

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

23 November 2016

Item: 2

Application No.:	16/03024/VAR
Location:	Old Linkside Shoppenhangers Road Maidenhead SL6 2QD
Proposal:	Erection of 10 x 2 bed flats with access, parking, landscaping, and ancillary works following demolition of house of planning permission 14/00501 (allowed on appeal) without complying with condition 2 (approved drawings) to replace some of the approved drawings.
Applicant:	Silver Mount Investments Limited
Agent:	Mr Robert Lawrie
Parish/Ward:	Maidenhead Unparished/Oldfield Ward
If you have a question about this report, please contact: Victoria Gibson on 01628 685693 or at victoria.gibson@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application is seeking permission to vary the previously approved planning permission in order to allow some minor design changes to be made to the scheme. The proposed bulk and size of the development remains the same. The changes proposed include minor design changes to the roof form and fenestration details.
- 1.2 The previous application was approved at appeal as the Inspector considered that it would not harm the character and the appearance of the area, neighbouring amenity or highway safety. These minor design changes do not impact or alter the Inspector's conclusions. Neither have there been any material changes in policy which would result in a different decision being reached. Furthermore, given that the granting of this variation does not extend the amount of time the developer has to implement the permission it is not considered necessary to update the bat surveys.

It is recommended the Panel authorises the Head of Planning:

To grant planning permission with the conditions listed in Section 10 of this report and subject to the completion of a Deed of Variation to secure the necessary infrastructure improvements as agreed under application 14/00501.

To refuse planning permission if a satisfactory Deed of Variation is not completed by 15th December 2016, unless the Head of Planning and applicant have agreed an extension of time, for the reason that the proposal would put additional pressure on local infrastructure.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as the application being varied was previously refused permission by the Maidenhead Planning Panel but allowed at appeal; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 This site lies on the eastern side of Shoppenhangers Road and is set back from the edge of the road by a large grass verge. It is occupied by a 2 storey brick built house that is accessed via the access road to the north of the site that is off Shoppenhangers Road. To the rear of the site are three large flatted developments. To the south of the site is a development of detached houses within a cul-de-sac. The character of the area is predominately residential which due to its sustainable location has been extensively redeveloped with apartment blocks.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
14/00501	Erection of 10 x 2 bed flats with access, parking, landscaping, and ancillary works following demolition of house.	Permitted at Appeal 02.04.2015.
07/03284	Construction of 10 flats with parking.	Withdrawn 21.10.2008.

4.1 As previously approved, planning permission is sought to demolish the existing house and replace it with a block of 10 x 2 bed apartments. Vehicular access to the development will be from Shoppenhangers Road. The car parking area for 15 vehicles will be at the front of the site behind a wall that will form the west boundary. A bike and bin store are proposed within the north east corner just beyond the parking area. The entrance into the existing site off of the access road that lies to the north of the site will be for pedestrian use only.

4.2 The building's siting will be as approved which is no further forward than the neighbouring building, 'Broomfield', that lies to the north east of the application site. The overall depth of the building will be as approved which is around 26m and it will be 24m at its widest. It will also remain a 2.5 storey high building with a maximum height of 10.3m (excluding chimneys). The new building will have a traditional appearance to reflect the existing building; it will have a brick base, tile hanging and timber to the facades with a plain tiled roof.

4.3 The applicant is now seeking to vary the approved plans condition to allow the following minor changes to be made:

Front Elevation – 2 front dormers reduced in size, roof light repositioned, windows and doors slightly realigned, side dormer roof reduced, change to porch area and at second floor on the left hand gable the patio doors are no longer recessed.

South Elevation (side) - 2 triangular dormers removed and replaced with roof lights and one additional second floor window.

North Elevation (side) – Dormer window and 2 roof lights repositioned, insertion of one additional roof light and slight change to roof form towards rear of building. First floor window on the left hand side has been removed and one of the curved brick walls has been removed at ground floor level.

Rear Elevation – Dormer and roof light repositioned, additional roof light and ground floor window changed to a door. Boarding and render has been removed from the left hand gable and the doors with side lights at ground and first floor below the dormer have changed to doors with a brick pier and single window

Generally

First floor windows are shallower and glass balconies and privacy screens have been introduced.

Amended plans have been submitted at the request of officer denoting the windows that are to be obscure glazed as per the previously approved plans, and to also denote on the plans that the balcony screens will also be obscurely glazed. These plans also re-label the side elevations correctly.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 6 and 7.

Royal Borough Local Plan

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

	Within settlement area	Highways and Parking	Protected Trees
	✓	✓	✓
Local Plan	DG1, H10, H11	P4, T5	N6

These policies can be found at:

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

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at:
- RBWM Parking Strategy - view at:

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are all as considered by the appeal Inspector and a copy of his report is contained in appendix A. The changes referred to in paragraph 4.3 do not impact or change the Inspectors conclusions.
- 6.2 With regard to overlooking there is one additional window proposed in each side elevation. The additional roof light in the southern elevation would not result in any increased overlooking given that it is required by condition 17 to have a cill level no lower than 1.7m above finished floor level. The side window in the northern elevation results in no additional overlooking than the dormers previously approved that are now proposed to be replaced by roof lights. Furthermore there is no change to condition 17 which requires all first and second floor windows in the south elevation to have cill heights of at least 1.7m above finished floor level and for no additional windows to be inserted without the prior approval of the Local Planning Authority in either side elevation.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution. Given that there is no additional floor space proposed above what was previously approved under application 14/00501 there would in this instance be no tariff payable for this development. However, a deed of variation is to be completed in order to secure the developer contributions as per the original permission 14/00501.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

30 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 27th September 2016 application was advertised in the Maidenhead and Windsor Advertiser on 6th October 2016.

1 letter of objection has been received from the Linkside Residents Association. They maintain their original objection to the development regarding over development of the site, harm to amenities and highway concerns. With regard to the current changes objections are raised to the change of railings to glass panels on the balconies as they will now be more open, exposed and intrusive.

Other Consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection - as per application 14/00501.	Noted.
Trees	No objection - as per application 14/00501.	Noted.
Lead Local Flood Authority	No objections – the removal of this condition does not impact surface water drainage.	Noted.

9. APPENDICES TO THIS REPORT

- Appendix A - Inspectors appeal decision
- Appendix B - Site location plan and site layout
- Appendix C - Approved and Proposed Elevations

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have been successfully resolved.

10. CONDITIONS IF PERMISSION IS GRANTED.

1. The development hereby permitted shall be commenced by 2nd April 2017.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with following plans: 403-01, 403-02, 403-03, 403-04, 403-05, 403-06, 403-07, 167/03, 1100 rev D.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.
3. The development shall be carried out in accordance with the materials schedule (rev -) as submitted and approved under application 16/02829/CONDIT.
Reason: In the interests of the visual amenities of the area. Relevant Policy - Local Plan DG1
4. The development shall be carried and maintained in accordance with the agreed slab levels as shown on drawing 403-01 and approved under application 16/02829/CONDIT.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
5. For the purposes of this condition a 'retained tree' is one shown on drawing no. 1100 Rev D. The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the Method Statement for the protection of existing trees in the Tree Condition Survey by Goodger Design Associates before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Ground levels the protected areas shall not be altered, nor shall any excavation be made, nor anything stored or placed within them.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding

area. Relevant Policies - Local Plan DG1, N6.

6. No tree or hedgerow shown to be retained in drawing no. 1100 Rev D shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If within 5 years any retained tree is removed, uprooted or destroyed or dies, a replacement tree of the same size and species shall be planted in the immediate vicinity.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
7. The development shall be implemented in accordance with the soft and hard landscaping details as shown on drawing 403-01 and 167/03 as approved under application 16/02829/CONDIT subject to the areas of hard standing being permeable. These agreed 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, shown on the approved landscaping plan that tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
8. The measures for sustainable design and construction and Lifetime Homes set out in the Design and Access Statement shall be implemented prior to the first occupation.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Council's Sustainable Design and Construction Supplementary Planning Document.
9. Notwithstanding Condition 8, no development shall commence until details of the construction of the photo voltaic panels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenity of the area and to ensure renewable energy resources are incorporated into the development to comply with the Council's Sustainable Design and Construction Supplementary Planning Document. Relevant Policies - Local Plan DG1
10. The development shall be implemented in accordance with the construction management method statement and plan as submitted and approved under application 16/02829/CONDIT unless otherwise agreed by the Local planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
11. No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The parking and turning space shall be kept available for parking and turning thereafter.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
12. Prior to the commencement of development a scheme for the operational management of facilities to be provided for the storage and emptying of refuse and recycling bins shall have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be provided prior to first occupation and retained thereafter and managed for the lifetime of the development.
Reason: To enable satisfactory refuse collection to take place in the interests of highway safety and convenience. Relevant Policies - Local Plan T5

13. Prior to first occupation of the development the covered and secure cycle storage facilities shall be provided in accordance with the approved drawings and shall thereafter be kept available for the storage of cycles.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
14. Prior to first occupation of the development the access shall be constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
15. Prior to first occupation of the development the visibility splays shown on the approved drawings shall be provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.
16. There shall be no external lighting on the site other than in accordance with a scheme of lighting which shall have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of the residential amenities of surrounding occupiers. Relevant Policies - Local Plan DG1, NAP3 and H10.
17. The first and second floor windows in the southern elevation shall have a cill level that is a minimum of 1.7m above the finished internal floor level. No further window(s) shall be inserted at first or second floor level in the side elevations of the building without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
18. The proposed scheme shall be carried out in accordance with the proposed bat mitigation measures as detailed in the Bat Emergence Survey dated May 2014 produced by John Wenman Ecological Consultancy.
Reason: To safeguard protected species. Relevant Policies - NPPF