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NOTICE OF MEETING



ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 16TH SEPTEMBER, 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/USER/WINDSORMAIDENHEAD](https://www.youtube.com/user/windsormaidenhead)**

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, KAREN DAVIES,
ANDREW JOHNSON, GREG JONES, JULIAN SHARPE, SHAMSUL SHELMIM AND
HELEN TAYLOR

Karen Shepherd – Head of Governance - Issued: 8 September 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 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.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>To receive any apologies for absence.</p>	
2.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>To receive any declarations of interest.</p>	5 - 6
3.	<p><u>MINUTES</u></p> <p>Panel to agree the minutes of the last meeting held on 19 August 2020 to be a true and accurate record.</p>	7 - 10
4.	<p><u>20/00313/FULL - ZAMAN HOUSE - CHURCH ROAD - MAIDENHEAD - SL6 1UR</u></p> <p>PROPOSAL: Construction of a new building comprising x8 apartments bin and cycle stores, associated landscaping, parking and access, following demolition of the existing dwelling.</p> <p>RECOMMENDATION: Permit</p> <p>APPLICANT: Mr T Iqbal</p> <p>MEMBER CALL-IN: Councillor Geoff Hill</p> <p>EXPIRY DATE: 18 September 2020</p>	11 - 32
5.	<p><u>20/00936/FULL - 17 CASTLE HILL - MAIDENHEAD - SL6 4AD</u></p> <p>PROPOSAL: Construction of x10 apartments with associated parking and landscaping, following demolition of the existing dwelling (with existing gatehouse retained).</p> <p>RECOMMENDATION: Permit</p> <p>APPLICANT: Mr Murray</p> <p>MEMBER CALL-IN: N/A</p> <p>EXPIRY DATE: 17 July 2020</p>	33 - 48
6.	<p><u>ESSENTIAL MONITORING REPORTS (MONITORING)</u></p> <p>To consider the Planning Appeals Received.</p>	49 - 50

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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

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

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

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

“Comments Awaited”.

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

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

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

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

STATEMENT OF THE HUMAN RIGHTS ACT 1998

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

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

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

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

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

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

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

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

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

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

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

Prejudicial Interests

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

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

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

Personal interests

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

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

Agenda Item 3

ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 19 AUGUST 2020

PRESENT: Councillors Phil Haseler (Chairman), David Cannon (Vice-Chairman), John Bowden, Jon Davey, Geoff Hill, David Hilton, Joshua Reynolds, Amy Tisi and Leo Walters

Also in attendance: Councillors John Baldwin, Mandy Brar, David Coppinger and Karen Davies

Officers: Mark Beeley, Fatima Rehman, Rachel Lucas, Tony Franklin, Antonia Liu, Charlotte Goff, Haydon Richardson and Sian Saadeh

APOLOGIES FOR ABSENCE

Apologies were received from Councillor Knowles, with Councillor Davey attending as substitute.

DECLARATIONS OF INTEREST

Councillor Cannon declared an interest in the Edgeworth House applications. He was Chairman of the Windsor Area Development Management Panel when the application was originally considered and had done a site visit. He knew the applicant in a professional capacity but would attend the Panel with an open mind.

Councillors Bowden, Tisi and Davey all also declared an interest as they were also part of the Windsor Area Development Management Panel that had previously considered the application. They would all be attending the Panel with an open mind.

MINUTES

RESOLVED UNANIMOUSLY; That the minutes of the meeting held on 15th July 2020 were approved as a true and accurate record.

19/03157/FULL - LAND ADJACENT TO MAIDEN HOUSE VANWALL ROAD - MAIDENHEAD

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

A named vote was carried out.

19/03157/FULL - LAND ADJACENT TO MAIDEN HOUSE VANWALL ROAD – MAIDENHEAD (Motion)	
Councillor John Bowden	For
Councillor David Cannon	For
Councillor Jon Davey	For
Councillor Phil Haseler	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Joshua Reynolds	For
Councillor Amy Tisi	For
Councillor Leo Walters	For

Carried

It was unanimously agreed to PERMIT the application.

19/03351/FULL - THAMES HOSPICECARE PINE LODGE - HATCH LANE - WINDSOR - SL4 3RW

A motion was put forward by Councillor Tisi to REFUSE the application contrary to Officers recommendation.

Reasons included its amount, height, scale and inadequate provision and poor layout of amenity space, the proposal would have resulted in a high density development that would be overly dominant and cramped within the site resulting in an overdevelopment. Together with the incongruous architectural design and harm / loss to trees which made a positive contribution to the character of the area, the proposal would also represent poor quality design. The poor quality design, and poor quality of amenity space would not optimise the standards of amenity for future residents. Therefore, the proposal was out of keeping with the character of the street scene and wider area and failed to provide an acceptable level of amenity for residents, contrary to saved Policies DG1, H10, H11 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003), the Royal Borough of Windsor and Maidenhead Borough Wide Design Guide Supplementary Planning Document (2020), and paragraph 127 of the National Planning Policy Framework (2019).

This was seconded by Councillor Reynolds.

A named vote was carried out.

19/03351/FULL - THAMES HOSPICECARE PINE LODGE - HATCH LANE - WINDSOR - SL4 3RW (Motion)	
Councillor John Bowden	Abstain
Councillor David Cannon	For
Councillor Jon Davey	For
Councillor Phil Haseler	Against
Councillor Geoffrey Hill	For
Councillor David Hilton	Against
Councillor Joshua Reynolds	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Carried	

It was agreed to REFUSE the application.

19/03468/FULL - TAYLOR MADE LIVERIES AND RIDING SCHOOL - STRANDE LANE COOKHAM - MAIDENHEAD - SL6 9DN

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

A named vote was carried out.

19/03468/FULL - TAYLOR MADE LIVERIES AND RIDING SCHOOL - STRANDE LANE COOKHAM - MAIDENHEAD - SL6 9DN (Motion)	
Councillor John Bowden	For
Councillor David Cannon	For
Councillor Jon Davey	For

Councillor Phil Haseler	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Joshua Reynolds	Abstain
Councillor Amy Tisi	For
Councillor Leo Walters	For
Carried	

It was agreed to REFUSE the application.

20/00980/FULL - LONDON HOUSE LOWER ROAD - COOKHAM - MAIDENHEAD - SL6 9EH

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

A named vote was carried out.

20/00980/FULL - LONDON HOUSE LOWER ROAD - COOKHAM - MAIDENHEAD - SL6 9EH (Motion)	
Councillor John Bowden	For
Councillor David Cannon	For
Councillor Jon Davey	For
Councillor Phil Haseler	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Joshua Reynolds	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Carried	

It was unanimously agreed to APPROVE the application.

19/03506/FULL - EDGEWORTH HOUSE - MILL LANE - WINDSOR - SL4 5JE

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

A named vote was carried out.

19/03506/FULL - EDGEWORTH HOUSE - MILL LANE - WINDSOR - SL4 5JE (Motion)	
Councillor John Bowden	For
Councillor David Cannon	Abstain
Councillor Jon Davey	For
Councillor Phil Haseler	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Joshua Reynolds	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Carried	

It was agreed to REFUSE the application.

19/03507/LBC - EDGEWORTH HOUSE MILL LANE WINDSOR SL4 5JE

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

A named vote was carried out.

19/03507/LBC - EDGEWORTH HOUSE MILL LANE WINDSOR SL4 5JE (Motion)	
Councillor John Bowden	For
Councillor David Cannon	Abstain
Councillor Jon Davey	For
Councillor Phil Haseler	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Joshua Reynolds	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Carried	

It was agreed to REFUSE the application.

ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel noted the reports.

PANEL UPDATE - AUGUST 2020

The meeting, which began at 6.15 pm, finished at 9.00 pm

CHAIRMAN.....

DATE.....

Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

16 September 2020

Item: 1

Application No.:	20/00313/FULL
Location:	Zaman House Church Road Maidenhead SL6 1UR
Proposal:	Construction of a new building comprising x8 apartments bin and cycle stores, associated landscaping, parking and access, following demolition of the existing dwelling.
Applicant:	Mr T Iqbal
Agent:	Mr Matt Taylor
Parish/Ward:	Bray Parish/Oldfield
If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk	

1. SUMMARY

- 1.1 The previous application (19/00674) for the proposed development was refused permission on four grounds, in summary, due to the adverse impact on the character and appearance of the area, highway safety due to insufficient visibility splays, failure of the sequential test and because the application had not demonstrated that the proposal would not adversely affect bats (a protected species).
- 1.2 The current proposal has made notable changes to address the previous objections. The bulk of the new building has been sufficiently reduced and has been designed to have a simpler, less elaborate design. In addition, the building has been set further back into the site from Church Road allowing sufficient space for additional tree planting and landscaping to take place. Compared to the existing situation, there will be significantly less hardsurfacing across the site. The relocation of the proposed access from Church Road, compared to the previously refused access from Bray Road, allows the existing trees along the highway verge to be retained. Taken together, the proposal would not be detrimental to the character and appearance of the area.
- 1.3 The application has successfully demonstrated that the proposal passes the sequential test and that there are no other reasonably available sites appropriate for the proposal with a lower risk of flooding than the application site, within the urban areas of the borough. In addition, the proposal passes the exception test by demonstrating that it will provide wider sustainability benefits to the community that outweigh flood risk and that the development would be safe for its lifetime without increasing flood risk elsewhere.
- 1.4 The current proposal would not have an unacceptable impact on highway safety nor, cumulatively, result in a severe impact on the road network. The application demonstrates that the development would not harm bats (a protected species). In all other respects, the proposal is acceptable.
- 1.5 When having regard to the reasons for the previous refusal, the extant permission relating to the site and the lack of a five year housing supply, the proposed development complies with national and local planning policies and should be approved.

It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.
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2. REASON FOR PANEL DETERMINATION

- At the request of Cllr. G. Hill as residents have requested the application be considered by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the north side of Church Road within The Fisheries Estate. It occupies a circa 0.2 hectare corner plot at the west end of Church Road at its junction with Bray Road, and is currently occupied by a two-storey detached house and two large outbuildings along the western boundary. The existing dwelling is positioned behind a mainly solid 2m high wall and gate, with the front of the site predominantly hard-surfaced. There is currently no physical boundary separating Zaman House and Rivermead (formerly Awan House) to the east. The application site includes some land that currently forms part of the plot associated with Rivermead (formerly Awan House).
- 3.2 The application site is surrounded to the north, east and south by detached, individually designed and predominantly two-storey, dwellings. These properties are set within fairly spacious plots and positioned back from the highway. Church Road itself is akin to a small lane, with no pavements and serving only four properties. The application site is within an established residential area where low-density development, (the density of development for the area is approximately 7 dwellings per hectare), mature vegetation and trees are key features.
- 3.3 The majority of the site is within Flood Zone 3, where there is a high probability of flooding, (with the exception of an area of land within the centre of the plot and a corner of the site that are within Flood Zone 2). The land surrounding the site is all within Flood Zone 3. The whole of the site, (including land associated with Rivermead) is covered by a Tree Preservation Order. The application site lies outside the Maidenhead Riverside Conservation Area, the boundary for which runs between Rivermead and Hampton Lodge to the east.

4. KEY CONSTRAINTS

- 4.1 The main planning policy constraint to development relates to the site's location within an area where there is a high risk of flooding.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks full planning permission to demolish the existing dwelling, Zaman House, and replace with a new building comprising 8 apartments.
- 5.2 The proposal involves extending the current plot associated with Zaman House by approximately 270 m² by taking land previously associated with Rivermead. A new two-and-a half storey building, that would be approximately 22.6m wide, by 19.7m deep and with a maximum ridge height of 9.5m (including voids), is proposed to be constructed roughly within the centre of the plot.
- 5.3 The block of flats would be raised 0.9m above ground level and have a fairly traditional appearance, featuring dormer and bay windows, and gable features. The submitted application form indicates that finished materials would include red brick and render and welsh slate.
- 5.4 The existing vehicular access off Church Road would be slightly repositioned along the road. This would lead to a driveway that would extend along the sides of the new building providing access to 15 car parking spaces. A cycle store building is proposed in the north-west corner of the site, while a refuse store would be positioned towards the southern boundary, close to Church Road. An amenity area for future residents of the apartments would be to the rear and north-east of the building.
- 5.5 The ground and first floors of the proposed development would each comprise three, two bedroom flats. The second floor would have a 2 bed flat and a single bedroom flat. The density of the development is 40 dwellings per hectare.

5.6 Planning history:

Reference	Description	Decision
19/00674/FULL	Construction of a new building comprising x8 apartments refuse and cycle stores, associated landscaping, parking and access, following demolition of the existing dwelling.	Refused 17.10.2019 Appeal pending.
18/01785/OUT	Outline application, with access, appearance, layout and scale only to be considered at this stage, (with all other matters reserved), for the erection of eight apartments with access, parking, landscaping and amenity following demolition of existing dwelling.	Withdrawn 15.11.2018
16/03553/FULL	Construction of 16 x two bed apartments with access, parking, landscaping and amenity spaces following demolition of existing 2 x dwellings.	Withdrawn 07.02.2017
15/02530/CONDIT	Details required by condition 2 of 15/01887.	Approved – 18.09.2015
15/01887/FULL	Part two storey, part first floor front extension , and part two storey, part first floor rear extension, with raising of existing roof to facilitate loft conversion with addition of two front dormers.	Approved – 20.07.2015
14/03355/FULL	Two storey and part first floor front extension, part two storey and part first floor rear extension, loft conversion including raising the height of the main roof with two front dormer windows	Approved - 08.01.2015
12/00430/FULL	Two storey front extensions, first floor rear extension and replacement higher roof with loft accommodation and two front dormer windows	Approved – 13.04.2012
10/01336/FULL	Change of use from C3 (residential) to mixed use of C3 and Sui Generis (private hire office)	Refused – 20.09.2010
10/00709/CLU	Certificate of Lawful Use to establish whether the existing use of part of the garage outbuilding as a taxi base incidental to the primary use of the dwelling and curtilage within Class C3 is lawful	Refused – 03.06.2010
08/02424/FULL	Erection of replacement boundary wall to Church Road frontage	Approved – 20.11.2008
03/40209/FULL	New conservatory, breakfast room to rear and two storey extension to side (retrospective)	Approved – 04.03.2004
03/40033/FULL	Construction of single storey rear and first floor rear extension and front ground floor extension with bay	Approved – 06.05.2003
02/38988/FULL	Single storey rear and first floor front extension. Conservatory to side and detached double garage	Approved – 22.08.2002

00/36250/FULL	Demolish existing garage and replace with single storey and two storey side extension, rear dormer window and front boundary wall	Approved – 01.03.2001
96/30700/FULL	Front entrance porch extension to existing garage and new pitched roof to garage	Approved - 02.04.1997

5.7 There are two previous planning applications that are particularly relevant to the consideration of the current application; Planning permission granted under application 15/01887/FULL remains extant, as the development has commenced, and application 19/00674/FULL, which was refused on the grounds of harm to the character of the area arising from the bulk of the development, amount of hardsurfacing across the site and loss of trees; flooding (failure of the Sequential Test); substandard visibility splays and potential adverse impact on bats (protected species). The appeal in respect of the latter application is pending, with a site visit by the Planning Inspector yet to take place, (at the time of writing). Comparisons between the current proposal, previous refused scheme and extant scheme are set out in Section 9 of this report.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Trees	N6
Flooding	F1

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

7.1 Section 2- Achieving sustainable development
 Section 4- Decision-making
 Section 5- Delivering a sufficient supply of homes
 Section 9- Promoting Sustainable Transport
 Section 11- Making effective use of land
 Section 12- Achieving well-designed places
 Section 14- Meeting the challenge of climate change, flooding and coastal change

Borough Local Plan: Submission Version (2018) and Proposed Changes (2019)

Issue	Submission Version	Proposed Changes
Design in keeping with character and appearance of area	SP2, SP3	QP1, QP3
Sustainable Transport	IF2	IF2
Housing mix and type	HO2	HO2
Housing Density	HO5	HO5
Flood risk	NR1	NR1

7.2 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following

this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

7.3 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received were reviewed by the Council resulting in the proposed changes to the submission document, which have been submitted to the Examination 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 stage of preparation both should be given limited weight.

7.4 These documents can be found at:

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

Supplementary Planning Documents

- RBWM Interpretation of Policy F1
- RBWM Borough Wide Design Guide

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/201027/planning_guidance/1443/adopted_supplementary_planning_documents_spd/9

Other Local Strategies or Publications

7.5 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

45 local residents were directly notified of the application.

The application was advertised in the Local Press on 27th February 2020.

No letters were received supporting the application.

35 letters were received objecting to the application, including from The Fisheries Residents Association, summarised as:

Comment	Where in the report this is considered
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1.	The proposal will totally change the character of the area, due to mass, bulk, density and amount of hardsurfacing – this is out of character with the leafy suburban character area. The Fisheries is characterised by large detached dwellings of single households.	9.15 – 9.22
2.	The development will look directly into our house (Church House) and garden causing serious loss of privacy.	9.26
3.	Totally reject the submitted traffic report. The development will lead to more traffic in Bray Road, at a point where it is difficult to pull-out – will make entering and existing Church Road more difficult Will lead to serious traffic generation and highway safety concerns. Will lead to congestion on surrounding roads.	9.23 – 9.25
4.	The site is adjacent to the conservation area and should be included in this.	9.16
5.	Disturbance during construction and increased risk to children from construction traffic/activities.	Attach a condition for a construction management plan – section 13
6.	Noise from additional cars – doors slamming and starting up.	9.27
7.	Building in Flood Zone 2 and all the hardsurfacing is impermeable. Will lead to an increase in flood risk, contrary to national and local planning policies. This should not be built in the flood plain.	9.4 – 9.14
8.	The owners ignored regulations and built perimeter wall that had to be taken down.	Noted
9.	Fails the Sequential Test – Dismissed alternative sites are not reasonable.	9.4 – 9.7
10.	Does not assess the impact on Bray Meadows SSSI.	Not needed given existing use of the site and separation from SSSI by highway.
11.	The submitted statement incorrectly indicates a need for one and two bedroom flats, implying that the proposed flats would be affordable. The pending BLP shows that the majority of new dwellings in Maidenhead Town Centre will be flats and over 30% affordable. Therefore there is no shortage of flats, but instead a need for a mix of dwellings particularly family homes with gardens in suburban settings. These types are increasing in short-supply in the borough due to Green Belt and flooding constraints.	9.2
12.	Will set a precedent for similar development in the Fisheries. This breaches the rights of existing householders.	Each application is treated on its own merits.
13.	8 bins will need to be left on the road in a continuous line leading to smells, noise and disturbance.	Any bins on the highway will be temporary and managed by the apartment management company.
14.	The drains are unlikely to cope with the additional load.	No objection/comments received from Thames Water.
15.	The site is already over-developed. The density proposed is far greater than the rest of the estate	9.3
16.	Maidenhead is already awash with flats. Shoppenhangers used to be a road of large detached houses, but all now two-bedroom apartments. Maidenhead needs family homes.	9.2

17.	The impact of traffic and deliveries associated with the development would be detrimental to the private road, the upkeep of which is paid for by subscriptions to the Fisheries Residents Association. The owners of Zaman House have never contributed.	9.23 – 9.26 As a private road, the residents of Church Road are responsible for its upkeep.
18.	The proposed height of the building will mean the property will be visible from other properties. The height and number of windows will result in overlooking.	9.26
19.	The development will dominate the entrance to The Fisheries and increase light pollution harmful to the character of the area.	9.15 – 9.22
20.	The proposal will harm protected species.	9.31
21.	The comparison drawings submitted should show the proposed development in relation to the existing dwelling, not as extended.	9.17
22.	The width of Bray Road, close to Church Road, is significantly below that recommended in Manual for Streets, resulting in large vehicles mounting the kerbs and all close to Oldfield School. There are very serious traffic generation and highway safety reasons to object to the application.	This relates to an existing situation on Bray Road not made worse by the proposal. Traffic generation and highway safety covered in paragraphs 9.23 – 9.25

Consultee responses

Consultee	Comment	Where in the report this is considered
Maidenhead Civic Society	Object. The introduction of a block of flats in this location is completely out of character with the streetscape of The Fisheries. The new access arrangements via Church Road are an improvement. However, the overall scale, bulk, height and mass of the proposed apartment block is unsuitable for the location.	9.2 – 9.3 9.15 – 9.22
Bray Parish Council	Recommends refusal: The proposal by reason of its siting in close proximity to the conservation area sets an unwelcome precedent. BPC have concerns with the amount of traffic the development will generate. Contrary to policies DG1, H10, H11, N6 and T5.	The site is not in Bray Parish but in Oldfield Ward. Comments noted.
Highway Authority	Church Road is a private road. No objections to the design and position of the access and no objections to the parking. Traffic generated from the proposal is acceptable. Recommends conditions if approved in relation to enclosed parking bays (minimum size) and cycle parking.	9.23 – 9.25
Trees	The entire site is subject to Tree Preservation Orders. No detailed arboricultural information has been submitted and therefore an assessment of the full impact of the proposal on trees cannot be undertaken. The new building will be located closer to a group of trees on the northern boundary and appears to be within the minimum root protection areas for these trees. No objection to the proposed new entrance on Church Road. The retention of the trees and planting area along the verge on the western boundary of the site is beneficial and	9.29 – 9.30

	would provide some screening and softening of the proposed new development. No comments received in relation to the additional arboricultural information submitted.	
Environmental Protection	Recommends conditions in respect of a construction management plan, construction hours and deliveries, air quality assessment, plus informatives in relation to dust and smoke.	Agree to CMP. Other conditions in relation to hours and deliveries are unnecessary. As the previous application was not refused in respect of air quality it would be unreasonable to require an air quality assessment in this case.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The Principle of Development;
- ii Flood Risk;
- iii The Impact on the Character and Appearance of the Area;
- iv Highway safety and parking provision;
- v The Impact on Residential Amenities;
- vi Trees;
- vii Ecology;
- viii Other Material Considerations.

The Principle of Development

9.2 As the application site lies outside the Green Belt within an existing residential area, there is no objection in principle to the loss of the existing dwelling and redevelopment of the site for flats. Concerns have been raised from local residents over the loss of family housing and the provision of mainly 2-bed flats, however the Council's Strategic Housing Market Assessment (2016) and the more recent Local Housing Needs Assessment (October 2019) identified that the highest need in the Borough is for 2 to 3 bedroom units, which the proposal (in respect of two-bedroom units) would contribute towards.

9.3 Concerns have also been raised by local residents over the proposed density which would be higher than the low density of development of the surrounding area. However, within the context of the Government's stated aim to significantly boost the supply of homes (paragraph 59 of the NPPF), the proposed density would be a clear benefit of the scheme and may be acceptable provided that there are no adverse impacts arising from the proposal, contrary to the adopted local plan policies, which are consistent with the National Planning Policy Framework (NPPF).

Flood Risk

9.4 The majority of the proposed building would be on land identified as being in Flood Zone 2, while the remainder of the site and wider surrounding area is in Flood Zone 3, (where there is a high risk of flooding). The proposed development (residential) is classified as a 'more vulnerable'

land use and is only acceptable in areas at high risk of flooding on passing the Sequential and Exception Tests.

The Sequential Test

- 9.5 Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. This is achieved by applying a Sequential Test. Paragraph 158 of the NPPF goes on to state that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 9.6 The previous application for the site (19/00674) was refused on the grounds (amongst others) that it failed the sequential test, having limited the site search area to within 3 miles of the application site only, rather than including all sites within the urban areas of the whole of the borough. For this current application, a Sequential Test has been undertaken by the applicant looking at similar sized sites to the application site, (small sites between 0.09 and 0.25 hectares) that are developable or potentially developable within the urban areas of the borough, as identified in the RBWM Housing and Economic Land Availability Assessment (HELAA) 2019.
- 9.7 The correct data source and methodology for the sequential test have been applied in this case. The applicant has demonstrated that there are no “reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding” than the application site, and therefore the sequential test is passed.

The Exception Test

- 9.8 Paragraphs 160 and 161 of the NPPF state that “For the exception test to be passed it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible reduce flood risk overall. Both elements of the exception test should be satisfied for development to be allocated or permitted.”
- 9.9 Paragraph 163 of the NPPF adds that “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk from flooding where, in light of this assessment (and the sequential and exception tests as applicable) it can be demonstrated that a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”
- 9.10 In terms of wider sustainability benefits to the community, the proposal would contribute to the housing supply in the borough and help meet an identified local need for two bedroom units. In addition, the scheme would make more efficient use of land within an existing built-up area, helping to relieve pressure to build on greenfield sites. The construction of the building would help support local trades and services, while new residents would use local shops and facilities further supporting the local economy. Notwithstanding that the building would be positioned on the part of the site that is within Flood Zone 2, it has been designed to be raised above ground level and incorporate voids, so that in the event of a flood water would be able to flow freely. In addition, the proposal involves the removal of a substantial amount (41%) of impermeable hardsurfacing, increasing the flood storage capacity of the site, thus reducing flood risk. Overall, the proposal would provide wider sustainability benefits to the community.
- 9.11 With regard to part b) of the Exception Test and having regard to the requirements set out in paragraph 163 of the NPPF, the most vulnerable part of the development (the main building of apartments) would be positioned on the part of the site that is within Flood Zone 2, i.e. where

there is a lower risk from flooding. In addition, the submitted Flood Risk Assessment states the flood level for the site for the 1 in 100 year annual probability plus 35% allowance for climate change is 23.59 AOD so, including a minimum 300mm freeboard, the internal floor levels would be set at 23.90 AOD, ensuring the building would be flood resistant and resilient.

- 9.12 The submitted FRA advises that the majority of surface water from the existing buildings and hardsurfacing currently drains to soakaways. As the existing site drains by infiltration, which is one of the most sustainable techniques of surface water drainage, it is proposed to use infiltration to drain the proposed development. This is acceptable.
- 9.13 The main site is located in an area shown as Flood Zone 3 and the majority of external ground levels adjacent to the existing house are below the present day 1 in 100 year peak flood level. The main access and egress route is Bray Road to the west and therefore it is not possible to provide a safe escape route above the 1 in 100 year annual probability plus allowance for climate change flood level as the flood hazard rating is greater than the Environment Agency guideline of 'very low'. It is therefore proposed to include a Flood Warning and Evacuation Plan as part of an information pack to future residents of the development. Part of the Council's own submissions to the Borough Local Plan Examination in Public points out that "the approach of identifying the need for an emergency evacuation plan is recognised by the Environment Agency as an acceptable means of satisfying the second part of the Exception Test for sites which demonstrate wider sustainability benefits to the community that outweigh flood risk." In addition, the appeal decision in respect of application 17/00482, (in respect of redevelopment of a site to provide 89 dwellings in Flood Zone 3) accepted the use of a flood evacuation plan to ensure the development would be safe for its lifetime. Given the proposed measures, any residual risk arising from the development is considered to be low
- 9.14 For the reasons outlined above the proposal passes the Sequential and Exception tests and would not increase flood risk to future occupiers of the development nor to people or properties elsewhere.

The Impact on the Character and Appearance of the Area

- 9.15 Church Road and the wider locality is characterised by large detached single-family houses with variation of scale, form and design set in large gardens which results in a spacious, low-density character. The presence of trees and other vegetation also gives the area a verdant appearance, and indeed the area is identified in the RBWM Townscape Assessment as being a 'Leafy Residential Suburb'.
- 9.16 The existing house is not considered to be of any particular historic or architectural merit, and is neither in, nor adjacent to, the Maidenhead Riverside Conservation Area and therefore not a designated heritage asset. As such, there is no objection to the loss of Zaman House.
- 9.17 With regard to the proposed building, it is material to the assessment that consideration be given to any extant planning permissions that could be implemented and effect the scale and appearance of the existing development on site, against which a comparison of the proposed development can be made. In this case, permission was granted under application 15/01887 for a part two storey, part first floor front extension and part two storey, part first floor rear extension, with raising of the existing roof to facilitate loft conversion with the addition of two front dormers and two rear dormers. Building Regulations application 18/00541/DEXBN was approved in May 2018 for a single storey rear extension and Building Control has confirmed that the foundations are sufficient for a two storey extension, in line with that approved under planning permission 15/01887. This development has therefore commenced and the permission remains extant, representing a 'fallback' position in planning terms, relevant to the consideration of the current application.
- 9.18 The reasons for refusal of the previous application, 19/00674/FULL, included that the development would harm the character of the area due to its bulk, the amount of hardsurfacing across the site and loss of trees. Accordingly, the current proposal seeks to address these elements of the reason for refusal whilst having regard to the fallback position.

- 9.19 Compared to the previous scheme (19/00674), the current proposal has removed a large front gable from the design, which has reduced the building's bulk when viewed from the front and side. The gable feature on the rear elevation of the previous scheme has now been changed to a hipped roof and the dormer windows in the front elevation are smaller. The height of the building has been reduced by 0.5m and the width and depth of the building are slightly less than the previous scheme. The overall design remains of a traditional appearance but is much simpler, with features such as chimneys having now been removed.
- 9.20 Compared to the extant permission (15/01887), the proposal would be 1.3m deeper, but narrower and no higher than the approved extended property.
- 9.21 The previous refused scheme proposed a new access to be taken off Bray Road, which would have resulted in loss of trees along the highway verge, harmful to the verdant character of the area. The current scheme proposes to reposition the existing access off Church Road, avoiding the need to remove any trees and allowing further supplementary tree planting within the site along the west and south-west boundaries. The front of the existing site is all hard-surfaced and there are outbuildings in the north-west and south-west corners of the site. Currently, there is 901sqm of hardsurfacing, which the new proposal would reduce by 41%. In addition, the main building is set back a further 2m into the site to allow for a larger and more meaningful area for landscaping and tree planting adjacent to Church Road.
- 9.22 Although the proposal would result in a much higher density of development than the surrounding area, (40 dwellings per hectare compared to 7 dwellings per hectare), this in itself is not a reason for objecting to it. Indeed, it demonstrates a proposal that is seeking to make the most effective use of the available land, which is strongly supported by the Government as set out in Section 11 of the NPPF. Accordingly, when having regard to this and the extant permission relating to the site, the proposed changes to the scheme, when taken together, are considered to sufficiently address the previous reason for refusal and the scheme will not harm the character and appearance of the area.

Highway safety and parking provision

- 9.23 Paragraph 109 of the NPPF states that "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 9.24 The proposal complies with the Council's adopted parking standards, thus avoiding any need for on-street parking that may be detrimental to highway safety. In addition, the proposal involves a slight repositioning of the existing access from Church Road, which is a sufficient distance from the junction with Bray Road and which provides adequate visibility splays. The accompanying Transport Statement advises that the development could lead to an increase of 4 trips during the peak periods and a total of 38 trips per day. Given that there have been no reported injury accidents at the Church Road junction with Bray Road during the past five years, the Highway Authority has advised that the increase in vehicular activity through the junction is unlikely to harm those that reside or commute in the area.
- 9.25 The Highway Authority has raised no objections to the proposal subject to conditions in respect of parking, cycle parking and stopping-up of the existing access.

The Impact on Residential Amenities

- 9.26 Paragraph 127 of the NPPF advises that planning decisions should ensure new development provides a high standard of amenity for existing and future users. In this case, the proposed apartment building would be a minimum distance of approximately 34m from the house on the opposite side of Church Road and approximately 34m from September House to the north of the site. As there are no significant differences in site levels between the application site and neighbouring properties, the proposed development would not harm the living conditions of neighbours as a result of loss of privacy, by appearing overbearing or from causing loss of sun or day light. A reasonable sized gap (of approximately 22m) between the proposed first floor living

room windows and Rivermead to the east would be maintained, such that the development would also not harm the living conditions of occupiers of this neighbouring property.

- 9.27 While there would be an increase in intensity and therefore activity of the site, due to the residential use proposed it is not considered that it would result in an unreasonable increase in noise and disturbance that would be materially harmful to neighbouring amenities.
- 9.28 Future residents of the proposed flats would have good sized accommodation and would receive adequate levels of light to, and an acceptable outlook from, habitable rooms. While the proposed amenity space would be of somewhat poor quality due to the limited size, north-facing aspect and sense of enclosure from the proposed building and boundary treatment, given its proximity to Braywick Park and Bray Green this is considered acceptable.

Trees

- 9.29 The entire site is subject to Tree Preservation Orders. The initial response from the Tree Officer advised that as no detailed arboricultural information had been submitted with the application an assessment of the full impact of the proposal on trees could not be undertaken. The Tree Officer noted that the new building would be positioned closer to a group of trees on the northern boundary and suggested this may be within the minimum root protection areas for these trees. However, no objection was raised to the proposed new entrance on Church Road, and the retention of the trees and planting area along the verge on the western boundary of the site was welcomed as beneficial in providing some screening and softening of the proposed new development.
- 9.30 The applicant submitted the required detailed arboricultural information and the Tree Officer was re-consulted, however at the time of writing no additional advice has been received from the Tree Officer; any comments received will be reported to the Panel in an update report. Notwithstanding the absence of the Tree Officer's advice, the submitted information demonstrates that the proposed development will be outside of the root protection areas of retained and protected trees, including those adjacent to the northern boundary, and therefore no objection is raised against the proposal on grounds of any adverse impact on trees.

Ecology

- 9.31 As the application site is surrounded by trees and the proposal involves the demolition of the existing dwelling on site, there is the potential for bats, (which are a protected species) to be affected by the development. A Phase 1 Bat Survey was undertaken in accordance with the required methodology and the submitted report concludes that there was no evidence of bats having used the existing house and no access points are present on areas likely to be impacted. As such a Phase 2 survey was not required. The scheme represents an opportunity to provide biodiversity enhancement measures which can be secured via condition.

Other Material Considerations

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 (footnote 7), 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 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..).'

- 9.34 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). Therefore, for the purpose of considering this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.35 Although the application site is located within an area at high risk from flooding where relevant policies are generally restrictive to new development, the proposal has successfully demonstrated that it would not lead to an increase in flood risk. Even if this is not accepted by the Panel, in the absence of a five year housing land supply, it would have to be demonstrated that any adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Having regard to all the material considerations it is not advised that any harm from the proposal would significantly and demonstrably outweigh its benefits.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable and will become due if planning permission is granted. No CIL information has been submitted, but the application indicates that the development would lead to a net increase of 97sqm in floorspace over the existing. This will be checked and verified and the applicant invoiced accordingly if relevant.

11. CONCLUSION

- 11.1 The previous application (19/00674) for the proposed development was refused permission on four grounds, in summary, due to the adverse impact on the character and appearance of the area, highway safety due to insufficient visibility splays, failure of the sequential test and because the application had not demonstrated that the proposal would not adversely affect bats (a protected species).
- 11.2 The current proposal has made notable changes to address the previous objections. The bulk of the new building has been sufficiently reduced and has been designed to have a simpler, less elaborate design. In addition, the building has been set further back into the site from Church Road allowing sufficient space for additional tree planting and landscaping to take place. Compared to the existing situation, there will be significantly less hardsurfacing across the site. The relocation of the proposed access from Church Road, compared to the previously refused access from Bray Road, allows the existing trees along the highway verge to be retained. Taken together, the proposal will not be detrimental to the character and appearance of the area.
- 11.3 The application has successfully demonstrated that the proposal passes the sequential test and that there are no other reasonably available sites appropriate for the proposal with a lower risk of flooding than the application site within the urban areas of the borough. In addition, the proposal passes the exception test by demonstrating that it will provide wider sustainability benefits to the community that outweigh flood risk and that the development will be safe for its lifetime without increasing flood risk elsewhere.
- 11.4 The current proposal will not have an unacceptable impact on highway safety or, cumulatively, result in a severe impact on the road network. The application demonstrates that the development will not harm bats (a protected species). In all other respects, the proposal is acceptable.
- 11.5 When having regard to the reasons for the previous refusal, the extant permission relating to the site and the lack of a five year housing supply, the proposed development complies with national and local planning policies and should be approved.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site plan
- Appendix C – Floor plans
- Appendix D - Elevations
- Appendix E – Street elevations

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1.
- 3 No development shall take place until a specification of all the finishing materials to be used in the hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area and flood risk Relevant Policies - Local Plan DG1, F1.
- 4 No development shall commence until details of the locations and size of any area to be used for the storage of site materials, construction/operative parking and any ancillary temporary buildings have been submitted to and approved in writing by the Local Planning Authority. There shall be no storage, parking or siting of buildings outside the agreed areas.
Reason: To prevent an increased risk of flooding elsewhere due to impendance of flood flows and reduction of flood water storage capacity. Relevant Policy - Local Plan F1.
- 5 Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Such walls or fencing shall be erected and permanently maintained prior to the occupation of the development and in accordance with the approved details.
Reason: To prevent an increased risk of flooding elsewhere due to impendance of flood flows and reduction of floodwater storage capacity. Relevant Policies - Local Plan F1
- 6 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 7 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 8 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with a layout that has first been submitted to and approved in writing by the Local Planning Authority. The layout shall include increasing the width of the parking bays that are enclosed or bounded on one side from 2.4m to 2.7m. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking and turning facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.

- 9 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
- 10 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1.
- 11 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 12 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 13 The development hereby permitted shall not be occupied until the locations and specifications of biodiversity enhancements - to include, but not be limited to, bat and bird boxes, have been submitted and approved in writing by the council. The biodiversity enhancements shall be installed and thereafter maintained as agreed.
Reason: To incorporate biodiversity in and around the development in accordance with paragraph 175 of the NPPF.
- 14 Prior to occupation, a flood warning and evacuation plan (FWEP) for the development shall be submitted to and approved in writing by the local planning authority. The FWEP shall include, but not be limited to, measures to inform occupiers of the development of a safe escape route to be taken ahead of a major flood event, following announcements of flood warnings. The measures shall be implemented and thereafter maintained as approved.
Reason: To reduce the risk from flooding to occupiers of the development. Relevant Policies - Local Plan F1.
- 15 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 applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent

dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.

- 2 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.

- 3 The applicants' contractor is advised to apply for a prior consent, which controls the hours of working and can stipulate noise limits on the site. This is recommended by way of Informative and is covered by the Control of Pollution Act 1974. Such an agreement is entered into voluntarily, but is legally binding. The applicant's attention is also drawn to the provisions under British Standard Code of Practice B.S. 5228: 2009 'Noise Control on Construction and Open Sites'. The applicant should be aware the permitted hours of construction working in the Authority are as follows:

Monday-Friday	08.00-18.00	Saturday	08.00-13.00	No
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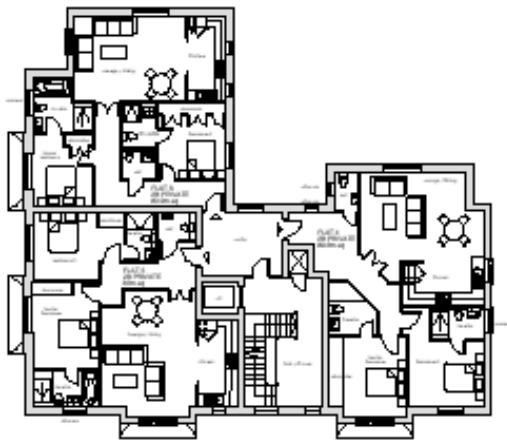
working on Sundays or Bank Holidays.



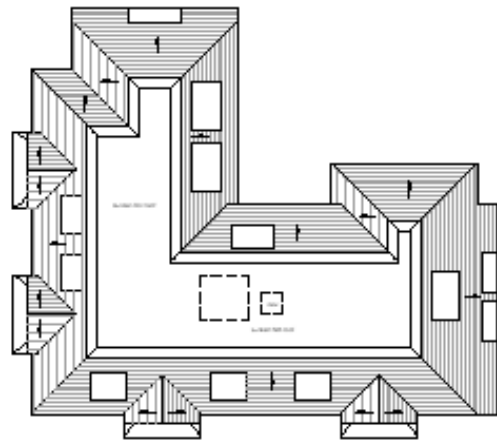
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Location Plan

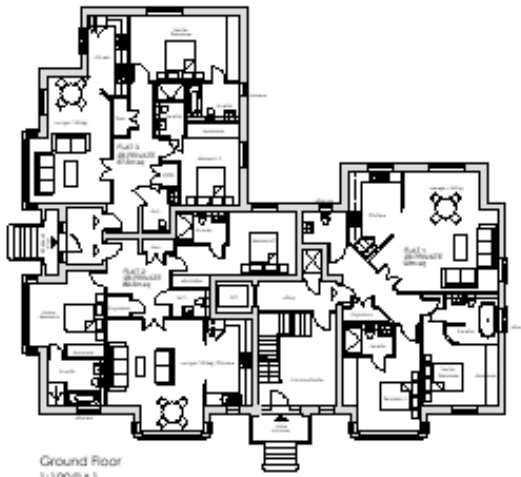




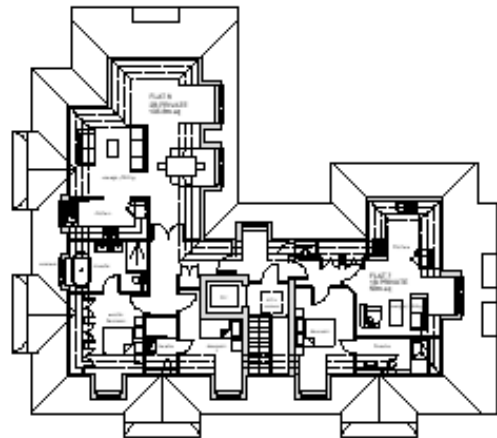
First Floor Plan
1:100(A1)



Roof Plan
1:100(A1)



Ground Floor
1:100(A1)



Second Floor
1:100(A1)



South Elevation from Church Road
1:100(BA)



West Elevation from Bray Road
1:100(BA)



East Elevation
1:100(BA)



North Elevation
1:100(BA)



West Elevation (along Bray Road)
1:100(A1)



South Elevation (along Church Road)
1:100(A1)

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Agenda Item 5

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

16 September 2020

Item: 2

Application No.:	20/00936/FULL
Location:	17 Castle Hill Maidenhead SL6 4AD
Proposal:	Construction of x10 apartments with associated parking and landscaping, following demolition of the existing dwelling (with existing gatehouse retained).
Applicant:	Mr Murray
Agent:	Mr T Rumble
Parish/Ward:	Maidenhead Unparished/Boyn Hill
If you have a question about this report, please contact: Charlotte Goff on 01628 685729 or at charlotte.goff@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application seeks consent for the demolition of the existing building and erection of a building containing 10 apartments (9x2 bed and 1 x 1 bed).
- 1.2 The site has planning permission for 9 flats that was approved at appeal in May 2019 and subsequently amended by a Section 73 variation application. The scheme proposed as part of this application, retains the building as approved within applications 18/01498/FULL and 19/02357/VAR, in terms of its overall scale, massing, siting, footprint and design but proposes to split the approved second floor flat into 2 flats (1 x 1bed and 1 x 2 bed) and add a dormer window on the western elevation.
- 1.3 The overall design, size, scale, siting, massing and design of the building proposed is considered acceptable in the context of the site and is considered to preserve the character and appearance of the Conservation Area.
- 1.4 The scheme is considered to present a suitable standard of accommodation for future occupiers, have an acceptable impact in terms of its impact on neighbouring properties, and the surrounding highway network.

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

2. REASON FOR PANEL DETERMINATION

- The application was called to panel by Councillor Baldwin over concerns with the development regarding relevant conservation area policy CA2 (1), (3) and (5) of the Local Plan.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is located on Castle Hill in Maidenhead and forms No. 17 Castle Hill and its associated curtilage. The site is roughly triangular in shape and contains a large two storey residential dwelling and a gatehouse. The Gatehouse, which dates to c. 1890, is castle like in appearance with arches across the main entrance. This building contains a self-contained flat and is a non-designated heritage asset. The site lies within Castle Hill Conservation Area, a designated heritage asset. There are also a number of listed buildings on the opposite (north side) of Castle Hill including Nos. 2, 4, 7 and 9 Castle Hill.
- 3.2 The surrounding area is predominantly residential in character and vehicular access to the site is from Folly Way. The site has an existing pedestrian access point on the eastern side of the site.

4. KEY CONSTRAINTS

4.1 The site is located within Castle Hill Conservation Area.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 This application seeks consent for the demolition of the existing building and erection of a building containing 10 apartments set over 3 floors. The site has planning permission for 9 flats that was approved at appeal in May 2019 and subsequently amended by a Section 73 variation application. The scheme proposed as part of this application, retains the building as approved within applications 18/01498/FULL and 19/02357/VAR, in terms of its overall appearance, scale, massing, siting, footprint and design but incorporates the following additions:

1. The 2 bed flat on the second floor will be replaced with 1 x 1 bed and 1 x 2 bed flats. This will increase the number of units on the site from 9 to 10.
2. Alterations to the west facing roof space to replace a proposed roof light with pitched roof dormer.

5.2 The location and layout of the car parking remains as per the approved plans for application 19/02357/VAR. No modifications or works are proposed to the gatehouse.

5.3 The most relevant planning history for the site is listed below:

Reference	Description	Decision
19/02357/VAR	Variation (under Section 73) of Condition 2 to substitute those plans approved under 18/01498/FULL (allowed on appeal) for the construction of x 9 apartments with associated parking and landscaping following demolition of the existing dwelling with amended plans. <i>This scheme approved the enlargement of the building allowed on appeal (18/01498/FULL) by 2 metres to the south and 1 metre to the west and, alterations to the roof design and fenestration.</i>	Approved 22/11/2019.
18/01498/FULL	Construction of 9 apartments with associated parking and landscaping following demolition of the existing dwelling	Refused by the LPA on 17/12/2018. Allowed on appeal on 15/05/2019.
16/03011/FULL	Demolition of existing dwelling and replacement with 12no. apartments and modifications to the existing gatehouse (retained as a 1 bedroom dwelling), associated parking and landscaping.	Refused by the LPA on 23/01/2017. Dismissed on appeal on 31/07/2017.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Heritage Assets	CA2, LB2, ARCH3, ARCH4
Highways	P4 AND T5
Trees	N6

These policies can be found at

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

7. **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Housing mix and type	HO2
Heritage Assets	HE1
Trees	NR2

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1,QP3
Sustainable Transport	IF2
Housing mix and type	HO2

- 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

- Borough Wide Design Guide

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

35 occupiers were notified directly of the application.

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

Comment	Where in the report this is considered
1. Unacceptable harm to Castle Hill Conservation Area and setting of the Gatehouse and Folly;	Section ii
2. Roof form is not a feature of the conservation area;	Section i
3. Scheme is an overdevelopment of the site and out of keeping;	Section i
4. Vehicular access is unsuitable for traffic proposed	Section v
5. Pedestrian safety concerns from access and volume of traffic using site;	Section v
6. No affordable housing is proposed;	The site falls below the policy threshold for requiring the provision of affordable housing.
7. Title deed clauses over the quantum of development on the site and freehold over Folly Way	These are separate private matters which would be dealt with independently of the planning process.
8. Scale and style of the buildings is out of keeping with the existing buildings in the area.	Section i
9. Insufficient parking proposed on the plans	Section v
10. Development will overlook the neighbouring properties leading to a loss of privacy and noise disturbance.	Section iii
11. Concern over loss of mature trees on the site	Section viii

Consultees

Consultee	Comment	Where in the report this is considered
LLFA	Details of surface water drainage and maintenance arrangements need to be provided.	Section vii
Berkshire Archaeology	A written scheme of investigation is required to be submitted as the site falls within an area of archaeological significance.	Section vi
Highways	No objection is raised to the proposed access arrangement, parking provision is considered to be in accordance with the parking standards. Conditions are recommended to secure a Construction Management Plan, parking and turning as per the approved drawing and ensure cycle parking and refuse is provided as shown.	Section v
Trees	No objection subject to conditions to secure a landscaping scheme and ensure that retained trees are protected.	Section viii
Conservation	Object to the development based on its inappropriate scale and massing and lack of architectural finesse. Regardless of prior judgement, it is still considered inappropriate within the Conservation Area.	Section ii
Environmental Protection	The site is adjacent to an old gravel pit and in the event that unexpected soil contamination is found after development has begun, development must be halted. The contamination must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is the subject of the approval in writing of the Local Planning Authority.	A condition is recommended.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Design Considerations;
- ii Impact on the Conservation Area;
- iii Impact on Neighbouring Amenity;
- iv Provision of a Suitable Residential Environment;
- v Highway consideration and parking provision;
- vi Archaeology;
- vii Surface Water Drainage;
- viii Trees and Landscaping;
- IX Ecology.

Design Considerations

9.2 Local Plan policy DG1 provides guidance on design. Local Plan policy H10 requires new residential schemes to display high standards of design and landscaping in order to create attractive safe and diverse residential areas and where possible to enhance the existing environment. Local Plan Policy H11 sets out that permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area. Policy CA2 of the Local Plan provides guidance on new development within Conservation Areas. This Policy requires retention of any

buildings that contribute to the distinctive character of the conservation area; new development to enhance or preserve the character or appearance of the area; and new buildings and extensions to be of a high quality of design which is sympathetic in terms of siting, proportions, scale, form, height, materials and detailing to adjacent buildings and the area in general.

Polices DG1, H10, H11 and CA2 of the Adopted Local Plan are broadly in line with the aims and objectives of the National Planning Policy Framework, and so are afforded significant weight

- 9.3 The scheme proposed as part of this application retains the building as allowed on appeal (18/01498/FULL) and subsequently amended by application 19/02357/VAR. The height, scale, massing, footprint, design and siting are all as previously approved. The only difference between this scheme and the previous schemes is the addition of a small pitched roof dormer window on the western elevation of the building. This is required as a result of an alteration to the internal layout to divide the 2 bed unit on second floor into 1 x 1 bed and 1 x 2 bed flat. Although an additional flat is proposed, no alteration is proposed to the parking layout or amount of hardstanding.
- 9.4 Although concerns were raised in the consideration of previous applications and to this application in representations and in the comments of the Conservation Officer in respect of the massing of the building, scale of the dormer windows and architectural approach of the proposed building, these elements were all considered by the Planning Inspectorate to be acceptable when considering the appeal for 18/01489/FULL. At paragraph 17 of the appeal decision (APP/T0355/W/19/3223160) the Inspector concludes: *“The new building would be of an acceptable appearance which, whilst not reflective of the wider CA, nonetheless picks up on the visual characteristics of the large and prominent buildings further up Castle Hill and along Grenfell Road. I have found that it would preserve the character and appearance of the CA”*.
- 9.5 Similarly, in relation to the layout and siting of the development proposed, the Inspector considered that although the replacement building would be larger it was more centrally located within the plot, which enabled it to respond better to its plot, retaining the spacious character.
- 9.6 Concerns have also been raised in respect of the scale, massing and overall design of the building proposed as part of this application. Whilst the concerns of the Conservation Officer and local residents in relation to the scale and massing, and lack of architectural finesse of the buildings are acknowledged, notwithstanding these comments, significant weight is afforded to the Inspector’s conclusion from the appeal on the site. The proposed building has not altered in its height, scale, massing, footprint, design or siting from the extant permissions. The only external alteration is the addition of a small dormer, of identical size and scale to those previously approved. The scheme overall, when taking all of these elements into account is considered acceptable.

ii Impact on Conservation Area

- 9.7 In accordance with paragraph 189 of the NPPF an assessment on the impact to the heritage asset to establish the level of harm is required. In this case, whilst no. 17 Castle Hill is an attractive building and makes a positive contribution to Castle Hill Conservation Area, it is not considered to be of any particular architectural or historic interest. As such the total loss of no. 17 Castle Hill is not considered to result in harm to Castle Hill Conservation Area provided that the replacement building preserves or enhances its special character.
- 9.8 The stone castle folly (no. 19 Castle Hill) was built in 1897 by Edwin Hewitt and the folly is identified in the Castle Hill Conservation Area Statement as being an important building and, as such, makes a strong contribution to the character of the Conservation Area. It is considered that the folly formed part of the Grenfell Estate. The extensive grounds of Grenfell Estate has since been subdivided and developed, but part of the boundary of the original grounds is still in evidence today with the stone boundary wall and gatehouse complete with crenulations. The Gatehouse therefore makes a positive contribution to Castle Hill Conservation Area in this respect. The main Gatehouse building would be retained.
- 9.9 The significance of Castle Hill Conservation Area lies in its historic and architectural interest. The historic interest of the Conservation Area lies largely in its link with the influential Grenfell family.

After moving from Cornwall in 1818 the family developed 20 acres of Castle Hill in the 1890s. The buildings along this main road are typical Victorian and Edwardian Villas, attractive in their appearance, with a distinct architectural style on either side of Castle Hill. The northern side is characterised by single or semi-detached villas dating to the mid-19th century in a classical style with ornamental ironwork. The buildings on the southern side of Castle Hill are varied in style, but can be generally characterised by red brick construction with terra-cotta tile and moulded brick detailing. Although not listed, the buildings on the southern side represent the final phase of 19th century architecture, having been built post-1889 by the Grenfell family. On several plots, the former 19th century buildings have been demolished and replaced with modest, but poorly design residential blocks.

- 9.10 Two buildings of note in relation to this application site are the follies. The first located outside the site boundary on Castle Hill, is believed to have been built in 1897 by Edwin Hewitt. Still lived in, the impressive rock-faced exterior and castellated parapet is perfectly designed for its location on Castle Hill. The second folly, designed as a gatehouse and coach house for Castle Mount, is found along the south western boundary of the site.
- 9.11 As expressed in previous paragraphs, the Inspector considered within the appeal for 18/01498/FULL that the proposed building *"...would retain key elements contributing to the CA and would represent a traditional design, albeit one that responds to its immediate setting and visual relationship with nearby properties...I consider that it would preserve the character and appearance of the CA"*. Taking these conclusions into the consideration of this scheme and given that it is almost identical albeit with the addition of a small dormer window on the western elevation, the extant permission is considered to represent a valid fall-back position. Moreover, and in light of the foregoing, the scheme is considered to preserve the character and appearance of the Conservation Area.

iii- Impact on Neighbouring Amenity

- 9.12 The Borough Wide Design Guide (2020) seeks to ensure that new developments provide future occupiers with high quality amenities and do not undermine the amenities of occupiers of neighbouring properties, especially where these are residential properties. A minimum distance of 20m is a generally accepted guideline for there to be no material loss of privacy between the rear of buildings facing each other. For a rear to side relationship, it may be possible to reduce this separation distance to 15m.
- 9.13 There are several residential properties surrounding this site and the following provides an assessment of the impact of the proposal on each.

Castle Hill Terrace

- 9.14 The road separates the site from properties on the northern side of Castle Hill at Castle Hill Terrace with a separation distance of approximately 22m. At this distance the proposal would not materially harm the outlook from these houses or lead to an unacceptable loss of daylight/sunlight or privacy.

19 Castle Hill

- 9.15 There is a separation distance of approximately 14m between the nearest proposed elevation, and 19 Castle Hill. The rear garden of number 19 does face the application site, however, the proposed building is angled so that it does not directly face the rear garden of number 19. It is accepted that there will be some views from 'elevation 4' towards the rear garden area, however, given that the elevation of the building is angled, it will not result in direct overlooking into the rear garden of number 19. As such the scheme is not considered to significantly harm the outlook for this neighbouring property or result in undue loss of daylight/sunlight or loss of privacy.

118A Grenfell Road

- 9.16 The proposal is not considered to result in undue loss of amenity to this property in terms of loss of light, visual intrusion or loss of privacy. The side elevation of number 118A faces the

application site, which is not a principal elevation. In addition, it is not considered the proposed building would directly overlook the private amenity space of this dwelling.

Lavender and Jasmine Cottage, Folly Way

- 9.17 Lavender and Jasmine Cottage are separated from the site by Folly Way, which measures approximately 3.5m in width. There would be a distance of approximately 12 metres between the proposed elevation of the building, and the elevations of these properties. Therefore, while there would be an increase in presence of built development when seen from Lavender and Jasmine Cottage it is not considered that the proposal would result in undue visual intrusion or loss of daylight/sunlight to these neighbouring properties. In terms of privacy, there are new windows which would face Lavender and Jasmine Cottage but given that these windows would face the front of Lavender and Jasmine Cottage, it is not considered to result in an undue loss of privacy.

Castle Mews

- 9.18 The side elevation of 8 Castle Mews faces the application site; this is not a principal elevation to this dwelling. Given the angle of the proposed building, and distance from the boundary with 8 Castle Mews, it is not considered that the scheme would give rise to unacceptable levels of overlooking to this neighbouring property, or reduce light to habitable room windows to an unacceptable level in this property

iv- Provision of a Suitable Residential Environment

- 9.19 The Borough Design Guide expects developments to comply with the national internal spaces standards as set out within the DCLG 'Technical housing standards – nationally described space standards' (2015). This seeks to ensure that 1 bed 2 person units are a minimum of 50sq.m in internal floor area, 2 bed 3 person units, 61sq.m and 2 bed 4 person units, 70sq.m.
- 9.20 As part of this application, it is proposed to divide the approved unit on the second floor into two units, increasing the number of units proposed on the site from 9 to 10 (9x 2 bed and 1 x 1 bed). The floor plans detail that the internal floor areas of the units range from 65-81 sq.m for the 2 bed flats and 68 sq.m for the 1 bed flat. Therefore the size of the units proposed is considered compliant with the standards.
- 9.21 Having regard to the internal layout and quality of the accommodation proposed, given the spacious nature of the site, sufficient outlook and privacy is maintained from all habitable room windows proposed within the development. Each flat is able to achieve suitable levels of natural daylight and ventilation to the spaces proposed. Although an additional flat is proposed as part of this application, the site layout hasn't altered from the previously approved scheme and ample communal amenity space is provided for the residents.

v- Highway consideration and parking provision.

- 9.22 Adopted Local Plan policy T5 states that all development proposals shall comply with adopted highway design standards. A 1 bed apartment in this location requires 0.5 spaces and a 2 bed apartment requires 1 space. The development comprises 9 x 2-bedroom apartments, 1 x 1-bedroom apartment and retains the existing gatehouse, a self-contained 1-bedroom unit. The scheme proposes 11 car parking spaces and the proposal is therefore compliant with the current parking strategy.
- 9.23 It is proposed to use Folly Way as the vehicular access to serve the site. The retention of the archway raises no highway concerns and adequate space is provided to allow a driver leaving the development to see and be seen by a driver entering the site.
- 9.24 Waste and recycling stores are also proposed at the site. To ensure the stores can accommodate an adequate number and size of bins further details would need to be secured by planning condition. Currently the refuse collection for 17 Castle Hill and the residential properties in Castle Mews are undertaken by refuse vehicles reversing along Folly Way from Grenfell Road. This

development proposes no change to the current refuse servicing, and given that this is the existing arrangement it is not considered to warrant refusal on this basis.

vi – Archaeology

- 9.25 The application site is in a location with archaeological interest. While the site has previously been developed for the current house, the proposals include new development outside of the footprint of the existing dwelling and this has the potential to impact on important buried remains associated with the Roman villa or earlier deposits.
- 9.26 In view of the archaeological potential of this site, a planning condition would need to be attached to any planning consent granted in order to mitigate the impacts of development. This is in accordance with Paragraph 141 of the NPPF which states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of a development, and to make this evidence (and any archive generated) publicly accessible'.

vii- Surface Water Drainage

- 9.27 The Lead Local Flood Authority have requested that the information relating to surface water drainage system and proposed maintenance arrangements be provided. During the appeal for application 18/01498/FULL, the LLFA provided additional comments within which they recommended that these details be sought by pre-commencement condition on any consent. It is recommended that a similar approach is followed in this application.

viii - Trees and Landscaping

- 9.28 The garden area to the eastern side of the site is predominately grassed with a mixture of trees and shrubs around its periphery. As the site lies within a Conservation Area the trees are protected by the provision in section 211 of the Town and Country Planning Act 1990, while Local Plan policy N6 states that where practicable plans for new development should retain suitable trees and include proposed landscaping and appropriate tree planting. Where the amenity value of trees outweighs the justification for development, planning permission may be refused.
- 9.29 An Arboricultural Report has been submitted which contains a Tree Survey and Arboricultural Impact Assessment which shows 10 trees to be removed, to facilitate the proposed building and proposed pedestrian route to Castle Hill. These trees have been categorised as grade 'c', which are classified as trees of low quality with limited merit, low landscape benefits and no cultural value. As such, their loss is considered acceptable. It is considered that subject to the provision of an acceptable landscaping scheme, the impact upon trees is acceptable.

ix – Ecology

- 9.30 The previously approved application was accompanied with a bat survey, which sets out walkover surveys were done and that there were no ecological constraints to the site. In the current submission the Council's ecologist requested an updated survey to be carried out. On balance, given that the previously submitted documents were approved by the Inspector in May 2019, it is considered that the recommended conditions are sufficient for the protection of the protected species.

Other Material Considerations

10. Housing Land Supply

- 10.1 Paragraphs 10 and 11 of the NPPF (2019) set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:
- 10.2 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.

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

10.4 At the time of writing the Council is not able to demonstrate a 5year rolling housing land supply based on the current national guidance.

11. PLANNING BALANCE AND CONCLUSION

11.1 The proposed scheme is considered to have an acceptable impact on Highway Safety, and is not considered to result in a severe impact on the highway network. The scheme is considered to have an acceptable impact on neighbouring residential amenity and upon trees.

11.2 Taken into account all relevant planning material considerations, the proposed development would preserve the character or appearance of the Conservation Area, in accordance with Adopted Local Policies CA2 and DG1.

11.3 As set out in paragraphs 10.1 to 10.4 for the purpose of considering this planning application the Council cannot currently demonstrate a rolling five years housing land supply against the NPPF (2019) and in this instance the so-called tilted balance is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.5 However such an assessment is considered to be academic. This is because for the reasons set out above, Officers are of the view that if this application is determined in accordance with the normal test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site Layout
- Appendix C – Proposed floor plans
- Appendix D – 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 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.

3 Prior to the commencement of the construction of the walls, further details, and a sample panel of brickwork showing all proposed bricks, method of bonding, colour of mortar and type of pointing to be used on all walls and all window/ door opening headers shall be prepared on site and approved by the Local Planning Authority. The work shall be undertaken in accordance with the approved details.

Reason: To preserve or enhance the character and appearance of the Conservation Area.
Relevant Policy CA2

4 Prior to their installation, horizontal and vertical sections and elevations of all proposed external timber windows and doors, including surrounding frames, shall be provided at a minimum scale of 1:10 with typical moulding details at a scale of 1:1 shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out and maintained thereafter in accordance with the approved details.

Reason: To preserve or enhance the character and appearance of the Conservation Area.
Relevant Policy CA2

5 Prior to installation, details of all external rainwater, drainage and ventilation goods shall be submitted to and approved by the Local Planning Authority in writing and shall be installed and thereafter maintained in accordance with the approved details.

Reason: To preserve or enhance the character and appearance of the Conservation Area.
Relevant Policy CA2

6 No development, other than demolition to ground level (i.e. excluding the grubbing out of foundations) shall take place within the application area until the applicant has secured the implementation of a programme of archaeological works, which may comprise more than one phase of investigation, in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site lies within an area of archaeological potential, mostly relating to the important site of the Castle Hill Roman villa but including the potential for prehistoric deposits. A programme of works is required to mitigate the impact of development and to record any surviving remains so as to advance our understanding of their significance in accordance with national and local plan policy.

7 Prior to the installation of hanging tiles and all types of roof tiles proposed, samples of each shall be prepared for viewing on site and details submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To preserve or enhance the character and appearance of the Conservation Area.
Relevant Policy CA2

8 Prior to the construction of the building hereby approved, details of biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority. The enhancement features shall be installed as approved before first occupation of the building.

Reason: To protect and preserve the biodiversity on site and in the area. Relevant Policies - Local Plan N6.

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

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

10 No part of the development shall be occupied until vehicle parking spaces have been provided in accordance with the approved drawing. The spaces approved shall be retained for parking in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1

11 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 be provided in accordance with the approved details and thereafter be kept available for the parking of cycles in association with the development at all times.

- 12 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
No part of the development shall be occupied until further details on the refuse bin storage area and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented in accordance with the approved details and kept available for use in association with the development at all times.

- 13 Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
In the event that unexpected soil contamination is found after development has begun, development must be halted. The contamination must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is the subject of the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- 14 Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4.

- 14 Prior to the commencement of the development (excluding demolition), a surface water drainage scheme for the development, based on sustainable drainage principles shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall include: 1) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details; 2) Supporting calculations based on infiltration testing undertaken in accordance with BRE365 confirming any attenuation storage volumes to be provided 3) 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.

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

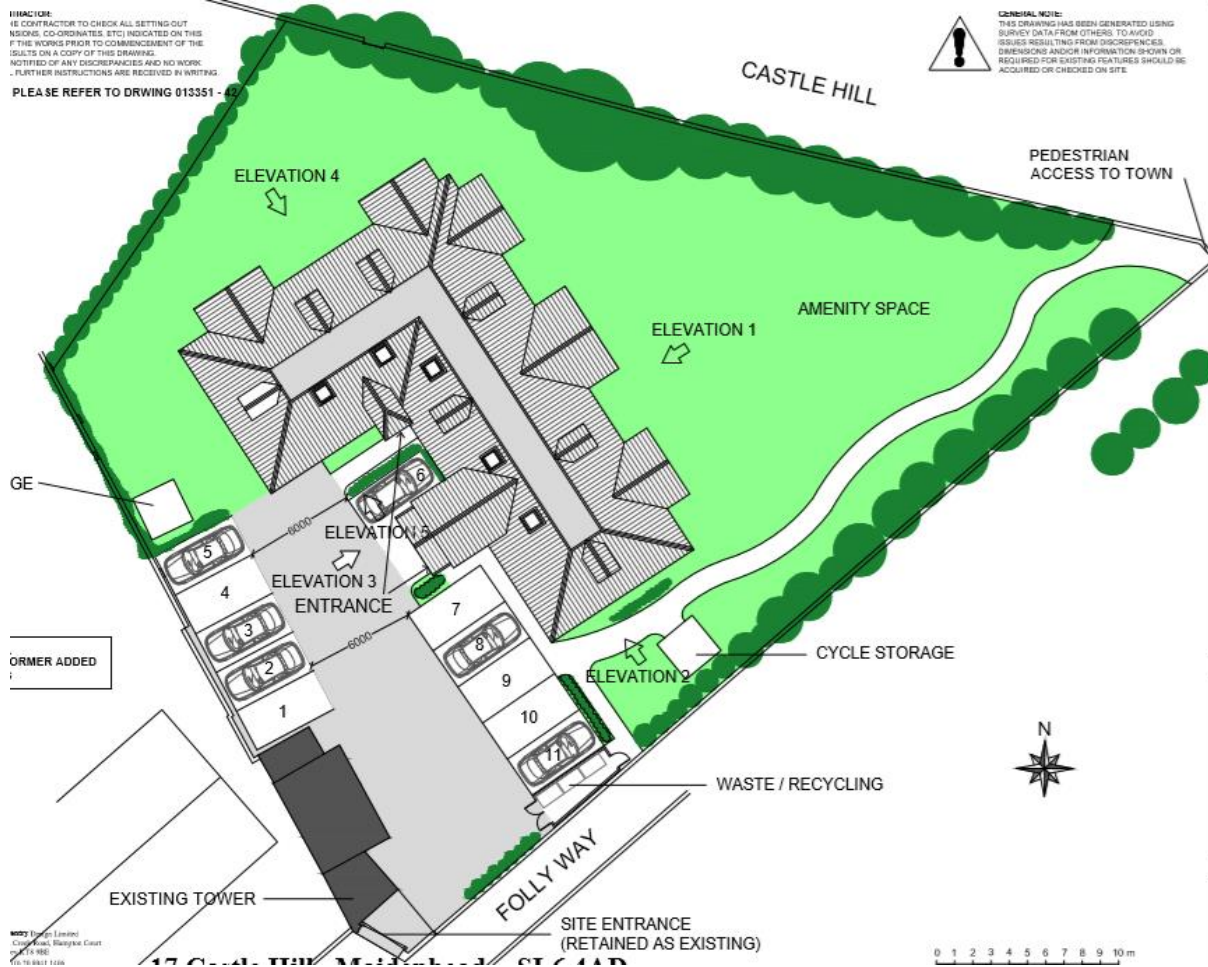
- 15 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

Appendix A – Site Location Plan

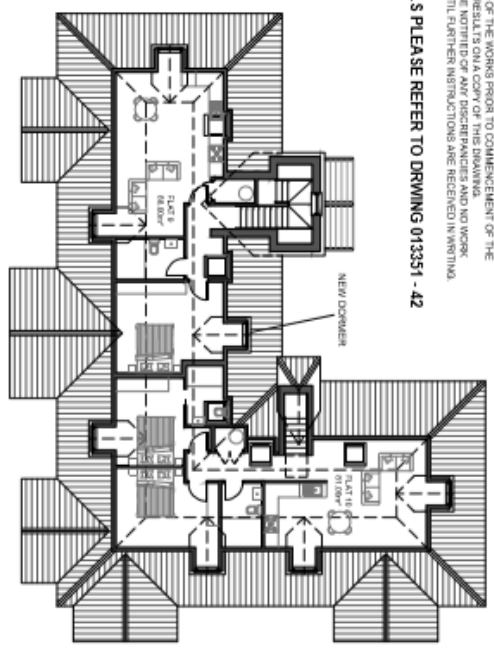


Appendix B – Proposed Site Plan

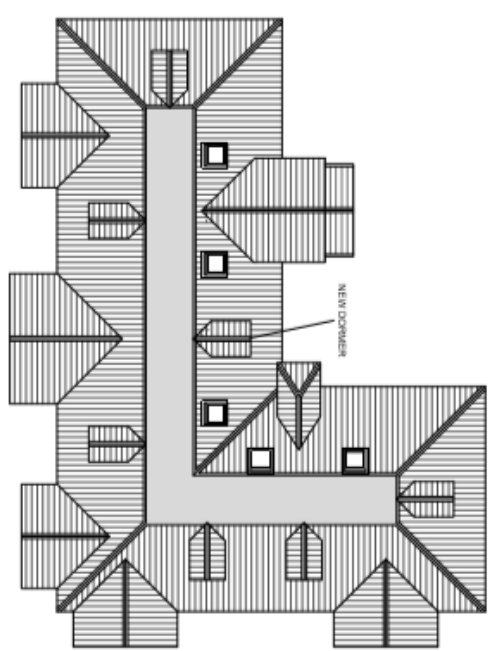


Appendix C – Proposed Floor Plans

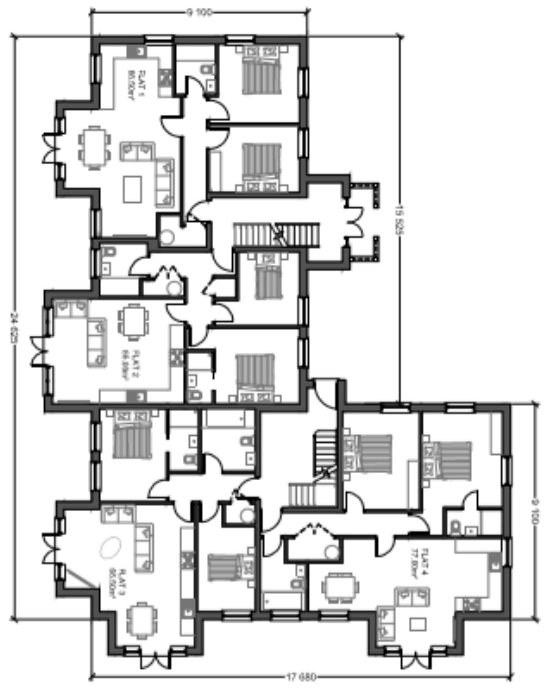
BEIJING QI NOTE FOR CONTRACTOR
 IS THE RESPONSIBILITY OF THE CONTRACTOR TO CHECK ALL SETTING OUT
 INFORMATION (LEVELS, DIMENSIONS, CO-ORDINATES, ETC.) INDICATED ON THIS
 DRAWING FOR THE WHOLE OF THE WORKS PRIOR TO COMMENCEMENT OF THE
 WORKS AND RECORD THE RESULTS ON A COPY OF THIS DRAWING.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SETTING OUT
 WORKS AND SHALL BE COMMENCED UNTIL FURTHER INSTRUCTIONS ARE RECEIVED IN WRITING.
FOR ROOF DETAILS PLEASE REFER TO DRAWING 013351 - 42



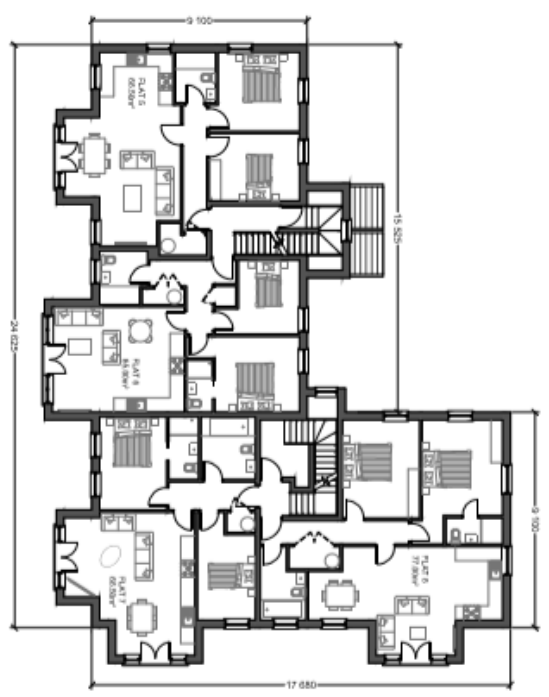
PROPOSED SECOND FLOOR PLAN



PROPOSED ROOF PLAN



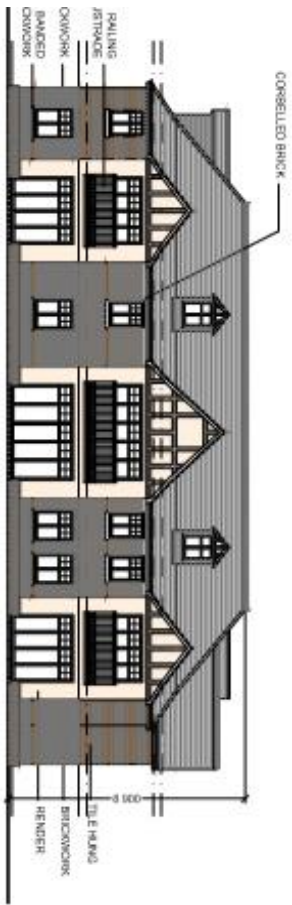
PROPOSED GROUND FLOOR PLAN



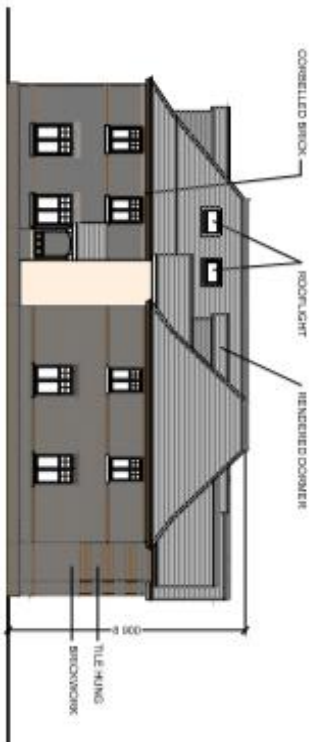
PROPOSED FIRST FLOOR PLAN

Appendix D – Proposed Elevations

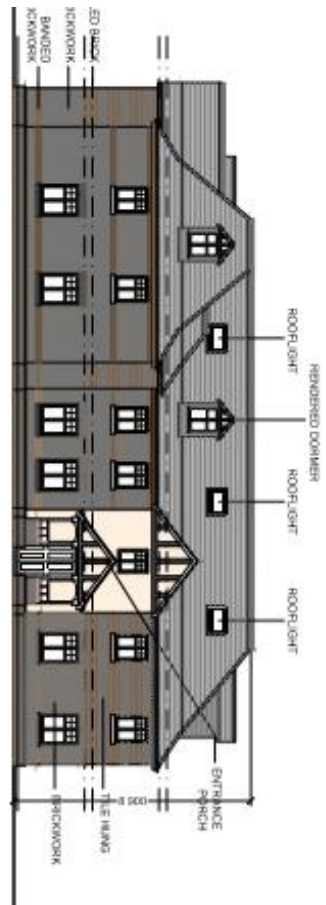
PROPOSED ELEVATION 1



PROPOSED ELEVATION 2



PROPOSED ELEVATION 3



PROPOSED ELEVATION 4



Planning Appeals Received

6 August 2020 - 2 September 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:	Maidenhead Unparished		
Appeal Ref.:	20/60064/REF	Planning Ref.: 20/00472/FULL	PIns Ref.: APP/T0355/D/20/3255349
Date Received:	11 August 2020	Comments Due:	Not Applicable
Type:	Refusal	Appeal Type:	Householder Appeal
Description:	Raising of ridge height, new roof with 2no. front, 1no. side and 1no. rear dormers to facilitate habitable accommodation. Garage conversion, veranda to rear elevation, single storey rear extension and replacement of flat roof to pitched over annexe.		
Location:	4 Boyn Hill Road Maidenhead SL6 4JB		
Appellant:	Dr Elek Bolygo c/o Agent: Mr David Holmes 34 School Close Downley High Wycombe HP13 5TR		
Ward:			
Parish:	Sunningdale Parish		
Appeal Ref.:	20/60065/REF	Planning Ref.: 20/00356/FULL	PIns Ref.: APP/T0355/D/20/3252902
Date Received:	17 August 2020	Comments Due:	Not Applicable
Type:	Refusal	Appeal Type:	Householder Appeal
Description:	Single storey rear extension and alterations to fenestration.		
Location:	Belvedere House Rise Road Ascot SL5 0AT		
Appellant:	Mr Elmar Schuetz c/o Agent: Mr Philip Hurdwell PJH Design 41 Upcroft Windsor SL4 3NH		
Ward:			
Parish:	Maidenhead Unparished		
Appeal Ref.:	20/60066/REF	Planning Ref.: 19/03413/FULL	PIns Ref.: APP/T0355/D/20/3253412
Date Received:	17 August 2020	Comments Due:	Not Applicable
Type:	Refusal	Appeal Type:	Householder Appeal
Description:	Single storey rear extension and alterations to fenestration		
Location:	17 Ray Mill Road East Maidenhead SL6 8SW		
Appellant:	Mr And Mrs Fan 17 Ray Mill Road East Maidenhead SL6 8SW		
Ward:			
Parish:	Bray Parish		
Appeal Ref.:	20/60067/REF	Planning Ref.: 20/00574/FULL	PIns Ref.: APP/T0355/D/20/3255620
Date Received:	18 August 2020	Comments Due:	Not Applicable
Type:	Refusal	Appeal Type:	Householder Appeal
Description:	Replacement of the existing white timber windows with white UPVC windows and white timber cladding with artificial light grey cladding (wood grain effect), new black fascia, removal of the existing chimney and changes to fenestration, following demolition of the conservatory and bay window - (retrospective).		
Location:	Milford Sound High Street Bray Maidenhead SL6 2AA		
Appellant:	Mr Fred Doka Doka House Formerly Milford Sound High Street Bray Maidenhead SL6 2AA		
Ward:			
Parish:	Maidenhead Unparished		
Appeal Ref.:	20/60068/REF	Planning Ref.: 20/00956/FULL	PIns Ref.: APP/T0355/D/20/3255779
Date Received:	19 August 2020	Comments Due:	Not Applicable

Type: Refusal **Appeal Type:** Householder Appeal
Description: Part single/part two storey rear extension, first floor side extension, single storey front extension with canopy and front lean to roof to garage.
Location: **12 Cannock Close Maidenhead SL6 1XB**
Appellant: Mr And Mrs Hardial And Manpreet Shergill **c/o Agent:** Mr Paul Chaston GC Planning Partnership Ltd Bedford I-Lab Stannard Way Priory Business Park Bedford Bedfordshire MK44 3RZ

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 20/60069/REF **Planning Ref.:** 20/00382/FULL **Plns Ref.:** APP/T0355/D/20/3255989

Date Received: 19 August 2020 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: First floor rear extension, construction of a new roof to provide extended accommodation at second floor and alterations to fenestration.
Location: **Ellenbury 22 Florence Avenue Maidenhead SL6 8SJ**
Appellant: Mr Umar Subhani **c/o Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead SL6 5EY

Ward:
Parish: Bray Parish
Appeal Ref.: 20/60070/REF **Planning Ref.:** 19/03469/FULL **Plns Ref.:** APP/T0355/D/20/3250518

Date Received: 25 August 2020 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Garage conversion, part single, part two storey rear extension and alterations to fenestration.
Location: **Maywood House Old Mill Lane Bray Maidenhead SL6 2BG**
Appellant: Mr & Mrs M Boore **c/o Agent:** Mr Shaun Simmons Morph Design Creatives Ltd 15 Tyttenhanger Green Tyttenhanger St Albans Hertfordshire AL4 0RN

Ward:
Parish: Cox Green Parish
Appeal Ref.: 20/60071/REF **Planning Ref.:** 19/03626/FULL **Plns Ref.:** APP/T0355/W/20/3255793

Date Received: 28 August 2020 **Comments Due:** 2 October 2020
Type: Refusal **Appeal Type:** Written Representation
Description: Change of use of the land from open amenity space to residential garden with erection of fencing.
Location: **2 Merton Close Maidenhead SL6 3HH**
Appellant: Mr Danny Garrard **c/o Agent:** Mr Ken Marshall Marshall Associates Monyash Curls Lane Maidenhead Berkshire SL6 2QF