

MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

22 November 2017

Item: 3

Application No.:	17/02224/FULL
Location:	Land Adjacent 24 South Road Maidenhead
Proposal:	Construction of 6 x 1bedroom apartments and alterations to road layout (approved under 16/00552)
Applicant:	Mr Gray
Agent:	Mr Sean Kelly
Parish/Ward:	Maidenhead Unparished/Boyn Hill Ward

If you have a question about this report, please contact: Antonia Liu on 01628 796697 or at antonia.liu@rbwm.gov.uk

1. SUMMARY

- 1.1 The applicant seeks planning permission to construct a two-storey building comprising of 6 x 1 bedroom flats on land adjacent to 24 South Road, Maidenhead.
- 1.2 Improvements to enlarge the turning head at South Road to improve ease for turning for larger vehicles and works to the gradient of the footpath to the north linking South Road to Frascati Way (A308) to improve disabled access are considered to outweigh the loss of the footpath from South Road to Grenfell Place. A legal agreement between the applicant and the Royal Borough under S278 of the Highways Act to ensure these works can be secured by a condition. There is to be no curtilage parking therefore there would be no access and visibility issues. Due to the high level of public transport accessibility the provision of no on-site parking is considered acceptable.
- 1.3 The provision of the site for housing would boost the Borough's supply of housing and would be a clear benefit in this respect. The scale, design and detailing will ensure that the proposal assimilates well into its surroundings, and a landscaping scheme would soften the external appearance of the new building.
- 1.4 The proposal is considered not to significantly affect the living conditions of existing occupiers of neighbouring properties.

It is recommended the Panel grants planning permission with the conditions listed in Section 9 of this report.

2. REASON FOR PANEL DETERMINATION

- The application is for 6 x 1-bed flats. The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies within Maidenhead Town Centre and comprises of a plot of land to the west of Frascati Way and at the end of South Road. South Road is a residential street in the form of a cul-de-sac with a mix of detached, semi-detached and flatted properties however to the immediate neighbours to the west of the site comprise of semi-detached houses of similar scale and design. To the south is 31 Grenfell Place; while to the east is the A308 which runs at a right angle to South Road.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for an erection of a two storey building comprising of 6 x 1-bed apartments on land to the east of 24 South Road. 4.2

Reference	Proposal	Decision
16/00552/FULL	Erection of 4 x 1bed apartments with improvements to road layout and disabled access	Approved – 15.08.2016
17/00747/FULL	Construction of 7 x 1-bed apartments with improvements to road layout.	Refused – 04.05.2017

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, Section 2, 6 and 7.
- 5.2 The main strategic planning considerations applying to the site and the associated policies are:

Royal Borough Local Plan

	Within settlement area	Highway / Parking Issues
Local Plan	DG1, H6, H8, H9 H10, H11, N6	T5, T8, P4
Maidenhead Area Action Plan (MAAP)	MTC4, MTC12	MTC14, MTC15

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Acceptable level of housing provision	HO2, HO5
Acceptable impact on trees	NR2
Makes suitable provision for infrastructure	IF1, IF2, IF8

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council will prepare a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents will then be submitted to the Secretary of State for examination by the Planning Inspectorate. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Other Local Strategies or Publications

- 5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of Development
- ii Highway Safety and Parking
- iii Design and Appearance
- iv Neighbouring Amenity
- v Other Material Considerations

Principle of Development

6.2 The site lies within Maidenhead Town Centre where residential development is supported in accordance with Local Plan policy H6 and MAAP policy MTC12. It is considered that high densities can be supported in Town Centres and intensification in these locations would protect the Green Belt. Paragraph 23 of the NPPF also recognises that residential development can play an important role in ensuring the vitality of centres. Therefore, the principle of residential development is acceptable provided that there is no conflict in terms of highway safety, parking, design and appearance, neighbouring amenity and other relevant material planning considerations.

Highway Safety and Parking

6.3 Local Plan policy T5 requires new development to comply with the Council's adopted highway design standards, T8 states that the Council will improve conditions for pedestrians including identifying opportunities for enhancing pedestrian access to town through new and improved footways, while P4 requires new development to comply with the Council's adopted parking standards. MAAP policy MTC 14 states developments should, where appropriate improve pedestrian connections to and through the town centre

6.4 The proposal involves the loss of a footpath linking South Road to Grenfell Place (A308), but the footpath runs across private land and the Highway Assets Engineer agreed in principle to the stopping up of this section of adopted highway as there is an alternative route to the north, linking South road to Frascati Way (A308). The proposed alterations to the gradient of the footpath to the north linking South road to Frascati Way (A308) would improve disabled access. Furthermore, the proposed enlargement of the turning head would improve ease for turning for larger vehicles. These benefits are considered to outweigh the loss of the footpath from South Road to Grenfell Place. Under 16/00552/FULL the agreement for these works under S278 of the Highways Act had been secured through a S106 legal agreement. However, following legal advice this can be secured by a Grampian condition (condition 6).

6.5 There is to be no curtilage parking therefore there would be no access and visibility issues. Due to controlled parking within the area (residential parking permits and time controlled parking) and high level of public transport accessibility the loss of on-site parking for no. 24 South Road and lack of on-site parking provision for the flats is considered acceptable in this instance. Planning permission 16/00552/FULL included a clause within the S106 that restricted parking permits, S106 agreements to restrict parking permits is no longer used as a mechanism to prevent parking permits being issued; the Council's parking team is responsible for considering individual applications and for issuing parking permits. To comply with current cycle parking standards the proposal would need to provide 1 cycle parking space per unit. Cycle parking is shown to the rear of the property, and further details can be secured by condition 8. The proposed bin storage is located adjacent to the cycle storage area, which is in excess of the current maximum bin carry distance for operatives. A bin collection area for collection days can be secured by condition 9.

6.6 Overall, the proposal is considered to comply with Local Plan policies T4, T8 and P4, and policy MTC14 MAAP.

Design and Appearance

- 6.7 Local Plan policy H10 requires new residential development schemes to display a high standard of design and landscaping in order to create attractive, safe and diverse areas and where possible to enhance the existing environment. Policy H11 takes this further and states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area. General Design policy DG1 states that harm should not be caused to the character of the surrounding area through cramped development or the loss of important features which contribute positively to the area. These policies are in line with the NPPF which attaches great importance to the design of the built environment and good design is indivisible from good planning and paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.8 The scheme under 17/00747/FULL was refused as the form and design would appear out of keeping with the general character of neighbouring residential development, and would appear cramped within its plot. The proposed building differs from the refused scheme by maintaining a two storey height, incorporating a similar ridge and eaves line with neighbouring houses and a hipped roof. This form is considered to be more in keeping with the prevailing form of neighbouring properties, and the resulting scale and bulk are considered to be more proportionate to its plot when seen within its streetscenes and wider locality. Due to its location at the end of the cul-de-sac the proposed building would be visible from Frascati Way and Grenfell Place, but both elevations offer similar fenestration in terms of size and arrangement to its respective streetscene. In terms of architectural detailing the neighbouring houses are plainer in design than the proposed, but the proposed detailing is not to be so incongruous or visually harmful to warrant refusal. The materials pallet proposed is also reflective of the existing materials pallet within the locality, including white render and slate effect tiles, which would harmonise and reinforce local character.
- 6.9 The proposal involves the loss of a strip of land along the A308 which currently comprises of some green scrub and an immature lime tree, it is considered that appropriate landscaping could soften the appearance of built development along the A308 and a landscaping scheme and its management can be secured by condition 3 and 4.
- 6.10 On this basis, the proposed development meets the aims and objectives of Local Plan policies DG1, H10 and H11, and policy MTC4 of the MAAP.

Neighbouring Amenity

- 6.11 Local Plan policy H11 states that planning permission would not be granted for schemes which would cause damage to the amenity of the area, while Core Principle 4 of the NPPF seeks a good level of amenity for all.
- 6.12 In this instance the proposed building would not extend significantly further forward or rearwards of the immediate neighbouring dwelling to the west, no. 24 South Road, and would therefore not protrude through a 45 degree angle taken from the mid-point of the nearest neighbouring window. There are flank windows on the east elevation of 24 South Road, which the proposal would extend across, but these are secondary windows. As such, the proposal is considered unlikely to result in any unreasonable loss of light or visual intrusion to no. 24 South Road.
- 6.13 Proposed windows on the rear elevation would have indirect, oblique views into the rear garden at 24 South Road, but are not considered to materially add to or differ from views from existing neighbouring properties. Two first floor windows has also been proposed on the western flank

elevation which would directly face no. 24 South Road, but these would serve non-habitable room, and obscure and fixed glazing, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level can be secured by condition 5. There is an approximate 14m separation distance from the rear of the proposed house to the side of the existing house at 31 Grenfell Place which is considered to be sufficient to mitigate any undue overlooking, visual intrusion or loss of light to this neighbouring house.

- 6.14 It is therefore considered that the proposal complies with Local Plan policies H11 and Core Principle 4 of the NPPF.

Other Material Considerations

Housing Land Supply

- 6.15 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Borough Council cannot demonstrate a 5 year housing land supply. It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.

Community Infrastructure Levy (CIL)

- 6.16 In line with the Council's Charging Schedule the proposed development would now be CIL liable. The required CIL payment for the proposed development would be £100 per square metre based upon the chargeable residential floor area. No further action is required until prior to commencement of the development if the proposal is subsequently approved.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

10 occupiers were notified directly of the application, and the planning officer posted a statutory notice advertising the application at the site. At the time of writing public consultation is still open, 2 letters were received objecting to the application which are summarised below and any further representations will be reported in an update:

Comment		Where in the report this is considered
1.	Increase on on-street parking pressure	Para. 6.5
2.	Loss of public footpath from South Road to Grenfell Place, remaining footpath of poor quality	Para. 6.4
3.	Impact on water mains and sewers	Noted, but not a material planning issue

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Local Highway Authority	No objections subject to conditions relating to a construction management plan, cycle parking and refuse/recycling bin storage and informatives.	Noted and agreed, conditions 7, 8 and 9, and informatives 4, 5, 6 and 7

Environmental Protection	No objection subject to informatives relating to prior consent for construction noise, and dust and smoke control.	Noted and agreed, informatives 1, 2 and 3.
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8. APPENDICES TO THIS REPORT

1. Appendix A – Site Location Plan
2. Appendix B – Proposed Layout
3. Appendix C – Proposed Floor Plans
4. Appendix D – Proposed Elevations

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 NPPF.

In this case the issues have been successfully resolved.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy - Local Plan DG1
- 3 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and 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, unless the Local Planning Authority gives its prior written consent to any variation.
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.
- 4 Prior to the commencement of development a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall cover any areas of existing landscaping, including woodlands, and all areas of proposed landscaping other than private domestic gardens.
Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Polices - Local Plan DG1.
- 5 The first floor window(s) in the west elevation(s) of the building 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 window shall not be altered 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 H14.

- 6 Prior to the commencement of construction of the new development a Section 278 (of the Highways Act 1980) Agreement shall be submitted to the Highways Authority for the reconfiguration and/or enlargement of the turning head on South Road and works to the gradient to improve the footpath from South Road to the A308 for disabled access, the full details of which are to be agreed with the Council. The development shall not be occupied until the aforementioned reconfigured and/or enlarged turning head on South Road and works to the gradient to improve the footpath from South Road to the A208 for disabled access, as approved through the S278 Agreement, has been carried out in full.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 7 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 8 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 9 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 - Local Plan T5, DG1.
- 10 No development shall commence until details of the existing ground levels (against OD Newlyn) measured at regular intervals across the site have been submitted to the Local Planning Authority. No changes shall be made to the existing levels of the site.
Reason: In the interest of the visual amenities of the area. Relevant Policies Local Plan DG1, N1
- 11 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 applicants' contractor is advised to apply for a prior consent, which controls the hours of working and can stipulate noise limits on the site. This is recommended by way of Informative and is covered by the Control of Pollution Act 1974. Such an agreement is entered into voluntarily, but is legally binding. The applicant's attention is also drawn to the provisions under British Standard Code of Practice B.S. 5228: 2009 'Noise Control on Construction and Open Sites'. The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday-Friday 08.00-18.00, Saturday 08.00-13.00, and no working on Sundays or Bank Holidays. Please contact the Environmental Protection Team on 01628 683830.
- 2 The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites.

The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control and these are available on the internet: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities

- 3 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 683538 and follow good practice.
- 4 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks' notice to obtain details of underground services on the applicant's behalf.
- 5 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 6 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 7 No builder's materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.