2
Biodiversity	NP/EN4
Energy efficiency	NP/DG5

These policies can be found at

[https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2)

### Adopted the South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

## 7. MATERIAL PLANNING CONSIDERATIONS

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

- Section 4 - Decision-making
- Section 9 - Promoting Sustainable Transport
- Section 12 - Achieving well-designed places

### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Makes suitable provision for infrastructure	IF1
Housing	HO2, HO3, HO5
Important trees	NR2
Nature conservation	NR3
Thames Basin Heaths Special Protection Area	NR4

### 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

- 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>

### Supplementary Planning Documents

- RBWM Thames Basin Health's SPA

### Other Local Strategies or Publications

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

More information on these documents can be found at:  
[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

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

Comment	Where in the report this is considered
1. The proposed development would be dominant within the street scene.	Paragraphs 9.2 to 9.5



2.	The proposed development represents overdevelopment of the site.	Paragraphs 9.2 to 9.5
3.	Is there a need for 10 more apartments in the road – more apartments would change the character of the area.	Paragraphs 9.16 to 9.19 and paragraphs 9.2 to 9.5
4.	The issues from previous applications have not been addressed.	Noted.
5.	The development would increase traffic to the detriment of highway safety.	Paragraph 9.8
6.	The applicant's community consultation event was only attended by 5 people and the site notice was only displayed for 2 days.	The Council undertook statutory consultation including writing to adjoining properties.
7.	The landscaping proposal does not include the depth of type of plants to be used.	Landscaping details would normally be secured by condition.
8.	It is not clear how the postal delivery would be managed.	This is not a material planning consideration.
9.	It is not clear whether all internal and external doors meet the minimum physical security requirements.	This is not a material planning consideration.
10.	Details of the cycle storage has not been provided.	Details of cycle storage would normally be secured by condition.
11.	Utility meters should be located in an area which allows meter readings without the need to access the dwelling.	This is not a material planning consideration.
12.	Details of external lighting has not been submitted.	It is not considered necessary to control external lighting for this development.
13.	The lopping or removal of trees would be detrimental to the character and appearance of the area.	Paragraphs 9.9 and 9.10
14.	The development would overlook neighbouring residents.	Paragraphs 9.6 and 9.7
15.	The development would badly affect birdlife and biodiversity.	Paragraphs 9.11 to 9.14
16.	The development would have a negative impact on the Thames Basin Heaths Special Protection Area.	Paragraph 9.15
17.	The modern rear half of the building is out of character with the remainder of the building and other local buildings on the road.	Paragraphs 9.2 to 9.5



18.	The development would increase pollution from the additional traffic.	It is not considered that the development would result in significant fumes as a result of traffic.
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## Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	<p>Objects:</p> <ul style="list-style-type: none"> <li>The site layout is extremely similar to refused scheme 13/02972</li> <li>The change to a contemporary design on the rear half of the development creates a mismatch in styles which is contrary to the requirements of NP/DG3.1 (Good Quality Design).</li> <li>The development would be at odds with the wider street scene which has a lower density character.</li> <li>The building footprint is almost identical to 18/00624 which was dismissed at appeal.</li> <li>The proposal would still be near to and lead to pressure to prune trees T17 and T27 (T43 in this application).</li> <li>The arboricultural report states that pruning to T17 is necessary.</li> <li>The proposal does not contribute to the mix of housing styles</li> <li>The proposal would result in unacceptable intensification of traffic movements.</li> <li>The provision of two spaces for visitors in wholly inadequate.</li> </ul>	Design and character issues have been considered in paragraphs 9.2 to 9.5. The impacts on trees has been considered in paragraphs 9.9 and 9.10. The impacts on parking and highway safety has been considered in paragraph 9.8.
Lead Local Flood Authority	Requests further details of the proposed surface water drainage systems.	N/A – It is not considered necessary for this information to be submitted given the scale of the development. This has not been requested for previous similar applications on site.
Highways	The Highway Authority offers no objection to the proposal subject to conditions relating to access, gates, parking, cycle parking and construction management.	Paragraph 9.8
Ecology	The proposals may affect protected species and an updated ecology report would need to be submitted prior to the determination of the application in order for the council to determine the likely impact of the proposals upon protected species and ensure appropriate mitigation can be provided.	Paragraphs 9.11 to 9.14
Trees	The scheme fails to adequately secure the protection of important protected trees that contribute positively to the character and	Paragraphs 9.9 and 9.10



	appearance of the area.	
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## Others

Group	Comment	Where in the report this is considered
SPAE	The reductions to the depth at second floor has an extremely limited effect on reducing the bulk of the building. The contemporary design is incongruous with the front block, visually unattractive and unsympathetic to local character. The proposal would still require the pruning of trees.	Design and character issues have been considered in paragraphs 9.2 to 9.5. The impacts on trees has been considered in paragraphs 9.9 and 9.10.

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The impact on the character and appearance of the area
- ii The impact on amenity
- iii Parking and highway safety
- iv The impact on important trees
- v The impact on ecology
- vi The Thames Basin Heaths Special Protection Area

### The impact on the character and appearance of the area

- 9.2 There are a number of Neighbourhood and Local Plan policies relevant to the consideration of this application. Local Plan policy H11 sets out that proposed developments should be compatible with the scale of the surrounding area and not cause damage to the character amenity of the area in which it is set; this is consistent with design guidance set out in the NPPF. With regards to Neighbourhood Plan policies: NP/DG1 requires development to respond positively to local townscapes, policy NP/DG2 requires new development to be similar in density, footprint, separation and bulk of surrounding buildings and policy NP/DG3 requires new development to demonstrate good quality design.
- 9.3 The application site has been subject to several previous applications and appeals with the most recent application (18/00624/FULL) having been refused and subsequently dismissed at appeal. The appeal was dismissed as the Inspector considered that the proposed scheme would harm the character and appearance of the area due to the scale and massing of the building, noting that whilst the development would have a similar height to neighbouring properties Queenswood and Fairways, the width and depth would be far greater, creating a significantly larger footprint. It was considered that this scale and massing would be exacerbated by the location of the development on elevated ground, and that this along with the design of the scheme, with a deep bulky roof, would create an incongruous dominating development at odds with the wider street scene.
- 9.4 Changes have been made to try and address these concerns, however, whilst the rear part of the building has been reduced in height (8.5 – 8.9m rather than 8.9 – 9.3m), and the massing of the rear block has been reduced by shortening the length at second floor, the changes are minor. The footprint of the rear part of the building at ground floor is very similar, as that considered under 18/00624/FULL, and the overall length and width of the building would also be unchanged. The front part of the building, which is the most visible within the street scene, is the same as the previous scheme in terms of footprint, height and scale. The bulky crown roof design remains,



and the building would still be elevated compared to surrounding properties, exacerbating its bulk and scale. Whilst the front portion of the building is similar to that previously approved under 17/00120, the overall building remains of a scale, massing and footprint far in excess of Queenwood and Fairways opposite and the reduction in height and bulk of the rear portion of the building does not go far enough to address this. The building would remain dominant in views from the south east on the approach from the top end of Course Road where the entirety of the side elevation would be visible. The building would remain of scale and massing that is incongruous with the surrounding properties and would appear over developed compared to the lower density development elsewhere within the street scene. The proposed development would result in harm to the character and appearance of the area.

- 9.5 The proposed contemporary design on the rear portion of the building also creates a development which appears as two separate buildings which are incongruous with each other, thereby reducing the overall design quality of the development. In addition, this contemporary design is at odds with the existing buildings within the street, harming the character and appearance of the area.

### **The impact on amenity**

- 9.6 The proposed building has a high number of side windows at first and second floor along both flank walls. The windows on the North East elevation would overlook the rear garden of the neighbouring plot. None of the windows along this flank elevation serve non habitable rooms and as such cannot be obscurely glazed, however the boundary is heavily planted. Whilst this planting cannot be relied upon to provide full screening all year round it would prevent significant levels of overlooking from being achieved. Most trees on this boundary are also covered by a tree preservation order and as such are unlikely to be removed. The separation distance to this boundary and the large scale of the neighbouring plot would also reduce any feeling of being overlooked. To the other side is Sunningdale Golf Club, the privacy of which is not afforded the same level of protection as a residential plot. The use of the site would intensify, however as it would remain in residential use there is unlikely to be any significant noise or disturbance caused to neighbours. The separation to neighbouring properties is sufficient to prevent a significant loss of light.
- 9.7 The proposed apartment building would be provided with a shared outdoor amenity space to the rear of the site with an area of approximately 800sqm. Each flat is also comfortably above the minimum internal space standards. It is considered that the future occupiers would be provided with sufficient indoor and outdoor amenity space.

### **Parking and highway safety**

- 9.8 It is proposed to retain the existing access and widen this to 4.8m to accommodate the additional traffic that would be generated by the proposed development. Visibility splays of 2.4 x 43m are to be provided by cutting back the front boundary holly hedge either side of the existing access. A development of this scale and size is likely to generate 48 vehicle movement per day which can be safely accommodated by the existing highway network including the Cross Road and London Road junction. The proposed development would be provided with 20 car parking spaces in the basement which exceeds the Council standards of 1 space per apartment (within areas of good accessibility). 2 additional spaces are provided to the front of the site, primarily for use by visitors and tradesmen. Cycle and refuse storage is provided within the basement parking area and there is space at the front of the site for bins during collection day.

### **The impact on important trees**

- 9.9 Many trees on the application site are protected by a tree preservation order and the majority of trees make a strong positive contribution to character and appearance of the area. A Council Tree Officer has commented on the application and has raised concerns that the trees to the



front of the site would be impacted by the hardstanding and bin store, however the hardstanding is similar to the previous applications where this issue has not been raised and details of the bin store can be secured via condition.

- 9.10 Previously under applications 13/002972, 17/00120 and subsequent appeals, concern has been raised regarding the impact on tree T17 (A common Oak covered by a TPO) to the rear of the site, due to extensive pruning works being proposed to its canopy, as well as future pressure to prune due to the impact it would have on light into the property. Similarly, concerns have previously been raised regarding future pressure to prune T27 (T43 on the latest tree protection plan). It is noted that the building has been moved away from the canopy of these trees by setting the second floor in, however in the case of T17 pruning is still proposed. The Council's Tree Officer has assessed this tree and does not agree crown reductions are required as the tree is in a healthy condition. The loss of foliage on this tree would inhibit its ability to photosynthesis and would therefore have a detrimental impact on the future health and appearance of the tree. In addition, the relationship between the development and trees T17, T41, T42 and T43 is still considered to be poor and would likely lead to a pressure to prune in the future due to overshadowing, loss of light or general apprehension from the future occupiers. This is especially true of T17 which growing toward the proposed development.

### **The impact on ecology**

- 9.11 Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System sets out that the presence or otherwise of protected species, and the extent that they may be affected by a proposed development, should be established before planning permission is granted. The need to ensure ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances. Paragraph 170 of the NPPF also sets out that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Policy NP/EN4 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan also sets out that development proposals which are likely to have direct or indirect adverse impacts on local biodiversity should be supported by an independent survey report which is supported by the Borough's Ecological advisor.
- 9.12 The ecology report letter submitted with this application (AA Environmental Ltd, dated June 2017), which has been submitted as part of previous applications, is now almost three years old. Some of the conclusions and results obtained from this report could therefore now be inaccurate, as conditions on the site could have changed during this three year period, the status of the bat roost may have changed and the site could have become more suitable for use by bats and other protected species.
- 9.13 As such, there is a risk that the current proposals could affect protected species, and in order for the Local Planning Authority to determine the potential impacts of these plans on protected species, an updated ecological assessment report (comprising an extended Phase 1 Habitat and Species Scoping Survey, updated bat surveys, and any other phase 2 surveys identified in the phase 1 surveys as being required) would need to be submitted prior to the determination of this planning application.
- 9.14 In this case, since the extent to which protected species would be affected by the proposals has not been established, and there appears to be no "exceptional circumstances", the application would not be in accordance with the above planning policy, paragraph 170 of the NPPF and paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System.

### **The Thames Basin Heaths Special Protection Area**

- 9.15 The application site is within 5km of the Thames Basin Heaths Special Protection Area (SPA) which is an area designated to protect a network of important bird conservation sites; the



proposed development would likely have a harmful effect on Chobham Common, which is part of the SPA due to increased visitor and recreational pressure. It is necessary therefore for mitigation to be secured in the form of SANG (Suitable Alternative Natural Green Space) and SAMM (Strategic Access Management and Monitoring). A draft S111 has been prepared and it is anticipated that the applicant will agree to the necessary mitigation, however at the time of writing the agreement has not yet been completed and mitigation has not therefore been secured.

## **Other Material Considerations**

### Housing Land Supply

- 9.16 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.*

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

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

- 9.18 The BLPSV is not yet adopted planning policy and the Council’s adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hyr hls) is the ‘standard method’ as set out in the NPPF (2019). At the time of writing, the Council is unable to demonstrate a 5 year housing land supply.

- 9.19 Footnote 6 of the NPPF (2019) clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where ‘policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed’. This includes habitats sites and/or land designated as Green Belt. As set out in paragraph 9.15 the development is within 5km of the Thames Basin Heaths Special Protection Area (SPA) and has the potential to cause harm to this protected site. Although mitigation is likely to be secured, at the time of writing it has not been. As such the harm upon the SPA provides a clear reason for refusing the development and it is not necessary for section d(i) to be engaged. Should the necessary mitigation be provided and this reason for refusal falls away then the so called ‘tilted balance’ would be engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

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

- 10.1 The development is CIL liable. The proposed floorspace of the dwellings is 2,360sqm which is a net increase of 1,511sqm when taking into account the existing dwelling on site.

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

- 11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.19, provided the necessary mitigation against the harmful impact on the SPA can be provided, the tilted balance would apply. For decision making this means approving development proposals unless any adverse impacts of doing so would



significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 11.2 Whilst acknowledging that this proposal for 9 (net) units would make a small contribution towards the LPA meeting their 5yr hls the proposed development is considered to cause harm to the character and appearance of the area, would cause harm to on site trees and has the potential to impact upon protected species. The proposal is contrary to paragraphs 127, 130 and 170 of the NPPF, as well as policies DG1, H10 and H11 of the Local Plan and policies NP/DG1, NP/DG2, NP/DG3 and NP/EN3 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan.
- 11.4 For the reasons set out above, it is therefore considered that the adverse impacts of allowing this planning application would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF (2019), when taken as a whole.
- 11.5 It is also worth highlighting that paragraphs 1 and 12 of the NPPF (2019) are clear in stating that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposed development remains contrary to the Development Plan and it is not considered that the NPPF (2019), as a material consideration, demonstrates that in this instance planning permission should be granted.

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

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

## **13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

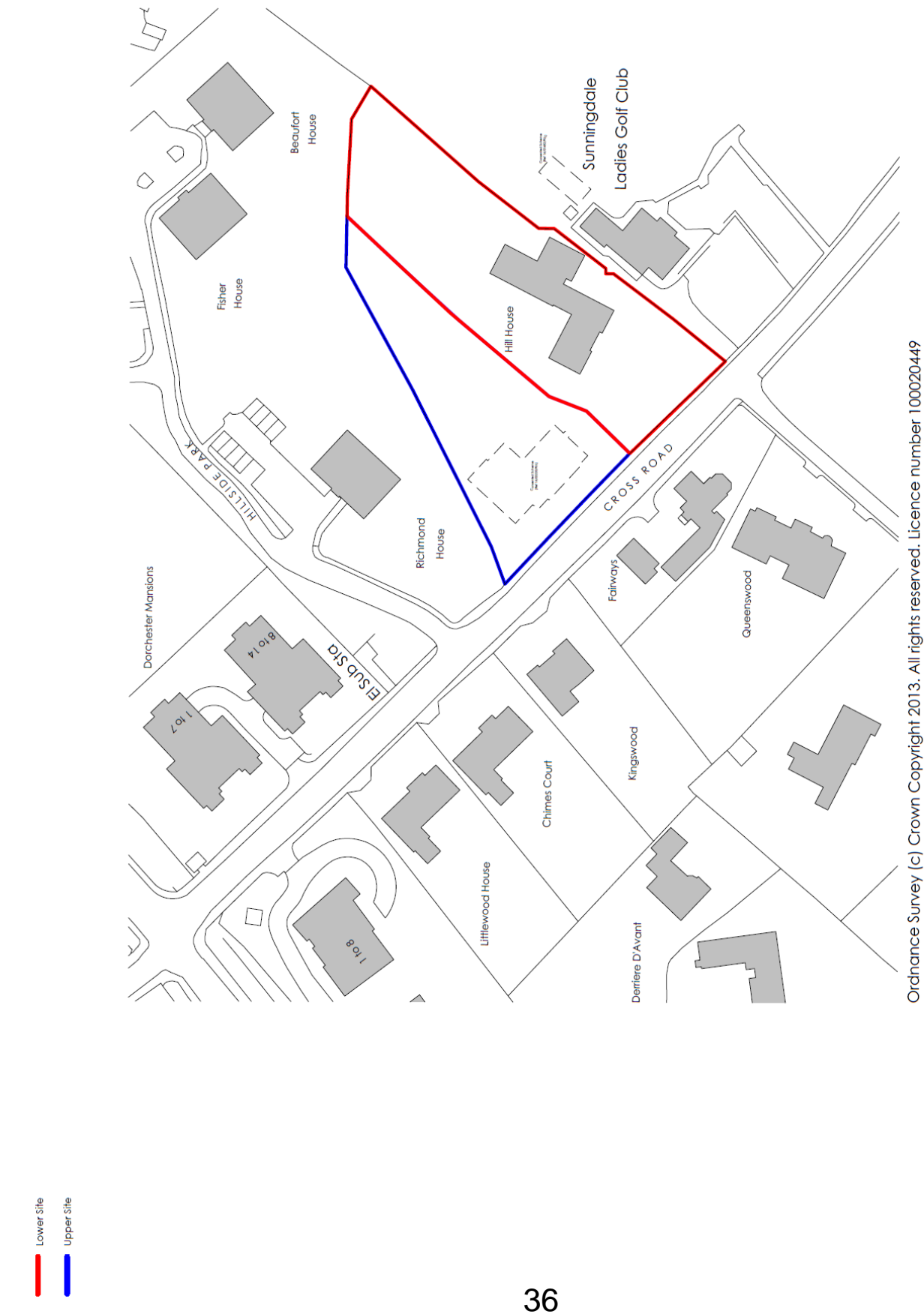
- 1 The overall scale and massing of the proposed building will make it dominant in the street scene and out of keeping with the surrounding developments. The proposal would also appear over developed compared to the lower density development elsewhere within Course Road. The contemporary design of the rear part of the building is at odds with the front part of the development and the existing buildings within the street scene. Overall the proposed development is of poor design, would be dominant within the street scene and would appear cramped. The proposal would be harmful to the character and appearance of the area and therefore fails to comply with advice contained within the National Planning Policy Framework, within policies H10, H11, DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and policies NP/DG1, NP/DG2 and NP/DG3 of the proposed Ascot, Sunninghill and Sunningdale Proposed Neighbourhood Plan.
- 2 The ecology report letter submitted with this application (AA Environmental Ltd, dated June 2017) is almost three years old. As such it is not possible to establish the extent to which protected species will be affected by the proposals. The development fails to comply with paragraph 170 of the NPPF, policy NP/EN4 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan and Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System.
- 3 The development proposes pruning to tree T17, which is covered by a Tree Preservation Order (TPO). The Council's Tree Officer has assessed this tree and does not agree crown reductions are required as the tree is in a healthy condition. The loss of foliage on this tree would inhibit its ability to photosynthesis and would therefore have a detrimental impact on the future health and appearance of the tree. In addition, the relationship between the development and trees T17, T41, T42 and T43 (also covered by a TPO) is considered to be poor and will likely lead to a pressure to prune these trees in the future. The loss of or harm to these trees would harm the character and appearance of the area and as such the proposal fails to comply with advice contained within the National Planning Policy Framework, policy N6 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and policies NP/EN2 and NP/EN3 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan.
- 4 The proposal is likely to have a significant effect in combination with other plans and projects in the locality on the Thames Basin Heaths Special Protection Area [SPA] as designated under The Conservation (Natural Habitats, etc) Regulations, and which is also designated as a Site of Special Scientific Interest [SSSI]. This would arise through increased visitor and recreational



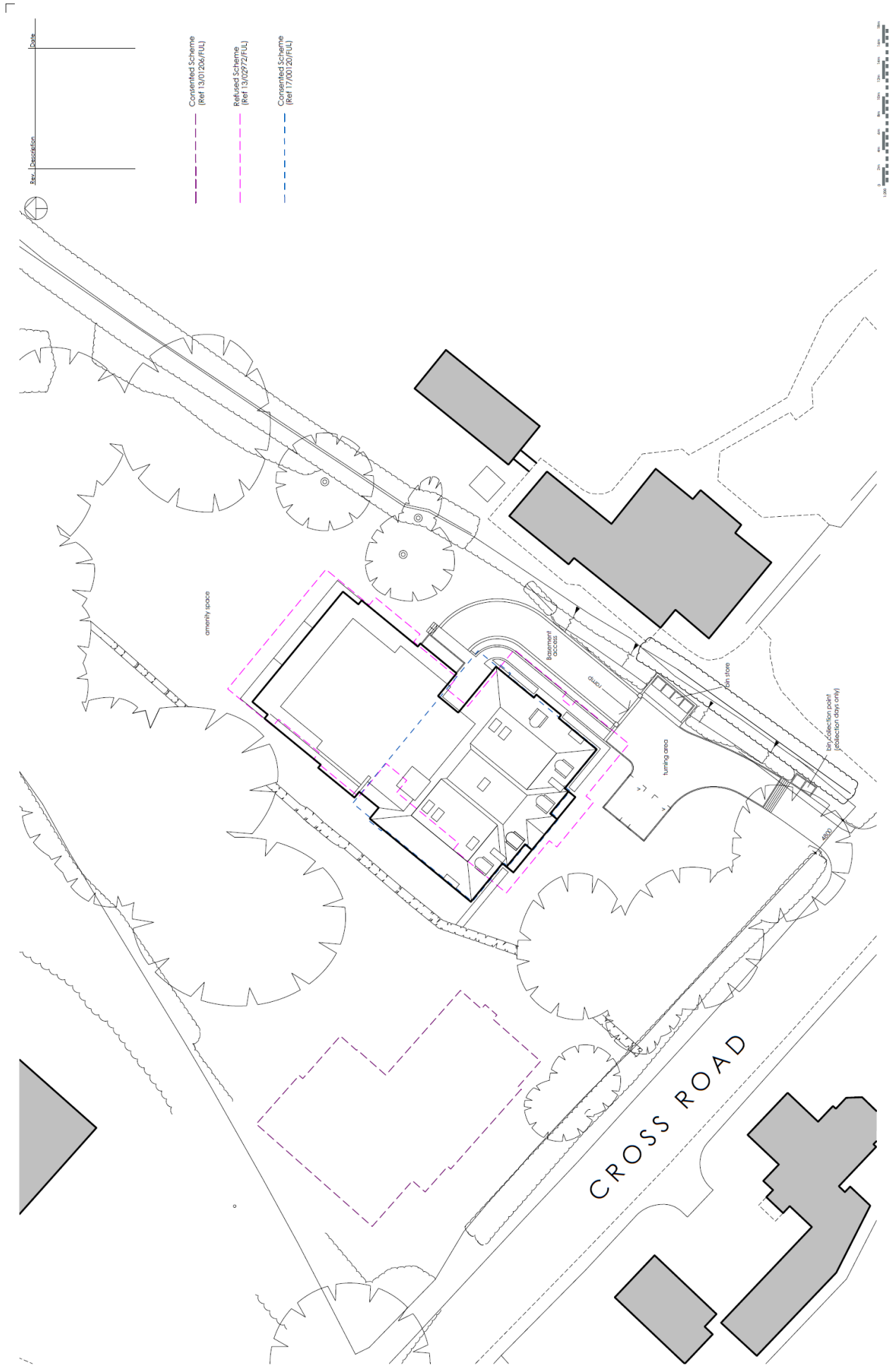
pressure on Chobham Common, as a constituent part of the SPA, causing disturbance to three species of protected, ground-nesting birds that are present at the site. In the absence of an assessment to show no likely significant effect, including sufficient mitigation measures to overcome any such impact on the SPA, and in the absence of financial provision towards the Strategic Access Management and Monitoring (SAMM) project and the provision of Suitable Alternative Natural Greenspace (SANG) noted in the Council's Thames Basin Heaths Special Protection Area SPD or satisfactory alternative provision, the likely adverse impact on the integrity of this European nature conservation site has not been overcome. The proposal is thus in conflict with the guidance and advice in the National Planning Policy Framework and the RBWM Thames Basin Heaths Special Protection Area SPD and Policy NR4 of the Emerging Borough Local Plan (2013 -2033) Submission version.



Appendix A—Site location plan and site layout

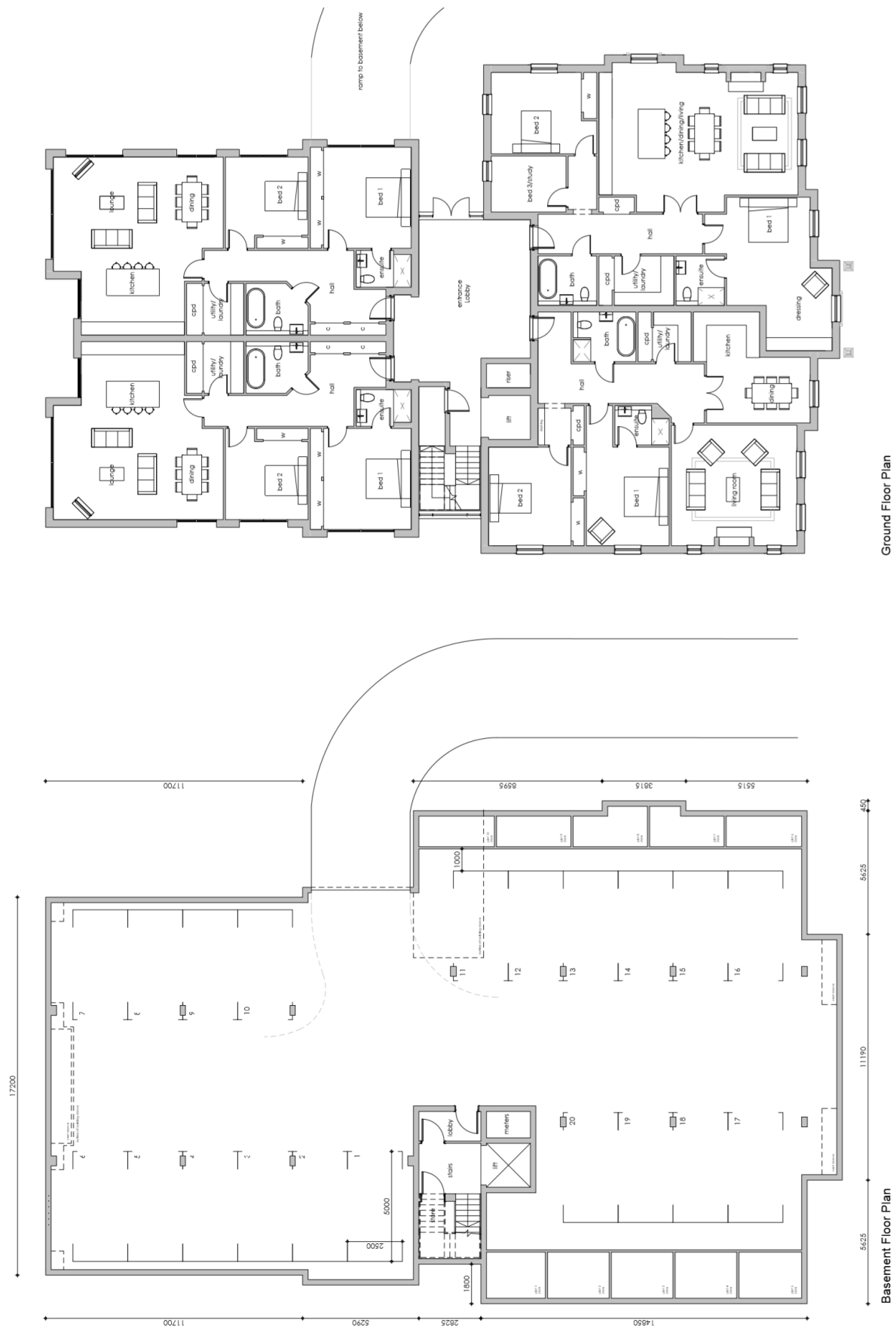




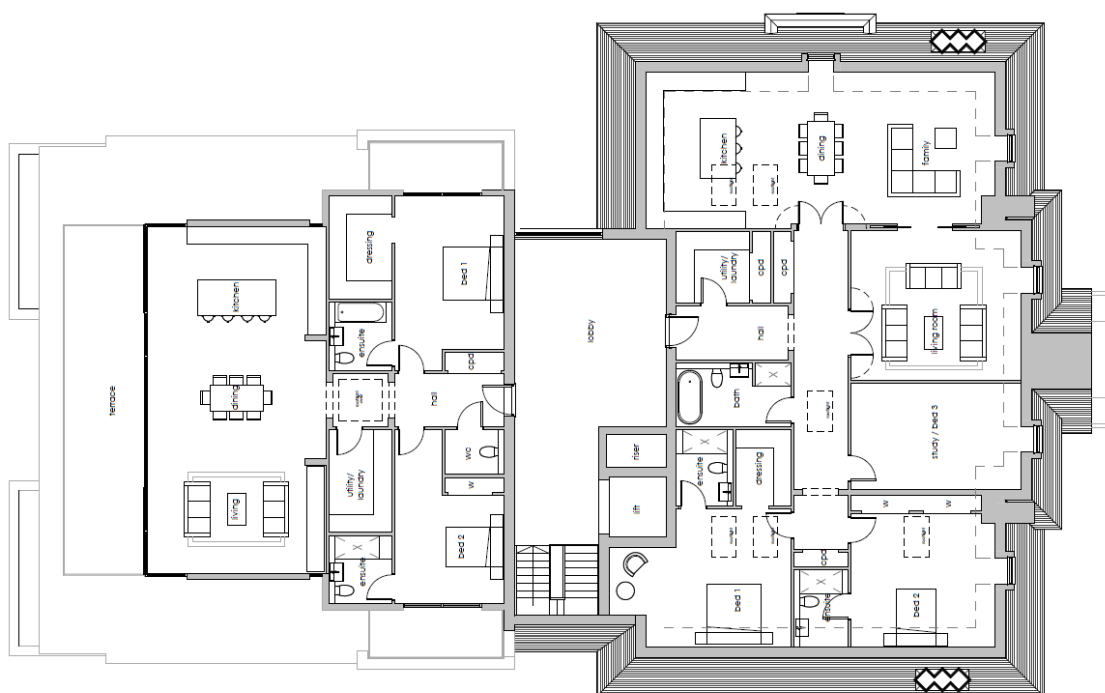




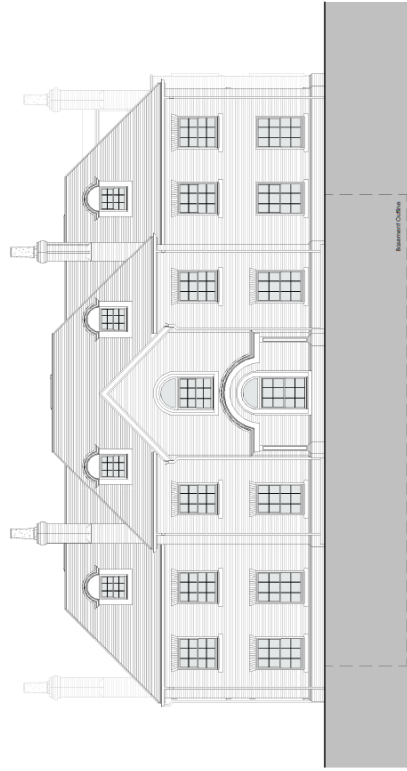
Appendix B—Plan and elevation drawings



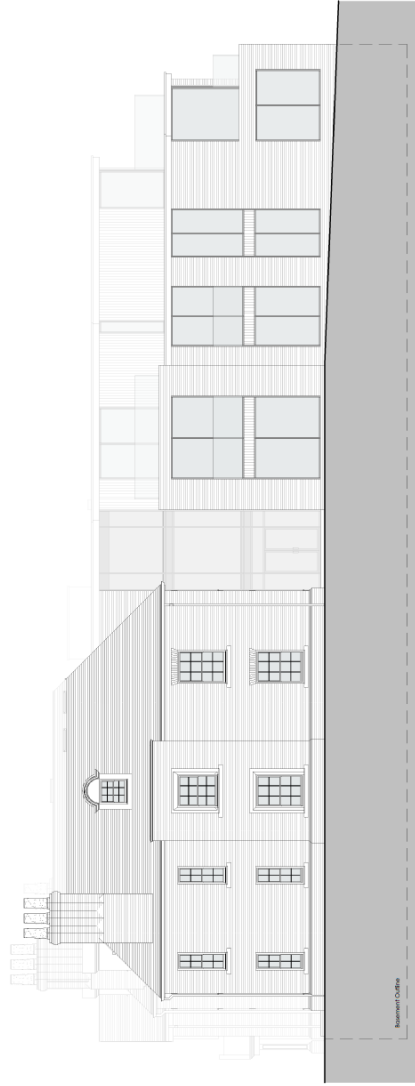






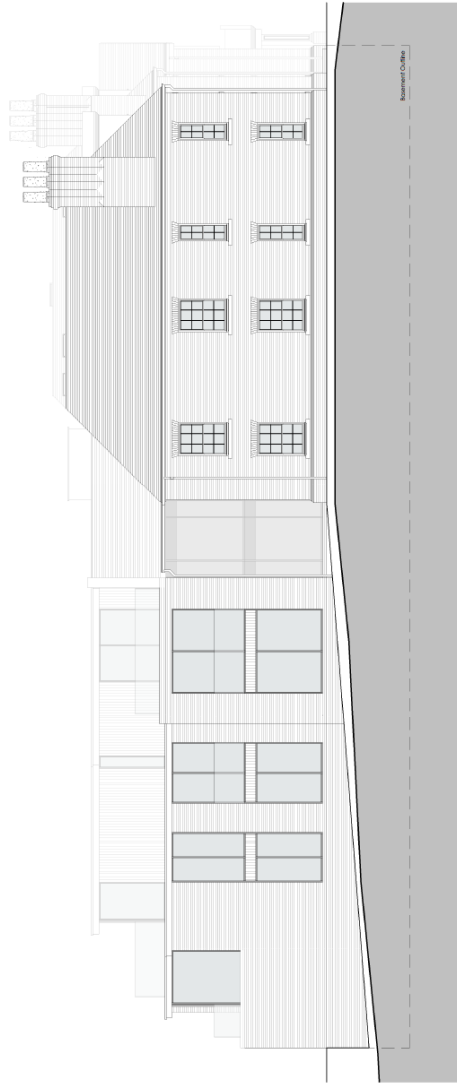


Front Elevation

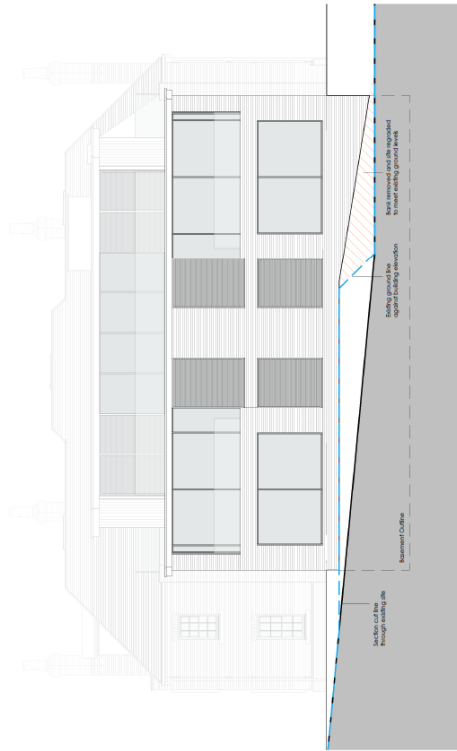


Right Flank Elevation





Left Flank Elevation



Rear Elevation



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Agenda Item 6

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

**DEVELOPMENT CONTROL PANEL**

15 July 2020

Item: 3

<b>Application No.:</b>	20/00973/OUT
<b>Location:</b>	Poundstretcher 31 - 33 High Street Maidenhead SL6 1JG
<b>Proposal:</b>	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 12 No. flats with associated works to ground floor.
<b>Applicant:</b>	David Howells
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Maidenhead Unparished/St Marys
<b>If you have a question about this report, please contact:</b> 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 12 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 The proposal is not considered to prejudice the operation of the existing retail unit, and as a sustainable, town centre location residential development is encouraged.
- 1.3 The proposal is not considered to harm the character or setting of the host building, nearby important non-listed buildings or Maidenhead Town Centre Conservation Area.
- 1.4 The proposal is considered to have an acceptable impact on neighbouring amenity in terms of loss of light, visual intrusion and overlooking. Furthermore, the proposal would not result in harm to air quality during the construction or operational phase subject to conditions.
- 1.5 No on-site parking is proposed but given the town centre sustainable location and existing on-street parking restrictions within locality, it is considered a car free development is acceptable. Given the car free nature of the proposed development it is considered that the vehicle trip generation would be limited and so would not unduly impact local highway infrastructure network. The proposed accesses are acceptable in respect of highway safety. Details of cycle and refuse / recycling storage can be secured by condition.
- 1.6 It is considered that there would be no unacceptable impact on trees subject to a condition to secure full details of services and utilities to ensure the root protection areas of nearby street trees are not transgressed. The sustainable drainage proposal is acceptable.

<b>It is recommended the Panel GRANTS planning permission with the conditions listed in Section 13 of this report.</b>
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**2. REASON FOR PANEL DETERMINATION**

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as it is for major development; 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 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 as 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 12 flats following conversion of the first floor and 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 with a retail floor area measuring approximately 314sqm, and ancillary retail use (staff welfare facilities, storage) measuring 88sqm to the rear. The existing first floor will be converted to residential to form 4 flats. The proposed second floor would extend over the existing first floor, extending rearwards by a maximum 20m with a chamfered south-east corner, to form a further 4 flats. The crown roof would accommodate 4 flats within the roof space and measures approximately 3m from the eaves to ridge with a pitch of 70 degrees. 4 flat roof dormers (two being full height) are proposed to the front (north) roof slope, 4 flat roof dormers (two being full height) are proposed on the rear (south) roof slope, 1 flat roof dormer is proposed on the side (east) roof slope, and 1 dormer is proposed on the south-eastern roof slope forming the chamfered corner. Details of the proposed flats are as follows:

Flat No.	No. of Bedrooms	Floor Area (Approx.)	Amenity Space (Approx.)
<i>First Floor</i>			
1	1	57 sqm	Roof Terrace, 47 sqm
2	1	57 sqm	Balcony, 12 sqm
3	2	73 sqm	Balcony, 12 sqm
4	2	82 sqm	Roof Terrace, 57 sqm
<i>Second Floor</i>			
5	1	55.5 sqm	Balcony, 9.5 sqm
6	1	59 sqm	N/A
7	2	77 sqm	N/A
8	2	72 sqm	N/A
<i>Third Floor</i>			
9	1	59 sqm	Balcony, 2.5 sqm
10	1	54 sqm	Balcony, 2.5 sqm
11	1	59 sqm	Balcony, 2.5 sqm
12	1	59 sqm	Balcony, 2.5 sqm



- 5.3 Access to the flats would be from the ground floor from a pedestrian access on Park Street. The retail unit would have two separate accesses from the High Street serving the main shop floor, and an access from Park Street for deliveries of goods. No off-street parking is proposed.
- 5.4 There was a previous application for outline planning permission, ref: 19/03444/OUT, for the part conversion of first floor and new second and third floors to create 10 No. flats with associated works to ground floor. This application was refused by the council on 20 February 2020 on the grounds of undue impact on neighbouring amenity for no. 29 High Street. The current application seeks to overcome this issue.

## 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](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](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 6 May 2020 and the application was advertised in the Local Press on 7 May 2020.

1 letter has been received objecting to the application.

Comment	Where in the report this is considered
Objects for the following reasons: previously refused on impact on neighbouring amenity and there is limited differences to the scheme. No daylight or sunlight report has been prepared to support the proposal, and it is considered that habitable rooms would suffer a material loss of oblique and direct light. Furthermore, it is considered that the proposal would result in visual intrusion due to its scale, and loss of privacy due to windows facing their property to the detriment of their amenity.	Section 9 (iii)

### Consultees

Consultee	Comment	Where in the report this is considered
Arboriculture Officer	<p>The 'Drainage and Utilities Statement' shows that foul water, gas, electric, telecommunications and potable water will connect into the development site outside the root protection area of the 3 highway trees in Park Street. The applicant will need to provide confirmation from the relevant utility companies that they support these connection points, and whether any upgrading of the utilities will be required further back from the connection points which could potentially compromise the three highway trees. Should the above be adequately addressed, full utility details will be required on submission of reserved matters. These subsequent details will need to continue to ensure the root protection area of the trees are not transgressed.</p> <p>A construction management plan will also need to be submitted to show the trees will not be affected by or within any working area etc. required for the development</p>	Section 9 (v)
Conservation Officer	No objection as the proposal would preserve and to a certain degree enhance the character and appearance of the conservation area. Conditions relating to the following are recommended: samples of all external surface materials including mortar mix; details of design, materials and finish of external doors, windows and dormer windows at 1:5, 1:10 or 1:20; details of the design and materials of	<p>Section 9 (ii)</p> <p>Due to the limited number of means of enclosure proposed, details are not considered necessary to make the development acceptable in planning terms.</p>



	balconies and Juliet balconies at 1:5, 1:10 or 1:20; the location and external appearance of any vents, flues and additional plant, including manufacturers details; details of the design, materials and finish of the shopfront at 1:5, 1:10 or 1:20; details of the design and appearance of external means of enclosure i.e. walls and gates; and details of bin enclosure.	
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 in accordance with the methodology in the submitted Air Quality Assessment; and informatives relating to dust and smoke control.	Section 9 (iii)  Restricted hours for vehicle delivery and collections during operations is not considered necessary as there are no restrictions for the existing shop, and there is no material change to the retail unit to warrant such a condition.
Highways Officer	No objection, subject to details being submitted to address concerns under Cycle Provision and Refuse Provision. Conditions recommended relating to details of cycle parking; details of refuse, bin and recycling provision; and construction management plan; and informatives relating to damage to footways and verges, damage to highways, no equipment or materials on the public highway.	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. Local Plan policy H6 states that the Council will grant planning permission for the provision of additional residential accommodation within town centres, while MTCAAP policy MTC12 states that new housing development will be supported throughout the town centre. As a material



consideration, 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. Paragraph 117(d) of the NPPF goes on to state that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help meet the identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops and building on or above service yards). In compliance with the NPPF, in this context, there is no objection in principle to residential development on 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, approximately 319sqm of ancillary retail use would be lost on the first-floor. However, it is considered that the remaining retail unit 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 measuring approximately 50sqm, along with staff welfare facilities that meet health and safety guidance, could be accommodated within the ground floor as shown on the proposed floor plan. 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 retail use in terms of operation.

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

### Density

- 9.5 The proposal will result in approximately 240 dwellings per hectare (dhp), which represents a high-density development. MTCAAP policy MTC12 states that higher density housing will be appropriate in suitable locations 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. In this case, the site is located in Maidenhead Town Centre which is a sustainable location and has been identified as an area for strategic growth. This quantum of development is therefore acceptable in principle.
- 9.6 Balanced against this, Local Plan policy H11 states that schemes that introduce a scale or density of new development which would be incompatible and cause damage to the character of the area would be resisted, while 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

- 9.7 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. As a material consideration, paragraphs 124 and 130 of the NPPF advises 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.
- 9.8 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. As a material consideration, paragraph 192 of the NPPF states that in determining planning applications the local planning authority should consider the desirability of sustaining and enhancing the significance of heritage assets and any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

#### 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 principal 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. However, in terms of commonality much of the built form within the conservation area are on narrow plots that face onto the street and are 2 to 3 storeys in height.

#### Siting, Form, Height, Scale and Architectural Detailing

- 9.11 The application includes a thorough heritage statement, which is considered satisfactory to assess the potential impact on the significance of the conservation area and the adjacent non designated heritage assets; and whether the proposals would be considered to preserve or enhance the character or appearance of the conservation area.
- 9.12 The existing building at no. 31-33 High Street is not considered to be of architectural or historic interest. In relation to the conservation area and setting of the neighbouring important non-designated heritage assets (no. 29 and 35 High Street and no. 1 Park Street), 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 setback 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.
- 9.13 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 heights of other buildings in the area and variation in height is identified as a special characteristic of the conservation area. It is considered that this local variation allows a higher roof to integrate into the streetscene without it appearing overly dominant when seen in context with the neighbouring important non-designated heritage assets. Furthermore, given the character and appearance of the existing building it is considered that the extra floor and



mansard type roof, which are architectural features more in keeping with the conservation area, would enhance the character and appearance of the conservation area to a degree.

- 9.14 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 no. 29 High Street as a non-designated heritage asset is already compromised. That would remain the same with the new development in place.
- 9.15 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**

- 9.16 Local Plan policy H11 states that in established residential areas development which introduces a scale or density that would cause damage to the amenity of the area would be resisted. As a material consideration, paragraph 127 of the NPPF states that planning decisions should ensure that development should achieve a high standard of amenity for existing and future users.
- 9.17 To the east of the site is a residential flat on the upper floors of no. 29 High Street. Based on information provided by the occupant / owner of no. 29, on the west elevation there is a first floor and a second-floor flank window that serves a lounge and kitchen respectively. Local objections have been raised over the proposal which increase the height of no. 31-33 High Street to provide a first floor and roof, which would limit light to these windows. It is considered that there would be a loss of sunlight and daylight to these windows during the afternoon and evening given the standard path and angle of the sun as a result of the proposal. However, paragraph 123(c) of the NPPF states that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). In this case it is considered that in the existing situation the lounge already experiences limited light given that it faces the existing first floor flank wall at no. 31-33 High Street. The kitchen is not considered to be a habitable room but, in any case, the impact of the proposal to the kitchen window would be less as it is a storey higher and the roof slopes away. On balance, it is considered that the proposal would not warrant refusal in this context.
- 9.18 In relation to visual intrusion, given that the existing first floor flank window at no. 29 High Street faces the existing first floor flank wall at no. 31-33 High Street, the proposal is not considered to result in undue harm to warrant refusal. The second floor flank window at 29 High Street would face the proposed second floor whereas before it would overlook the flat roof at no. 31-33 High Street. However, a kitchen is not considered to be a habitable room and therefore it is not considered to result in undue harm to neighbouring amenity in this respect.
- 9.19 There are no first-floor windows on the south (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. At a site visit the occupants confirmed that the smaller window to the east serves a bathroom (a non-habitable room) but the larger window to the west, adjacent to the shared boundary with the application site, serves a bedroom. The previously refused proposal comprised of a second floor with a crown roof which extended approximately 9.9m along the shared boundary. When viewed from this window, it was considered that the height and depth of the second floor and roof extension would appear unduly visually overbearing and intrusive, to the detriment of the amenities of the occupants of No. 29. 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 was considered that the proposal would result in an unreasonable loss of daylight to this room.



- 9.20 With the current proposal, due to the chamfered south-east corner the proposed second floor and crown roof would extend along the shared boundary at a depth of approximately 3m before angling away from the shared boundary at 45 degrees for a further 5m in depth to the rear building line. This is considered to reduce the bulk and mass along the shared boundary when viewed from the no. 29 High Street to an acceptable level. In relation to light, due to the chamfered south-east corner, the centre of the window lies outside of the downward 45-degree angle taken from the nearest top corner of the extension, and the extension would not intrude through a 45-degree line taken from the window at no. 29 High Street. As such, the British Research Establishment (BRE) Sunlight and Daylight guidance advises that daylight to the subject window is unlikely to be significantly affected.
- 9.21 It is considered that there are no undue concerns on overlooking. While there are windows proposed to the west elevation these are high level windows. Dormer windows are also proposed within the eastern and south-eastern roof slopes, which would serve habitable rooms, but it is considered that views from these dormer windows would be limited as they either would face a side wall or overlook the roof of no. 29 High Street.

#### Air Quality

- 9.22 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 to compliance with relevant limits and take opportunities to improve air quality or mitigate potential impacts from both the construction and operational phases.
- 9.23 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. Details of measures to reduce the risk of dust complaints and exposure to elevated PM10 concentrations during construction and demolition work have been included in the assessment. If minded to approve it is recommended that these measures are secured by condition. During the operational phase, it is considered that the main air pollutant would be from road traffic. The development 12 flats is predicted to generate 44 daily vehicle movements, and the resultant impact on air quality is not considered to be significant.

#### **iv Highway Safety and Parking**

- 9.24 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.
- 9.25 The retail use currently benefits from pedestrian access from the High Street and access to the servicing area off Park 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. In relation to the flats, a new pedestrian access is proposed from Park Street which is acceptable.
- 9.26 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.
- 9.27 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. Further details on cycle storage, including demonstrating manoeuvrability with a bicycle, the width of the entrance and whether the storage rack can accommodate children's bicycles are required but can be secured by condition. It is considered that details of refuse and recycling storage could also be secured by condition.



- 9.28 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 local highway infrastructure network and so is accepted in this respect.

#### **v Trees**

- 9.29 Local Plan policy N6 states that an application for new development should wherever practical allow for the retention of existing trees, and where the amenity value of trees outweighs the justification for development, planning permission may be refused.
- 9.30 There are no trees on site, but there are 3 trees on the adopted highway to the west on Park Street. The 'Drainage and Utilities Statement' shows that foul water, gas, electric, telecommunications and potable water will connect into the development site outside the root protection area of these trees. The acceptability of the connections from relevant utility companies has not been confirmed, but it is considered that full details of services and utilities can be secured by condition to ensure the root protection areas of the trees are not transgressed.

#### **vi Sustainable Drainage**

- 9.31 Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. No sustainable drainage strategy is 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, the lack of a sustainable drainage strategy is considered acceptable in this particular instance.

#### **vii Housing Land Supply**

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

*For decision-taking this means: 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.*

- 9.33 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).'
- 9.34 For the purpose of this planning application the LPA currently cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer), and section d(i) of paragraph 11 of the NPPF is not engaged as there is no clear reason for refusing the development proposed against 'restrictive' policies which includes designated heritage assets (conservation areas) for the reasons set out in Section 9 (ii). Therefore, for the purpose of this application and in the context of paragraph 11 of the NPPF the '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 As set out in Section 9 vii it is considered that in this instance the tilted balance should be applied.
- 11.2 In relation to benefits that weigh in favour of the development, it is acknowledged that the proposal for 12 units would make a small contribution towards the Local Planning Authority in meeting their 5-year housing land supply. 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. Although unquantified, it is likely that there would be some economic benefits through employment during construction and increase in local spends with additional residents.
- a. It is considered that the proposal is policy compliant in relation to retention of retail use at the site, residential amenity, highway safety and parking, trees and sustainable drainage, which is given neutral weight in the planning balance.
- b. On the basis of the above, the benefits of the proposal would demonstrably outweigh the limited harm of the proposal.

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

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

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

- 1 The Development shall commence within two years from the date of approval of the last of the reserved matters.  
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 Details of the landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.  
Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) Order 1995.
- 3 An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission  
Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development including mortar mix have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies DG1, CA2, H10, MTC4
- 5 Prior to their installation details of the design, materials and finish of external doors, windows, dormer windows, balconies and Juliet balconies, and shopfront at a scale of 1:5, 1:10, 1:20 or to full size as appropriate shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.  
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - DG1, CA2, H10, MTC4
- 6 Prior to their installation the location, external appearance and manufacturers details of any vents, flues and associated plant shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.



Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - DG1, CA2, H10, MTC4

- 7 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details including design that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety, to ensure the sustainability of the development, and in the interests of the appearance of the Maidenhead Town Centre Conservation Area. Relevant Policies - Local Plan T5, DG1, CA2.

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

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

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

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

- 10 No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan has been submitted to and approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to: a) Procedures for maintaining good public relations including complaint management, public consultation and liaison b) Arrangements for liaison with the Environmental Protection Team c) All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays d) Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works f) Procedures for emergency deviation of the agreed working hours g) Control measures for dust and other air-borne pollutants. h) Measures for controlling the use of site lighting whether required for safe working or for security purposes. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

- 11 The development shall be undertaken and maintained in accordance with the approved Air Quality Assessment ref: 2935-1r2, dated 20 April 2020.

Reason: In the interest of air quality.

- 12 The installation of underground services and utilities including foul water, gas, electric, telecommunications and potable water shall be carried out in accordance with drawing ref: 8190747-SK02 Rev. P1, titled 'Utilities Strategy' at Appendix H in the Drainage and Utilities Statement by Glanville, issue 5, dated 20 April 2020.

Reason: To ensure that the root protection area of existing trees are not transgressed. Relevant Policies - N6

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

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

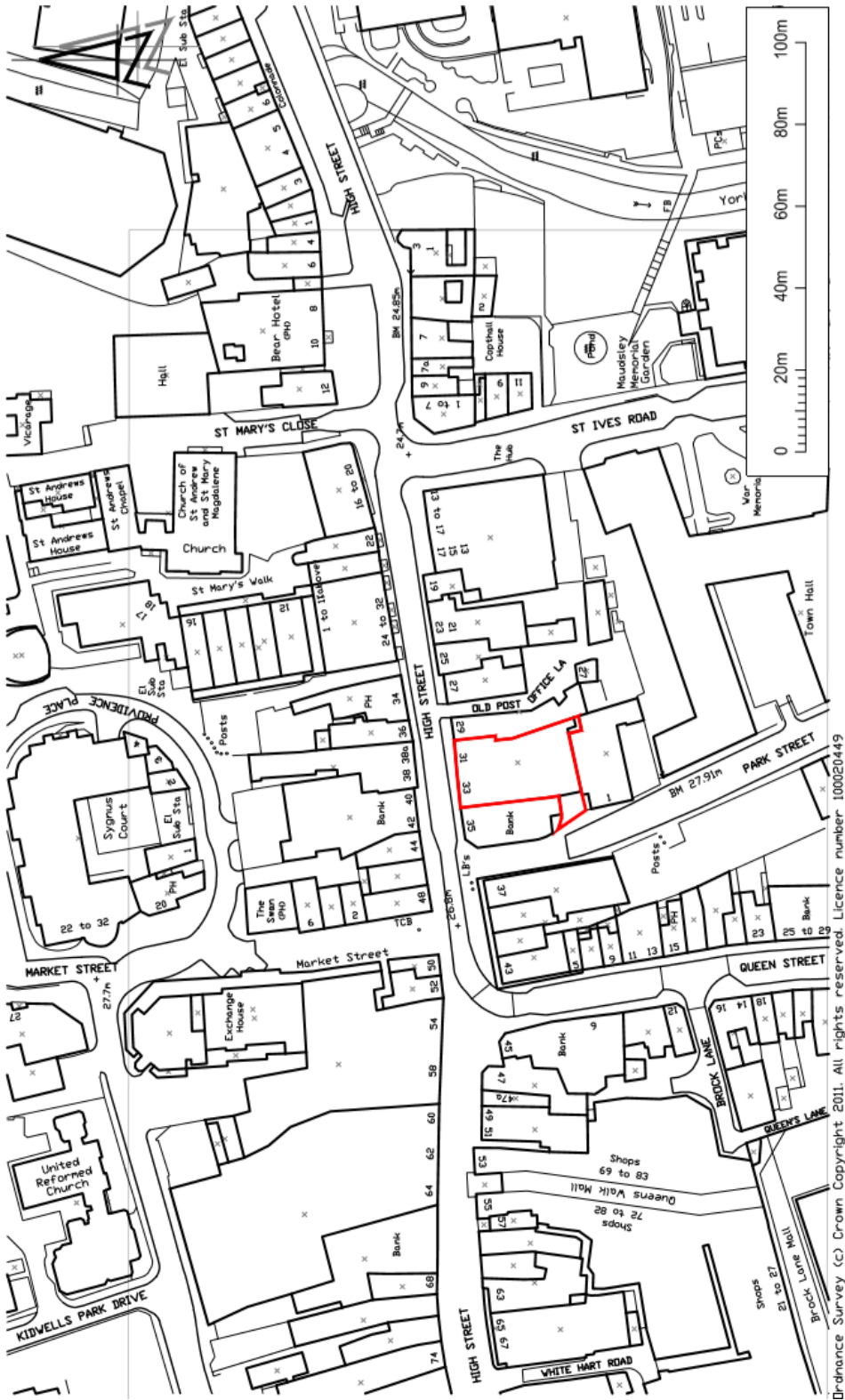
## **Informatives**



- 1 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 2 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 3 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
- 4 applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities applicant should be aware the permitted hours of construction working in the Authority are as follows:
  - Friday 08.00 - 18.00
  - 08.00 - 13.00
  - working on Sundays or Bank Holidays.
- 5 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 68 3830 and follow good practice.



Appendix A – Site Location Plan



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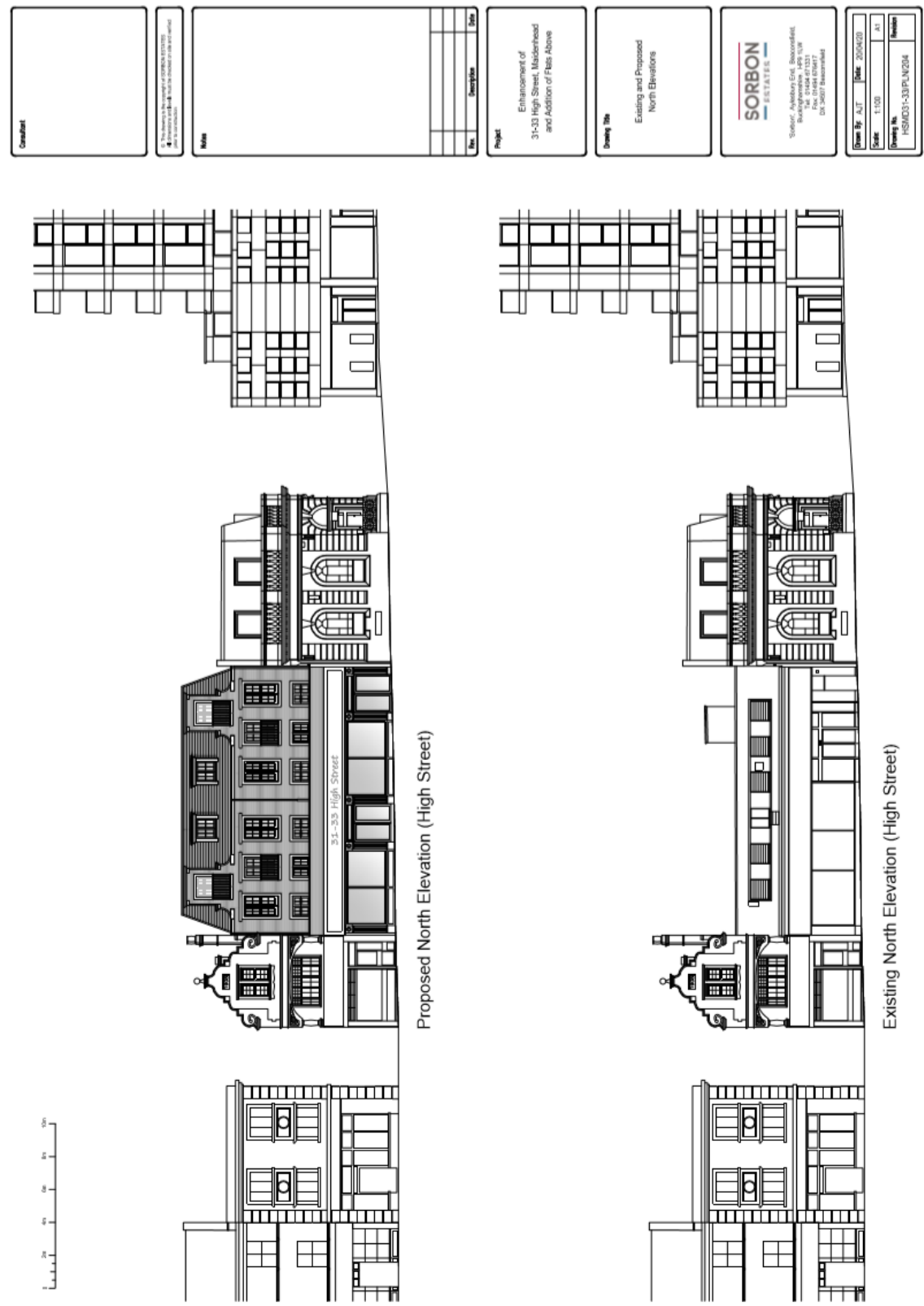


Enhancement of 31-33 High Street, Maidenhead and Addition of Flats Above  
Location plan  
Scale: 1/1250 @ A4  
HSMD31-33/PLN/200

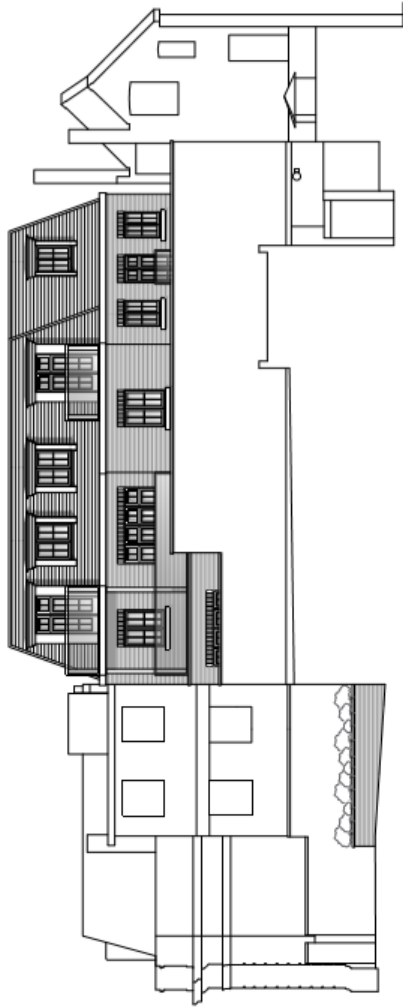
20/04/20



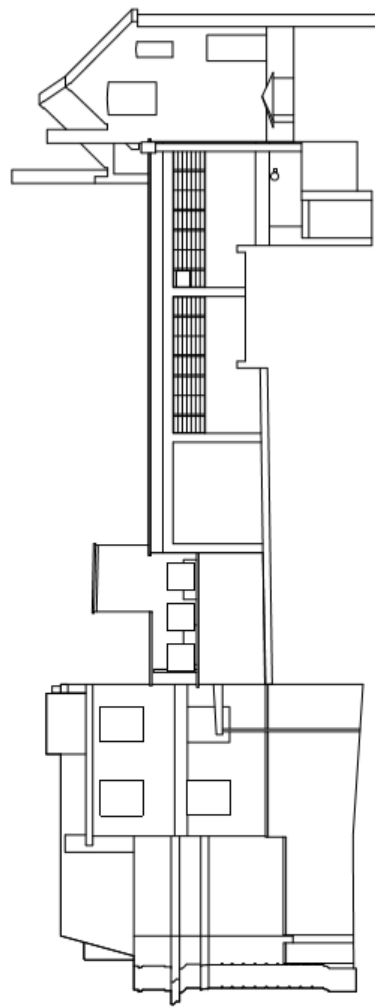
Appendix B – Proposed Elevations and Floor Plans







Proposed South Elevation



Existing South Elevation

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

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**  
ESTATES

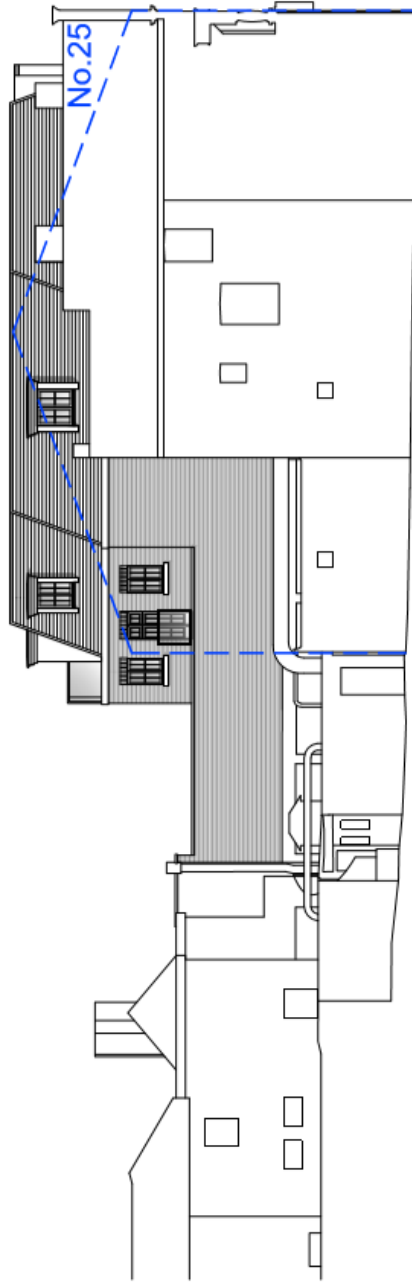
"Sorbon", Aylesbury End, Beaconsfield,  
Buckinghamshire, HP9 1LW  
Tel: 01494 671331  
Fax: 01494 676417  
DX: 34507 Beaconsfield

Drawn By: AJT Date: 20/04/20

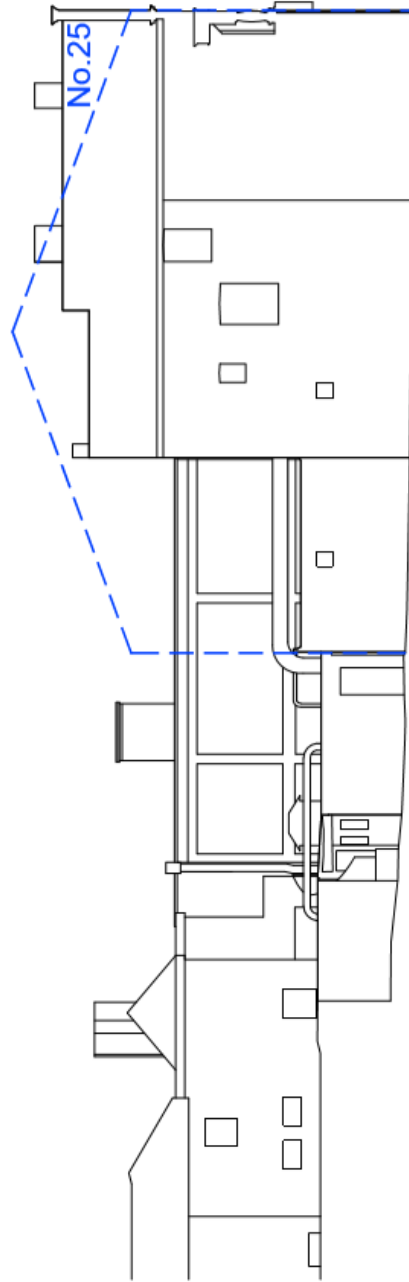
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Drawing No.  
HSM31-33/PLN/205  
Revision





Proposed East Elevation (Old Post Office Lane)



Existing East Elevation (Old Post Office Lane)

Rev.	Description	Date

Drawn By: AJT	Date: 20/04/20
Scale: 1:100	A2
Drawing No. HSM31-33/PLN/207	











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

Notes

Rev.	Description	Date

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

Drawing Title  
Proposed Third Floor Plan

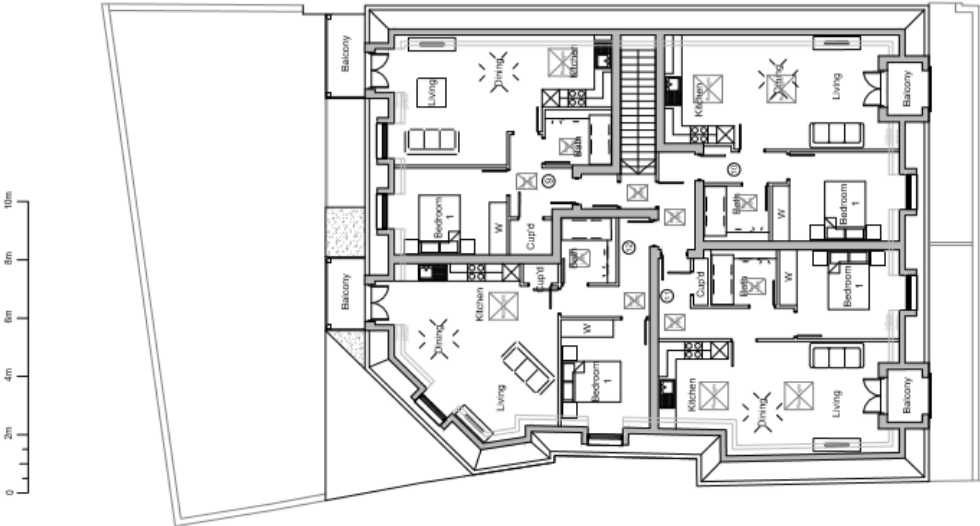
SORBON  
ESTATES

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Drawn By: AJT      Date: 20/04/20

Scale: 1:100      A2

Drawing No. HSM/31-33/PLN/203      Revision



Proposed Third Floor Plan



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# Appeal Decision Report

8 June 2020 - 6 July 2020

## Agenda Item 7

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**Appeal Ref.:** 20/60009/REF **Planning Ref.:** 18/03623/CPD **Plns Ref.:** APP/T0355/X/19/3240732

**Appellant:** Southeast Power Engineering **c/o Agent:** Mr Michael Lee Woolf Bond Planning Ltd The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

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

**Description:** Certificate of lawfulness to determine whether the proposed floating hydro powered barge not amounting to a form of development is lawful.

**Location:** **Romney Weir Thames Side Windsor**

**Appeal Decision:** Allowed **Decision Date:** 17 June 2020

**Main Issue:** The Planning Inspector found that despite in terms of permanence the evidence weighing in favour of the mooring of the barges being a building, with regards to size and physical attachment, the mooring of the barges at the weir would not amount to a building or building operation. On balance thereof re the Inspector, taking all his findings into account, concluded that the proposal would not be a building or building operation. The Inspector found that the proposal also did not amount to an engineering, mining, or other form of operation.

**Appeal Ref.:** 20/60005/ENF **Enforcement Ref.:** 18/50356/ENF **Plns Ref.:** APP/T0355/C/19/3243627

**Appellant:** Mrs Alexandra Chatzidakis **c/o Agent:** Mr Mark Berry JSA Architects Ltd Tavistock House Waltham Road Maidenhead SL6 3NH

**Decision Type:** Enforcement notice **Officer Recommendation:**

**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**

**Appeal Decision:** Dismissed **Decision Date:** 15 June 2020

**Appeal Ref.:** 20/60021/REF **Planning Ref.:** 19/02742/OUT **Plns Ref.:** APP/T0355/W/20/3246613

**Appellant:** Kingsmead Homes **c/o Agent:** Mr Neil Davis Davis Planning LTD 19 Woodlands Avenue Winnersh Wokingham RG41 3HL

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

**Description:** Outline application for Access and Layout only to be considered at this stage with all other matters to be reserved for a detached two storey dwelling.

**Location:** **Land Adjacent Pine View 1 Woodside Road Winkfield Windsor**

**Appeal Decision:** Dismissed **Decision Date:** 8 June 2020

**Main Issue:** The Inspector concluded that the development does not represent a form of limited infilling and the proposed dwelling would be inappropriate development in the Green Belt. The Inspector also concluded that the proposal would harm the openness of the Green Belt. The Inspector did not agree with the LPA that the development would harm the ancient woodland adjacent to the site, stating that 'there would not be a demonstrable impact on the ancient woodland'. The appeal inspector dismissed the appeal for costs stating that 'unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated'.



**Appeal Ref.:** 20/60022/REF      **Planning Ref.:** 19/02221/FULL      **Plns Ref.:** APP/T0355/W/20/3246292

**Appellant:** Simon And Christine Reid c/o **Agent:** Mr Douglas Simon Simon Associates Holly Lodge  
Kennylands Road Sonning Common Oxfordshire RG4 9JX

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

**Description:** Detached five bedroom dwelling with attached garage, stables, driveway and hard standing  
and new vehicular access and entrance gates following the closure of the existing access.

**Location:** **Land Between Milley Nursery And Westwinds And Beaully Milley Road Waltham St  
Lawrence Reading**

**Appeal Decision:** Dismissed      **Decision Date:** 29 June 2020

**Main Issue:** The National Planning Policy Framework (the Framework) advises that substantial weight  
should be given to any harm to the Green Belt. When accessed again the Framework and the  
relevant development plan policies, the proposal is inappropriate development within the  
Green Belt and would require very special circumstances to justify the harm caused by  
inappropriateness. Harm would also be caused to the openness of the Green Belt albeit that  
there would be a small reduction. No very special circumstances have been put to the  
Inspector to justify the development. Therefore, the proposal would amount to inappropriate  
development in the Green Belt and cause harm to the openness. It would therefore be contrary  
to Policies GB1, GB2 and GB3 of the Local Plan and Section 13 of the Framework that,  
amongst other matters, share a common objective of protecting the Green Belt from  
inappropriate development.

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# Planning Appeals Received

9 June 2020 - 6 July 2020

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

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

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

**Ward:**  
**Parish:** Bray Parish  
**Appeal Ref.:** 20/60036/COND      **Planning Ref.:** 19/01783/FULL      **PIns Ref.:** APP/T0355/W/20/3248054  
**Date Received:** 10 June 2020      **Comments Due:** 15 July 2020  
**Type:** Appeal against conditions imposed      **Appeal Type:** Written Representation  
**Description:** Construction of 2no. dwellings (part retrospective).  
**Location:** **Land Opposite Lenore Cottage Rolls Lane Holyport Maidenhead SL6 2JQ**  
**Appellant:** Mrs Lucy Pickering 116 Woodlands Road Ashurst Southampton Hampshire SO40 7AL

**Ward:**  
**Parish:** Sunninghill And Ascot Parish  
**Appeal Ref.:** 20/60037/REF      **Planning Ref.:** 19/02535/FULL      **PIns Ref.:** APP/T0355/W/20/3249168  
**Date Received:** 22 June 2020      **Comments Due:** 27 July 2020  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Construction of 4 flats with off street parking and provision for refuse, recycling and cycle storage, following demolition of the existing dwelling.  
**Location:** **Oaklea 20A Cromwell Road Ascot SL5 9DG**  
**Appellant:** Mr James Gillespie c/o Agent: Mr William Fitzgibbon Chalkline Architectural 143A Northfield Avenue London W13 9QT

**Ward:**  
**Parish:** Cox Green Parish  
**Appeal Ref.:** 20/60038/REF      **Planning Ref.:** 19/03209/FULL      **PIns Ref.:** APP/T0355/D/20/3249295  
**Date Received:** 26 June 2020      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder Appeal  
**Description:** Garage conversion, relocation of the front entrance door including new entrance canopy, two storey side extension, 4no. front rooflights and alterations to fenestration following the demolition of the existing single storey front and rear element and the detached outbuilding.  
**Location:** **Ridgeway Lodge Cannon Lane Maidenhead SL6 4QQ**  
**Appellant:** Mr Perry Musty c/o Agent: Other ET Planning Office ET Planning 200 Dukes Ride Crowthorne RG45 6DS

**Ward:**  
**Parish:** Bray Parish  
**Appeal Ref.:** 20/60039/REF      **Planning Ref.:** 19/03195/FULL      **PIns Ref.:** APP/T0355/D/20/3250191  
**Date Received:** 29 June 2020      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder Appeal  
**Description:** New carport  
**Location:** 53 Windsor Road Maidenhead SL6 2DN  
**Appellant:** Mr M Herridge c/o Agent: Mr Richard Regan 67 Green Road High Wycombe HP13 5AZ

**Ward:**  
**Parish:** Maidenhead Unparished



Appeal Ref.:	20/60040/REF	Planning Ref.:	19/03064/FULL	Plns Ref.:	APP/T0355/W/20/ 3250119
<b>Date Received:</b>	1 July 2020	<b>Comments Due:</b>	5 August 2020		
<b>Type:</b>	Refusal	<b>Appeal Type:</b>	Written Representation		
<b>Description:</b>	x1 new dwelling, following demolition of existing garage and side extension.				
<b>Location:</b>	<b>Land Rear of 2 Clarefield Drive Maidenhead SL6 5DP</b>				
<b>Appellant:</b>	Mrs H Humphreys <b>c/o Agent:</b> Mr Elton Disha Creative Design And Structure Ltd Unit 1 Henson House Newtown Road Henley-on-Thames RG9 1HG				