

NOTICE
OF
MEETING

**MAIDENHEAD DEVELOPMENT
MANAGEMENT COMMITTEE**

will meet on

Wednesday 15 March 2023

At 7.00 pm

In the

Council Chamber - Town Hall, Maidenhead, and on [RBWM YouTube](#)

To: Members of the Maidenhead Development Management Committee

Councillors Maureen Hunt (Chairman), Leo Walters (Vice-Chairman), Gurpreet Bhangra, Mandy Brar, Gerry Clark, David Coppinger, Geoff Hill, Joshua Reynolds and Gurch Singh

Substitute Members

Councillors Clive Baskerville, Stuart Carroll, Catherine Del Campo, Andrew Johnson, Greg Jones, Donna Stimson, Chris Targowski, Helen Taylor and Simon Werner

Kirsty Hunt, Service Lead – Electoral & Democratic Services - Issued: 7 March 2023

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 Democratic Services Officer **Becky Oates** Becky.Oates@RBWM.gov.uk

Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the 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 a Legal representative prior to the meeting.

AGENDA

Part I

<u>Item</u>	<u>Subject</u>	<u>Page No</u>
1.	<u>Apologies for Absence</u> To receive any apologies for absence.	-
2.	<u>Declarations of Interest</u> To receive any declarations of interest.	5 - 8
3.	<u>Minutes of the Previous Meeting</u> To approve the minutes of the meeting held on 15 February 2023 as a true and accurate record.	9 - 12
4.	<u>22/02427/FULL - Maidenhead United Football Club York Road Maidenhead SL6 1SF</u> PROPOSAL: Maidenhead United Football Club York Road Maidenhead SL6 1SF RECOMMENDATION: Permit APPLICANT: Maidenhead United FC MEMBER CALL-IN: N/A EXPIRY DATE: 7 December 2022	13 - 26
5.	<u>22/02793/FULL - Land Rear Between 1 And 5 The Fieldings Holyport Maidenhead</u> PROPOSAL: x1 new detached dwelling, access, hardstanding and landscaping. RECOMMENDATION: Permit APPLICANT: Mr Torrance MEMBER CALL-IN: N/A EXPIRY DATE: 15 February 2023	27 - 46
6.	<u>23/00043/FULL - 5 - 5C St Marks Crescent Maidenhead</u> PROPOSAL: Construction of a new building comprising 2 retail units and 20 apartments with associated parking and access following the demolition of the existing buildings. RECOMMENDATION: Refusal	47 - 68

APPLICANT: Mr Hans

MEMBER CALL-IN: N/A

EXPIRY DATE: 7 April 2023

7. Planning Appeals Received and Planning Decision Report

Committee Members to note the report.

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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 Background Papers that have been relied on to a material extent in the formulation of the report and recommendation.

The 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 within the report, 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, The National Planning Policy Framework, National Planning Practice Guidance, National Planning Circulars, 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 within the report.

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 AT 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 Disclosable Pecuniary Interest (DPI) or Other Registerable 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.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

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 (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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 council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
 - a) *that body has a place of business or land in the area of the council, 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.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.** If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other Registerable Interests:

- a) *any unpaid directorships*
 - b) *any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority*
 - c) *any body*
 - (i) *exercising functions of a public nature*
 - (ii) *directed to charitable purposes or*
 - (iii) *one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)*
- of which you are a member or in a position of general control or management*

Disclosure of Non- Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, or a body included under Other Registerable Interests in Table 2 you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a financial interest or well-being of a body included under Other Registerable Interests as set out in Table 2 (as set out above and in the Members' code of Conduct)

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter (referred to in the paragraph above) **affects** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer, you do not have to disclose the nature of the interest.

Other declarations

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

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Agenda Item 3

MAIDENHEAD DEVELOPMENT MANAGEMENT COMMITTEE

WEDNESDAY 15 FEBRUARY 2023

Present: Councillors Maureen Hunt (Chairman), Leo Walters (Vice-Chairman), Gurpreet Bhangra, Mandy Brar, Gerry Clark, David Coppinger, Joshua Reynolds and Gurch Singh

Also in attendance: Councillor Phil Haseler

Officers: Becky Oates, Adrien Waite, Tim Chapman, Alison Long, Helena Stevenson and Dariusz Kusyk

APOLOGIES FOR ABSENCE

Apologies were received from Councillor Hill.

DECLARATIONS OF INTEREST

No declarations were received.

MINUTES OF THE PREVIOUS MEETING

AGREED UNANIMOUSLY: That the minutes of the meeting held on 21 December 2022 be a true and accurate record.

22/01391/FULL - MATTEL UK MATTEL HOUSE VANWALL ROAD MAIDENHEAD SL6 4UB

The Committee was addressed by Ben Thomas on behalf of the applicant.

A motion was proposed by Councillor Coppinger to refuse planning permission for the reasons listed in the report, which was in line with officer recommendation. This motion was seconded by Councillor Bhangra.

A named vote was taken.

22/01391/FULL - Mattel UK Mattel House Vanwall Road Maidenhead SL6 4UB (Motion)	
Councillor Maureen Hunt	For
Councillor Leo Walters	For
Councillor Gurpreet Bhangra	For
Councillor Mandy Brar	For
Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Joshua Reynolds	For
Councillor Gurch Singh	For
Carried	

The result was 8 votes in favour, therefore the motion passed.

22/01717/FULL - LAND AT MANOR HOUSE MANOR LANE AND SOUTH OF MANOR LANE AND HARVEST HILL AND EAST OF SPRING HILL MAIDENHEAD

The Committee was addressed by Andrew Hill, objector, and Caroline McHardy, on behalf of the applicant.

A motion was proposed by Councillor Coppinger to authorise the Head of Planning to grant planning permission with the conditions listed in the report, which was in line with officer recommendation. This motion was seconded by Councillor Bhangra.

A named vote was taken.

22/01717/FULL - Land at Manor House Manor Lane and South of Manor Lane and Harvest Hill and East of Spring Hill Maidenhead (Motion)	
Councillor Maureen Hunt	For
Councillor Leo Walters	Abstain
Councillor Gurpreet Bhangra	For
Councillor Mandy Brar	Against
Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Joshua Reynolds	Against
Councillor Gurch Singh	Against
Carried	

The result was 4 votes for, 3 votes against and 1 abstention, therefore the motion passed.

22/02929/OUT - SHOTTESBROOKE FARM AGRICULTURAL BARN 2 WALTHAM ROAD MAIDENHEAD

A motion was proposed by Councillor Bhangra to authorise the Head of Planning to grant planning permission with the conditions listed in the report, which was in line with officer recommendation. This motion was seconded by Councillor Clark.

A named vote was taken.

22/02929/OUT - Shottesbrooke Farm Agricultural Barn 2 Waltham Road Maidenhead (Motion)	
Councillor Maureen Hunt	For
Councillor Leo Walters	For
Councillor Gurpreet Bhangra	For
Councillor Mandy Brar	For
Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Joshua Reynolds	For
Councillor Gurch Singh	For
Carried	

The result was 8 votes in favour, therefore the motion passed.

22/03140/FULL - SITE OF HIGHWAY HOUSE NORREYS DRIVE MAIDENHEAD

A motion was proposed by Councillor Reynolds to refuse planning permission for the reasons listed in the report, which was in line with officer recommendation. This motion was seconded by Councillor Bhangra.

A named vote was taken.

22/03140/FULL - Site of Highway House Norreys Drive Maidenhead (Motion)	
Councillor Maureen Hunt	For
Councillor Leo Walters	For
Councillor Gurpreet Bhangra	For
Councillor Mandy Brar	For
Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Joshua Reynolds	For
Councillor Gurch Singh	For
Carried	

The result was 8 votes in favour, therefore the motion passed.

PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT

The Committee noted the report.

The meeting, which began at 7.00 pm, finished at 9.05 pm

CHAIR.....

DATE.....

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Agenda Item 4

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

15 March 2023

Item: 1

Application No.:	22/02427/FULL
Location:	Maidenhead United Football Club York Road Maidenhead SL6 1SF
Proposal:	Extension of south stand to provide additional 224 seats, erection of new stand (north) to seat 304, wheelchair and disabled persons seating area, disabled w/c provision, changing block and improved floodlighting.
Applicant:	Maidenhead United FC
Agent:	Mr Kevin Scott
Parish/Ward:	Maidenhead Unparished/St Marys
If you have a question about this report, please contact: Sarah Tucker on or at sarah.tucker@rwm.gov.uk	

1. SUMMARY

- 1.1 The proposal seeks full planning permission for the extension of south stand to provide additional 224 seats, erection of new stand (north) to seat 304, wheelchair and disabled persons seating area, disabled w/c provision, changing block and improved floodlighting. The proposal is required to support the requirements of the English Football League.
- 1.2 The development is considered acceptable in terms of principle of development, impact on sustainability, amenity of nearby existing and future occupiers, highways, trees, archaeology and flood risk and as such the planning balance is in favour of the proposal.

It is recommended the Committee authorises the Head of Planning:	
1.	To grant planning permission subject to the following: <ul style="list-style-type: none"> <input type="checkbox"/> Completion of Section 106 legal agreement to secure: <ul style="list-style-type: none"> - A financial contribution towards the Council’s carbon off-set fund and associate carbon shortfall clause <input type="checkbox"/> The conditions listed in Section 14 of this report.
2.	To refuse planning permission if a Section 106 legal agreement is not secured for the reasons that the proposed development would not make the fullest contribution towards reducing carbon emissions and tackling climate change in line with policy SP2.

2. REASON FOR PANEL DETERMINATION

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

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The site consists of the grounds of Maidenhead United Football Club, a historic football club dating from 1870. The site is accessed off York Road. To the south of the site lies the railway line, to the east various single storey brick buildings (most of which have permission for redevelopment for apartment blocks- see below), to the north is a temporary car park (that also has permission for an apartment block) and to the west lies

Bell Business Centre, residential properties on Bell Street and the Maidenhead Conservative Club. There are a number of large trees close to the southern boundary of the site adjacent to the railway line.

3.2 The applicants state that this application is a resubmission of a previously approved scheme (18/03636/FULL) with the addition of the disabled facilities. However, the area in the immediate vicinity of the site will be subject to change as there have been a number of approved applications for apartment blocks (similar to those across the road on York Road), including 51 apartments in a 7 storey block on the site of the existing cafe (approved as part of 18/01608/FULL), 149 apartments in 3 blocks 6-8 storeys high on the temporary car park (18/01777/OUT and 21/01247/REM), and 53 apartments in a 7 storey block approved on the site of the St John's Ambulance building (19/01276/OUT and 22/03242/REM). Furthermore, there is an application for 49 apartments in an 8 storey block on the site of the Spiritualist Church, which is currently the subject of an appeal (20/03149/OUT).

4.0 KEY CONSTRAINTS

4.1 The site lies within Maidenhead town centre, and within the AQMA. The site also lies within Flood Zone 1,

5. THE PROPOSAL

5.1 The proposal seeks full planning permission for the extension of south stand to provide additional 224 seats, erection of new stand (north) to seat 304, wheelchair and disabled persons seating area, disabled w/c provision, changing block and improved floodlighting.

5.2 The proposed north stand extension is 41m wide and the proposed south stand extension is 16m wide, and both match existing stands in heights and depths. The proposed changing block is situated two storeys high to the north of the site adjacent to the existing club house and measures 12m wide, 6.5m high and 12m in depth. The proposed disabled stand, at the northern side of the pitch is 17m wide, 3m deep and 3m high. Also proposed are 4 20m high Towermaster Lumescan floodlighting columns. The application has been supported by a report on lux spillage from the proposed floodlighting.

5.3 The applicant has stated that this is a resubmission of previously approved application 18/03636/FULL, with the addition of the disabled facilities. The applicant further states that the application is to support the requirements of the English Football League.

6. RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
18/03646/FULL	Extension to the existing South stand, including the installation of pods; erection of new North East stand; erection of new two storey changing facility with ancillary uses, and installation of replacement floodlights.	Permitted 25/3/2019
13/00771/FULL	Construction of a replacement grandstand to the south side of the football ground.	Permitted 15/5/2013
00/03567/FULL	Replacement terrace and new stand	Permitted 8/8/2000

7. DEVELOPMENT PLAN

Adopted Borough Local Plan

- 7.1 The main strategic planning considerations applying to the site and the associated policies are:

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Strengthening the Role of Centres	TR6
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Historic Environment	HE1
Environmental Protection	EP1
Artificial Light Pollution	EP3
Air Pollution	EP2
Noise	EP4
Contaminated Land and Water	EP5
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2
Community Facilities	IF6

8. MATERIAL PLANNING CONSIDERATIONS

8.1 National Planning Policy Framework Sections (NPPF) (2021)

Section 2 – Achieving sustainable development
Section 4- Decision-making
Section 7 – Ensuring the vitality of town centres
Section 8 – Promoting healthy and safe communities
Section 9- Promoting Sustainable Transport
Section 14- Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment

8.2 Supplementary Planning Documents

Borough Wide Design Guide

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment

- RBWM Parking Strategy
Interim Sustainability Position Statement
RBWM Corporate Plan

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

No comments were received from neighbouring properties.

Statutory Consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	No objection subject to conditions	Section iv
Lead Local Flood Authority	No objection	Section vii
Berkshire Archaeology	The site is in an area of archaeological significance and any archaeological remains may be damaged by groundworks and therefore a Written Scheme of Investigation condition is recommended	Section vi
Environmental Protection	No objection subject to conditions	Section iii

Other Consultees

Consultee	Comment	Where in the report this is considered
N/A		

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i ; Principle of development
- ii ; Sustainability
- iii ; Amenity
- iv ; Highway Issues
- v ; Trees
- vi ; Archaeology
- vii .Other issues

Issue i: Principle of development

- 10.2 The site is a long-established football club. Policy IF6 of the Borough Local Plan states that existing community facilities should be retained, improved and enhanced, especially where they are located in areas that are accessible by walking, cycling and public transport.
- 10.3 The application is required to support the requirements of the English Football League. Given that the proposal seeks the retention of the football club by improving its facilities, including those for disabled users, and is located in central Maidenhead close to Maidenhead station as well as many bus routes, it is considered that the proposal is in conformity with Policy IF6 of the adopted Borough Local Plan and the principle of development is acceptable.

Issue ii: Sustainability

- 10.4 The council's interim sustainability statement (March 2021) highlights that new development over a certain size should achieve a net-zero carbon rating. Any shortfalls should be mitigated by a financial contribution to the carbon offset fund. Additionally, Paragraphs 7 and 8, and Section 14 of the NPPF (2021) and Policy SP2 of the Borough Local Plan (2022), encourage developments to be built to mitigate climate change and to incorporate low carbon and efficient energy sources.
- 10.5 The submitted information highlights that the development will reduce carbon emissions however the scheme is not zero carbon neutral. As such, the applicant has agreed to enter into a Section 106 legal agreement with the Council to ensure a financial contribution will be made to the carbon offset fund. This is deemed to be a compliance mechanism in order to effectively enforce the requirements of the interim sustainability statement. Subject to the signing of the S106 agreement, the development would be in line with the requirements of the interim sustainability statement, and in accordance with Policy SP2 of the adopted Borough Local Plan

Issue iii: Amenity

- 10.6 The site is a well established football club situated in a town centre. The two issues relating to amenity are noise and light disturbance from the floodlights.
- 10.7 With regard to noise, the noise from the club will be intermittent when matches are being played or when there is training taking place. Whilst noise from matches will be substantial and potentially increase with the increase in stands proposed, this will be for short periods of time, and not within the quiet hours of 2300 hours to 0700 hours. No objection has been raised by Environmental Health officers to the proposals. Since the use is well-established (and indeed began before the first Planning Act in 1948) there are no controls on the hours of use, and they cannot now legally be added.
- 10.8 With regard to the proposed floodlighting the application is supported by lux level plans that show that the lux levels immediately outside of the football club area to be down to 5 lux, which is within normal urban parameters. A condition will be recommended to ensure the floodlighting is implemented in accordance with the proposed levels. Given that there are already existing floodlights on site (which will be replaced by these proposals) it is not considered that the proposed floodlight will result in harm to residential amenity.
- 10.9 Whilst the area is subject to change, owing to the number of residential apartment blocks that are due to be constructed adjacent to the site, anyone living in these units would be aware of the football club before moving in, and given that this is an improvement to the existing facilities, rather than a new use, it is not considered that this would result in harm to the residential amenities of existing or future occupiers.

10.10 Given the above, it is considered that the application would not harm the residential amenities of existing or future occupiers, and the proposals are in accordance with policies EP1, EP3 and EP4 of the adopted Borough Local Plan.

Issue iv: Highway Issues

10.11 The proposals do not involve any changes in off-street parking. The site is within the town centre and close to Maidenhead station and numerous bus routes. As such, there are no highway issues arising as a result of the proposal.

Issue v: Trees

10.12 There is a line of mature trees on the southern boundary of the site. These trees provide an important backdrop to the football club and screening to the railway line. The proposed southern stand extension is very close to the root protection zones of these trees and as such details of tree retention and tree protection works will be required by recommended conditions. Similar conditions were required on the 2018 approved application for the stand extension.

10.13 With the addition of the recommended conditions, the impact on trees is acceptable and the proposal conforms to Policy NR3 of the adopted Borough Local Plan.

Issue vi: Archaeology

10.14 The site lies within an area of high archaeological potential. The site lies within the Thames Valley adjacent to the river and therefore lies over the floodplain and gravel terraces which have been the focus of settlement, agriculture and burial from the earliest prehistoric period. Furthermore, the site itself is considered historic and possible excavations may reveal evidence of earlier football related structures. As such a written scheme of investigation is required by recommended condition. Subject to the addition of this recommended condition, the application accords with Policy HE1 of the adopted Borough Local Plan.

Other Material Considerations

10.15 The site lies in Flood Zone 1 and there are no drainage objections to the scheme.

11. PLANNING BALANCE

11.1 The football club is a long established community use and the proposals seek to enhance the facilities on site, including disabled fans facilities. The applicants have stated that they will enter into a S106 obligation for any shortfall in carb net-zero on the proposed changing block. Whilst there will be an increase in supporters on site with the extended stands, and the floodlighting is proposed to be improved, this will have minimal impact on existing and future residential occupiers in the vicinity since the use is well established and there are already floodlights in use. There are no highway impacts as a result of the proposals. Recommended conditions relating to trees and archaeology will ensure that these impacts will be mitigated. These issues weigh in favour of the proposal and there are no issues outweighing these and as such the proposals are considered acceptable.

12 CONCLUSION

12.1 It is therefore recommended that planning permission is granted subject to the necessary legal agreement and relevant conditions.

13. APPENDICES TO THIS REPORT

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

14. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

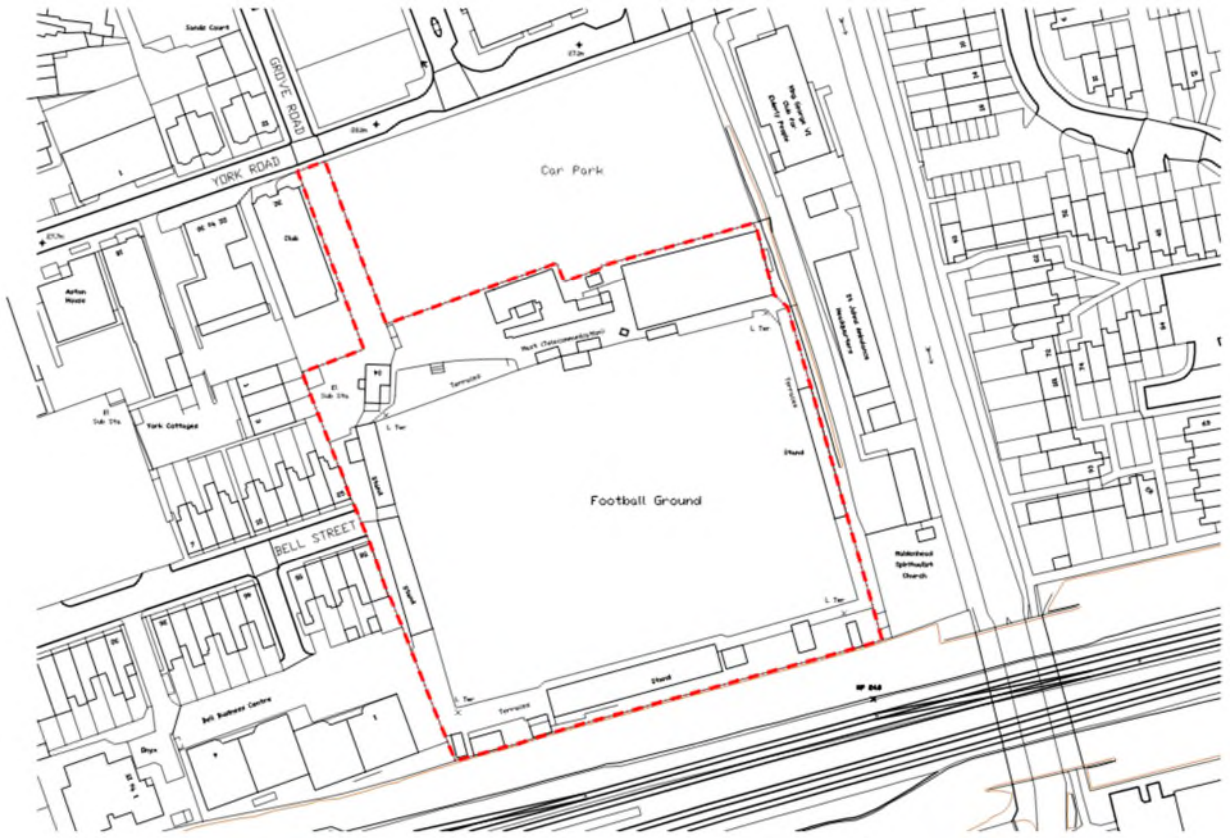
- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The construction of the external surfaces of the building(s) hereby permitted shall not be commenced until details of the materials to be used have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area and in accordance with Policy QP3 of the adopted Borough Local Plan (February 2022).
- 3 Before the construction of the seating stand on the southern part of the site and prior to any equipment, machinery or materials in association with the construction of this stand being brought onto the site, details showing the location and species of all trees to be retained as part of the development shall be submitted to and approved by the Local Planning Authority. These trees shall be retained in accordance with the approved details. No tree work shall be undertaken other than in accordance with the approved plans and particulars without the prior written approval of the Local Planning Authority, until five years from the completion of this stand. Any tree work approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree of the same species shall be planted in the immediate vicinity
Reason: To protect trees which contribute to the visual amenities of the area and in accordance with Policy NR3 of the adopted Borough Local Plan (February 2022)
- 4 Before the construction of the seating stand on the southern part of the site and prior to any equipment, machinery or materials being brought onto the site in association with the construction of this stand, details of the measures to protect, during construction, the trees growing within and adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area and in accordance with Policy NR3 of the adopted Borough Local Plan (February 2022).
- 5 The floodlighting hereby approved shall be implemented in accordance with Floodlight Spillage Results, drawing no. MFCS1 received on 2/9/2022
Reason: To protect the amenity of nearby residents and to accord with Policy EP3 of the adopted Borough Local Plan (February 2022)
- 6 No development shall take place within the area of archaeological interest until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with this approved scheme.
Reason: To ensure the continued preservation in situ or by record of any finds made in this area of archaeological interest and in accordance with Policy HE1 of the adopted Borough Local Plan (February 2022)

- 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 and in accordance with Policy IF2 of the adopted Borough Local Plan (February 2022)
- 8 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

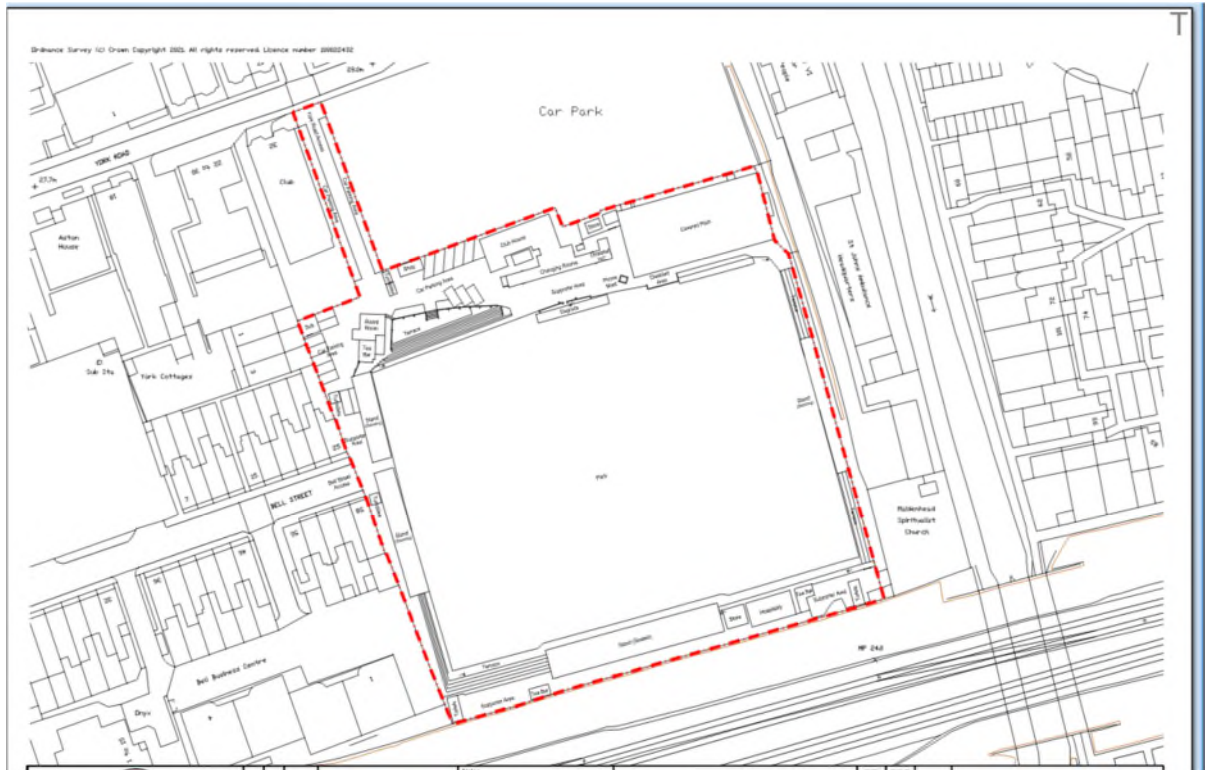
Informatives

- 1 The decision hereby approved should be read in conjunction with the relevant S106 agreement dated xxx

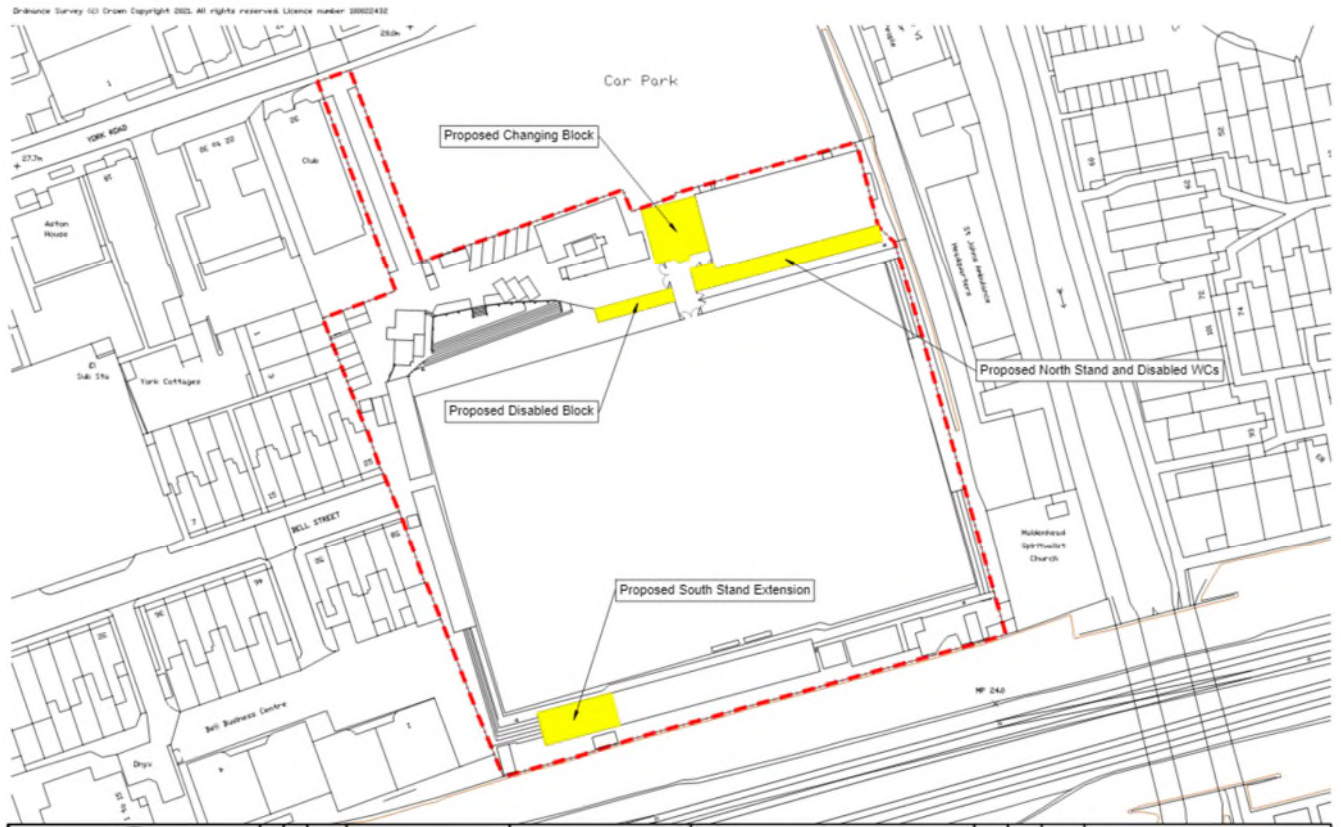
SITE PLAN 22/02427/FULL



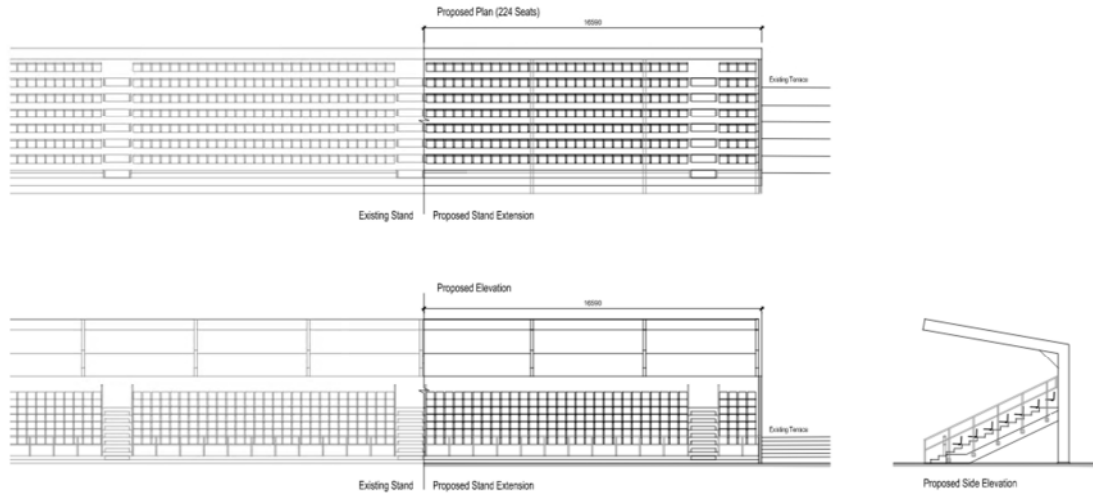
EXISTING SITE LAYOUT



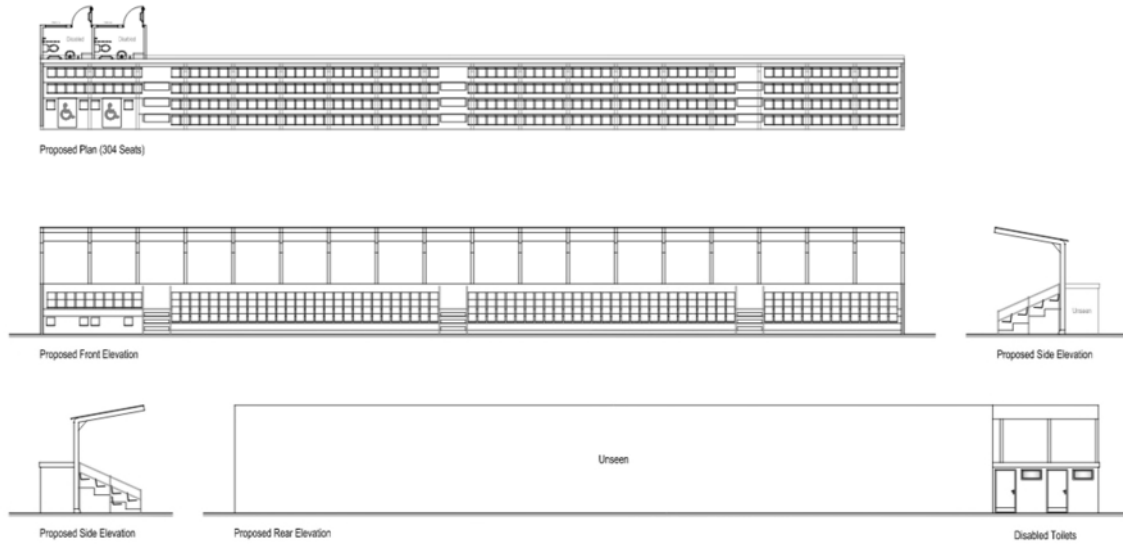
PROPOSED SITE PLAN



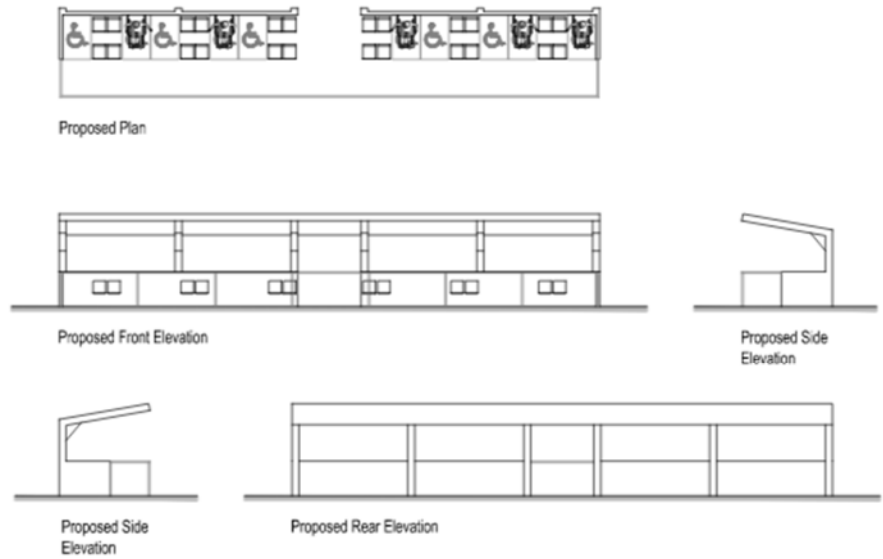
PROPOSED SOUTH STAND EXTENSION



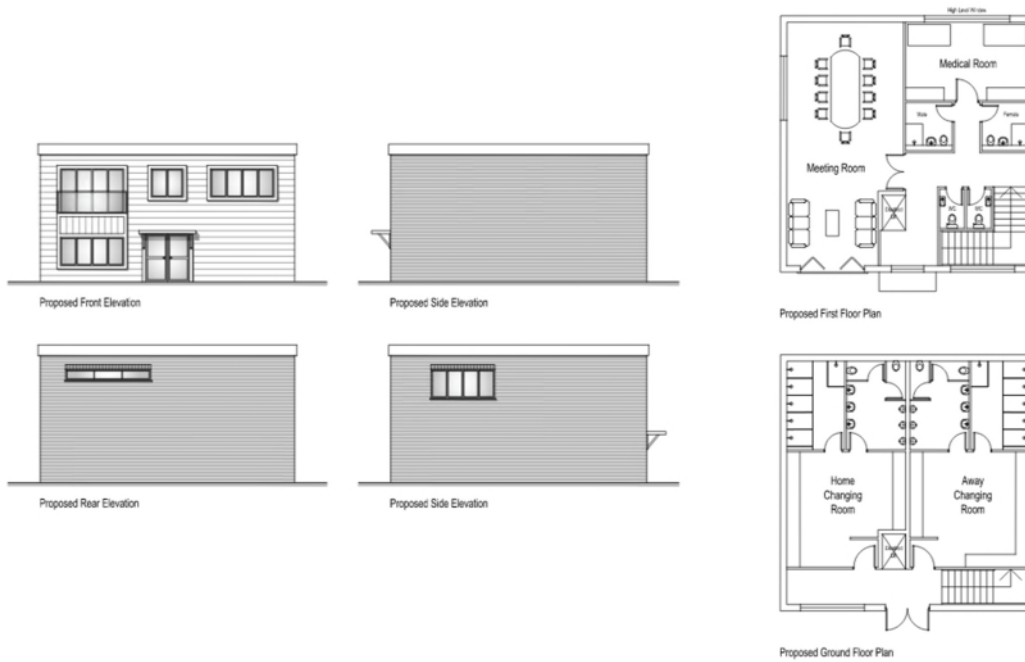
PROPOSED NORTH STAND EXTENSION



PROPOSED DISABLED ACCESS STAND



PROPOSED CHANGING BLOCK

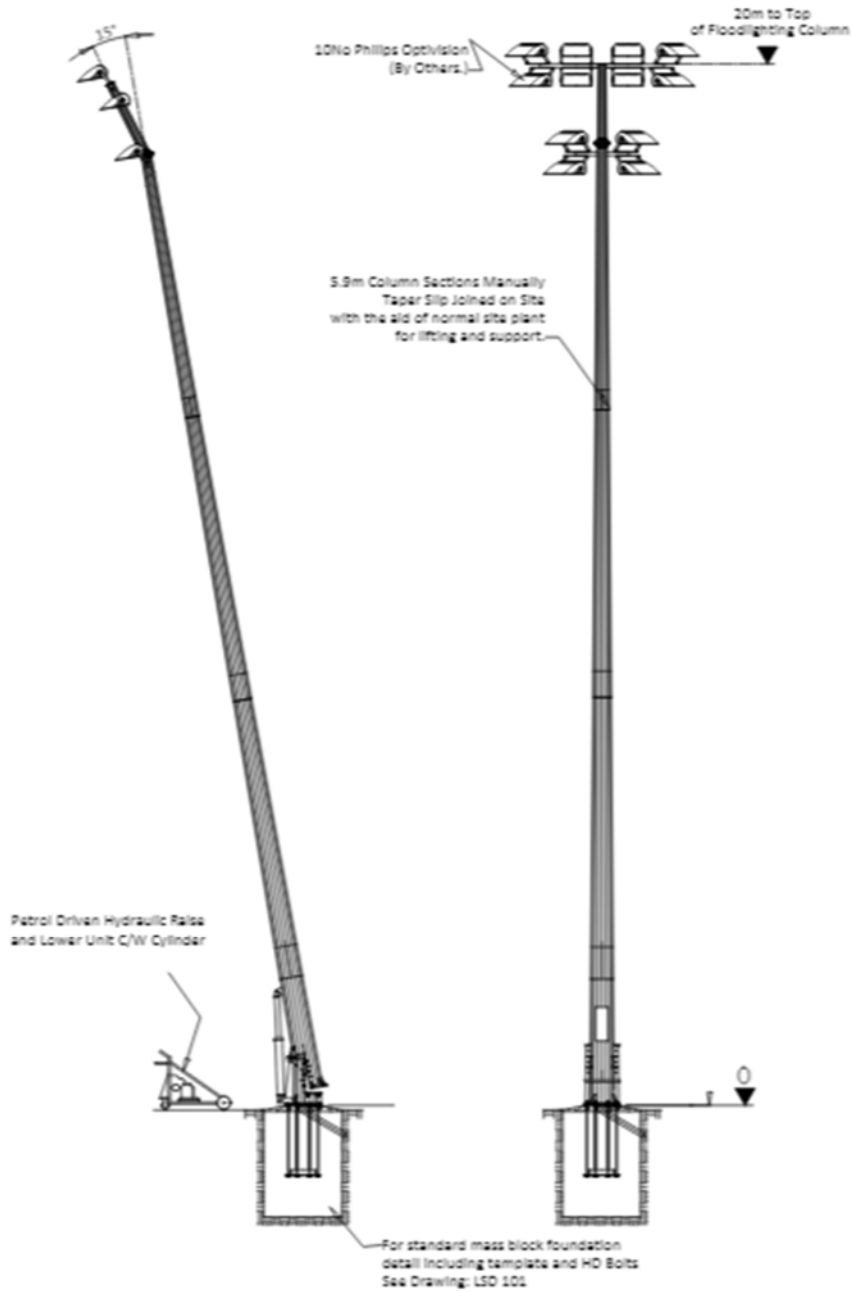


PROPOSED FLOODLIGHTING COLUMNS



TOWERMASTER DATA SHEET

Springwood Industrial Estate
Braintree,
Essex, CM7 2YN
England.
Tel. 01376 334809
Fax. 01376 552296
Email
sales@swanngrouppltd.com



Agenda Item 5

MAIDENHEAD DEVELOPMENT CONTROL PANEL

15 March 2023

Item: 2

Application No.:	22/02793/FULL
Location:	Land Rear Between 1 And 5 The Fieldings Holyport Maidenhead
Proposal:	x1 new detached dwelling, access, hardstanding and landscaping.
Applicant:	Mr Torrance
Agent:	Mr Matthew Corcoran
Parish/Ward:	Bray Parish/Bray
If you have a question about this report, please contact: Edward Vaudin on or at edward.vaudin@rbwm.gov.uk	

1. SUMMARY

- 1.1 Planning permission is sought for one detached dwelling on the land rear of between 1 and 5 The Fieldings. This site is located within the Green Belt.
- 1.2 The proposal is considered appropriate development within the Green Belt as it falls under the exception described in paragraph 149e of the Framework – limited infilling in villages.
- 1.3 The proposal would not result in any significant harm to the character of the area and is considered to be of an acceptable design.
- 1.4 The proposal would provide high-quality amenity for future occupiers of the proposed dwelling.
- 1.5 The proposal would accommodate sufficient parking space on site and the forecasted vehicle movements and use of the access is not considered to result in any severe impact on highway safety.
- 1.6 The proposal would not result in any significant harm to the amenity afforded to the occupiers of the neighbouring properties subject to the recommended conditions.
- 1.7 The proposal would not result in any ecological harm and will provide a net gain in biodiversity in line with Policy NR2 of the Borough Local Plan.
- 1.8 The site is not at risk of flooding. The sustainable drainage strategy are considered to be acceptable in principle and the details of the strategy are recommend to be secured by condition.
- 1.9 The proposal includes measures to adapt to and mitigate climate change. The Applicant has agreed to completing an undertaking to secure contributions towards the Carbon Offset Fund in line with the Interim Sustainability Position Statement and Policy SP2 of the Borough Local Plan.
- 1.10 Overall, the proposed development is considered to comply with all relevant policies. The recommendation to the Committee is as follows:

It is recommended the Committee authorises the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure contributions towards the Carbon Offset Fund and with the conditions listed in Section 14 of this report.
2	To refuse planning permission if the applicant fails to enter into an undertaking to secure contributions towards the Carbon Offset Fund for the reason that the scheme would fail to comply with Policy SP2 of the Adopted Local Plan, or comply with the Council's Interim Sustainability Position Statement.

2. REASON FOR COMMITTEE DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Committee as the application has been called in by Cllr Walters because of the potential impact on the Green Belt.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site currently consists of a parcel of open undeveloped land used a paddock. The site is partly surrounded by residential development to its northern, south-eastern, and eastern facings. The site is located just adjacent to the Holyport village settlement boundary and along the end of the cul-de-sac that is 'The Fieldings', which is accessed via Moneyrow Green, south of Maidenhead town centre.

4. KEY CONSTRAINTS

- 4.1 The site is located within the Green Belt and is in an Amber Risk Impact Zone for Great Crested Newts, which are a protected species.

5. THE PROPOSAL

- 5.1 Planning permission is sought for one new detached dwelling with access, hardstanding and landscaping.
- 5.2 The proposed dwelling would consist of two and a half storeys with a crown roof and dormers. The dwelling includes a side lean to garage with a hipped roof. A small gable porch is proposed for the front entrance. The materials consist of red brick walls and a grey tiled roof. The core of the dwelling would be approximately 13.2m deep and 8.2m wide, with a peak height of 8.3m. The side garage would be in line with the rear wall and would be 6.2m deep and 3.1m wide with materials matching those on the core of the dwelling.

6. RELEVANT PLANNING HISTORY

Reference	Description	Decision
22/01171/FULL	Development of the site to provide 2no. detached dwellings with revised access, hardstanding and landscaping.	Refused. Appeal in progress.
21/02951/FULL	Development of the site to provide 4no. detached dwellings with associated access, hardstanding and landscaping.	Refused (dismissed at appeal)

- 6.1 There have been two recent planning applications for residential development for larger schemes both of which were refused. The first one in 2021 was for four detached dwellings with associated access, hardstanding and landscaping (ref: 21/02951/FULL). Relative to this application, the proposed dwellings were located considerably further away from the cul-de-sac and would have introduced a separate frontage. This application was refused for the following reasons:

1. The proposal is considered to be inappropriate development in the Green Belt. No case for Very Special Circumstances has been presented by the applicant to outweigh the very substantial harm caused by inappropriateness and any other harm identified. Therefore, the development is considered to be contrary to Section 13 of the NPPF (2021), Policies GB1, GB2 and GB3 of the 14 Local Plan and Policy SP1 and QP5 of the Borough Local Plan: Submission Version and Proposed Changes (2019).

2.

3. The proposed dwellings by virtue of their extensive setback distance and linear formation are deemed to create a secondary frontage beyond the primary frontages that characterise the immediate street scene and properties within the wider area. Therefore, the proposal will be contrary to the layout of the dwellings within the immediate area. Additionally, the set-back dwellings by virtue of their height will dominate the primary street frontage along The Fieldings and look out of character when viewed from the street scene. Based on the above, the proposed development is considered contrary to Section 12 of the NPPF (2021), Policy DG1 of the Local Plan (2003) and Policies QP1 and QP3 of the Borough Local Plan: Submission Version and Proposed Changes (2019).
4. The applicant has not adequately demonstrated that the development would mitigate the risk of surface flooding on site. Therefore, the development is deemed contrary Section 14 of the NPPF (2021), Policy F1 of the Local Plan (2003) and Policy NR1 of the Borough Local Plan: Submission Version and Proposed Changes (2019).
5. The development fails to meet the council's sustainability standards in relation to new dwellings. Therefore, the proposal is considered to be contrary to the Council's interim sustainability statement (2021), Paragraphs 7 and 8, and Section 14 of the NPPF (2021) and Emerging policy SP2 of the Borough Local Plan: Submission Version and Proposed Changes (2019).

This application was subsequently dismissed at appeal. It was agreed by all parties that the proposed development was located within the village of Holyport. However, the Inspector agreed with the LPA that the proposed development did not constitute limited infilling and would harm the character of the area.

6.2 A follow-up scheme was submitted under a planning application in 2022. This time, the proposal consisted of two detached dwellings with a revised access, hardstanding and landscaping (ref: 22/01171/FULL). Whilst this proposal was a reduction compared to the previous application, it was refused for the following reasons;

1. The proposal is considered to be inappropriate development in the Green Belt. No case for Very Special Circumstances has been presented by the applicant to outweigh the very substantial harm caused by inappropriateness and any other harm identified. Therefore, the development is considered to be contrary to Section 13 of the NPPF (2021), Policies SP1 and QP5 of the adopted Borough Local Plan (2022).
2. The proposed dwellings by virtue of their extensive setback distance and linear formation are deemed to create a secondary frontage beyond the primary frontages that characterise the immediate street scene and properties within the wider area. Therefore, the proposal will be contrary to the predominant layout of the dwellings within the immediate area. Additionally, the set-back dwellings by virtue of their height will dominate the primary street frontage along The Fieldings and look out of character when viewed from the street scene. Based on the above, the proposed development is considered contrary to Section 12 of the NPPF (2021) and Policies QP1 and QP3 of the adopted Borough Local Plan (2022).
3. No information in relation to site's existing and resultant biodiversity value to establish that there would be a net gain to biodiversity as a result of the proposed development, has been submitted. Therefore, the proposal is considered to be contrary to Paragraph 174(d) of the NPPF (2021) and Policy NR2 of the adopted Borough Local Plan (2022).

An appeal against the Council's decision to refuse the application is currently in progress.

7 DEVELOPMENT PLAN

7.1 The main relevant policies are:

Adopted Borough Local Plan

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Development in Rural Areas and Green Belt	QP5
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Sustainable Transport	IF2

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

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 13 - Protecting Green Belt land
 Section 14 - Meeting the challenge of climate change, flooding and coastal change
 Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Documents

- Borough Wide Design Guide

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Parking Strategy
 Interim Sustainability Position Statement
 Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 9.1 52 properties were directly notified of the application.
- 9.2 The planning officer posted a notice advertising the application at the site on the 25th November 2022.
- 9.3 Several amended plans have been submitted to change the positioning of the proposed dwelling. Subsequent re-notification of the 52 aforementioned properties was undertaken on the 13th and 27th of February.

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

Comment	Where in the report this is considered

1.	Impact on the Green Belt / Inappropriate development with no Very Special Circumstances [x19]	See section on Green Belt.
2.	Previous application refused and dismissed at appeal [x10]	Noted, but each application is assessed individually.
3.	Impact on drainage [x9]	See section on Flooding.
4.	Lack of spatial alignment with frontages on The Fieldings cul-de-sac / Not infill [x9]	See section on Green Belt.
5.	Borough has five year housing land supply [x8]	Noted.
6.	Loss of habitat / Impact on wildlife [x6]	See section on Ecology.
7.	Impact of traffic [x6]	See section on Parking and highways.
8.	Proposed dwelling higher than other dwellings in the area [x6]	See section on Character.
9.	This will set a precedent [x5]	Each application is considered on its merits.
10.	Increased risk of flooding [x5]	See section on Flooding.
11.	Similar applications refused and dismissed at appeal [x4]	Noted, but each application is assessed individually.
12.	Out of keeping for the area [x4]	See section on Character.
13.	Lack of neighbour notification [x4]	Advertising of the application was done in line with the statutory requirements.
14.	Overbearing impact on 7 Dairy Court [x3]	See section on Neighbour amenity.
15.	Loss of green space [x2]	See section on Ecology.
16.	Access to field beyond would require additional hardstanding which would impact the Green Belt [x2]	This is not proposed as part of this application.
17.	Overlooking [x2]	See section on Neighbour amenity.
18.	Lack of site notice [x1]	A site notice was displayed on the 25 th November 2022.
19.	RBWM indicated principle support prior to application [x1]	Noted, however this is not a material consideration to the determination of this application. .
20.	Biodiversity net gain won't amount to much real gain [x1]	See section on Ecology.
21.	Carbon Offset amounts to greenwashing [x1]	Carbon offsets are considered appropriate in line with the Interim Sustainability Position Statement.
22.	Carbon emissions reduction relies on installation of solar panels and an air source heat pump, neither of which are planned [x1]	These have since been included in the application.
23.	Loss of light [x1]	See section on Neighbour amenity.

Consultees

Consultee	Comment	Where in the report this is considered
LLFA	Satisfied with the outline proposals given this proposal is for a single dwelling.	Noted. Details of SuDS to be secured by condition.
RBWM Ecology	No objections provided that it can be demonstrated that the development would result in a net gain for biodiversity and subject to conditions related to lighting, enhancements and net gain.	Noted. A biodiversity net gain assessment has since been provided.
Environmental Protection	No objections. Conditions requested relating to construction working hours, collection hours and informatives on dust	Noted. However, conditions related to construction hours are not considered necessary as this is

	and smoke control.	covered by separate legislation.
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Others (e.g. Parish and Amenity Groups)

Group	Comment	Where in the report this is considered
Bray Parish Council	No Very Special Circumstances. Council previously refused applications on this site for reason of inappropriateness in the Green Belt.	See section on Green Belt.
Holyport Residents Association	Not allocated land and is within the Green Belt. Allowing would be against the principles of the NPPF.	See section on Green Belt.
	Inappropriate development in the Green Belt without any Very Special Circumstances.	See section on Green Belt.
	The proposal does not constitute infill as there is no continuous frontage and an access to the land to the rear is proposed.	See section on Green Belt.
	Approving would set a precedent and the access proposed would allow the possibility of further dwellings to the rear.	Not a material consideration.
	Increase in traffic.	See section on Parking and highways.
	Increase risk of flooding and impact on drainage	See section on Flooding.
	No notification received by chair.	Advertising of the application was done in line with the statutory requirements.

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Green Belt
- ii Climate change and sustainability
- iii Character and appearance
- iv Amenity for future occupiers
- v Parking and highways impacts
- vi Impact on amenity of neighbouring buildings
- vii Ecology
- viii Flooding

Green Belt

10.2 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

10.3 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, subject to certain exceptions. The exception deemed relevant to this application can be found in paragraph 149e of the NPPF – limited infilling in villages.

Whether the proposal constitutes limited infilling in a village

- 10.4 Policy QP5 of the Borough Local Plan states that certain forms of development are not considered inappropriate development within the Green Belt, as defined in the NPPF. Within the Royal Borough, village settlement boundaries are identified on the Policies Map, and these boundaries will be used in determining where limited infilling may be acceptable:
- a. Limited infilling within the identified village settlement boundaries within the Green Belt as designated on the Policies Map (marked "Settlements (QP5)").
 - b. Limited infilling outside identified village settlement boundaries where it can be demonstrated that the site can be considered as falling within the village envelope as assessed on the ground. In assessing the village envelope consideration will be given to the concentration, scale, massing, extent and density of built form on either side of the identified village settlement boundary and the physical proximity of the proposal site to the identified village settlement boundary.
- 10.5 It is first important to assess whether the proposed development would constitute limited infilling. Paragraph 6.18.9 of the Borough Local Plan states that limited infilling is considered to be the development of a small gap in an otherwise continuous frontage, or the small-scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development. It should be appropriate to the scale of the locality and not have an adverse impact on the character of the locality.
- 10.6 The application site is located at the end of the cul-de-sac known as 'The Fieldings'. It is sited between the properties of 1 The Fieldings and 5 The Fieldings but is also adjacent to the curtilage of 7 Dairy Court.
- 10.7 The Fieldings consists of a series of semi-detached dwellings to the northwest of the cul-de-sac and larger detached dwellings to the south. The end of the cul-de-sac forms a partial radial frontage, which is in part broken up by the application site.
- 10.8 The siting of the proposed dwelling would be relatively set back when compared to the properties to the right of it at 1 – 4 The Fieldings. However, it would not deviate from the building line to such significance as for it to not be reasonably considered part of The Fieldings cul-de-sac.
- 10.9 The proposed dwelling would maintain a similarly sized footprint to that of the other properties on The Fieldings. The proposal would consist of two and a half storeys with three dormers within the roof space. This scale of dwelling is akin to that of 7 Dairy Court, which also consists of a two and a half storey design with dormers within the roof space.
- 10.10 The provision of one dwelling on site is not considered to amount to a crowded plot in the context of the cul-de-sac.
- 10.11 Taking into account the siting of the proposed dwelling, which would sit between number 1 and 5 Dairy Court, and next to number 7 Dairy Court (albeit slightly further set back), it is considered to constitute limited infilling of a small gap within built development. It is therefore considered to be limited infilling.
- 10.12 The site is located adjacent to the identified village settlement boundary of Holyport designated on the Policies Map. As it is technically outside of the recognised boundary, it cannot be assessed under paragraph 4a of Policy QP5.
- 10.13 Paragraph 4b of Policy QP5 states that limited infilling may be acceptable "outside identified village settlement boundaries" as long as it is demonstrated that the site falls within "the village envelope as assessed on the ground". The interpretation of this is that to be assessed under this paragraph, the site, whilst not falling within an identified village would need to be considered as nevertheless falling within the envelope of an identified village as assessed on the ground. This approach is considered to accord with established case law (most notably; Julian Wood v Secretary of State for Communities and Local Government [2015]).

- 10.14 In this case, the application site abuts the defined settlement boundary of Holyport. The boundary follows the curtilage of 1 The Fieldings and cuts through 7 Dairy Court. When considered matters on the ground, the proposed development would be of a similar scale to existing dwellings within the locality. It would maintain a relationship with the cul-de-sac of The Fieldings, which, other than this plot, lies wholly within the settlement boundary. Having regard for all of the above, the application site is considered to have a close association with the recognised settlement to the extent that it is considered to fall within the village envelope as assessed on the ground. It should also be noted that on the previously refused applications, the Council considered the site to fall within the village envelope of Holyport. This point was agreed by the Inspector for the appeal against the decision to refuse the proposal for four dwellings.
- 10.15 Overall, the proposal is considered to be appropriate development in the Green Belt as it falls under the exception set out in paragraph 149e of the NPPF – limited infilling in villages.
- 10.16 As the proposed development is considered to be appropriate within the Green Belt, it is not necessary to assess the impact on the openness of the Green Belt.

Character and appearance

- 10.17 The proposed dwelling consists of two and a half storeys with a crown roof and dormers. The dwelling includes a side lean to garage with a hipped roof. A small gable porch is proposed for the front entrance. The materials consist of red brick walls and a grey tiled roof.
- 10.18 The proposed dwelling would be set back within the site. Whilst the proposed dwelling is of a greater height when compared to 1 – 4 The Fieldings, approximately 0.9m taller, it has a comparable height to that of the neighbouring 7 Dairy Court. Furthermore, the setback compared to the neighbouring properties on The Fieldings reduces the impact of the larger height such that the proposal would not dominate the street scene or appear out of keeping.
- 10.19 The proposal includes the planting of 10 small trees as well as evergreen hedgerows around the boundaries of the site. Hardstanding is proposed to serve as access to the front parking and side garage. Overall, the site would maintain an appropriate balance of soft and hard landscaping.
- 10.20 The proposed materials and fenestration are similar in nature to dwellings in the locality.
- 10.21 Overall, the proposed development is not considered to be detrimental to the character of the area or the street scene.

Amenity for future occupiers

- 10.22 The proposed development meets the minimum standards of the Nationally Described Space Standards.
- 10.23 All habitable rooms would benefit from at least one window, affording outlook and light to each habitable room.
- 10.24 Principle 8.4 of the Borough Wide Design Guide sets minimum outdoor amenity space size standards for houses. In this case, the proposed development is a five-bedroom dwelling, with the outdoor amenity space predominantly facing north. As such, the minimum requirement outdoor amenity space is 85sqm. The proposed dwelling would benefit from at least 95sqm of outdoor amenity space to the rear, therefore providing a sufficient level of outdoor amenity space.
- 10.25 The outdoor space would be directly accessible from the dwelling and would benefit from tree planting and a large grass area.
- 10.26 Cycle parking and refuse storage is proposed to be provided in line with the Borough Wide Design Guide. There is sufficient space on site in order to meet the standards of the Borough Wide Design Guide; it is recommended that these details are secured by condition.
- 10.27 Overall, the proposal is considered to provide high quality amenity for future occupiers.

Parking and highways impacts

- 10.28 Policy IF2 of the Borough Local Plan states that development proposals should support the policies and objectives of the Transport Strategy as set out in the Local Transport Plan and provide car and cycle parking in accordance with the current Parking Strategy.
- 10.29 The proposed access at the end of the cul-de-sac along The Fieldings is deemed to achieve the visibility (access will be clear of obstructions) required for vehicles to leave the site safely onto The Fieldings. The driver visibility at the junction of The Fieldings and Moneyrow Green complies with the standards set out in Manual for Streets for a 30mph speed limit, splays of 2.4m x 43m in both directions.
- 10.30 One new dwelling is not deemed to generate an unacceptable level of traffic that will harm the local highway safety network. Overall, the proposed development is not deemed to cause any highway safety issues.
- 10.31 A total of three allocated car parking spaces are proposed, including two spaces to the front of the dwelling and one within the proposed garage. This is considered to be sufficient and would meet the Council's maximum parking standards for this size of dwelling.

Impact on amenity of neighbouring buildings

- 10.32 The proposed dwelling would be located between 7 Dairy Court and 1 The Fieldings, with its siting having a closer relationship to 7 Dairy Court. The nearest point of the proposed dwelling would be located approximately two metres from the boundary with 7 Dairy Court and 10.6m from the dwelling of 7 Dairy Court.
- 10.33 The proposed dwelling would maintain a minimum gap from the boundary with 7 Dairy Court of approximately 2.4m. The orientation of the proposed dwelling is such that this gap increases to the rear. The proposed dwelling is set back when compared to the dwelling of 7 Dairy Court, which also benefits from a sizable plot which benefits from outlook in multiple directions. Taking into account the size of the garden serving 7 Dairy Court, and the gap provided between the proposed dwelling and the garden boundary, it is not considered that the proposal would result in any significant overbearing impact that would justify refusing the application.
- 10.34 The peak height of the proposed dwelling would be approximately 8.3m, which would be experienced by 7 Dairy Court's nearest habitable room 16m away. The proposal would not breach the 25-degree angle rule set out in the Borough Wide Design Guide, whereby a vertical 25-degree angled line drawn at two metres in height from the centre of the nearest neighbouring window serving a habitable room is not breached by the proposal. As such, it is not considered that the proposals would result in any material impact on daylight or sunlight levels.
- 10.35 There are no side windows serving habitable rooms that are facing 7 Dairy Court or 1 The Fieldings. A first-floor window (serving a bathroom) is shown in the southern (side elevation) facing 7 Dairy Court. Given the relationship of this window to the neighbouring property, it is recommended that a condition is imposed to ensure that this window has obscure glazing and top-opening. Whilst the proposed dwelling is set back such that the front elevation is further to the rear than 7 Dairy Court, it is not considered that any of the front facing windows would result in any direct views of any habitable rooms for any of the neighbouring properties.
- 10.36 There are side-facing windows in the northern (side) elevation facing 1 The Fieldings. There is a distance of approximately 12m between the side elevation of the core of the proposed dwelling, to the boundary with this property. The windows could give rise to a certain level of overlooking to the garden of 1 The Fieldings, and as such a condition is also recommended to ensure these side facing windows are obscurely glazed and top opening.

Ecology

- 10.37 Paragraph 180(a) (2021) of the NPPF states ‘when determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Policy NR2 of the BLP states that developments will be expected to demonstrate how they maintain, protect, and enhance the biodiversity of application sites including features of conservation value which might presence of protected/priority species. Furthermore, development proposals will be expected to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance and proposals shall be accompanied by ecological reports in to aid assessment of the schemes. Lastly, Regulation (9) 1 of The Conservation and Habitats Regulation (2017) states that as the competent local planning authority must exercise the functions which are relevant to nature conservation. As such, it is the statutory duty of duty of the planning authority to ensure that development doesn’t potentially any harm protected species.
- 10.38 The applicant submitted the same Ecological survey and reptile report undertaken for the previous application and the application before that ref; 22/01171/FULL and ref; 21/02951/FULL. Whilst approximately 18 months has passed since the surveys were undertaken, their findings are considered to remain relevant.
- 10.39 It has been established that the site does provide some habitat value in the form of scattered trees and semi-improved grassland.
- 10.40 The last surveys undertaken between August and September 2021 found that reptiles are likely absent from the site as it has negligible value for reptiles.
- 10.41 With regards to bats, as the proposal may result in an increase in light levels which could affect commuting and foraging bats, a sensitive lighting strategy will be secured by condition.
- 10.42 It was found that the site had negligible potential to support crested newt, common toad, dormice, wintering birds and badgers and lastly, site had some moderate potential to support nesting birds and hedgehog, although no evidence of these species was recorded during the survey.
- 10.43 Overall, the proposal, including mitigations secured by condition, is not considered to result in any material ecological harm.
- 10.44 A biodiversity net gain assessment has been submitted pursuant to compliance with Policy NR2 of the Borough Local Plan. This assessment demonstrates that a net biodiversity gain of 70.82% for habitat parcels and 100% for hedgerows will be provided by the proposal. Furthermore, two bird boxes and two bat tubes will be fitted on site.
- 10.45 Overall, the proposal is considered to comply with Policy NR2 of the Borough Local Plan.

Flooding

- 10.46 Policy NR1 of the Borough Local Plan states that development proposals should incorporate Sustainable Drainage Systems in order to restrict or reduce surface water runoff.
- 10.47 The application site falls within Flood Zone 1 and is in an area with a very low risk of surface water flooding. As such, a flood risk assessment has not been deemed necessary. Nevertheless, it is understood from the LLFA that the local sewer system is under pressure from an incremental increase in surface water disposal, which increases the risk of the overflow of sewers.
- 10.48 In order to reduce the surface water runoff from the site, the applicant has submitted a drainage strategy that will provide 12.6 cubic metres of attenuation storage within the sub-base of the permeable paving on site. Whilst it is noted that the strategy seeks to dispose of surface water runoff via discharge into the Thames Water sewer in The Fieldings, it will be the remit of Thames Water to consent to such a connection. The principle of the proposed sustainable drainage strategy is considered to be acceptable. The LLFA are satisfied with the outline proposals for

sustainable drainage and have recommended a condition. It is recommended that the details of the sustainable drainage strategy is secured by condition.

Climate change and sustainability

- 10.49 The Council's Interim Sustainability Statement (March 2021) highlights that new dwellings should achieve a net-zero carbon rating. Any shortfalls should be mitigated by a financial contribution to the carbon offset fund. Additionally, the statement also requires new dwellings to have provisions for electric vehicle charging and high-speed internet to facilitate home working. Additionally, Paragraphs 7 and 8, and Section 14 of the NPPF (2021) and Policy SP2 of the Borough Local Plan (2022), encourage developments to be built to mitigate climate change and to incorporate low carbon and efficient energy sources.
- 10.50 The submitted information highlights that the development will reduce carbon emission by using efficient and renewable energy sources, resulting in a CO2 emission saving of 60% over building regulation requirements. However, as the scheme is not confirmed to be net-zero, contributions towards the Carbon Offset scheme will be sought to ensure the emissions are compensated for and that the site performs as forecasted post-construction. The agent has agreed to make a payment towards the carbon off-set fund. This will need to be secured by legal agreement.
- 10.51 Electric vehicle charging points have been proposed to support the development in line with the interim sustainability statement.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 The development is CIL liable. The proposed dwelling has an approximate 224sqm of floorspace.

12 CONCLUSION

- 12.1 The proposal is considered to comply with all relevant policies listed above and it is therefore recommended that the Committee authorises the Head of Planning to grant planning permission on the satisfactory completion of an undertaking to secure contributions towards the Carbon Offset Fund and with the conditions listed in Section 14 of this report.

13. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan
- Appendix B – Site Plan and Layout
- Appendix C – Floor Plans and Elevations
- Appendix D – Site Plan for 21/02951/FULL
- Appendix E – Site Plan for 22/01171/FULL

14. 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 development above slab level, a materials schedule for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy QP3.
- 3 No development shall commence on the site until a surface water drainage scheme for the development, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. Details shall include:
- Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
 - Supporting calculations confirming compliance with the Non-Statutory Technical Standards for

Sustainable Drainage Systems.

- Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with 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.

- 4 Prior to the commencement of construction of the dwelling above slab level, details of biodiversity enhancements, to include locations and elevations of two bird boxes on the retained trees, native and wildlife friendly landscaping (in line with the net gain document (LUS Ecology, 2nd December 2022), shall be submitted to and approved in writing by Local Planning Authority. The approved biodiversity enhancements shall be implemented prior to the first occupation of the dwelling hereby approved and retained in accordance with the approved details.

Reason: To incorporate biodiversity in and around developments in accordance with paragraph 180 of the NPPF and local policy NR2.

- 5 Prior to the installation of any external lighting, a report detailing the lighting scheme and how this will not adversely impact upon wildlife shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following figures and appendices:

- A layout plan with beam orientation
- A schedule of equipment
- Measures to avoid glare

An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance.

- Hours of operation of any external lighting.

The approved lighting plan shall thereafter be implemented and retained in accordance with the approved details.

Reason: To ensure that wildlife is not adversely affected by the proposed development. Relevant Policy - Borough Local Plan NR2.

- 6 No part of the development shall be occupied until vehicle parking spaces have been provided in accordance with the approved drawing number 301-D. 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 - Borough Local Plan IF2.

- 7 No part of the development shall be occupied until one active and one passive electric vehicle charging point has been provided. These facilities shall thereafter be retained and kept available in association with the development at all times.

Reason: To ensure that the development is provided with adequate electric vehicle charging facilities. Relevant Policies - Borough Local Plan IF2.

- 8 Prior to the commencement of development above slab level, full details of both hard and soft landscape works, shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan QP1 and QP3.

- 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 - Borough Local Plan QP3 and IF2.

- 10 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and

approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Borough Local Plan IF2 and QP3.

- 11 The development hereby approved shall be undertaken in accordance with the low-carbon and renewable technologies set out in section 5.4 of the Sustainability and Energy Statement (Blue Sky Unlimited, 29 November 2022). Prior to the construction of the development above slab level, details of the air source heat pump, including its location on the dwelling shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development incorporates measures to adopt to and mitigate climate change, and to ensure the details of the air source heat pump are acceptable. Relevant Policies - Borough Local Plan SP2 and QP3.

- 12 The first and second floor window(s) in the side elevation(s) of the dwelling hereby approved shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the windows shall not be altered. No further windows shall be inserted at first floor level or above in the side elevations of the dwelling.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - QP3.

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

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

Appendix A – Site Location Plan



Appendix B – Site Plan and Layout



Appendix C – Floor Plans and Elevations



SECOND FLOOR PLAN



FIRST FLOOR PLAN



GROUND FLOOR PLAN
224.3m² (2,414ft²) GIA TOTAL



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Appendix D – Site Plan for 21/02951/FULL



Appendix E – Site Plan for 22/01171/FULL



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Application No.:	23/00043/FULL
Location:	5 - 5C St Marks Crescent Maidenhead
Proposal:	Construction of a new building comprising 2 retail units and 20 apartments with associated parking and access following the demolition of the existing buildings.
Applicant:	Mr Hans
Agent:	Mr Paul Butt
Parish/Ward:	Maidenhead Unparished/Pinkneys Green
If you have a question about this report, please contact: Alison Long on 01628 796070 or at alison.long@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks planning permission for the construction of a new building comprising two retail units and 20 apartments (14 x 1 bedroom units and 6 x 2 bedroom units) of which 6 x 1 bedroom units would be affordable housing, with associated parking and access following the demolition of the existing buildings.
- 1.2 The principle of the proposed residential use on the site is acceptable. However, whilst the units would meet the required internal space standards, the proposals would represent an unacceptable standard of residential accommodation given the high number of single aspect units, of which some are also north facing with no supporting information to provide detail on the level of light to the units, the lack of privacy to future occupiers from the neighbouring 69a Courthouse Road given the close relationship and the nature of the amenity space. Furthermore, in the absence of a completed legal agreement, the application fails to secure the required affordable housing provision. As such, the proposal is contrary to policies HO3 and QP3 of the Borough Local Plan (BLP), and the guidance contained in the Borough Wide Design Guide. With regard to the proposed retail use, the site is located outside a defined centre within the BLP and the application has not been submitted alongside a required Sequential Test to demonstrate that a retail use of this scale would be appropriate in this location, that there is a particular local need and that it would not have a detrimental impact on the viability and vitality of existing commercial uses in the surrounding area. As such, the proposal is contrary to policies TR6 and TR7 of the BLP.
- 1.3 The proposed development, given the scale of built form and associated hardstanding, together with the overall height of the building and its contrived design, would result in a cramped form of development that is out of keeping with the established character of the immediate and wider context of the surrounding area. This, together with the use of metal cladding which is out of keeping with the surrounding material palette, would result in a proposal which fails to respect or make a positive contribution to the local character and appearance of the street scene/townscape, contrary to Policy QP3 of the BLP and the guidance contained in section 7 of the Borough Wide Design Guide.
- 1.4 In the absence of a daylight and sunlight report which addresses the impact of this built form on the daylight and sunlight to surrounding properties, it has not been demonstrated that the proposals would not result in material harm to the living conditions of occupiers of these properties in terms of loss of light. Furthermore, the bulk, layout and separation distances to 69a Courthouse Road would result in a material and unacceptable loss of privacy and an increased sense of enclosure to occupiers of this dwelling, contrary to policy QP3 of the BLP and the guidance contained in section 8 of the Borough Wide Design Guide.
- 1.5 The proposed development would fail to provide off-street car parking and cycle provision in an area of poor accessibility in line with the requirements of the RBWM Parking Strategy (2004) and no information has been provided to demonstrate that the potential displacement of vehicles could be adequately provided for in the surrounding area. Furthermore, the position of the proposed vehicular access and the associated loss of on-street parking spaces to provide the required visibility splays and the absence of a refuse and servicing strategy, would mean that the

proposal fails to demonstrate that the development would not result in material harm to the safe and efficient operation of the surrounding highway network. The application is therefore contrary to policy IF2 of the BLP and paragraph 111 of the NPPF (2021).

- 1.6 In the absence of a Flood Risk Assessment and Drainage Strategy, an Ecology Report and Biodiversity Net Gain calculation and a Sustainability Statement to calculate and secure any potential carbon off-set financial contribution through a completed legal agreement, the application is contrary to policies NR1, NR2 and SP2 of the BLP and the guidance contained in the Interim Sustainability Statement.
- 1.7 The application is therefore contrary to relevant development plan policies as outlined above. The Council has an up to date five year housing land supply and there are no identified planning benefits which would be of sufficient weight and importance to overcome the harm. The application is therefore recommended for refusal.

It is recommended the Committee refuses planning permission for the following summarised reasons (the full reasons are identified in Section 15 of this report):	
1.	In the absence of a completed legal agreement, the development would fail to secure the provision of affordable housing.
2.	The development would fail to provide a high quality of residential accommodation at the site.
3.	The site is located outside of a defined centre and the application fails to demonstrate through the submission of a Sequential Test that the proposed retail use of this scale would be appropriate in this location, that there is a particular local need and that it would not have a detrimental impact on the viability and vitality of existing commercial uses in the surrounding area.
4.	The application has not been submitted alongside a Sustainability Statement in order to demonstrate how the requirements of the Interim Sustainability Position Statement can be met and in the absence of this information, it is not possible to assess how the development addresses climate change and calculate/secure any potential carbon off-set financial contribution through a completed legal agreement.
5.	The scale of built form and associated hardstanding, together with the overall height of the building, contrived design and use of metal cladding, would result in a cramped form of overdevelopment that is out of keeping with the established character of the immediate and wider context of the surrounding area.
6.	The proposed development, together with the absence of supporting information in relation to the highways impact of the proposal, fails to demonstrate that it would not result in material harm to the safe and efficient operation of the surrounding highway network and the displacement of parking in the surrounding area.
7.	In the absence of a daylight and sunlight assessment, the application fails to demonstrate that the additional built form on the site would not result in a material loss of light to neighbouring properties and the bulk, layout and separation distance would result in material loss of privacy and increased sense of enclosure to occupants of 69a Courthouse Road.
8.	The application has not been submitted alongside an Ecology Report or a Biodiversity Net Gain calculation in order to demonstrate that the proposals would have an acceptable impact on local ecology and that opportunities to incorporate biodiversity improvements in and around developments would be incorporated into the development.

9.	The application has not been submitted alongside a Flood Risk Assessment (FRA) and Drainage Strategy in order to demonstrate how surface water flood risk would be addressed and mitigated if required
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2. REASON FOR COMMITTEE DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Committee as the application is for major development. The application was also called in by Cllrs Werner and Baskerville if the recommendation was for approval only.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the south-west side of St Marks Crescent, north west of the junction with Courthouse Road. The plot is approximately 0.13 hectares and contains three buildings. Two detached two storey buildings (No.5 and 5a) and a part-single, part two storey building (No. 5b) fronting St Marks Crescent. The site is accessed through a sloping driveway towards the eastern boundary.
- 3.2 There are currently two residential units on the site in the form of a three bedroom detached dwelling (No. 5) and a one bedroom apartment above No.5a, in addition to a hot food takeaway with a floor area of 49.4sqm and a car repair business with a floor area of 79.5sqm above which the one bedroom apartment is located.
- 3.3 A key feature of the site is that it is set approximately 3m lower than St Marks Crescent. To the north west of the application site there is a two storey parade of five commercial units with flats above, which increase to three storeys to the rear due to the drop in land levels. To the east are two further retail units with residential units above, also at two storeys in height. A two storey residential building on Courthouse Road to the east of the site backs onto the application site. Rear gardens to dwellings facing Courthouse Road run immediately adjacent to the southern (rear) boundary of the site and there is a one and a half storey building close to the site's boundary to the south-west, which is occupied by a podiatry and chiropractic clinic. Vehicular access to the rear of the shops and clinic is from Havelock Road to the west.

4. KEY CONSTRAINTS

- 4.1 The site is not located within any designated areas.

5. THE PROPOSAL

- 5.1 Planning permission is sought for the construction of a three storey building, with lower ground floor level, which would provide for two retail units and 20 apartments following the demolition of the existing buildings on the site.
- 5.2 The proposed retail units would be located at ground floor level fronting St Marks Crescent, with associated storage at lower ground floor level, and would have floor areas of 270sqm (Unit A) and 268sqm (Unit B), totalling 538sqm. The proposed residential units would comprise 14 x 1 bedroom units and 6 x 2 bedroom units. Of the 20 units, the proposal would provide for 6 x 1 bedroom affordable housing units.
- 5.3 At lower ground floor level, 23 car parking spaces would be provided which would be accessed by a vehicular ramp and new access on the north-western edge of the site along St Marks Crescent. Internally, two motorcycle and 40 cycle parking spaces would also be provided at lower ground floor level along with refuse and recycling storage.
- 5.4 The site is that of an old quarry and as such there is a drop of approximately 3m from the front of the site to the rear. The proposed building would appear as three storeys from the front elevation with a ridge height of approximately 11.5m to the central gable section, dropping down to approximately 10m. An area for plant and a lift overrun would be located to the flat roof of the

building enclosed by a louvered screen. A lower ground floor level would be accommodated to the front of the site, with undercroft parking to the rear. To the rear elevation, the building would drop to two storeys (9.8m) with undercroft parking. The building would be constructed in buff coloured multi brick, with white render detailing and metal cladding at second floor level. Balconies would be enclosed by metal railings, with five of the residential units incorporating glazed privacy screens.

6. RELEVANT PLANNING HISTORY

6.1 There is no relevant planning history for the site.

7 DEVELOPMENT PLAN

7.1 The main relevant policies are:

Adopted Borough Local Plan

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Housing Mix and Type	HO2
Affordable Housing	HO3
Strengthening the Role of Centres	TR6
Shops and Parades Outside Defined Centres	TR7
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Air Pollution	EP2
Noise	EP4
Contaminated Land and Water	EP5
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2
Utilities	IF7

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 2 – Achieving sustainable development
 Section 4- Decision-making
 Section 5 – Delivering a sufficient supply of homes
 Section 6 – Building a strong, competitive economy
 Section 7 – Ensuring the vitality of town centres
 Section 8 – Promoting healthy and safe communities
 Section 9- Promoting Sustainable Transport

Section 11 – Making effective use of land
 Section 12- Achieving well-designed places
 Section 14- Meeting the challenge of climate change, flooding and coastal change
 Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Documents

- Borough Wide Design Guide

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Interim Sustainability Position Statement
- RBWM Corporate Plan

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

26 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 19th January, 2023 and the application was advertised in the Local Press on 19th January, 2023.

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

Comment		Where in the report this is considered
1.	Police called due to weeks of serious noise and disturbance, especially builders working outside of legal working hours.	Whilst regrettable, this in itself would not preclude the determination of the application with an assessment made in accordance with relevant development plan policies.
2.	Additional residential units will add more pressure and increase the chance of accidents.	Section 10.28 – 10.33.
3.	Loss of light and privacy. No option to put up higher fencing due to the deep drop to the site (former quarry).	Section 10.22 – 10.27.
4.	Trees which have been removed already resulted in loss of privacy. The removal of the apple tree is being investigated by the planning department.	Section 10.37 – 10.38.
5.	Unclear what the plans are to underpin the foundations to this former quarry site and also risks destabilising the surrounding buildings.	This would be covered under building control regulations.
6.	Cladding of the building is not in keeping with surrounding brick built homes.	Section 10.14 – 10.21.

7.	Oversupply of one and two bedroom flats. Where are the two and three bedroom family starter homes.	Section 10.4.
8.	Ramped access is close to a pedestrian crossing and a very busy mini-roundabout junction.	Section 10.28 – 10.33.
9.	Safer to have access from Havelock Road.	An assessment of the planning application has been made based on the submitted proposals.
10.	Proposed ramp access is dangerous to both pedestrians and the road, making this section even more dangerous.	Section 10.28 – 10.33.
11.	No security provisions on vehicular access leading to safety concerns.	Noted. However, this is not required to make the access acceptable in planning terms.
12.	Proposed car parking provision is insufficient. There is no space on surrounding roads for the additional vehicles.	Section 10.28 – 10.33.
13.	The immediate area does not need two further retail units. Better suited to a new doctors surgery.	An assessment of the planning application has been made based on the submitted proposals.
14.	Overdevelopment of the site, height, mass and scale.	Section 10.14 – 10.21.
15.	Pressure on additional services and utilities in the area from additional residential units.	If the proposals were otherwise acceptable, the development would be CIL liable as set out in section 11.
16.	No consultation with local residents by the developer.	Noted. Whilst this is encouraged, the Council has carried out formal notification of the planning application as set out above.
17.	Conflict with development plan policies.	Section 10 contains a full assessment of the application in accordance with relevant development plan policies.
18.	Poor quality of accommodation on a cramped site.	Section 10.2 – 10.9.
19.	No account of biodiversity net gain or other areas of sustainability.	Section 10.12 – 10.13 and 10.35 – 10.36.
20.	Lack of green space for this quantity of dwellings.	Section 10.14 – 10.21.
21.	Possibility of the current dwelling serving as a bat roost.	Section 10.35 – 10.36.

22.	Site is not designated in the Local Plan for residential development.	Noted. However, this does not preclude the submission of a planning application for the redevelopment of the site.
23.	Application 22/01901/FULL for the development of five detached houses at land to the rear of 49 to 53 and 47 Courthouse Road.	Noted. However, each application is considered on its merits at the time of submission, in accordance with relevant development plan policies.
24.	Refuse collection would disrupt traffic flow.	The application has not been submitted alongside a refuse and service strategy. The impact on the highway network forms a recommended reason for refusal.
25.	Although not a validation requirement, a major development of this size should have accompanying reports to thoroughly assess the impacts of the proposal.	Noted.
26.	Noise disruption during works.	Control of noise during construction work would be covered by Environmental Health legislation.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	Objection.	Section 10.34.

Consultees

Given the lack of supporting documents submitted with the planning application, full consultation with internal departments was not carried out.

Consultee	Comment	Where in the report this is considered
RBWM Highways	Objection.	Section 10.28 – 10.33.
NatureSpace	No objection with regard to great crested newts.	N/A.
Thames Water	No objection, subject to recommended condition.	N/A.
Environmental Protection	No objection, subject to recommended condition.	Section 10.26 – 10.27.

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Principle of the proposed use;
- ii Affordable Housing;
- iii Climate Change and Sustainability;
- iv Design and Character;
- v Impact on amenity;

- vi Parking and Highways Impacts; and,
- vii Other Material Considerations.

Proposed use

- 10.2 Policy HO1 of the BLP commits to providing at least 14,240 new dwellings in the plan period up to 2033 that will focus on existing urban areas and the allocations listed within the policy and as shown on the Proposals Map. The continued and intensified residential use on the site would be supported in principle, subject to demonstrating that the proposals would represent an acceptable standard of residential accommodation.
- 10.3 In order to ensure compliance with policy HO2 which seeks to ensure that new homes contribute to meeting the needs of current and projected households, if the proposals were otherwise acceptable, a condition would be recommended to secure 30% of the dwellings to be delivered as accessible and adaptable dwellings in accordance with Building Regulations M4(2), and 5% of the dwellings to meet the wheelchair accessible standard in Building Regulations M4(3).
- 10.4 Policy HO2 sets out that the provision of new homes should contribute to meeting the needs of current and projected households and provide an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence as set out in the Berkshire SHMA 2016, or successor documents. The proposal would provide for 20 residential units in the form of 14 x 1 bedroom units and 6 x 2 bedroom units. The provision of smaller units and the overall mix is acceptable.
- 10.5 Policy QP3 of the BLP seeks to ensure that all new residential units provide for a satisfactory standard of accommodation, including adequate living space and both a quality internal and external environment. The Borough Wide Design Guide sets out a number of criteria in order to secure this.
- 10.6 The proposed units would all meet the required internal space standards, with ventilation provided in the form of openings. However, this is not the only criteria for assessing the quality of the proposed residential units. Principle 7.4 of the Borough Wide Design Guide sets out that dual aspect accommodation will be strongly encouraged for all types of development to facilitate cooling of internal spaces through natural airflows. Single aspect development that relies on air conditioning to keep internal spaces cool will be strongly resisted. Principle 8.3 is also relevant and sets out that occupants of new dwellings should be provided with good quality daylight and sun access levels to habitable internal rooms and external spaces, with dual aspect dwellings strongly encouraged. Where single aspect dwellings are proposed, developers should demonstrate how good levels of ventilation, daylight and sun access will be provided to habitable spaces. Single aspect residential units that are north facing should be avoided.
- 10.7 Of the 20 units proposed, 10 of the units are single aspect, of which four are north east facing and five are located within approximately 10m of openings to 69a Courthouse Road. With regard to single aspect units, this represents 50% of the units, which for a new build such as this cannot be justified and considered to be an acceptable standard of residential accommodation. Furthermore, no information has been provided on the level of daylight/sunlight to the proposed units as part of the submission in order to demonstrate that they would provide for an acceptable standard of residential accommodation. Reference has been made by the applicant to planning application ref. 22/00854/FULL at 87 - 89 High Street, Maidenhead, which granted planning permission for the addition of a first and second floor to the rear to provide 5 x 1 bedroom flats and 1 x 2 bedroom flat with communal bin store and entrance at ground floor level via Nicolson's Lane of which one unit would be single aspect and north west facing. This is noted; however, each application is considered on its merits at the time of submission, in accordance with relevant development plan policies. Application ref. 22/00854/FULL sought to extend an existing building and as such it is accepted that there are site constraints which must be taken into consideration. With regard to the current application, there are different site constraints here and a wholly new-build development should seek to provide for the highest quality of residential accommodation in line with the Borough Wide Design Guide. The approval of a single north west facing unit in application ref. 22/00854/FULL would not therefore provide justification for this proposed scheme.

- 10.8 With regard to amenity space, the Borough Wide Design Guide SPD states that flats will be expected to be provided with their own balconies that should be at least 2m deep and wider than their depth and provide for a minimum of 5sq.m for 1-2 person homes and 1sq.m for each additional person. With regard to communal space, it is stated that a minimum of 10sqm of communal outdoor amenity space per flat must be provided. The plans show that all units would have terraces which meet the required size; however, 12 of the terraces are approximately 1.6m deep only and therefore do not meet the requirements within principle 8.5 of the Borough Wide Design Guide. Furthermore, whilst a small area of communal space is proposed at lower ground floor level, this falls short of the 200sq.m that would be required to accord with the Design Guide and its nature and location would not be conducive as amenity space but would simply comprise a strip of landscaping.
- 10.9 Taking the development as a whole, given the high number of single aspect units, including their orientation, the lack of information to demonstrate that appropriate levels of light would be provided for the residential units in this context, the lack of privacy to future occupiers from 69a Courthouse Road given the close relationship and the nature of the amenity space, the submission fails to demonstrate that the development would provide for an acceptable standard of residential accommodation, contrary to Policy QP3 of the BLP and the guidance contained in the Borough Wide Design Guide.
- 10.10 With regard to the proposed retail units (Class E), policy TR6 of the BLP sets out that main town centre uses such as this, must be located within the centres defined in the hierarchy of centres where sites are suitable, viable and available. Planning applications for main town centre uses which are neither in a defined centre nor in accordance with the policies of the BLP will be subject to the Sequential Test. Where suitable and viable in-centre sites are not available, edge of centre locations must be considered. If suitable and viable edges of centre sites are not available, out of centre sites should be considered. When considering edge of centre and out of centre sites, preference will be given to accessible sites that are well-connected to the centre. With specific reference to retail development, policy TR6 sets out that outside the defined centres, retail development (including subdivision of existing retail units or widening the range of goods allowed to be sold) will be resisted unless: a. the proposal passes the sequential test outlined above, or b. is intended to meet a particular local need that occurs only in a specific location.
- 10.11 The site is not located within a defined centre in the BLP and the application would provide for two retail units of 270sqm (Unit A) and 268sqm (Unit B), totalling 538sqm. This would equate to an uplift of 409.1sqm and the introduction of a retail use on the site. No detail has been provided as part of the planning application with regard to the sequential test referenced above in order to demonstrate that this poorly accessible area in highway terms, is appropriate for the introduction of such a use, that there is a particular local need, or that it would not have a detrimental impact on the viability and vitality of the existing commercial uses in the surrounding area. The proposal, therefore, fails to comply with Policy TR6 of the BLP. Policy TR7 of the BLP relates to protecting and enhancing the function of existing shops and parades outside defined centres and as set out above, the application also fails to address the impact on the existing shopping parade in the immediate vicinity contrary to the requirements of this policy.

Climate change and sustainability

- 10.12 New development is expected to demonstrate how it has incorporated sustainable principles into the development including, construction techniques, renewable energy, green infrastructure and carbon reduction technologies as set out in Policy SP2 of the BLP that requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change.
- 10.13 A Sustainability and Energy Statement has not been submitted as part of the planning application. This is required in order to demonstrate how the requirements of the Interim Sustainability Position Statement can be met and in the absence of this information, it is not possible to assess how the development adapts to and mitigates climate change or to calculate any potential carbon off-set financial contribution for the development which would be secured through a legal agreement. The proposal, therefore, fails to comply with Policy SP2 of the BLP.

Design and Character

- 10.14 The appearance of the development is a material planning consideration. Policy QP3 of the BLP seeks to ensure that new development will be of a high quality and sustainable design that respects and enhances the local, natural or historic character of the area paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing, proportions, trees, biodiversity, water features enclosure and materials.
- 10.15 Policy QP3 is consistent with the objectives of Section 12 of the NPPF (2021) which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The NPPF further states at paragraph 126 that good design is a key aspect of sustainable development. The Borough Wide Design Guide is also relevant to this application and is consistent with national and local policy in relation to the character and appearance of a development.
- 10.16 Principle 7.6 of the Borough Wide Design Guide is relevant and sets out that new development should reflect and integrate well with the spacing, heights, bulk, massing and building footprints of existing buildings, especially when these are local historic patterns. The council will resist proposals where the bulk, scale and mass adversely impacts on the streetscene, local character or neighbour amenities.
- 10.17 The existing site comprises a one and a half storey brick built building fronting St Marks Crescent, together with a two storey building which sits behind it along the eastern boundary and a centrally located detached two storey gable ended residential dwelling. All buildings on the site are traditionally detailed and proportioned and given the size of the site, it is largely open with the two storey buildings set back within it. The character of the surrounding area is that of predominantly two storey, brick built buildings which sit comfortably within their setting. The roof forms seen in the area are that of hipped roofs or gable ended properties. Where modest infills have taken place, they are contextual and responsive to this local character.
- 10.18 The proposed building, which is the subject of the planning application, would be three storeys in height extending across the full width of the site fronting St Marks Crescent incorporating flat roof sections, mansards and gable detailing. The building would follow the building line of the parade to the west at ground floor level, with the central section set forward by approximately 0.9m at first and second floor levels. To the rear, the built form would extend approximately 40m into the site. The density of the proposed development, taking into account both the built form and significant areas of associated hardstanding which offers little scope for adequate and meaningful landscaping, would not be in keeping with the character of the area and would result in overdevelopment of the site.
- 10.19 Whilst the ridge height of the flat roof sections either side of the main central gables, would match that of the adjoining parade to the west, the proposed building would take the form of a mansard roof which adds to the overall bulk of the building as is not a typical roof form found in the surrounding area. Furthermore, it would sit approximately 2.56m higher than the buildings to the east and the central portion would be approximately 1.4m higher than the parade to the west, with louvered screens proposed behind to provide screening for an area of proposed plant and lift overrun which sits higher than the ridge line. This bulk and scale, together with the overly complicated and out of keeping mix of roof lines, form and styles (flat roof, gables, mansards) visible from the front, side and rear elevations, would result in a contrived form of development that would appear incongruous and which would be overly dominant in the streetscene.
- 10.20 With regard to materials, Principle 7.9 of the Borough Wide Design Guide sets out that architectural detailing should be used to create attractive buildings that positively contribute to the character and quality of an area. Buildings that employ architectural detailing that is unattractive, low quality or is not honest or legible will be resisted. The proposed building would incorporate shopfronts at ground floor level, with brickwork and rendering to the ground, first and part second floors. Whilst the use of brickwork and render is contextual, the proposal would also incorporate metal cladding to the second floor walls. The use of metal cladding is not found within the

material palette in the surrounding area and this, together with the overall bulk and massing of the building, would exacerbate the resultant harm to the surrounding streetscene.

- 10.21 The proposed development, given the scale of built form and associated hardstanding, together with the overall height of the building and contrived design, would result in a cramped form of development that is out of keeping with the established character of the immediate and wider context of the surrounding area. This, together with the use of metal cladding, which is out of keeping with the surrounding material palette, would result in a proposal which fails to respect or make a positive contribution to the local character and appearance of the street scene/townscape, contrary to Policy QP3 of the BLP and the guidance contained in section 7 of the Borough Wide Design Guide.

Amenity

- 10.22 Policy QP3 of the BLP requires new development to have regard to a number of design principles. Policy QP3 (m) requires development proposals to demonstrate that there would be no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight” which echoes the objectives of paragraph 130(f) of the NPPF (2021) a consideration to be given significant weight, and states developments should “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.
- 10.23 The application site is located within an established residential setting where there are a number of properties to the rear and side boundaries. The proposed building would result in a significant amount of additional bulk across the site on what is currently largely open land. In this context, and in the absence of a daylight and sunlight report which addresses the potential impact of this built form on the daylight and sunlight to properties along Courthouse Road, in particular 67 and 69a and the parade of buildings to the north west, it has not been demonstrated that the proposals would not result in material harm to the living conditions of existing surrounding occupiers in terms of loss of light.
- 10.24 Principle 8.1 of the Borough Wide Design Guide sets out that developments which provide a poor level of privacy for their occupants, or which have a significant adverse effect on the privacy of neighbouring properties will be resisted. A minimum distance of 20m is this Council's generally accepted guideline for there to be no material loss of privacy between the rear of two storey buildings directly facing each other (i.e. a back to back relationship). For two storey rear to side relationships, it may be possible to reduce this separation distance to 15m.
- 10.25 The proposed building would be located approximately 10m from the rear elevation of 69a Courthouse Road, with openings to habitable rooms and associated terraces in this location. Given the close proximity of the proposed building to this residential dwelling, the proposals would result in material and unacceptable loss of privacy and an increased sense of enclosure to the occupiers of this building. As such, the proposals are contrary to policy QP3 of the BLP and the guidance contained in section 7 of the Borough Wide Design Guide. To the rear elevation, whilst openings to habitable rooms are proposed, given the relationship with surrounding properties, these openings would overlook rear gardens only and in the context of a residential area where there is an established degree of mutual overlooking between properties, this relationship is acceptable when considering the impact of the development on privacy and increased sense of enclosure. To the north west, the form and design of the building along the boundary is such that together with the commercial use, it would ensure that there would be no material harm to living conditions. Furthermore, given the angle and separation distances to the parade of shops to the north west and the form of the building which steps back in height, there would be no material harm to the living conditions of these properties in terms of privacy or increased sense of enclosure.
- 10.26 Policy EP4 of the BLP is also relevant and requires development proposals to consider the noise and quality of life impact on existing nearby properties and also the intended new occupiers in order to ensure that they would not be subject to unacceptable levels of harm. If the proposals were otherwise acceptable, given the location within proximity of commercial uses, a condition

would be recommended to secure further detail of the measures to be taken to address noise mitigation measures for future occupants and details of any plant. Conditions have been recommended by Environmental Protection regarding construction works; however, these would be covered by environmental health legislation.

- 10.27 Policy EP5 of the BLP seeks to ensure that development proposals such as this do not result in contamination to local land and water. Given the nature of the proposals, if they were otherwise acceptable, a condition would be recommended to secure the provision of remediation measures prior to commencement of the development and to secure appropriate mitigation actions throughout the development.

Highway safety

- 10.28 Policy IF2 of the BLP requires new development to be located close to offices and employment, shops and local services and facilities and provide safe, convenient and sustainable modes of transport as well as development proposals demonstrating how they have met a range of criteria including being designed to improve accessibility to public transport, to be located so as to reduce the need for vehicular movements and to provide cycle parking in accordance with the Parking Strategy. Policy IF2 is consistent with the overarching objectives of Section 9 of the NPPF which seeks similar goals in seeking to ensure development proposals maximise and promote opportunities for sustainable transport modes.
- 10.29 The application site is located on the south side of St Marks Crescent, directly opposite a zebra crossing and to the west of the junction with Courthouse Road. To the northern side of St Marks Crescent there is a bus stop, a shelter, seating and raised kerbs. The area is served by a bus route which runs an hourly service between Maidenhead Town Centre and Cranbrook Drive, via Furze Platt, Halifax Road and St Marks Hospital. On the local highway network, whilst there are various areas of unrestricted parking within walking distance of the site, in the immediate area, on-street parking is largely prohibited by double yellow lines, time limited or permissible to permit holders. There are various areas of unrestricted parking within walking distance to the site. Located 2.2km west of Maidenhead Station and a similar distance to the town centre, for the purposes of the highways assessment of the proposals, based on the Boroughs Parking Strategy (2004), the site is considered to be within a location of poor accessibility. The application has not been submitted alongside any supporting information with regard to the impact of the development on the local highway network.
- 10.30 The proposals for 14 x 1 bedroom units and 6 x 2 bedroom units would generate a demand for 26 car parking spaces and with a combined floor area of 538 sqm and a tradeable area of 353 sqm, the retail use would equate to a demand for 12 spaces and 25 spaces for non-food retail and food retail use respectively. The submitted plans show the provision of 23 spaces at lower ground floor level, accessed via a ramp from St Marks Crescent. The proposals as submitted, in an area of poor accessibility, would not provide sufficient off-street parking to ensure that there would be no material harm to the safe and efficient operation of the surrounding road network. Furthermore, no information has been provided with the application in order to justify this provision and demonstrate that the local highway network could accommodate any displaced parking. The submission should be accompanied a Transport Statement or at the very least a Transport Technical Note, to address the highway matters raised above, and provide commentary and supporting details on the trips associated with both uses. On this basis, the application fails to comply with policy IF2 of the BLP and is contrary to paragraph 111 of the NPPF (2021).
- 10.31 With regard to cycle parking provision, 40 two-tier cycle racks are proposed. For flatted development such as this, provision should be made for non-standard cycles, i.e., tricycles and include 'Sheffield Type' stands. Furthermore, for two tier cycle parking the minimum separation distance between the stands should be 450mm. It has not therefore been demonstrated that sufficient and acceptable cycle provision would be provided for the development.

- 10.32 As referenced above, a new vehicular access would be provided to the site and the existing dropped crossing would be stopped up. To the south of St Marks Crescent between Courthouse Road to the east and Havelock Road in the west, is a permit parking area measuring approximately 35m. In this section, on-street parking is either timed restricted (parking for two hours, no return within four hours), or allowed for those with a permit. The proposed new access would be located within this parking area and would result in the loss of at least one car parking space. Based on the position of the vehicular access, which is bounded on both sides by parking to the east and west, the visibility splays achieved would not accord with the current standard set at 2.40m x 43m in both directions. Consequently, a driver exiting the site would not see or be seen by a driver proceeding along the highway. To achieve the required splays would require the removal of the on-street parking area further potentially displacing parking provision in the surrounding area.
- 10.33 The proposals have not been submitted alongside any supporting documents, including a refuse and servicing strategy for the development. As such, it has not been demonstrated that the refuse and servicing arrangements for both uses are acceptable and mitigates any impact on parking for both the existing residents in the area, shoppers and the servicing of the small parade of shops to the west.

Other material considerations

Flooding and Sustainable Urban Drainage

- 10.34 Policy NR1 of the BLP states that a sequential test for all development in areas at risk of flooding is required except for those allocated in the BLP or a Made Neighbourhood Plan. The site is not located within an area at risk of flooding; however, the application should be submitted alongside a Flood Risk Assessment (FRA) and Drainage Strategy in order to demonstrate how surface water flood risk would be addressed and mitigated if required. In the absence of this information, the application is contrary to policy NR1 of the BLP.

Ecology and Biodiversity

- 10.35 Policy NR2 of the BLP requires applications to demonstrate how they maintain, protect and enhance the biodiversity of application sites and avoid impacts, both individually or cumulatively, on species and habitats of principal importance. The application has not been submitted alongside an Ecological Assessment and as such the application fails to demonstrate that the development of the site would have an acceptable impact on local ecology, contrary to policy NR2 of the BLP.
- 10.36 Paragraph 175 of the NPPF states that “opportunities to incorporate biodiversity improvements in and around developments should be encouraged”. Policy NR2 of the BLP also requires proposals to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance. Where opportunities exist to enhance designated sites or improve the nature conservation value of habitats, for example within Biodiversity Opportunity Areas or a similar designated area, they should be designed into development proposals. Development proposals will demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric. A biodiversity net gain assessment has not been submitted with the application and in the absence of this, the application is contrary to policy NR2 of the BLP.

Trees

- 10.37 Policy NR3 of the BLP states that development proposals should carefully consider the individual and cumulative impact of proposed development on existing trees, woodlands and hedgerows, including those that make a particular contribution to the appearance of the streetscape and local character/distinctiveness.

10.38 At the time of the submission, the site has been cleared and there are no trees on the site. The trees which have been removed were not the subject of a tree protection order and the site is not located within a conservation area. Accordingly, the removal of trees and planting on the site does not need consent from the Council. As such, whilst the application is not supported by any arboricultural assessment or other tree information for the site and surrounding area, in this context, this would not result in a refusal of the application and if the proposals were otherwise acceptable, conditions would be recommended to secure appropriate landscaping for the site.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

11.1 The proposed residential portion of the development is CIL liable. The CIL Charging Schedule sets a rate of £100.00 per sq.m. This would be chargeable for the increase in GIA floorspace.

12. PLANNING BALANCE

12.1 Given that the Council can demonstrate that a five-year housing supply is available, there is no requirement to apply the tilted balance approach in line with the context of the NPPF.

12.2 In accordance with the requirements of the NPPF, the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004, the benefits and harms of the development proposals as a whole must be considered and balanced in reaching a decision and applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Statutory duties and national guidance must be adhered to.

12.3 The proposed development by reason of its design and form, together with the lack of supporting documents, is contrary to a number of development plan policies as set out in section 10 of this report. Notwithstanding this, it is accepted that the proposal would provide for 18 additional residential units of which six would be affordable and would be secured through a legal agreement if the proposals were otherwise acceptable.

12.4 Weight to be attributed to the benefits of the scheme is a matter for the decision maker. Whilst the provision of 18 additional residential units, including six affordable, would be a benefit associated with the development, the overall poor quality of the residential accommodation together with identified failings to comply with relevant development plan policies, even when taking into consideration the benefits of the scheme in terms of the provision of aforementioned residential units, it is not considered that this is of sufficient weight and importance to overcome the identified harm.

12.5 There are no conditions that would meet the tests for conditions set out in the NPPF that would overcome the concerns outlined above and enable planning permission to be granted. As such, the recommendation is for the refusal of the application

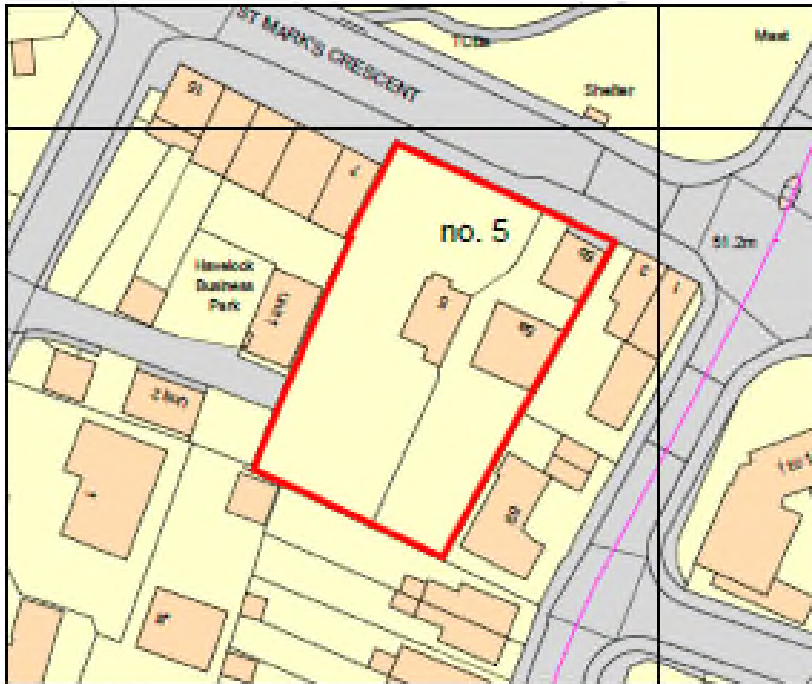
13. APPENDICES TO THIS REPORT

•	Appendix A - Site location plan
•	Appendix B – Block plan
•	Appendix C – Proposed lower ground floor plan
•	Appendix D – Proposed ground floor plan
•	Appendix E – Proposed first floor plan
•	Appendix F – Proposed second floor plan
•	Appendix G – Proposed roof plan
•	Appendix H – Proposed east and north elevations
•	Appendix I – Proposed south and west elevations
•	Appendix J – Proposed section and west elevation through ramp

14. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

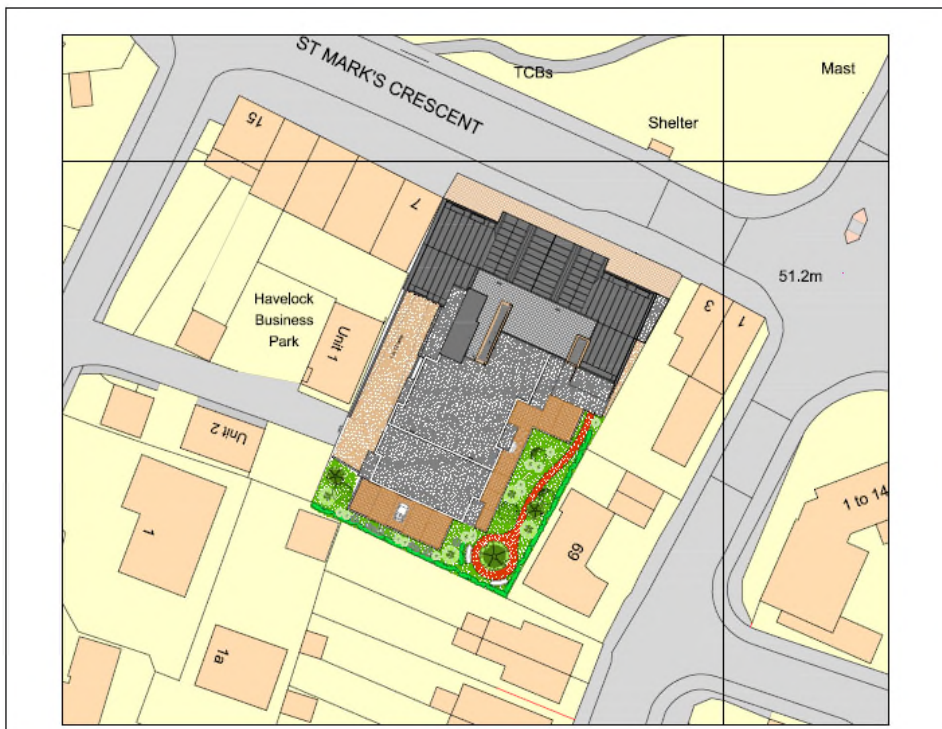
- 1 In the absence of a completed legal agreement to secure the required affordable housing, the application fails to provide affordable housing which would meet the needs of the local area. As such, the proposals are contrary to policy HO3 of the Borough Local Plan.
- 2 The proposed residential development, by reason of the number of single aspect units which include north facing units, lack of privacy, lack of adequate amenity space and lack of information to demonstrate adequate light to habitable rooms, would fail to provide an acceptable quality of residential accommodation for future occupants. As such, the proposal is contrary to policy QP3 of the Borough Local Plan and the guidance contained in the Borough Wide Design Guide.
- 3 The site is located outside of a defined centre and the application fails to demonstrate through the submission of a requisite Sequential Test that a proposed retail use of this scale would be appropriate in this location, that there is a particular local need, and that it would not have a detrimental impact on the viability and vitality of existing commercial uses in the surrounding area. As such, the proposal is contrary to policies TR6 and TR7 of the Local Plan.
- 4 In the absence of a Sustainability Statement, the application fails to demonstrate that the development adapts to and mitigates climate change and to calculate and secure any potential carbon off-set financial contribution for the development through a completed legal agreement. As such, the proposal is contrary to policy SP2 of the Borough Local Plan and the guidance contained in the Interim Sustainability Position Statement.
- 5 The proposed development, given the scale of built form and associated hardstanding, together with the overall height of the building and contrived design, would result in a cramped form of development that is out of keeping with the established character of the immediate and wider context of the surrounding residential area. This, together with the use of metal cladding which is out of keeping with the surrounding material palette, would result in a proposal which fails to respect or make a positive contribution to the local character and appearance of the street scene/townscape, contrary to Policy QP3 of the BLP and the guidance contained in section 7 of the Borough Wide Design Guide.
- 6 The proposed development would by reason of the level of off street car parking and cycle provision in an area of poor accessibility, the position of the proposed vehicular access and the associated loss of on street parking spaces to provide the requisite visibility splays, and the absence of a refuse and servicing strategy, fail to demonstrate that the proposals would not result in material harm to the safe and efficient operation of the surrounding highway network and the displacement of parking in the surrounding area. Together with the absence of supporting information in relation to the highways impact of the proposed development, the proposals are contrary to policy IF2 of the Borough Local Plan and paragraph 111 of the NPPF (2021).
- 7 In the absence of a daylight and sunlight assessment, the application fails to demonstrate that the additional built form on the site would not result in a material loss of light to neighbouring properties and the bulk, layout and separation distance would result in material loss of privacy and increased sense of enclosure to occupants of 69a Courthouse Road. The proposal therefore fails to comply with Policy QP3 of the Borough Local Plan and the guidance contained in the Borough Wide Design Guide.
- 8 In the absence an Ecological Appraisal and the provision of biodiversity enhancements, the application fails to demonstrate that the proposal would not have an adverse ecological impact on protected species and local biodiversity. The proposal, therefore, fails to comply with Policy NR2 of the Borough Local Plan and section 15 of the National Planning Policy Framework.
- 9 In the absence of a Flood Risk Assessment and Drainage Strategy, it has not been demonstrated that the proposals adequately address surface water flood risk and mitigation if required. As such, the proposal is contrary to policy NR1 of the Borough Local Plan.

Appendix A – Site location plan



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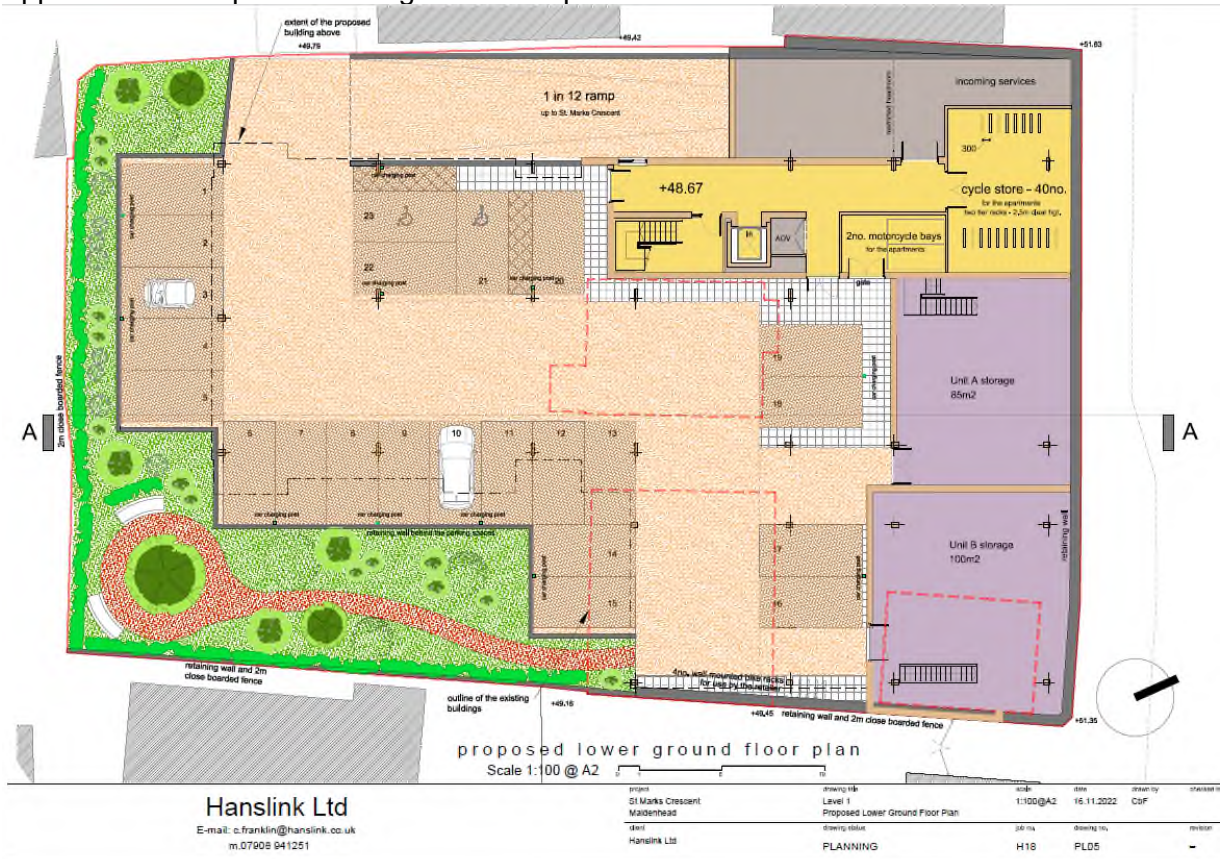
Appendix B – Block plan



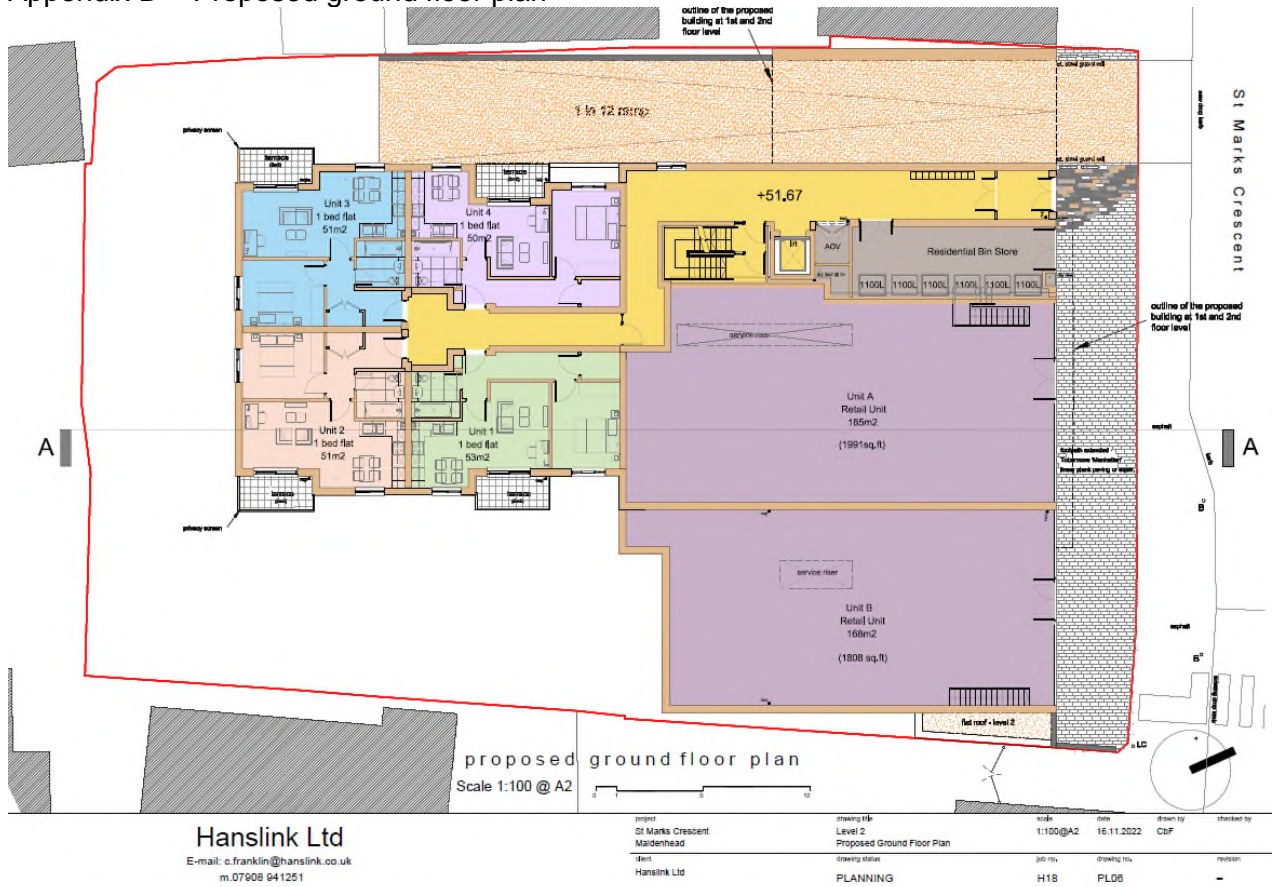
block plan - proposed scheme

Scale 1:500 @ A3 0 10 20 30 40 50

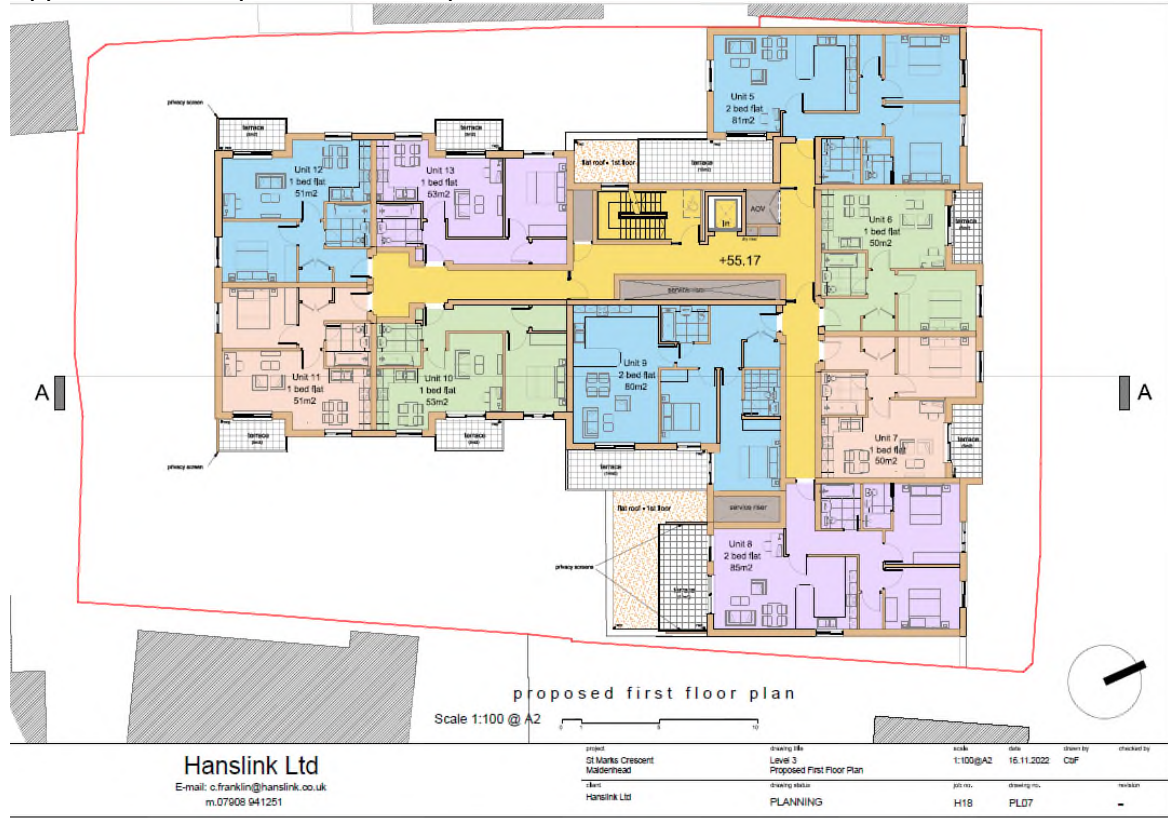
Appendix C – Proposed lower ground floor plan



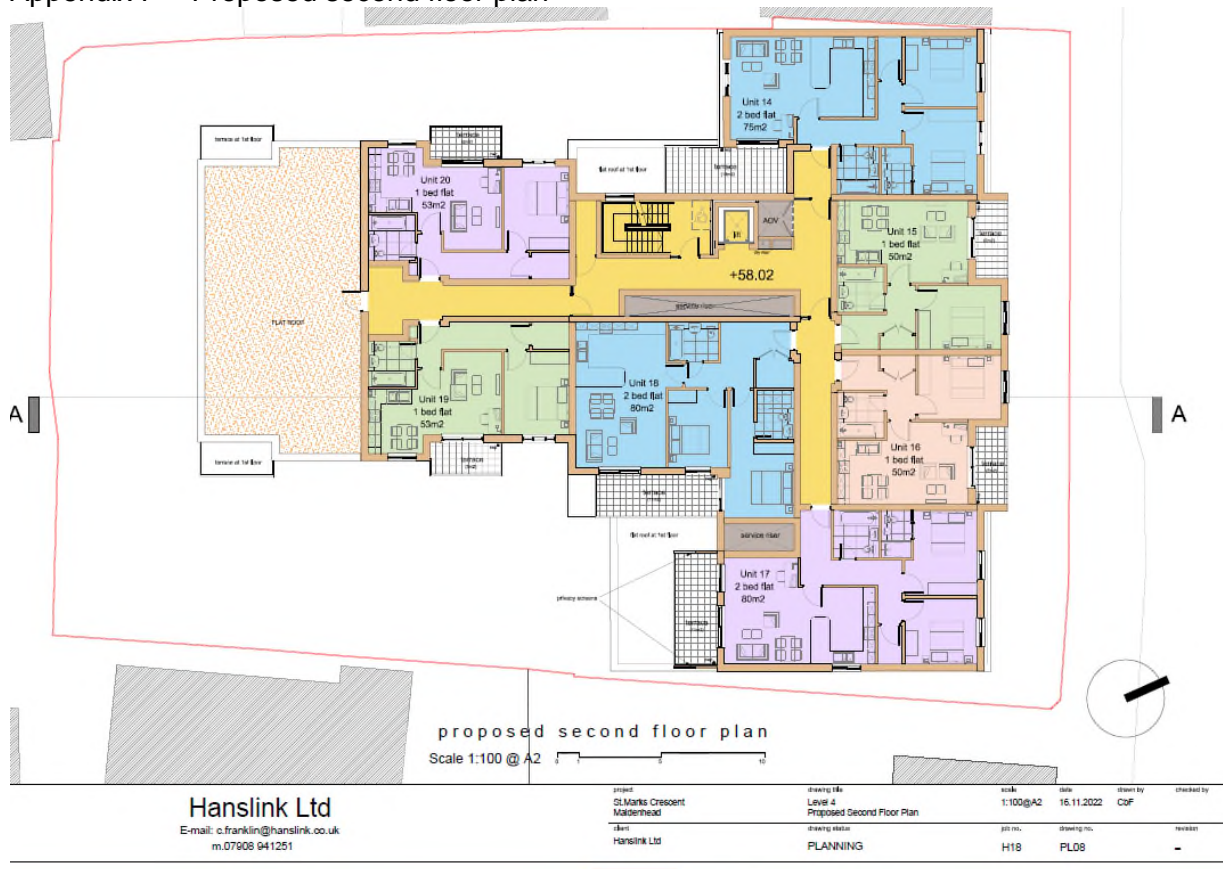
Appendix D – Proposed ground floor plan



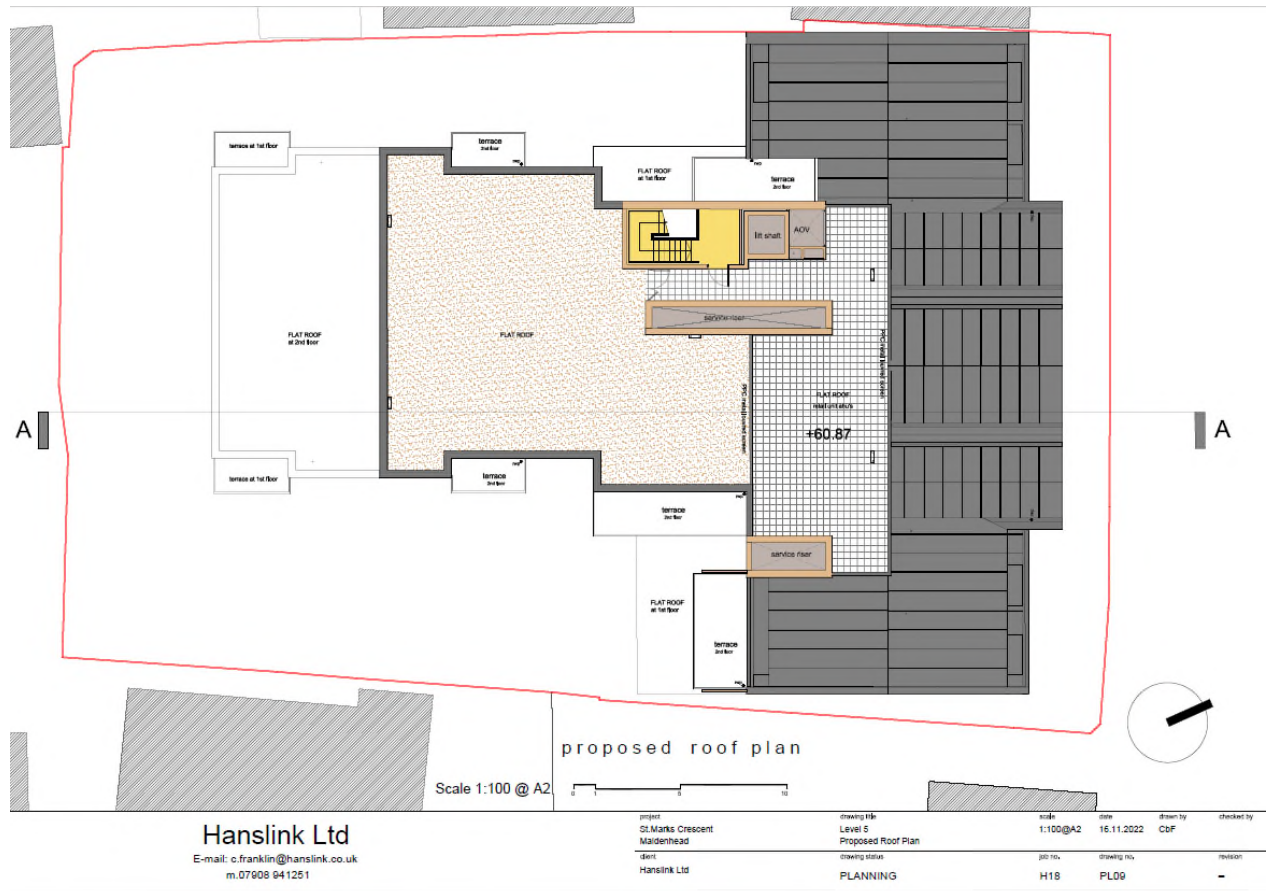
Appendix E – Proposed first floor plan



Appendix F – Proposed second floor plan



Appendix G – Proposed roof plan



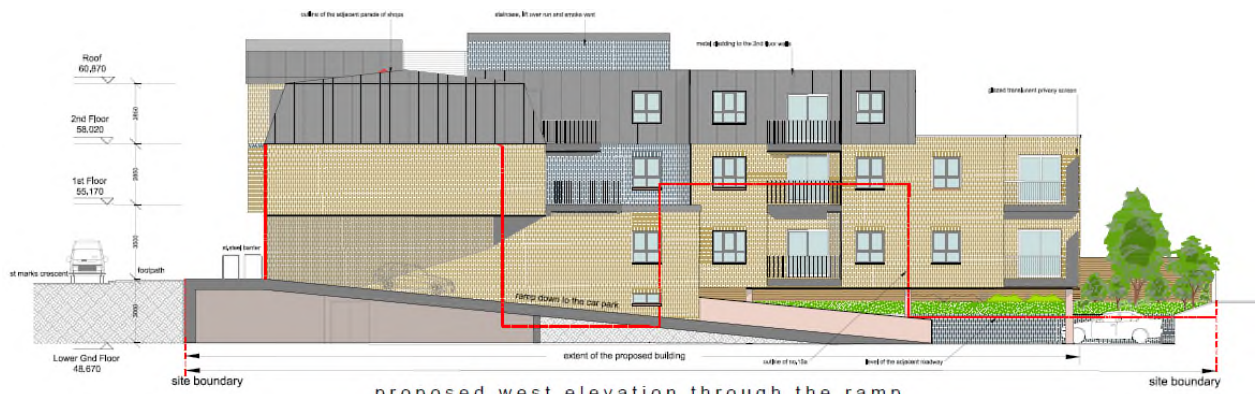
Appendix H – Proposed east and north elevations



Appendix I – Proposed south and west elevations



Appendix J – Proposed section and west elevation through ramp



proposed west elevation through the ramp



proposed section

Scale 1:100 @ A2

Hanslink Ltd

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project
5 St Marks Crescent
Maldenhead GL6 5DA
client
Hanslink Ltd

drawing title
Proposed Section and
West Elevation through the ramp
drawing status
PLANNING

scale
1:100@A2

date
15.11.2022

drawn by
CdF

checked by

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Agenda Item 7

Planning Appeals Received

3 February 2023 - 3 March 2023

Maidenhead

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

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

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

Ward:
Parish: Cookham Parish
Appeal Ref.: 23/60019/COND **Planning Ref.:** 22/02242/VAR **Plns Ref.:** APP/T0355/W/22/3310262
Date Received: 7 February 2023 **Comments Due:** 14 March 2023
Type: Appeal against conditions imposed **Appeal Type:** Written Representation
Description: Variation (under Section 73A) of approved plans to substitute those plans approved under 04/41928/FULL for the construction of two storey side extension with front and rear dormers and further two dormers to front and one to rear of existing roof and new porch canopy amendment to approved planning permission 03/41093 with amended plans.
Location: **Dawn Chorus Poundfield Lane Cookham Maidenhead SL6 9RY**
Appellant: Mr & Ms Oliver/Murphy **c/o Agent:** Mr Chris Palomba JSA Architects Ltd Middle Shop Waltham Road Maidenhead SL6 3NH

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 23/60020/REF **Planning Ref.:** 22/02528/FULL **Plns Ref.:** APP/T0355/D/22/3313680
Date Received: 9 February 2023 **Comments Due:** N/A
Type: Refusal **Appeal Type:** Fast Track Appeal
Description: Two storey front/side extension and alterations to fenestration.
Location: **11 Mallow Park Maidenhead SL6 6SQ**
Appellant: Mr Anthony **c/o Agent:** Mr Joshua Harrison Cohanim Architecture 207 Regent Street 3rd Floor London W1B 3HH

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 23/60021/REF **Planning Ref.:** 22/02514/FULL **Plns Ref.:** APP/T0355/D/22/3312635
Date Received: 9 February 2023 **Comments Due:** N/A
Type: Refusal **Appeal Type:** Fast Track Appeal
Description: x1 first floor rear dormer.
Location: **18 Gloucester Road Maidenhead SL6 7SN**
Appellant: Mrs Butt **c/o Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead SL6 5EY

Ward:
Parish: Bisham Parish
Appeal Ref.: 23/60025/ENF **Enforcement Ref.:** 21/50071/ENF **Plns Ref.:** APP/T0355/C/23/3315118
Date Received: 9 February 2023 **Comments Due:** 23 March 2023
Type: Enforcement Appeal **Appeal Type:** Written Representation

Description: Appeal against THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL Without planning permission: a) Erection of a means of enclosure comprising fencing and gates; b) Erection of a building.

Location: **Pound Meadow Temple Lane Bisham Marlow SL7 1SA**

Appellant: Mr C Stonnell Of Green Tiles, 4A Chestnut, Avenue, High Wycombe HP11 1DJ.

Ward:

Parish: Cookham Parish

Appeal Ref.: 23/60027/REF **Planning Ref.:** 22/01806/FULL **Plns Ref.:** APP/T0355/D/22/3308994

Date Received: 13 February 2023 **Comments Due:** N/A

Type: Refusal **Appeal Type:** Fast Track Appeal

Description: New dual pitched roof above the existing single storey element on the South East elevation with accommodation in the roof space and alterations to fenestration and to external finishes/materials, following demolition of the existing single storey element on the South West elevation and part demolition of the existing single storey element on the South East elevation.

Location: **Hill Grove Farm Bradcutts Lane Cookham Dean Maidenhead SL6 9AA**

Appellant: Mr Burton Hill Grove Farm Bradcutts Lane Cookham Dean Maidenhead SL6 9AA

Ward:

Parish: Maidenhead Unparished

Appeal Ref.: 23/60024/REF **Planning Ref.:** 22/01091/FULL **Plns Ref.:** APP/T0355/D/22/3312018

Date Received: 16 February 2023 **Comments Due:** N/A

Type: Refusal **Appeal Type:** Fast Track Appeal

Description: Single storey extension to the West elevation.

Location: **1 Simpson Close Maidenhead SL6 8RZ**

Appellant: Ms Tahira Javed 1 Simpson Close Maidenhead SL6 8RZ

Ward:

Parish: Maidenhead Unparished

Appeal Ref.: 23/60028/REF **Planning Ref.:** 22/00549/OUT **Plns Ref.:** APP/T0355/W/22/3305641

Date Received: 22 February 2023 **Comments Due:** 29 March 2023

Type: Refusal **Appeal Type:** Written Representation

Description: Outline application with all matters reserved for new front entrance canopies, single storey wrap-around extensions (front, side and rear), new first floors to numbers 39 and 41 and construction of x2 dwellings.

Location: **Land At 39 To 41 And 39 To 41 North Town Road Maidenhead**

Appellant: Mr Stephen Innes 13 Mill Mead Wendover Aylesbury HP22 6BY

Ward:

Parish: Maidenhead Unparished

Appeal Ref.: 23/60029/REF **Planning Ref.:** 22/02329/OUT **Plns Ref.:** APP/T0355/W/22/3313492

Date Received: 22 February 2023 **Comments Due:** 29 March 2023

Type: Refusal **Appeal Type:** Written Representation

Description: Outline application with all matters reserved for new front entrance canopies, single storey wrap-around extensions (front, side and rear), new first floors to numbers 39 and 41 and construction of 1no. dwellings.

Location: **Land At 39 To 41 And 39 To 41 North Town Road Maidenhead**

Appellant: Mr Stephen Innes **c/o Agent:** Mr Chris Hall 48 Beacon Hill Dormansland RH7 6RH

Ward:

Parish: Bray Parish

Appeal Ref.: 23/60030/REF **Planning Ref.:** 22/02392/FULL **Plns Ref.:** APP/T0355/D/23/3314952

Date Received: 28 February 2023 **Comments Due:** N/A

Type: Refusal **Appeal Type:** Fast Track Appeal

Description: Part single/part two storey side/rear extension and alterations to fenestration following demolition of existing element.

Location: **246 Windsor Road Maidenhead SL6 2DT**

Appellant: Mr And Mrs Hunt 246 Windsor Road Maidenhead SL6 2DT

Ward:
Parish: Bray Parish
Appeal Ref.: 23/60031/REF **Planning Ref.:** 22/00956/FULL **Plns Ref.:** APP/T0355/W/22/
3310944
Date Received: 1 March 2023 **Comments Due:** 5 April 2023
Type: Refusal **Appeal Type:** Written Representation
Description: New detached garage - retrospective.
Location: **59 Windsor Road Maidenhead SL6 2DN**
Appellant: Mr Tim Watson 59 Windsor Road Maidenhead SL6 2DN

Appeal Decision Report

3 February 2023 - 3 March 2023

MAIDENHEAD

Appeal Ref.: 22/60034/REF **Planning Ref.:** 16/03056/FULL **Plns Ref.:** APP/T0355/W/21/
3289347
Appellant: John Horwood Skips **c/o Agent:** Mr William Riley David Lock Associates 50 North Thirteenth
Street Milton Keynes MK9 3BP
Decision Type: Committee **Officer Recommendation:** Application
Permitted
Description: Expansion of existing permitted capacity at Kimbers Lane from 5000 tonnes of inert waste to
25000 tonnes of inert, household, commercial and industrial waste at Kimbers Lane, and the
erection of waste transfer building, office building, weighbridge and surrounding bund.
Location: **Storage Land Formerly Known As Waste Transfer Station Kimbers Lane Maidenhead**
Appeal Decision: Allowed **Decision Date:** 14 February 2023

Main Issue:

Appeal Ref.: 22/60049/REF **Planning Ref.:** 22/00974/FULL **Plns Ref.:** APP/T0355/D/22/
3301858
Appellant: Mr And Mrs Holmes **c/o Agent:** Mr Sam Dodd Authorised Designs Ltd Suite 1 Hardy House
Northbridge Road Berkhamsted HP4 1EF
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: New detached carport with accommodation in the roof space and external staircase.
Location: **Two Ways Avenue Road Maidenhead SL6 1UG**
Appeal Decision: Dismissed **Decision Date:** 27 February 2023

Main Issue: The carport would be in a prominent location. Given the height of the proposed car port and
the additional massing of the proposed dormer windows, the proposal would project above
the boundary wall. As such, the spacious character of the surrounding area, particularly at
this corner location, would be harmfully diminished by the proposal. The proposal would
result in greater harm to the spacious character of the area than the fall-back scheme. The
proposed development would harm the character and appearance of the area. Therefore, it
would conflict with Policy QP3 of the Borough Local Plan 2013 - 2033.

Appeal Ref.: 22/60072/REF **Planning Ref.:** 22/00361/FULL **Plns Ref.:** APP/T0355/W/22/3303278
Appellant: Mr R Potyka **c/o Agent:** Mr Jake Collinge JCPC Ltd 5 Buttermarket Thame OX9 3EW
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Construction of x6 detached and semi-detached dwellings with access, parking and amenity space, following demolition of the existing dwelling.
Location: **Land To The Rear of 49 To 53 And 47 Courthouse Road Maidenhead**
Appeal Decision: Dismissed **Decision Date:** 2 March 2023

Main Issue:

Appeal Ref.: 22/60075/REF **Planning Ref.:** 21/03662/FULL **Plns Ref.:** APP/T0355/W/22/3301903
Appellant: Mr Andrew Wilson Oakfield Star Lane Reading RG10 9XY **c/o Agent:** Mr. Andrew Wilson
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Erection of a detached double garage and car port following demolition of existing garage and storage shed.
Location: **Oakfield Star Lane Reading RG10 9XY**
Appeal Decision: Dismissed **Decision Date:** 2 March 2023

Main Issue:
