

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

11 April 2018

Item: 1

Application No.:	17/02729/FULL
Location:	Land At Lower Mount Farm And To West of Unit 2B And South of Long Lane Cookham Maidenhead
Proposal:	Change of use of agricultural land for the keeping of horses.
Applicant:	Mr Copas
Agent:	Miss Emma Thomas
Parish/Ward:	Cookham Parish/Bisham And Cookham Ward
If you have a question about this report, please contact: Josh McLean on 01628 796044 or at josh.mclean@rbwm.gov.uk	

1. SUMMARY

- 1.1 With reference to paragraphs 89 and 90 of the NPPF, the proposal, which comprises a material change of use of the land, is considered to be inappropriate development in the Green Belt. The proposal has the potential to accommodate up to 32 horses within the application site. It is considered that the intensification and associated activities in terms of vehicle movements and maintenance would have an adverse impact on the rural character of the site. A Case of Very Special Circumstances has been submitted but is not considered to clearly outweigh the harm to the Green Belt and any other identified harm.
- 1.2 There is no area for car parking provided for within the application. The applicant has advised that it is proposed to use the existing car parking which serves the existing commercial buildings to the east of the site. However, this has not been included within the red line site and therefore cannot be relied upon to serve the proposed development. In addition, the proposal has the capacity to accommodate up to 32 individual owners who are likely to transport their horses within a horse box. No details have been provided regarding the capacity of the existing car parking and ability to accommodate the required number of cars and horse boxes in addition to providing parking capacity for the users of the existing commercial units.

It is recommended the Panel refuses planning permission for the following reason:

- | | |
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| 1. | The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. The proposed use, by virtue of the intensification in use of the existing site and its associated activities including increased vehicular movements and associated activities, would adversely affect the rural character of the site and impact on its openness. No Very Circumstances have been demonstrated that clearly outweighs this harm to the Green Belt and any other harm. The proposal is therefore contrary to paragraphs 87, 88, 89 and 90 of the National Planning Policy Framework and saved policy GB1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999. |
| 2. | With no parking provision provided within the red line of the application site and in the absence of any suitable alternative parking arrangements, the proposed development would have a detrimental impact on the road network, the free flow of traffic and road and pedestrian safety, contrary to saved policy P4 of the Royal Borough of Windsor and Maidenhead Local Plan 1999. |

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Kellaway for the following reason: “*In the public interest to discuss policies involved.*”

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises an area of land measuring approximately 13.6ha (32 Acres) to the west of units 2A and 2B at Lower Mount Farm to the south of Long Lane. The land is currently open fields as part of the wider agricultural use of Lower Mount Farm, and is designated Grade 2 under the agriculture land class. The site also lies within Green Belt.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks planning permission for the change of use of the land from agriculture to the keeping of horses as a grass livery. There are no building or engineering works proposed as part of this application.

Ref.	Description	Decision and Date
17/01543/FULL	Change of use of agricultural land for the keeping of horses	Application refused 04.08.2017

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections:

Promoting sustainable transport
Protecting Green Belt Land

The Draft revised National Planning Policy Framework has been published by the Government on the 5 May 2018, which sets out the reforms to planning policy. The Framework is currently subject to public consultation which runs until 10 May 2018

Royal Borough Local Plan

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

Green Belt	Within settlement area	Highways and Parking
GB1	DG1	P4, T5

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Farm Diversification	ED4
Design in keeping with character and appearance of area	SP2, SP3
Makes suitable provision for infrastructure	IF1, IF5

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 has prepared 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 were submitted to the Secretary of State for examination on 31st January 2018. The weight to be afforded to each policy at this stage will differ depending on the level and type of representation to that policy.

This document can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Green Belt;
- ii Neighbouring amenity;
- iii Highways and parking; and
- iv Planning balance and the case for Very Special Circumstances

Green Belt

6.2 The site lies within the Green Belt where the fundamental aim is to keep land permanently open as set out in paragraph 79 of the NPPF. Local Plan policy GB1, which sets out appropriate development in the Green Belt predates the NPPF and is not wholly consistent with the Framework. In this regard, the NPPF is more up-to-date. Paragraph 89 of the NPPF indicates that the construction of new buildings in the Green Belt is inappropriate development with some exceptions. Paragraph 90 goes on to state that certain other forms of development are also not inappropriate provided that they preserve openness and do not conflict with the purposes of including land in the Green Belt. The change of use from agriculture to land for the keeping of horses does not fall into any of the exceptions mentioned under paragraphs 89 or 90, and would therefore represent inappropriate development in the Green Belt.

6.3 The applicant has advised that the proposal is solely for a grass livery and that the application site has the ability to accommodate up to a maximum of 32 horses. It is not intended to provide shelters as part of the future use of the site. While the grazing of horses is not considered to affect the rural character of the site, concerns are raised in terms of the potential intensification and associated activities in running and maintaining a grass livery of this scale on this site. Firstly, there is every potential that each horse may have an individual owner and will travel to and from the site each day. This may be in addition to owners who employ individual people to look after their horses. The applicant has advised that those employed would tend to their horses, checking on them, poo picking the fields, riding the horses for exercise. Owners may also employ vets, horse therapists and horse dentists who may visit the horses at times when required. It is considered that the potential number of people visiting the site would significantly intensify the use of the site and would have an adverse effect on the site's rural character. The applicant has advised that horses could be ridden to and from the field. However, it is not considered that this would be the principal method of transporting horses into and out of the field. This is more likely to be undertaken by car and horse box. Secondly, the applicant has also advised that supplementary feed would be available from the adjacent Equine World. However, the addition of 32 horses is considered to be quite substantial and the practicalities of storing the food have not been addressed. It is considered likely that additional storage would be required at a future point where the addition of new buildings/structures would not be considered acceptable.

6.4 As inappropriate development, in accordance with Paragraph 88 of the NPPF, the weight against the proposal is substantial. Paragraph 87 affirms that inappropriate development is, by definition,

harmful to the Green Belt and should not be approved except in Very Special Circumstances (VSC) that clearly outweighs the harm to the Green Belt and any other harm. A case has been put forward with material considerations in favour of the proposal. The Case of VSC is considered later within the report.

Neighbouring amenity

- 6.5 The closest residential neighbours are sited on the opposite side of Long Lane. Due to the nature of the existing and proposed use there are no concerns over loss of privacy from undue overlooking. No buildings or structures are proposed and so there are no concerns over loss of light or visual intrusion.

Highways and parking

- 6.6 Local Plan policy T5 requires all development to comply with the Council's adopted Highway Design Standards, while policy P4 requires the provision of parking to comply with the Council's adopted Parking Strategy. Access to the site would be gained through an existing access which serves the outbuildings to the east. The Council's Highways Officer has raised no objections in relation to the existing access being considered acceptable. The applicant has confirmed that it is intended to use the existing car parking that serves the existing commercial buildings. However, this area has not been included within the red line site and cannot be relied upon as being within the control of the applicant. No details have been provided about its capacity or what vehicles it has the potential to accommodate. The applicant has advised that the site has the potential to accommodate 32 horses. Therefore, it has to be assumed that there is the possibility of individual owners for each horse who will therefore generate their own individual traffic movements in/out of the site. If horses are to be transported in a horse box, where will these be parked? It is considered that there would be a need for further parking and the provision of new hardstanding would impact on the rural character and openness of the site. In addition, it is considered that the additional vehicle movements and associated intensification of the site would also lead to a change in the rural character. The applicant has stated that horses would be ridden to and from the field, however this is considered impractical and unlikely.

Planning balance and the case for Very Special Circumstances

- 6.7 In accordance with guidance contained in the NPPF a balancing exercise needs to be undertaken on whether the VSC clearly outweighs harm to the Green Belt and any other harm. As inappropriate development which would conflict with one of the purposes of the Green Belt, paragraph 88 of the NPPF indicates that substantial weight should be set against the proposal.
- 6.8 The applicant has put forward material considerations in favour of the proposal, which are as follows:
- Immediate need for land to be made available in the area for the keeping of horses as a direct result of the closure and redevelopment of Cannon Court Farm and Woodlands Farm which has resulted in land for the keeping of horses no longer being available;
 - The proposal is an opportunity to provide outdoor sport and recreation uses, vital in maintaining and improving people's quality of life and health in accordance with the NPPF;
 - The proposal represents a farm diversification to support the principle agriculture use;
 - The proposal would return the land to grassland which will result in an improvement to biodiversity by way of diversifying the ecological of the area;
 - The proposal will provide an outdoor sport and recreation facility to members of the public;
 - The proposal will provide employment as part of the proposed operation and utilisation of local businesses through its core activities;
 - The site is in a sustainable location, accessible by other means than by car;
 - The proposal will not have any impact upon the openness of the Green Belt;
 - The proposal will not have any undue effect upon visual amenity;
 - The proposal will not have any undue effect upon residential amenity;
 - The land benefits from an existing car park and therefore the access meets highways standards;

- There will be a net reduction in traffic with the closures of Cannon Court and Woodlands Farm; and
 - RBWM Local Plan policy GB1 supports the change of use in terms of it being for outdoor sport and recreation uses.
- 6.9 In terms of demonstrating need for the keeping of horses, the applicant has provided evidence in the form of a record of enquiries received from potential interested parties looking for land to keep horses. The enquiries have been received either directly or via the existing equine tack shop. The submitted record details around 55 individuals, their contact details, number of horses and interest in grazing land. However, as this evidence contains personal information the applicants have requested that it is not put in the public domain and furthermore the weight that can be attributed to it is only limited.
- 6.10 It is considered that the proposal may provide an opportunity for outdoor sport and recreation uses but it is difficult to assess the true level of this benefit as no details regarding the proposed activities on site have been provided as part of this application. Therefore, no weight can be given to this benefit and the proposal contains no facilities specifically for this purpose.
- 6.11 It is stated that the proposal would provide a farm diversification to support the principle agricultural use. However, given the size of the proposed site and its ability to support up to 32 horses, it is considered that the proposed use would exceed an ancillary use. No evidence has been submitted to support the need for diversification of the farming activities.
- 6.12 It is not considered that returning the land to grassland would provide substantial ecological benefits and therefore no weight is given to this element given that it would be used for grazing.
- 6.13 It is accepted that the effect on openness would be limited, but maintenance of the status quo is not considered to be a benefit. However, it has been assessed that the intensification of the site could adversely affect the rural character of the site.
- 6.14 The existing adjacent car park cannot be relied upon to serve this proposed use as it is outside of the application site area. This lack of car parking capacity and the lack of any information on the consequent knock-on effects has led to the conclusion that there would be additional harm resulting from the proposal.
- 6.15 The applicant has indicated that there would be a reduction in traffic movements due to the closure of Cannon Court and Woodfield Farm, but this is not a benefit as a result of this proposal. In addition, these sites are proposed to be redeveloped and therefore will generate their own vehicle movements. Therefore, no weight is given in this respect.
- 6.16 It is noted that policy GB1 does refer to the provision of opportunities for outdoor sport and recreation. However, Policy GB1 does pre-date the NPPF and more weight is therefore appropriately given to the policies and outcomes of the NPPF.
- 6.17 The NPPF states that inappropriate development should not be approved except in very special circumstances. In balancing all these factors together, it is not considered that the above benefits proposed would clearly outweigh the harm identified by the inappropriate development. As a whole, it is considered that very special circumstances needed to justify the development do not exist in any substantial form.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

No comments were received from the 4 neighbouring properties notified directly of the application. The planning officer posted a notice advertising the application at the site on 14.09.2017.

Other consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objections to permission being granted	Noted.
Cookham Parish Council	No comment on the application.	Noted.
Cookham Society	<p>No objection to the change of use from agricultural to grazing for horses, but would object very strongly to the construction on this site of any buildings at all for sheltering horses or any other purposes.</p> <p>Information submitted regarding the need for equestrian facilities has not been put in the public domain.</p>	<p>Noted.</p> <p>Information submitted contains sensitive information and therefore is not made available for public viewing.</p>
Highways Officer	The application does not differ significantly from planning application 17/01543. The application proposes the change of use of agricultural land to equestrian and does not include the construction of any structures. Therefore, I can confirm the proposal raises no highway concerns.	Noted
Reading Agricultural Consultants	<p>The applicant makes the case for special circumstances on two principle grounds. Firstly, that there is need for the farm business to make the most productive use of an area of damaged land and an equestrian use would complement other such activity elsewhere within the farm business. Secondly, there is a demonstrable demand for grass livery facilities in the locality, partially connected to the loss to development of pre-existing facilities.</p> <p>The Pike Smith & Kemp letter dated 18th August 2017 details that the land has been subject to historic mineral extraction during the 1960s and subsequently restored. It is stated that the land underperforms under arable cultivation with below average agricultural yields. It is, therefore considered that a grassland use would be more productive, with potential economic return from grazing horses exceeding that which could be achieved from agricultural livestock.</p> <p>It is considered that the land does not comprise best or most versatile agricultural land. This is a factor in Policy GB2 of the adopted Local Plan and Policy SP5 of the emerging replacement plan when considering equestrian development. No details have been submitted describing the physical constraints which have been imposed on the land as a consequence of the allegedly poor restoration, for example inadequate soil depth, drought or wetness. It is, however, accepted that the farming interest concerned has the experience to make appropriate judgements as to the productive capability of land. Nevertheless, the applicant's indication that the land is capable of carrying 32</p>	Comments noted.

horses suggests that the land is robust and capable of productive grassland, or the estimate is overoptimistic. It appears that this estimate is based on the general land requirement specified in Local Plan Policy GB7 rather than any site-specific assessment. It is acknowledged that supplementary feeding will be necessary.

No indication of the proposed management regime is provided. The application site is currently open land and subdivision by means of fencing (permanent or temporary) could be reasonably anticipated in order to separate animals in differing ownerships and to facilitate owners readily managing their horses. Although the applicant has indicated that he would be prepared to accept a planning condition that no horse jumps are to be kept or used on the application site in order to ensure that no damage is caused to the grassland and that the openness of the Green Belt and visual impact is maintained, it remains unclear as to the extent to which the current open character of the application site would be changed by the intensive accommodation of horses, and associated activity levels on the part of horse owners.

Reference to standard sources of economic data, for example The Agricultural Budgeting and Costing Book and John Nix Pocketbook, confirms the applicant's contention that the proposed equestrian use of the land would far outstrip use by agricultural livestock. Basic lowland cattle and sheep enterprises would realise Gross Margins of less than £6,000 from the application site, while grass livery over a 6-month season could be expected to realise in excess of £30,000, before costs. The benefit to the diversified farm income could, therefore, be substantial.

It is stated that the applicant has received enquiries from local people looking for land to graze their horses. These have been either direct or through the existing equine shop adjacent to the application site. The schedule of enquiries has been submitted confidentially but amounts to 55 enquiries for grazing of 93 horses. No details of the dates these enquiries were received has been submitted, or how local the enquirer is to the application site. Similarly, it is unknown how many of the 93 horses already have grazing, and the extent to which an inquiry reflects an owner's wish to exercise a locational choice. Nevertheless, the applicant considers that this material is sufficient to address the information deficiency identified previously in the Officer's report on the earlier application, in terms of being indicative of an immediate need for land to be made available for the keeping of horses in the locality of the application site. Furthermore, it is considered that there is general support for the provision of outdoor sport and recreation facilities,

and that the site would merely absorb the effects, notably traffic, previously generated by the facilities at Cannon Court Farm and Woodlands Farm.

It is argued that the Officer's report for the earlier planning application has confirmed the acceptability of the site in a number of respects, namely:

1. Employment associated with the operation and utilisation of local businesses
2. Site is in a sustainable location with public transport links available
3. Limited effect upon the openness of the Green Belt
4. No undue affect upon residential amenity
5. Existing visibility splays meet adopted standards and the access is considered acceptable
6. Land benefits from an existing car park and an acceptable parking layout can be secured by condition

Fundamentally, the applicant considers that the proposed change of use of agricultural land at Lower Mount Farm accords with Local Plan Policy GB1 which permits essential facilities for outdoor sport and recreation use. However, as indicated earlier, the Beenham Farm decision questioned the consistency of the Local Plan with the later form of Green Belt policy set out in the NPPF which equates the term 'facilities' with built development and excludes changes of use from the scope of that which is appropriate. In this respect, I consider that the policy as defined in the NPPF should carry greater weight than Policy GB1, and reiterate, therefore, that the proposed change of use is, in principle, inappropriate in the Green Belt and therefore subject to the test of very special circumstances.

Using the Beenham Farm decision as a guide to the consideration of very special circumstances, one is faced with a balance in which the fulfilment of a need for the sports and recreational facility and the locational advantages of the site have moderate weight, and small contribution to agricultural diversification and the rural economy has limited weight.

Taking the individual interest first, the applicant has an extensive agricultural interest within which he operates several farm diversification enterprises, for example the Pick Your Own, located north of the application site, and the commercial units, located east of the application site. Other than a general statement to the effect that the proposed equestrian proposal would benefit the farm economy, there is no indication of scale of this benefit in the overall farm business, and it is not suggested that it is essential to the sustainability of the business. Additionally, there is uncertainty as to

	<p>the capability of the land affected by the proposal in respect of the intensive grazing proposed, and to the detail of the management regime intended which may bear on the issue of effect on openness of the Green Belt. In this context, I am unable to conclude that the individual interest would carry sufficient weight to outweigh the status of the proposed use as inappropriate in the Green Belt.</p> <p>The provision of a livery opportunity would have a greater than individual value and, taking the evidence of demand at face value, would potentially serve a community need. A local need could only be satisfied locally and travel to distant alternative grazing opportunities would be unsustainable. In the Beenham Farm case, a restricted polo activity was accorded moderate weight and would not have been particularly centred on the community in the locality. If the evidence of local demand for horse grazing is accepted and the land is capable of carrying the substantive number of horses proposed, it could be argued that there is a local benefit of at least moderate weight, and potentially greater</p> <p>In conclusion, I find the proposed change of use to be inappropriate in terms of national Green Belt policy. While Policy GB1 of the Local Plan accepts <i>material changes in the use of land which maintain openness and do not conflict with the purposes of including land in the Green Belt</i> as appropriate development, this policy was based on earlier policy guidance in PPG2, which was cancelled following the adoption of the NPPF. As such the proposal should be considered against the policy in NPPF section 9.</p> <p>The position on the question of very special circumstances is less clear, with a number of outstanding questions on both the individual and wider community benefits such that I am unable to conclude that the 'in principle' harm to the Green Belt arising from the inappropriate status of the proposed change of use is "clearly outweighed" by those benefits as required by paragraph 88 of the NPPF.</p>	
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8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout

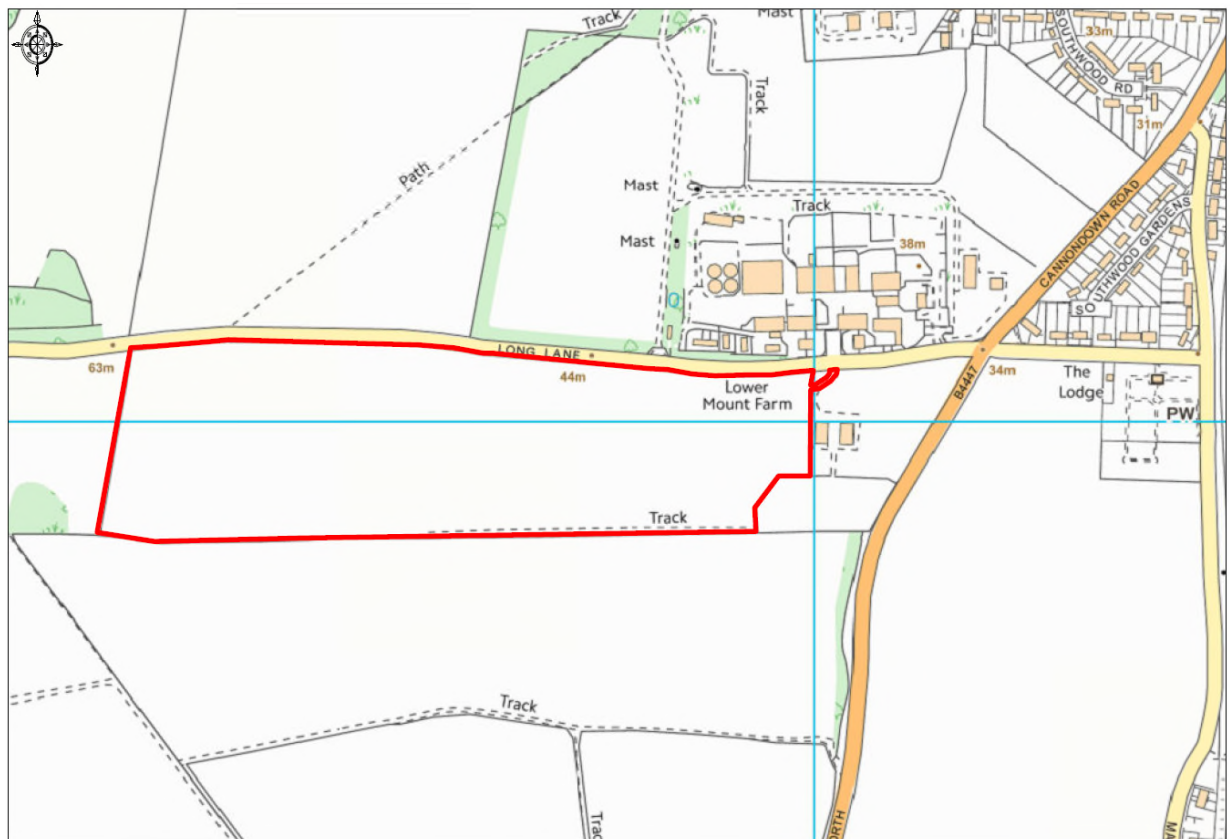
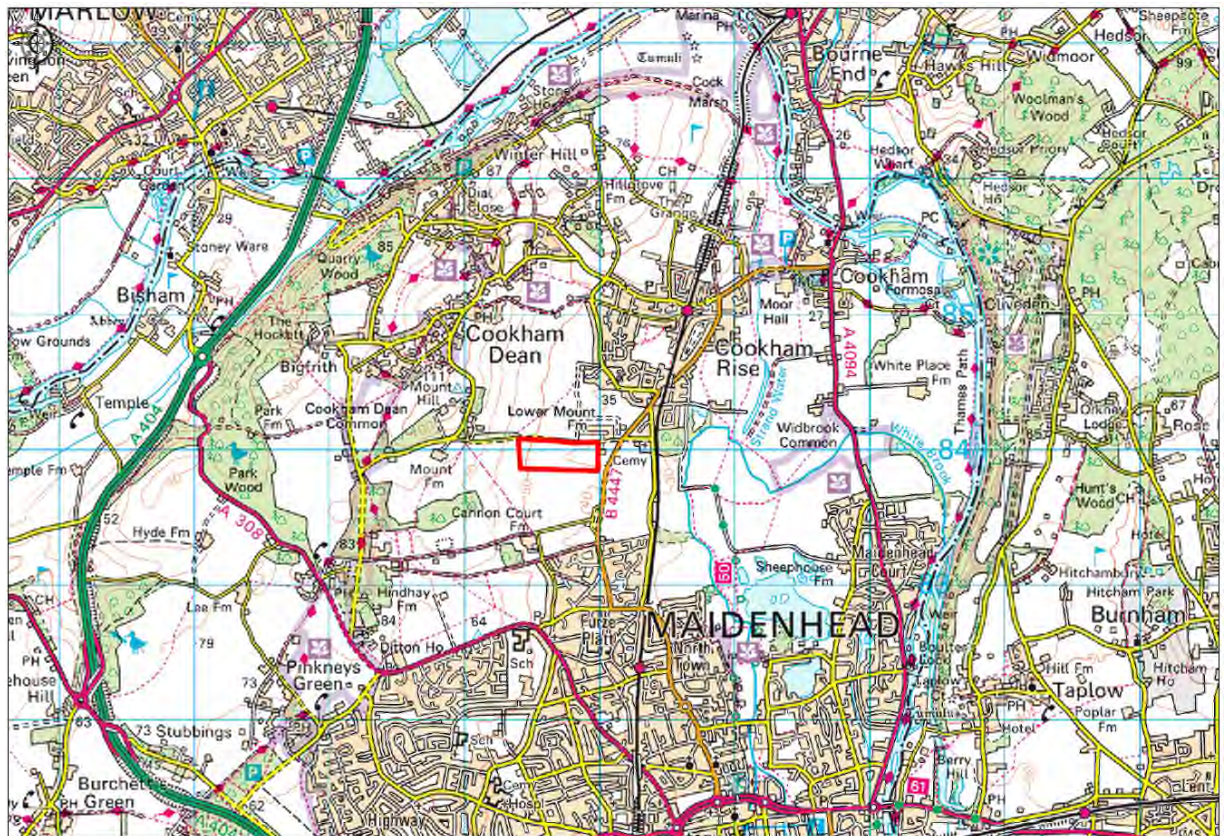
9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. The proposed use, by virtue of the intensification in use of the existing site and its associated activities including increased vehicular movements and associated activities, would adversely affect the rural character of the site and impact on its openness. No Very Circumstances have been demonstrated that clearly outweighs this harm to the Green Belt

and any other harm. The proposal is therefore contrary to paragraphs 87, 88, 89 and 90 of the National Planning Policy Framework and saved policies GB1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999.

- 2 With no parking provision provided within the red line of the application site and in the absence of any suitable alternative parking arrangements, the proposed development would have a detrimental impact on the road network, the free flow of traffic and road and pedestrian safety, contrary to saved policy P4 of the Royal Borough of Windsor and Maidenhead Local Plan 1999.

APPENDIX A – SITE LOCATION PLAN AND SITE PLAN



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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

11 April 2018

Item: 2

Application No.:	17/02812/OUT
Location:	Land Including Thames Auto Sales And The Amber Centre And Former Unit 5 Oldfield Road Maidenhead
Proposal:	Outline application (means of access, appearance, layout and scale only to be determined) for demolition of existing buildings, erection of a three storey building in the southern part of the site, erection of a part two/part three/part four storey building in the northern part of the site to provide 67 residential dwellings and associated parking.
Applicant:	Shanly Homes Ltd
Agent:	Mr Kevin Scott
Parish/Ward:	Maidenhead Unparished/Oldfield Ward
If you have a question about this report, please contact: Laura Ashton on 01628 682977 or at laura.ashton@rbwm.gov.uk	

1. SUMMARY

- 1.1 Part of the proposed development would result in the loss of designated employment land. Whilst this is only relevant to part of the site, in the absence of any evidence to demonstrate that there is no reasonable prospect of the site's continued employment use, the development proposals are unacceptable. The proposed development would also have a negative impact upon the character and appearance of the area due to its height and lack of space for any meaningful landscaping and the applicant has failed to demonstrate that there will be no threat to trees that are of importance to the character of the area. The development proposals have also failed the sequential test which seeks to direct development towards areas at a lower risk of flooding. Planning permission should be refused for these reasons.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):	
1.	The proposal would result in the loss of employment land in the absence of evidence to demonstrate that the site has no reasonable prospect of remaining in an employment use.
2.	The proposed development would be harmful to the character and appearance of the area due to its height and bulk relative to surrounding buildings and a lack of space for any meaningful landscaping
3.	The proposed development's proximity to trees on the railway embankment would lead to the trees overshadowing living and amenity spaces to the detriment of the amenity of future occupiers and the sustainability of the trees due to pressures to prune or fell them.
4.	The submitted Sequential Assessment fails to demonstrate that the proposal cannot be located on an alternative site that is reasonably available with a lower probability of flooding.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Wilson– *“Panel to consider the application as part of an overall housing scheme. The use of voids similar to other schemes permitted in Farthingales, Oldacres and the Chiltern Road Estate, as the proposal is contained within the functional*

floodplain.”

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site consists of three elements: Thames Auto Sales (a single storey car sales unit and associated forecourt), the Amber Centre (a two storey commercial building divided into two units), and a piece of previously developed land that has been cleared (former commercial site).
- 3.2 The whole site is located to the east of Maidenhead town centre, and fronts both Oldfield Road which forms part of the circulatory route around the town centre and the suburban residential street of Oldacres to the north. To the north Oldfield road leads to the A4, while to the south it goes underneath the railway bridge and connects with roads leading to the M4 and Windsor.
- 3.3 The site is within identified employment land and its surrounding character is mixed; comprising low level commercial and residential land uses.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The planning application seeks outline consent for the demolition of the existing buildings on site and the erection of a three storey building on the southern part of the site and the erection of a part two, three and four storey building on the northern part of the site to provide 67 flats. The application requests that matters relating to means of access, appearance, layout and scale be considered as part of the current application. Issues surrounding landscaping will be dealt with under reserved matters in the event that outline permission is granted.
- 4.2 The table below provides a summary of the site's planning history:

Application	Description	Status
03/40374/FULL	Erection of a two storey storage and distribution warehouse with ancillary parking	Approved
04/00114/COU	Use of building for single occupier B1 (office) purposes	Approved
04/41736/FULL	Erection of a two storey storage and distribution warehouse	Approved
04/00461/OUT	Erection of a two storey storage and distribution warehouse with ancillary parking (revision to approved 03/40374)	Refused (Appeal Allowed)
08/02161/FULL	Redevelopment to provide 19 no. B1 commercial units of two three and four storeys with associated parking and landscaping	Refused (Appeal Allowed)
12/01892/FULL	Redevelopment to provide 19 no. B1 commercial units of two three and four storeys with associated parking and landscaping. Renewal of planning permission 08/02161 (allowed on appeal)	Refused (Appeal Allowed)
13/00569/OUT	9 Dwellings and associated works	Refused (Appeal Allowed)
14/02892/REM	Reserved Matters associated with 13/00569/OUT for 9 dwellings	Approved
15/01215/VAR	Vary Condition 1 of 13/00569	Approved
15/01388/FULL	Change of use of premises to use as a tyre retailing and fitting centre (sui generis use)	
15/02846/VAR	Vary Condition 17 of 15/01215/VAR	Refused
15/02851/VAR	Vary Condition 1 of 15/01226/VAR	Approved
15/02111/OUT	9 Flats and associated works	Withdrawn
15/03979/CONDIT	Discharge of conditions required by 12/01892	
16/02209/OUT	9 flats and associated works	Refused

16/01519/CONDIT	Details required by condition 2 (material samples) 4 (flood evacuation plan) 9 (sustainability measures) 10 (hard surface for driveways and road) 12 (construction management plan) 13 (tree protection) 14 (scheme of remediation) 15 (environmental noise assessment) of planning permission 15/01215/VAR as approved under 13/00569 for outline planning application (with appearance, landscaping, layout and scale reserved) for the erection of 9 residential dwellings, with associated car parking and landscaping	Discharged
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5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 1, 2, 4, 6, 7, 8, 10 and 11.

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	Trees	Employment	Flooding
DG1, H10, H11	P4, T5	N6	E2 & E5	F1

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Housing Mix & Type	HO1
Affordable Housing	HO3
Design in keeping with character and appearance of area	SP2, SP3
Employment Sites	ED2
Manages flood risk and waterways	NR1
Trees, Woodland & Hedgerows	NR2
Makes suitable provision for infrastructure	IF1

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 has prepared 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 has been 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 and the weight to be afforded to each policy at this stage will differ depending on the level and type of representation to that policy.

This document can be found at:

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

Supplementary planning documents

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

- Affordable Housing Planning Guidance December 2016

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning/20
- RBWM Parking Strategy – view at:
https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning/13

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:

- i Principle of Development
- ii Impact on the Character of the Area
- iii Amenities of Neighbouring Occupiers
- iv Amenities of Future Occupiers
- v Highways & Parking
- vi Flood Risk
- vii Surface Water Drainage
- viii Trees & Landscape
- ix Ecology
- x Affordable Housing
- xi Environmental Health
- xii Archaeology

Principle of Development

6.2 The site is located within a defined Employment Area as shown on the adopted proposals map. In this location, in accordance with Saved Local Plan Policy E5, the council will not permit development, redevelopment or change of use for any other purpose other than business, industrial or warehousing use. This however should be weighed against paragraph 22 of the NPPF which states that:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that

purpose...Where there is no reasonable prospect of a site being used for employment use, applications should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

- 6.3 It is therefore necessary to assess whether there is any *reasonable prospect* of the site being used for an employment use having regard to the relative need to increase the supply of homes as advocated by the NPPF. The applicant has not submitted any evidence of the site being marketed recently for employment use and is relying heavily on the lack of five year housing land supply to justify the loss of employment land. This is contrary to the approach advocated by the NPPF.
- 6.4 Whilst the applicant highlights that planning permission was granted for the residential use of part of the site in 2013 (13/00569), this application was accompanied by information that demonstrated an unsuccessful four year marketing campaign relating to the commercial use of the site. There does not appear to be any recent attempt to market the site for commercial use and this is regrettable considering the potential difference in the market now compared to 2009 which most noticeably coincided with the recession. In any event the 2013 extant consent only applies to the northern section of the site and does not include land associated with the Amber Centre.
- 6.5 The applicant seeks to argue that the site is not a significant generator of employment. A site that has been mostly cleared of buildings is obviously not going to be a significant generator of employment. There is no reason in the future why the site could not be developed for a more employment intensive use. If the site is redeveloped for housing there is no prospect of it returning to an employment use. It is important to note that the purpose of policy E5 is to protect employment land and to keep it available for business, industrial and warehousing uses. Employment buildings inevitably become obsolete over time but there is no reason why an obsolete building cannot be redeveloped to provide a modern building that meets the requirements of potential business premises occupiers.
- 6.6 The applicant wishes to highlight the fact that not all of the site is in “business” use. Here they are referring to the fact that the southern corner of the site is occupied by a car sales use which is a Sui Generis use. It is not unusual to find car sales premises in employment areas particularly at edge of centre locations. Whilst it is not a protected use per se, there is no reason why it would be undesirable for this land to remain as a car sales premises or to be redeveloped for a B Class Use in the future. It is also important to note that the car sales will be an employer of people and will contain an element, albeit small, of B1 and storage use. The proposed development would undoubtedly result in the displacement of businesses and with evidence of such tight vacancy/occupancy rates it may be that these businesses have to relocate outside of the borough.
- 6.7 The applicant also suggests that the site should be re-developed for housing because the employment allocation is not carried forward in the Borough Local Plan. In the event that an examining Inspector were to find that the Borough Local Plan is not providing enough employment floorspace/land then this site would be a logical contender to be re-allocated for an employment use. Notably the Council’s latest evidence highlights a particular need for B1 uses.
- 6.8 In summary, due to a lack of evidence being provided to demonstrate that there is no reasonable prospect of the continued employment use of the site, the proposed development is considered to be unacceptable in principle and planning permission should be refused on this basis.

Impact on the Character of the Area

- 6.9 Whilst there is no objection to the scale and appearance of Block B, there is concern relating to the scale of Block A and its relationship with the traditional, suburban-style two storey dwelling houses on Oldacres. The buildings in the site’s surroundings are predominantly two storeys in height. The site is very much a transitional zone between the commercial area to the west and the suburban residential area to the east. Being on the east side of Oldfield Road, the site bears a closer physical relationship with the residential area which is suburban in character and scale. The proposed elevation that fronts Oldacres will be, for the most part, two storeys higher than

the dwelling houses opposite. This is considered to result in an uncomfortable visual relationship which will be harmful to the character and appearance of the area. Whilst the height of parts of this frontage have been reduced since the earlier planning application was withdrawn, it still exceeds the height of the scheme that was approved by the appeal inspector (12/01892/FULL). With the exception of a small section of this elevation in the north east corner of the site which was 1.2 metres less in height than the current proposal, 44.75 metres of the elevation will be taller than the appeal scheme. Subsequently the main bulk of this elevation would be between 3.4 and 6 m taller than the appeal scheme. The 6 m difference in height can be explained by the crenelated form of the Oldacres elevation of the appeal scheme. This served to allow sections of the building to be of reduced height which successfully broke up the bulk and massing of the earlier scheme. The building as currently proposed is taller and lacks the measures that broke up the massing of the appeal scheme's elevation (see Street Sections).

- 6.10 A number of appeals in relation to this site have acknowledged the sensitivity of the relationship between the Oldacres frontage of the site and the existing dwellings opposite and have advocated set backs on upper levels to reduce the impact. Previous permissions for this site have applied an 8.5 m height limit on the Oldacres Road frontage to respect this sensitive interface. The current proposals exceed the earlier parameters and as nothing has changed that would warrant a different assessment, this is considered to be inappropriate and harmful.
- 6.11 The proposed layout also leaves limited opportunity for landscaping on the street frontage which is particularly regrettable given the sylvan character of Oldacres. Whilst it is acknowledged that the set back of Block B is comparable with that of the appeal scheme and a larger area is retained in the north east corner for planting, the scheme currently being considered includes a much larger building and subsequently it would be clearly preferable to have more opportunities for planting to soften the appearance of the substantial built form. Oldacres is sylvan in nature and as previously identified the application site has a stronger physical relationship with the area and so it would only be appropriate for the sylvan nature of Oldacres to be reflected in the any scheme on the application site. Opportunities to enhance the character of the area have clearly been missed. On this basis it is recommended that planning permission is refused due to the scheme's negative impact on the character and appearance of the area. The development proposals are considered to be contrary to Saved Local Plan policies DG1, H10 & H11 and paragraph 64 and Core Principle 4 of the NPPF.

Amenity of Neighbouring Occupiers

- 6.12 The separation between Blocks A and B and the adjacent neighbouring properties is considered to be reasonable and the fenestration has been laid out so as not to lead to any harmful loss of privacy that would warrant the refusal of this planning application. The proposed arrangement is considered to be acceptable when assessing its impact on the amenities of neighbouring occupiers when considering the potential for loss of light, privacy or overbearing impacts. The earlier objection to this scheme was based on an inaccurate measurement and so the previous objection to the scheme on amenity grounds has been withdrawn.

Amenity of Future Occupiers

- 6.13 All of the flats, whilst small, are of a reasonable size and a number of the flats have access to private amenity space and the site is in close proximity to areas with opportunities for outdoor recreation. Other than the issues with the proximity of boundary trees discussed later, the flats are considered to provide a reasonable standard of amenity to future occupiers. There is subsequently no objection to the proposals on this basis.

Highways & Car Parking

Access Arrangement

- 6.14 Drawing number 1294.PLN.301 shows that there is to be one point of vehicular access to the site and this will be in the form of a two-way priority junction with Oldfield Road, broadly in the same location as one of the two existing (centrally located) access points currently serving the Amber Centre.

- 6.15 Paragraph 3.7 of the TA, states that pedestrian and cycle access to the site would be facilitated in the same location as the singular point of vehicle access to Oldfield Road. Two further points of access for pedestrians are also proposed.
- 6.16 According to the TA, an Automated Traffic Counter (collecting survey data for vehicle flows and speeds) was in place on Oldfield Road adjacent to the site over a 7-day period Friday 02 September to Thursday 08 September 2016. The data is sufficiently robust to determine the extent of visibility splays appropriate to serve the proposed development.
- 6.17 The proposed access arrangements and visibility splays are deemed acceptable in highway terms. The Highways Officer has recommended that the existing three redundant points of vehicular access to Oldfield Road are stopped up and reinstated to an adopted footway, as part of the development proposal. An opportunity should also be taken to widen the existing footway across the whole of the planning application site frontage (eastern side) of Oldfield Road to at least 2.0m to enhance pedestrian movement including wheel chair use. These works could be secured by way of a separate agreement made with the council under S278 of the Highways Act 1980.

Parking Provision/requirement

- 6.18 This section of Oldfield Road is predominately subject to double yellow lines on both sides with the exception of a short area opposite Thames Auto Sales which has a 1 hour no return within 1 hour (Mon-Sat; 8am to 6pm) for 4 vehicles. Old Acres has a residents parking scheme. None of the future residents of the new flats would qualify for residents parking permits.
- 6.19 The site is located approximately 1.3km from Maidenhead train station and is therefore outside the 800m distance to fall within an area of good accessibility. The Transport assessment correctly states that the proposed total on-site vehicle parking provision of 95 spaces (for the 49 x 2-bed and 18 x 1-bed units) does not meet the maximum standard for areas of poor accessibility as defined in the Council's Parking Strategy dated May 2004.
- 6.20 It is worth noting with regards to the use of maximum parking standards, that in a Planning Update to the House of Commons on 25th March 2015, the then secretary of state at the Department for Communities The RT. Hon. Sir Eric Pickles MP; said that the government was keen to ensure that there is adequate parking provision both in new residential developments and around our town centres and high streets. He went on to say that the government abolished maximum parking standards in 2011 under the National Planning Policy Framework (NPPF) with parking standards being covered in paragraph 39 of the NPPF. The Council are in the process of revising the local parking standards for residential and non-residential development in light of current national advice.
- 6.21 If the council's current full parking standard for this level of development (in Areas of Poor Accessibility) is to be used then a total of 116 on-site parking spaces would be required. In light of some similar developments which have been on the periphery of "Areas of Good Accessibility (such as this site) a ratio of 1.5 spaces for a 2 bedroom apartment has been deemed acceptable by the Council. Therefore the Highways Officer will accept that 1 car parking space is provided for a 1 bedroom unit and 1.5 spaces are provided for a 2 bedroom unit. This would equate to a requirement of 92 car parking spaces. As mentioned above 95 car parking spaces are provided therefore the proposals are acceptable in this sense.
- 6.22 The Highways Officer recommends that all 95 car parking spaces are retained for communal use in association with the proposed development and not be allocated such as sold or let separately to any of the 67 individual flats.

Traffic Generation / Road Safety

- 6.23 The TA has undertaken a qualitative highway safety assessment for the surrounding highway network in respect of the latest three year period between 1st of June 2013 to 31st May 2016.

- 6.24 There is no reason to disagree with the conclusion as set in paragraph 2.32 & 2.33 of the TA, in that the local highway network has a good Personal Injury Collision record and the proposed development will not give rise to any unacceptable road safety issues within the area studied.
- 6.25 Section 5 of the TA assesses the number of vehicle movements that is likely to be generated by the proposed development and comparing this with likely vehicle trips emanating from the existing/permitted uses on site, all using survey information contained in the TRICS database.
- 6.26 The TA using this TRICS survey data predicts the total existing trip generation to be 160 vehicle movements per day and estimates the proposed development would result in 183 daily vehicle movements (a slight increase in vehicle movements at 23 per day). This equates to a daily trip ratio of 2.725 vehicle movements per dwelling. It is considered that the increased traffic likely to be generated as a result of this level and scale of residential development can be accommodated on the adjoining highway network.

Cycle Provision

- 6.27 60 cycle spaces have been provided on the ground floor of Block A within 3 separate stores. From looking at drawing number 1294.PLN.306 (Rev d) the cycle store, spacing and manoeuvrability appears to be very constrained. More detailed plans and information will be required showing which type of facility will be used to park bicycles. This information can be secured by way of condition

Refuse Provision

- 6.28 The Highways Officer, following amendments to the scheme, is now satisfied with the proposed arrangements in respect of refuse storage and collection.

Flood Risk

- 6.29 The site falls within Flood Zone 3a and as such the applicant has submitted a Sequential Test and an Exception Test. The applicant will also need to demonstrate compliance with the requirements of Saved Local Plan policy F1 as well as paragraph 103 of the NPPF.

Sequential Test

- 6.30 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. The NPPF advises that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Whilst the NPPG suggests that a pragmatic approach should be taken to the availability of alternatives, the applicant has failed to consider an adequate catchment area for alternative sites and has also discounted a number of sites for reasons that Officers consider to be unjustified. The evidence provided is not considered robust enough to conclude that the proposed development could not reasonably come forward on an alternative site in an area of lesser flood risk. Given the failure to pass the Sequential Test, legal advice provided to the Council suggests that it is not necessary to proceed to consider the Exceptions Test. The development proposals are subsequently contrary to paragraph 100-102 of the NPPF. Planning permission should be refused on this basis.

Surface Water Drainage

- 6.31 The LLFA are satisfied that the proposals and the mitigation measures are in line with NPPF/Non-statutory technical standards for SuDS, Ciria SuDS Manual C753. The applicant has provided microdrainage calculations that have been updated to reflect previous concern regarding the infiltration rate used. The LLFA has confirmed that they are satisfied with the additional information and subsequently raise no objection to this planning application.

Trees & Landscape

- 6.32 Issues surrounding Landscaping would be considered under a future reserved matters application if this application were to be approved. The Tree Officer has, however, considered the development's impact on trees in detail. The Tree Officer objected to the development proposal on the basis that it poses a threat to the sustainability of trees T1-T11. Given however that the positioning of the proposed building is very similar to that of the extant office scheme that was approved at appeal and the trees are equally threatened, unfortunately it would be unreasonable to object on this basis.
- 6.33 Other trees are however impacted by the development proposals. The Ash and Sycamore trees (G1) growing on the railway embankment are a mixture of self-sown saplings through to semi mature trees. Considering their elevated position they are, as a collective group, a key amenity feature within the local landscape. Taking into account the position of the south elevation of the apartments to the northern canopies of these trees (0.75m at the closet point) and future growth potential of these trees (mature height of ash 25-30m with a crown spread of 20m) there will be a future conflict with the building, resulting in post development pressure for either their removal or significant detrimental pruning. Network Rail has carried out vegetation clearance to provide a 6m buffer from the new Crossrail overhead power cables. No evidence has been presented to confirm the remaining trees growing within the embankment will be removed.
- 6.34 A detailed shade assessment, taking into account current and future crown height/spread, and elevated position of trees growing within the embankment has not been submitted to support the application. Even in the absence of such an assessment, it is clear from BS5837:21012 section 5.2.2 note 1, the south and west elevation of plot 'B' (kitchen/dining room – for mid plots kitchen/dining room/bedroom) will be heavily shaded during the day as the sun rises in the east and sets in the west passing through a southern azimuth. There is also no provision for new trees to form any meaningful landscape planting to soften the impact of plots A and B.
- 6.35 Due to the concerns raised above the Tree Officer objects to this planning application as failing to comply with Saved Local Plan policies N6 and DG1 and paragraph 118 and Core Principle 4 of the NPPF. It is acknowledged that ACD has provided a rebuttal to the Tree Officer's comments yet the Tree Officer continues to disagree with their assertions and maintains the objection

Ecology

- 6.36 A phase 1 habitat survey has been submitted in support of this planning application from which the following observations have arisen.

Designated Sites

- 6.37 Bray Meadows Site of Special Scientific Interest (SSSI) lies within 1km of the proposed development site and several other SSSI's are located within 2km. Sites of Special Scientific Interest (SSSI's) are statutory designated sites protected under the Wildlife and Countryside Act 1981, as amended. The planning authority must consider whether a planning application will affect an SSSI or its features of interest, with section 28G stating that "*Public bodies must take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of SSSI's*". The Council's Ecologist requested that Natural England be consulted in respect of this planning application. Natural England has responded and raise no comments in response to the consultation request.

Bats

- 6.38 The buildings on site were assessed for their potential to support roosting bats. None of the buildings had potential to support roosting bats due to the unsuitable construction and/or supporting no suitable features. No further survey on the buildings is deemed necessary.
- 6.39 There are mature trees along the railway embankment to the south of the site, which are likely to provide features suitable to support roosting bats and provide suitable habitat for foraging and

commuting bats. It is understood that this area is to be retained and protected during development and therefore no further survey is necessary.

- 6.40 The proposed development is likely to increase the levels of light at the site which, without appropriate mitigation, could have a negative impact on the local distribution/ abundance of bats that use adjacent habitats. The applicant's ecologist has recommended that a sensitive lighting strategy for the site is designed in order to limit the light spill onto the adjacent tree belt. This should include minimising the effects of lighting by avoiding lighting sensitive areas, use of narrow spectrum lights, using light sources which emit minimal UV, avoiding blue and white wavelengths, use of luminaires or other directional light accessories and timing of light use. A sensitive lighting strategy should be prepared and provided to the local planning authority for approval. If the application were to be approved this could be secured by an appropriately worded condition.

Reptiles and small mammals

- 6.41 The northern part of the site was recorded as having very low potential to support reptiles and small mammals such as hedgehogs. All native species of reptile are protected from killing and injury under the Wildlife and Countryside Act (1981) as amended. In addition, all common native species of reptile and hedgehogs are Species of Principal Importance (SPI) under Section 41 of the NERC Act 2006 and receive further protection through national planning policy. As a precaution, the applicant's ecologist has provided recommendations for sensitive clearance of this part of the site including hand searches of the area prior to vegetation clearance and ecological supervision during works. If the application were to be approved this could be secured by an appropriately worded condition. If the application were to be approved this could be secured by an appropriately worded condition.

Breeding Birds

- 6.42 The vegetation on site was recorded as having the potential to support breeding birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. The applicant's ecologist has provided information with regards to sensitive timing of vegetation removal and protective measures with regards to nesting birds during the bird breeding season. Should the Local Planning Authority be minded to grant planning permission, it is recommended that this advice be incorporated into a suitably worded condition or informative note.

Biodiversity Enhancements

- 6.43 Section 40 of the Natural Environment and Rural Communities Act 2006 states that "Every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In addition, Paragraph 109 of the NPPF states that: "*The planning system should contribute to and enhance the natural and local environment by [...] minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*".
- 6.44 The applicant's ecologist has provided a number of recommendations for ecological enhancement in order to provide compensation for any habitats lost and in order to provide a net gain in biodiversity at the site. These include incorporating native species or species with a known value to wildlife into the landscaping, incorporation of green/ brown roofs, installation of bird nesting features and bat roosting features onto the new buildings. These enhancements seem appropriate for this size of development. If this application were to be approved, it is recommended that a landscape management plan is provided as part of the reserved matters. The management plan would be required to detail the creation, maintenance and management of all biodiversity enhancements to be included within the proposed development. This could be outlined in an appropriately worded condition if this application were to be approved.

Affordable Housing

- 6.45 Current policy requirements are for 30% affordable housing on sites of 0.5Ha or over, or schemes proposing 15 or more net additional dwellings. This is confirmed in the affordable housing supplementary planning guidance document produced in December 2016.
- 6.46 This application proposes 67 residential dwellings resulting in a policy requirement to provide 20 affordable homes. The applicant has however submitted a viability report in support of this planning application that seeks to demonstrate that the proposed development is unable to make an affordable housing contribution without the scheme becoming unviable. This report has been scrutinised by the District Valuer who concluded that the all private scheme shows a small deficit of £13,249 against a benchmark profit of 20%. This is compared to the applicant's conclusion that the deficit would be £497,061. On this basis the District Valuer is of the view that the proposed scheme is only just viable as an all private scheme and therefore cannot support any level of affordable housing contribution or additional s106 contributions. They do however suggest that if the Council were to be minded to grant consent, the section 106 agreement should include a timescale for delivery which if not met triggers a viability review.
- 6.47 Despite there being no recommended reason for refusal in connection with affordable housing, the scheme being presented as unviable and this being verified by the District Valuer; the applicant has however offered to make an on-site contribution of 8 affordable housing units.

Environmental Health

- 6.48 Issues surrounding contamination can be satisfactorily dealt with through an appropriately worded condition if this planning application is approved. An Air Quality Assessment was submitted in support of this planning application. The air quality impacts associated with the scheme are considered to be acceptable. There are therefore no objections to the development proposals on environmental health grounds.

Archaeology

- 6.49 Although partly previously developed, the site is of archaeological potential. In view of the potential impacts of the development proposal on below ground deposits, a programme of archaeological work is merited should the application be permitted, in accordance with Paragraph 141 of the NPPF. No objection is raised to the proposed development subject to the use of a condition to secure a programme of archaeological field evaluation in accordance with a written scheme of investigation.

Other Material Considerations

Housing Land Supply

- 6.50 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) sets out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that housing applications 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 5 year supply of deliverable housing sites.
- 6.51 The Berkshire (including South Bucks) Strategic Housing Market Assessment (SHMA) (2016) identifies an objectively assessed housing need (OAN) of 712 dwellings per annum. Sites that deliver the OAN and a stepped housing trajectory over the plan period (2013-2033) are set out in the Submission Version Borough Local Plan that is currently undergoing examination. A five year supply of deliverable housing sites can be demonstrated against this trajectory.
- 6.52 Whilst it is acknowledged that this site could make a contribution to the Council's housing need, the harm associated with the proposed scheme is considered to outweigh this benefit particularly given that alternative housing sites are available and can be delivered without causing the harm associated with the current application as proposed.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council's Charging Schedule the proposed development would now be CIL liable. The applicant has submitted the required forms including the assumption of liability for payment on the net increase in gross internal floor space. The required CIL payment for the proposed development would be £386,500 on the basis of a net increase of 3865 sq.m. No further action is required until prior to commencement of the development if the proposal is subsequently approved.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

15 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 12TH September 2017 and the application was advertised in the Maidenhead & Windsor Advertiser on the 21ST September 2017.

No letters were received supporting the application.

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

Comment		Where in the report this is considered
1.	Objects to loss of business. This site is important to local business and local jobs mean shorter journeys to work	See paras 6.2-6.8
2.	Not enough car parking provided	See paras 6.17-6.21
3.	Concern regarding congestion	See paras 6.22-6.25
4.	Lack of landscaping/amenity space	See para 6.10-6.33
5.	Concern regarding flood risk	See paras 6.30-6.32
6.	Concern regarding overlooking	See paras 6.11
7.	Concern regarding construction impacts	Not a planning consideration
8.	Concern regarding scale of proposed development	See para 6.9-6.10
9.	Wants point of contact to raise concerns during construction and for concerns to be dealt with within a pre-defined time frame/process	Panel should consider this should they overturn the recommendation
10.	Concern regarding future/viability of boundary hedges	6.39-6.36

Consultees

Consultee	Comment	Where in the report this is considered
Trees & Landscape Officer	Object	6.33-6.36
Highways Officer	No objection subject to conditions	6.13-6.29
Environment Agency	Object	Noted
Drainage Officer	No Objection subject to condition	6.32
Ecology	No objection subject to conditions	6.37-6.45
Natural England	No comments	6.38
Environmental Health	No objection subject to conditions	6.48
Archaeology	No objection subject to condition	6.49
Housing Officer	See 6.41-6.43	6.46-6.47

Other consultees

Consultee	Comment	Where in the report this is considered
Maidenhead Civic Society	Overdevelopment Flats too small Lack of amenity space Height, bulk and mass to north inappropriate	6.9-10 6.12 6.12 6.9-10

9. APPENDICES TO THIS REPORT

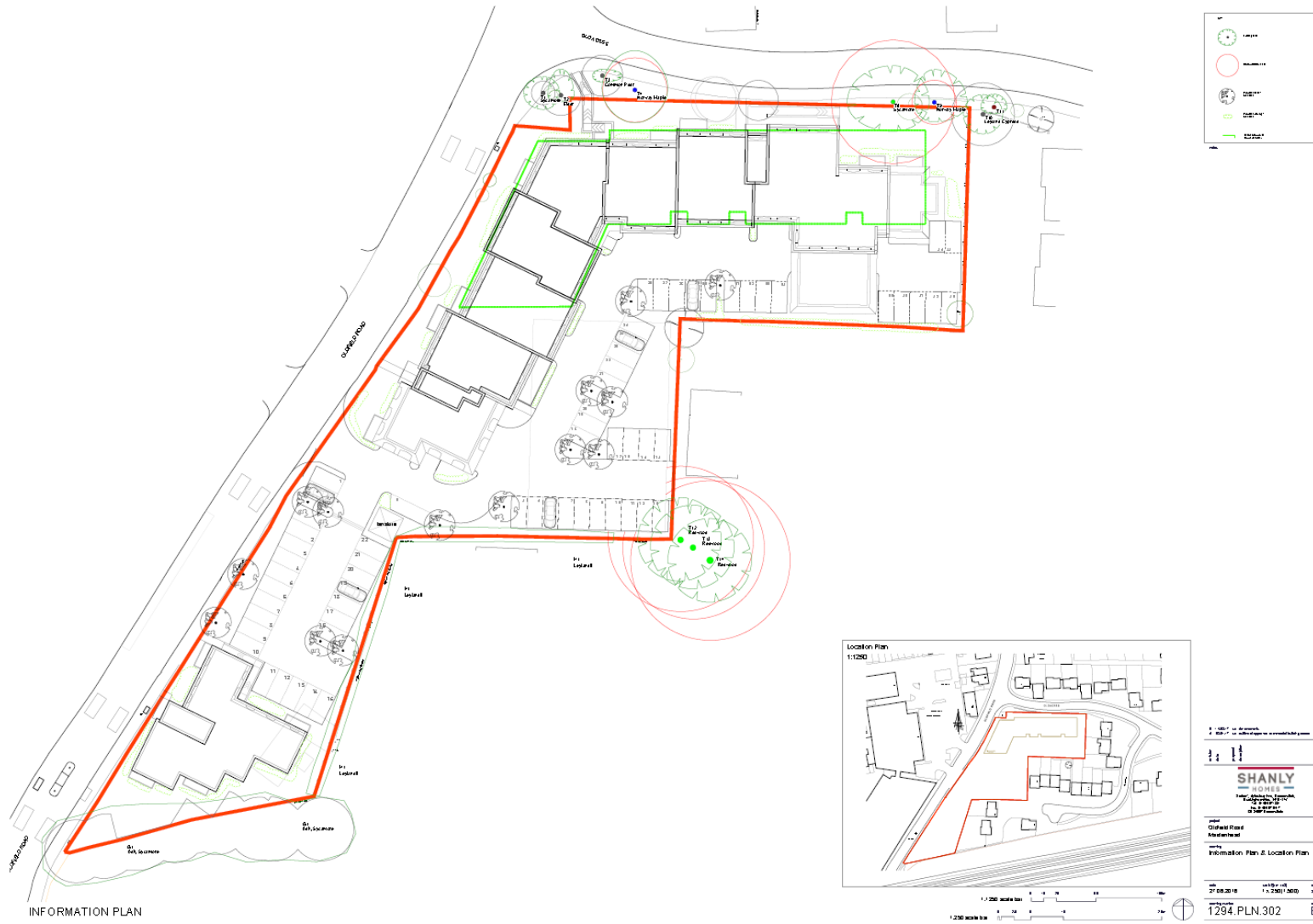
- Appendix A – Information Plan & Site Location Plan
- Appendix B – Street Sections
- Appendix C – Elevations Block A 303
- Appendix D – Elevation Black A 304
- Appendix E - Elevations Block A 305
- Appendix F – Elevations Block B 308

10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal results in the loss of employment land in the absence of evidence to demonstrate that the site has no reasonable prospect of remaining in an employment use. The development proposals are therefore unacceptable in principle and contrary to Saved Local Plan policy E5 and paragraph 22 of the NPPF
- 2 The proposed development would be harmful to the character and appearance of the area due to its height and bulk relative to surrounding buildings and a lack of space for any meaningful landscaping, contrary to Saved Local Plan policies DG1, H10 & H11 and paragraph 64 and Core Principle 4 of the NPPF.
- 3 The proposed development's proximity to trees on the railway embankment would lead to the trees overshadowing living and amenity spaces to the detriment of the amenity of future occupiers and the sustainability of the trees due to pressures to prune or fell them. Such actions would harm the character and appearance of the locality, contrary to Saved Local Plan policies N6 and DG1 and paragraph 118 of the NPPF.
- 4 The submitted Sequential Assessment fails to demonstrate that the proposed development cannot be located on an alternative site that is reasonably available with a lower probability of flooding. The proposed development would therefore increase the number of people and properties at risk from flooding, contrary to saved Local Plan policy F1 and paragraphs 100 & 101 of the NPPF.
- 5 The development proposals fail to make appropriate provision for refuse servicing on the development site and this omission poses a threat to highway safety and convenience contrary to

saved Local Plan policy DG1.

Appendix A – Information Plan & Site Location Plan



INFORMATION PLAN



SHANLY HOMES
 1294 PLN.302
 07.08.2018
 1:250 / 1:6250
 1294.PLN.302

Appendix B – Street Sections



-  Points of interest highlighted in blue
-  Points of interest highlighted in red

SECTIONS




SHANLY
 ARCHITECTS
 1000 BROADWAY
 SUITE 1000
 NEW YORK, NY 10018
 TEL: 212 512 1000
 WWW.SHANLYARCHITECTS.COM

Project: **PHS**
 Date: **11/11/2011**

Appendix C – Elevations Block A 303D



ELEVATION 1 - ALONG OLD DACRES



ELEVATION 2 - ALONG OLDFIELD ROAD

ELEVATIONS - BLOCK A

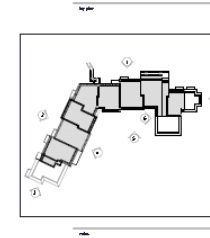


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SHANLY HOMES
 Home Builders & Developers
 1294 Oldfield Road
 Oldfield Road
 Dublin 15, Ireland
 Tel: +353 1 491 1200

Project: Oldfield Road
 Client: Kildare Council
 Date: 27/08/2018
 Drawing: Elevations - Block A
 Scale: 1:500 (1:200)
 Drawing No: 1294.PLN.303
 Sheet: D

Appendix E - Elevations Block A 305B



ELEVATIONS - BLOCK A



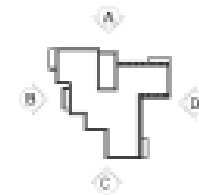
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Appendix F – Elevations Block B 308B



ELEVATION A

ELEVATION B



ELEVATION C

ELEVATION D

DATE	1/11/2024
SCALE	1/8" = 1'-0"
PROJECT	SHARLY 1000 W. 10TH ST DENVER, CO 80202
OWNER	SHARLY
ARCHITECT	SHARLY
PROJECT NO.	2024-001
DATE	1/11/2024
SCALE	1/8" = 1'-0"
PROJECT	SHARLY
OWNER	SHARLY
ARCHITECT	SHARLY
PROJECT NO.	2024-001



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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

11 April 2018

Item: 3

Application No.:	17/03799/FULL
Location:	42 Queen Street Maidenhead SL6 1HZ
Proposal:	Construction of a part 3 storey, part 4 storey and part 5 storey mixed use development, with retail accommodation at ground floor and 2 x 1, 7 x 2 bedroom apartments above, following the demolition of the existing building
Applicant:	
Agent:	Lewandowski Architects Ltd
Parish/Ward:	Maidenhead Unparished/Oldfield Ward
If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposed development is of a contemporary style that provides a successful transition between buildings to the north in the Conservation Area and 'The Landings' development that will be located to the south. The development is considered to be of a high standard of design that positively contributes to the regeneration of Maidenhead Town Centre. The proposal will not harm the living conditions of any neighbouring residents, nor lead to any significant highway issues.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.

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; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on a corner plot at the crossing between Queen Street and Broadway, directly south of the High Street in Maidenhead Town Centre. The existing building has three storeys and has street frontages to the east and south. Main access into the ground floor retail space is on the south-east corner. There is access to the accommodation above ground floor via a door on the south-west corner of the building. The building appears to have been built in the mid to late 20th Century and is of little architectural or historic significance. The ground floor currently has a retail use.
- 3.2 The site is located within a Secondary Shopping Frontage area, within the Maidenhead Town Centre Conservation Area and is adjacent to the Broadway Opportunity Area. Immediately to the north is a row of important non-listed buildings with predominantly retail uses on the ground floors, and a mixture of commercial and residential uses above. Queens Lane runs along the rear of the property, with an office development further west. Further buildings in mixed usage surround the application site to the east and south.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal involves demolishing the existing building on site and replacing with a part 3 storey, part 4 storey and part 5 storey mixed used development, comprising retail (A1) accommodation at ground floor and nine apartments (C3) above.

- 4.2 The ground floor would comprise approximately 165 sq. m. of retail floor space, while the apartments would comprise 2 x 1 bed units and 7 x 2 beds units. Access to the ground floor retail would be via Queen Street. The ground floor accommodation would be dual aspect and would have a curved corner to address the corner plot. All residential units will be served via a communal staircase and lift. Access to the staircase and lift will be via a private residential entrance on the south elevation.
- 4.3 The layout of the building has been designed so that as the building rises in height the footprint gradually reduces. The layout of the first and second floor has the same footprint as the ground floor below, plus two external balconies to the south elevation. The first three levels would rise to a height of approximately 9.2m (approximately 0.4m above the eaves height on the building to the north). There are three residential units proposed at both the first and second floor levels. The third floor, comprising two apartments with balconies, steps back on the east elevation by approximately 4.5m and approximately 1.5m on the south elevation. The fourth floor would be set approximately 6.5m from the main east facing elevation and approximately 3m from the south elevation. This level would have one apartment with a private terrace facing south. Cycle and bin storage would be provided on the ground floor.
- 4.4 There is no planning history for the site relevant to the consideration of the proposal.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

National Planning Policy

- 5.1 National Planning Policy Framework (NPPF) Sections: Core Planning Principles and sections 2 (Ensuring the vitality of town centres), 6 (Delivering a wide choice of quality homes), 7 (Requiring good design) and, 12 (Conserving and enhancing the historic environment).
- 5.2 The Draft revised National Planning Policy Framework was published by the Government on the 5 May 2018, and sets out reforms to planning policy. The Framework is currently subject to public consultation which runs until 10 May 2018.

The Development Plan

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

Plan /Policy	Design	Historic Environment	Housing	Retail
Adopted Local Plan	DG1	CA1, CA2	H6, H8, H9 H10	S1
Maidenhead Town Centre Area Action Plan	MTC1, MTC4	MTC4	MTC12	MTC7

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Housing	HO2
Maidenhead Town Centre	TR1, TR3
Historic environment	HE1, HE3
Air pollution	EP2

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents were submitted to the Secretary of State for examination on 31st January 2018. The weight to be afforded to each policy at this stage will differ depending on the level and type of representation to that policy.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The impact on the character and appearance of the area;
- ii The impact on the living conditions of nearby residents;
- iii Parking provision and other highway implications;
- iv Air quality issues.

The impact on the character and appearance of the area

6.2 Policy MTC 4 of the Area Action Plan requires proposals for new development in the town centre to be of high quality, contributing to an overall improvement in terms of urban design and architecture. A specific focus should be the creation of a mixed use town centre environment that is welcoming, safe and secure, durable and stimulating and which is also highly accessible and easy to move around. Buildings, streets and spaces should have a clear image and be easy to understand.

6.3 The MTCAAP expects development proposals to (i) be appropriate in terms of site coverage, urban grain, layout, access, scale, proportion, mass and bulk, height, roofscape and landscape; (ii) use an appropriate choice of materials and colour, (iii) be visually attractive from all angles; (iv) enhance streets and spaces through quality design and architecture; (v) provide a high quality environment for future users; (vi) where appropriate, provide their primary access directly from the street and have active ground floor uses, (vii) contribute to the creation of a mixed use town centre environment, (viii) be resilient to air pollution, and (ix) respect the environment, heritage and the function of existing landmarks.

- 6.4 The MTCAAP advises that proposals will need to demonstrate through design and access statements that they are of high quality. In this case, the submitted Design and Access Statement advises that the layout of the building has been designed to respond to the key constraints of the site. The site is bound to the north by existing buildings which appear to be of late 19th or early 20th century construction. This restricts the ability to have any openings on the north elevation. To the west is a ramped road leading to an elevated car park. As such access at ground floor to the west elevation is restricted, although outlook for above ground storeys would be acceptable.
- 6.5 The site's orientation and its future relationship to 'The Landings' development which will be directly to the south, together with the identified constraints, are the key factors that have led a design approach which meant that the east and south elevations are the key, active façades. The east and south elevations also front the main roads and pedestrian routes which are best suited for access to ground floor retail and above ground residential.
- 6.6 The layout of the development has been designed so that as the building rises in height the footprint reduces at key levels to reduce the appearance of mass and scale, and not over-dominate the properties to the north. The building has a contemporary design that focuses upon high quality material selection and considered construction detailing. A simple material palette of brick, stone and glass is proposed. Interest has been added to the window reveals by creating a stone reveal and frame in places. This will cast varying shadows that would animate the façades at different times of day.
- 6.7 The Conservation Officer has advised that the proposal is acceptable from a conservation perspective (subject to conditions 2 and 3 in section 10 of this report) and would enhance this important entrance way into Maidenhead Town Centre Conservation Area.
- 6.8 The design of the proposal has been carefully considered to respect its current and future context while meeting the policies requirements of the MTCAAP. Overall, it is not considered that the proposal would harm the character and appearance of the area, but would be a mixed use building of a high standard of design that contributes to the rejuvenation of Maidenhead Town Centre. The proposal complies with policies MTC1, MTC4, MTC7 and MTC12 of the AAP and policies CA1, CA2, DG1 and H10 of the Local Plan.

The impact of the proposal on the living conditions of nearby residents

- 6.9 As outlined above, where the building rises above the neighbouring properties to the north it would be stepped back at the front by 5m at its closest point in the case of the third floor, and 6.7m for the fourth floor. As such the building would not overly dominate the properties to the north. In addition, no windows are proposed in the north elevation so there would be no loss of privacy. As the new development would follow the same footprint as the existing building on site, the proposal would not lead to any material loss of sunlight or daylight to the properties to the north.
- 6.10 Due to sufficient separation distances being maintained (at least 12m) between the proposed building and properties to the east, south and west, the proposal would not harm the living conditions of any residents living within this area. Likewise, the amenities of future residents of the development would also not be adversely affected.

Parking provision and other highway implications

- 6.11 No car parking is proposed as part of this development. However, the site is located within the centre of Maidenhead within walking distance of the railway station, bus services, shops, services and facilities. As such, car parking is not considered necessary for this proposal and the Highway Authority has raised no objection to this.
- 6.12 Subject to conditions in respect of cycle parking, refuse provision and a construction management plan (Conditions 4, 5 and 6 in section 10 of this report), the Highway Authority has no objections to the application.

Air quality issues

- 6.13 The site is located within the Maidenhead Air Quality Management Area and, as such, the application is required to demonstrate that the development will be resilient to air pollution. The applicant has submitted an Air Quality Impact Assessment which, at the time of writing, is being considered by the Environmental Protection (EP) team. The EP's consultation advice will be outlined in the Update Report to Panel.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposal is CIL liable but is exempt due to the application site being located within Maidenhead Town Centre.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

19 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 30th January 2018 and the application was advertised in the Maidenhead & Windsor Advertiser on 18th January 2018.

1 letter was received commenting on the application, summarised as:

Comment	Where in the report this is considered
1. From The Maidenhead Civic Society: The proposal is for an interesting landmark building on one corner of Queen Street and Broadway. However, some clarification is necessary regarding the status and impact of the High Street/Queen Street Conservation Area on the site. Although the current building is of no architectural merit, it is situated at the southern end of a lengthy façade of interesting and generally well preserved Victorian architecture. If the aims of the Conservation Area Policy is to protect and enhance the architectural character of the locality, then consideration should be given to a more traditional style that reflects the adjoining frontage. We are interested in the views of the Conservation Officer on the architectural style of this application.	In response, the Conservation Officer advises: I do not consider a pastiche building here to be preserving or enhancing the conservation area. The design of the proposal takes several details from the terrace such as the window line, the shop frontage and the proposed materials. I believe that this building enhances the conservation area as it is of high design, good proportion and scale and is sympathetic to the conservation area. The building respects the features and lines of the terrace and does not seek to create a copy, but to create a more modern workable version. A traditional style here would not be good design nor would it create a landmark building, simply a pastiche of the true Victorian terrace. See paragraph 6.7

Consultee responses

Consultee	Comment	Where in the report this is considered
Conservation	No objections subject to conditions	Paragraph 6.7 and table above.
Highways	No objections subject to conditions.	Paragraph 6.12

Environmental Protection	Consultation response awaited.	To be advised in Panel Update report.
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9. APPENDICES TO THIS REPORT

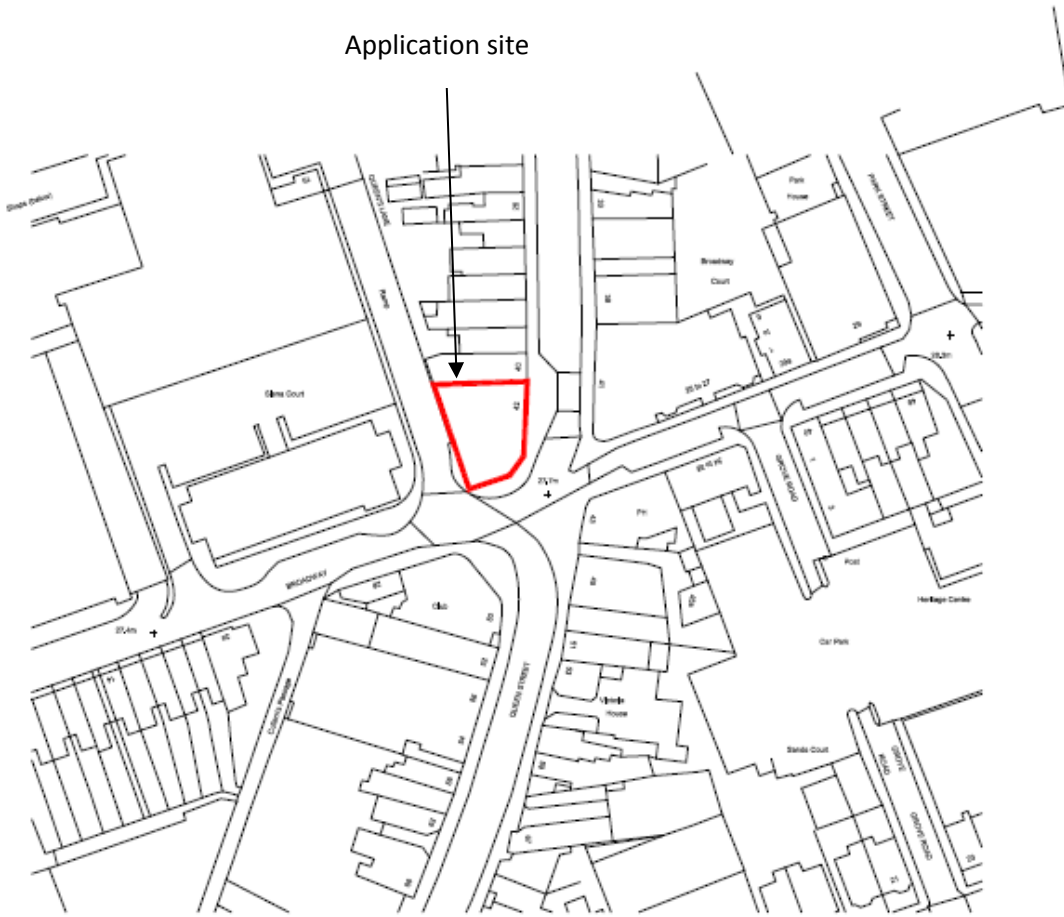
- Appendix A - Site location plan
- Appendix B – Proposed site plan
- Appendix C – Proposed south elevation
- Appendix D – Proposed east elevation

10. 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 works beginning, samples of all external materials should be provided on site and approved in writing by the Local Planning Authority.
Reason:To enhance the conservation area and ensure the preservation of its significance. CA2
- 3 Prior to the relevant works beginning, further details of all new windows including plans and elevations at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved details.
Reason:To enhance the conservation area and ensure the preservation of its significance. CA2
- 4 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.
- 5 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. 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 cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
- 6 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. 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.
- 7 No window(s) shall be inserted at first floor level and/or above in the north elevation of the building.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan DG1

Informatives

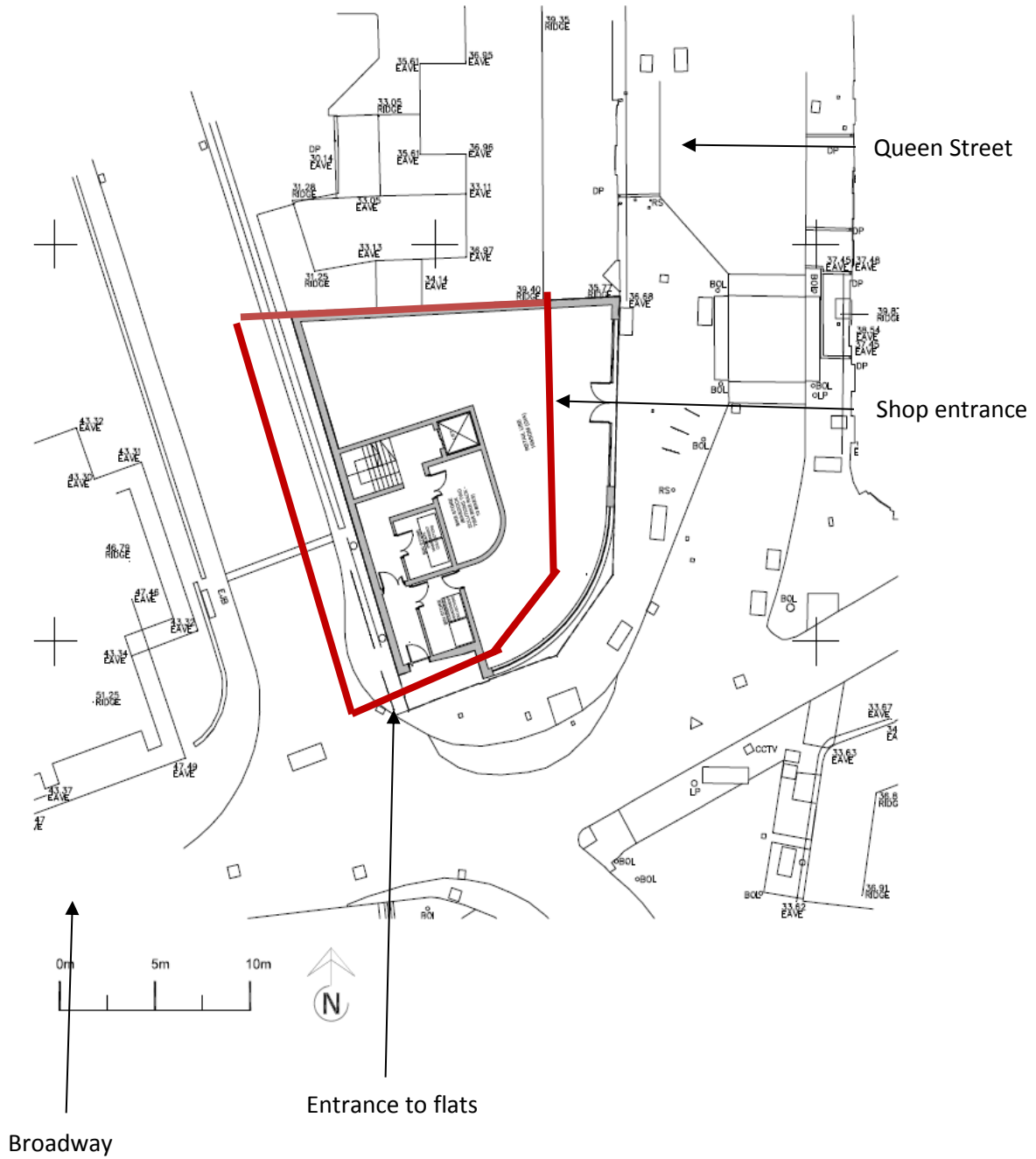
- 1 Damage to footways and verges - The attention of the applicant is drawn to the Berkshire Act 1986, Part II, and Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 2 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 3 No builders materials, plant or vehicles related to the implementation of the development should be parked / stored on the public highway so as to cause an obstruction at any time.
- 4 Where noise complaints from residents or businesses are likely then the permitted hours of operation for noise generating activities are restricted to standard hours:Monday-Friday
08.00-18.00Saturday 08.00-13.00No working on Sundays or Bank
Holidays.
- 5 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning.
- 6 The applicant and their contractor should take all practicable steps to minimise dust deposition outside the site boundaries which is a major cause of nuisance to residents living near to construction and demolition sites. All loose materials should be covered up or damped down by a suitable water device, all cutting/breaking is appropriately damped down, the haul route is paved or tarmac before works commence and 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: the 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.

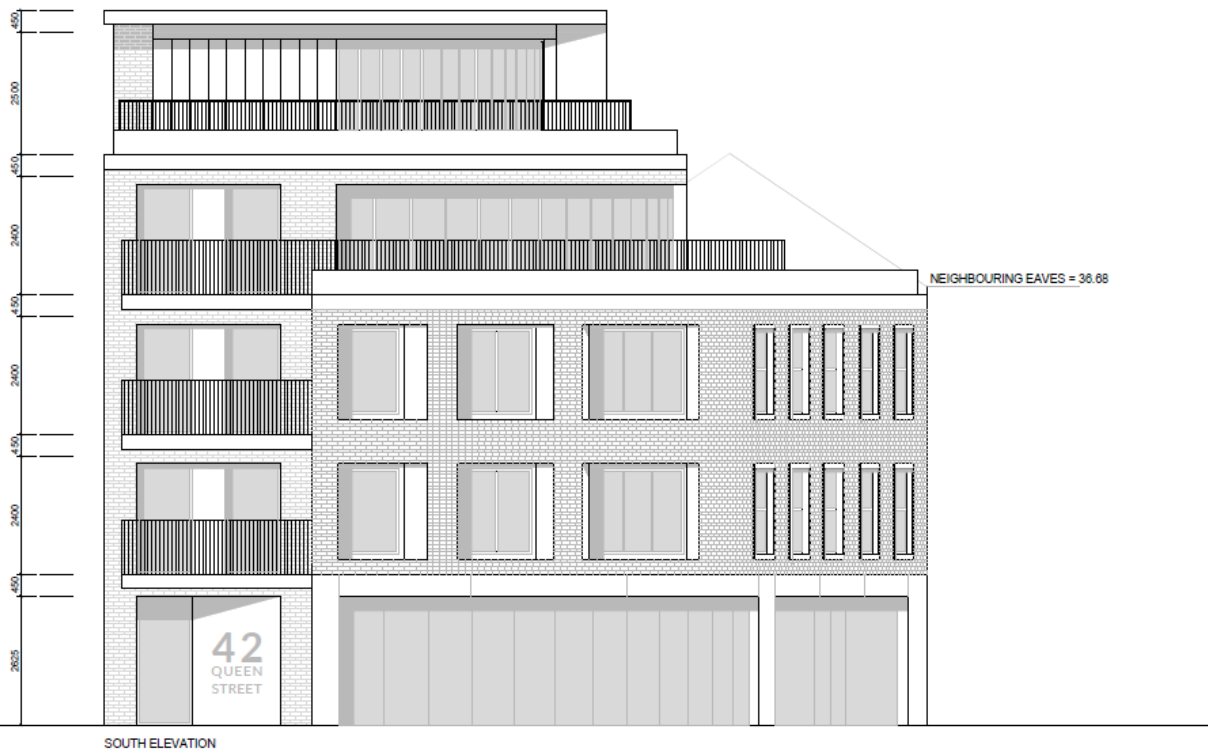


Application site

LOCATION PLAN







Proposed South Elevation

APPENDIX D



Proposed East Elevation

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

11 April 2018

Item: 4

Application No.:	18/00072/FULL
Location:	Hedsor Cottage 11 Maidenhead Court Park Maidenhead SL6 8HN
Proposal:	Erection of detached dwelling following demolition of existing garage and annexe with new vehicular access.
Applicant:	Mr & Mrs Hock
Agent:	Miss Stefania Petrosino
Parish/Ward:	Maidenhead Unparished/Maidenhead Riverside Ward
If you have a question about this report, please contact: Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal is for the erection of a detached dwelling following the demolition of the existing garage and annex and creation of a new vehicular access at Hedsor Cottage. The proposal is considered to pass the Sequential Test and the application of the Exception Test is not considered necessary. However, the Flood Risk Assessment and addendums fails to demonstrate that safe access and egress from the proposal to an area wholly outside of the 1% Annual Exceedance Probability plus climate change flood extent can be achieved.
- 1.2 The proposal is considered acceptable in terms of impact on character and appearance, impact on neighbours, and highway safety and parking.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

- | | |
|----|---|
| 1. | The proposal fails to demonstrate that the development can provide appropriate safe access and egress for future occupants. The proposal is therefore contrary to paragraph 103 of the NPPF and saved Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003). |
|----|---|

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Smith to debate whether policy is proportionate in this instance, and in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 This application comprises of a large plot containing a large two-storey detached dwelling, which is set further back into the plot than the adjacent houses, with a single-storey triple garage and adjoining outbuilding sited to the front of the main house. The site lies entirely within Flood Zone 2 and surrounded by Flood Zone 3. The site is situated within a residential area. The boundary of Maidenhead Settlement cuts across the rear garden of the site, with Green Belt to the west.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
17/03371/FULL	Construction of a detached dwelling following demolition of the existing triple garage and annex	Withdrawn – 19.12.2017
16/01292/FULL	Erection of detached dwelling following the demolition of existing garage and annex	Refused – 07.07.2017

14/03999/FULL	Erection of a detached dwelling following demolition of existing garage and annex and creation of a new vehicular access	Refused – 11.03.2015
14/00609/FULL	Part two part single storey rear extension with new front porch and associated alterations	Approved – 07.04.2014
93/00857/FULL	Change of use of agricultural land to residential	Approved – 31.03.1993
93/00854/FULL	Detached single storey building to house swimming pool	Refused – 28.12.1993
92/00795/FULL	Single storey extension to garage to form garden and pool store	Approved – 01.04.1992
91/00869/FULL	Pitched tiled roof to existing garage	Approved – 31.03.1991
87/00874/FULL	Erection of two storey front extension	Approved – 10.11.1987

4.1 The proposal for a new detached dwelling following the subdivision of the existing plot and demolition of the existing garage and annex under 16/01292/FULL was the same as the scheme proposed under 14/03999/FULL, which was refused under delegated powers on the grounds that it would lead to an unacceptable risk to people in the event of a flood. Following a Councillor call-in, application 16/01292/FULL was taken before Maidenhead Planning Panel on the 6 July 2016 where it was resolved to grant planning permission on the basis that flood mitigation can be sufficiently provided and local knowledge is that there is not a flood issue in this area, and the maps held by the Environment Agency are wrong having not been updated to reflect the Jubilee River effect. The application reverted back to Maidenhead Planning Panel for determination following a Consent Order (7 March 2017) to quash the grant of planning permission as relevant paragraphs 101–103 of the NPPF had not been correctly applied in determining the planning application. 16/01292/FULL was subsequently refused on the 07 July 2017 on the basis that the Flood Risk Assessment did not provide a suitable basis for an assessment of flood risk arising from the proposed development when taking into account climate change, and therefore would lead to an unacceptable risk to people in the event of a flood.

4.2 The siting, scale and design of the house proposed under this current application is the same as previously proposed under 14/03999/FULL and 16/01292/FULL. The main differences include an amended red-line plan which excludes a section of land to the north which lies in Flood Zone 3 and a revised Sequential Assessment and Flood Risk Assessment, and a Safe Access and Egress Statement.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 6, 7 and 10.

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	Flood Risk	Trees
DG1, H10, H11	T5, P4	F1	N6

Borough Local Plan: Submission Version

5.3

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Housing Provision	HO2, HO5
Manages flood risk and waterways	NR1
Impact of 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 Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council had 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 were submitted to the Secretary of State for examination on 31st January 2018. The weight to be afforded to each policy at this stage will differ depending on the level and type of representation to that policy.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary planning documents

5.4 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Interpretation of Policy F1

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.5 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy

More information of these documents can be found 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 Flood Risk
- iii Character of the Area
- iv Impact on Neighbours and Future Occupiers
- v Highway Safety and Parking
- vi Other Material Considerations

Principle of Development

6.2 The site is situated within an established residential area within Maidenhead. Development in such areas is acceptable in principle provided that the provisions of the NPPF and Local Plan policies can be satisfied.

Flood Risk

Sequential Test

6.3 The site is located within Flood Zone 2 (medium probability of flooding). In accordance with paragraphs 101 to 102 of the NPPF the proposed residential development must successfully pass a flood risk sequential test in order to direct development to the lowest risk areas of flooding first, before land in the medium and high probability of flooding classifications. A Sequential Assessment has been submitted by the applicant which uses The Council's Housing and Economic Land Availability Assessment (HELAA) (2016) to identify potential sites which are comparable in area and potential yield across the Borough. An analysis of these sites has also been undertaken, determining whether sites with a lower probability of flood risk have a

realistic prospect of being successful in securing comparable residential development and whether they would be reasonably available. The Sequential Assessment concludes that there are no other sites within the Borough with a lower risk and of a similar size that are available for the proposal. As no alternative and available sites appropriate to the development were found the application is considered to pass the sequential test.

Exception Test

- 6.4 Paragraph 102 of the NPPF states that if, following the application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding the Exception Test can be applied if appropriate. In accordance with Table 3 of the NPPG as the proposed dwelling would be located within Flood Zone 2 and classified as more 'vulnerable development' the Exception Test is not required.

Flood Risk Assessment

- 6.5 Paragraph 103 of the NPPF states Local Planning Authorities should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment (FRA), it can be demonstrated that the most vulnerable development is located in areas of lowest flood risk within the site unless there are overriding reasons to prefer a different location; development is appropriately flood resilient and resistant, including safe access and escape routes where required and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems. A FRA by AA Environmental Ltd dated October 2017 has been submitted to support the application. A separate Safe Means of Egress Statement (SMES) dated January 2018, an email from JSA dated 9 March 2018, and an email from JSA dated 21 March 2018 were submitted as addendums to the FRA.
- 6.6 The whole site is located in Flood Zone 2 and so the proposed dwelling is sited within the area of lowest flood risk within the site. The submitted FRA proposes flood resistant and resilient measures including water resistant skirting and synthetic or waxed windows and doors; water resilient materials for floors, walls and fixtures; raising electrical services, circuits and sockets; and bringing cables down from the ceiling instead of up from the floor. The finished floor level would also be set at 25.70 AOD which would be sited a minimum of 600mm above the 1 in 100 flood level plus an appropriate allowance for Climate Change (the Basic Approach of 1 in 100 year flood level, 24.60 AOD, plus 500mm local climate change allowance) in compliance with Environment Agency (EA) standing advice. These are considered to be achievable and proven resistant and resilient measures, and if approved, details and implementation can be secured by condition. In terms of flood capacity, as the proposed dwelling is sited on land designated as having between 1 in 100 and 1 in 1000 annual probability of river flooding, flood plain compensation is not required in this instance. It is considered, however, that the proposal fails to demonstrate safe evacuation can be achieved from the area.
- 6.7 The FRA states that the site is afforded safe egress to the adjacent dry island, which comprises of a residential area known as Maidenhead Court during a 1 in 100 plus appropriate level of climate change year flood event. However, by reason of its size and residential nature it is considered that the 'dry island' would be unable to adequately provide essential supplies and facilities i.e. food, drinking water, shelter and medical treatment to occupants throughout the duration of a prolonged flood event, and could be effected by the failure of infrastructure such as power, water and sewage provision. Consequently it would be likely that emergency services would be called upon to move occupants, especially those less able. The NPPG states that the emergency services are unlikely to regard developments that increase the scale of any rescue that might be required as being safe, therefore it is considered essential that a safe route of access and egress from the development to an area wholly outside the 1% Annual Exceedance Probability (AEP) plus allowance for climate change flood extent can be provided and maintained during flood events.
- 6.8 The SMES also identifies a route from the dry island via Sheephouse Road, Ray Park Avenue and the A4 to an area outside of the flood plain. In accordance with EA guidance, for a route to be considered safe during a 'design flood' the route should have a 'very low' hazard rating in accordance with the Framework and Guidance for Assessing and Managing Flood Risk for New

Development (FD2320/TR2). This is calculated using flood depth and velocity. Any other classification of route including 'danger for some', 'danger for most' and 'danger for all' would place future occupants of the development at risk from potential flood water depths and flows. Hazard ratings for the route were requested but have not been provided by the applicant, and therefore it is considered that the proposal fails to satisfactorily demonstrate that the route is safe in accordance with EA guidance and FD2320/TR2, and the NPPF.

- 6.9 The applicant has presented an alternative case as to why the route should be considered safe. The SMES states that while sections of this route fall within Flood Zone 3 this would only apply to limited parts of this route, which primarily benefit from flood defences. Taking ground levels (mAOD) and 1 in 100 plus climate change flood levels, the Flood Evacuation Route Plan calculates that the cumulative length of the inundated route is c.550m (25%). It has also been calculated that the depth of water in the 1 in 100 flood event would be within the 'safe limits' of 250mm, as defined in 'Flood Risk to People Guidance Document' (FD2321/TR2), with the exception of section 2 as shown on the Flood Evacuation Route Plan which exceeds the 250mm by only 70mm. Furthermore, the 1 in 100 flood event flood depths indicate that the route would be safe when travelling by vehicle.
- 6.10 The inundated route includes a significant section of the route measuring approximately 160m in length along Sheephouse Road and two significant sections along Ray Park Avenue measuring approximately 90m and 160m in length with other smaller intermittent sections along the route. The cumulative and individual length of flood water which a person has to pass through is considered not so insignificant to warrant an exception to flood risk and safety consideration. Furthermore, while sections of the route may benefit from flood defences, the Council's Strategic Flood Risk Assessment (SFRA) (2017) notes that it is essential to be recognised that flood defences do not fully remove the risk of flooding to properties within the Royal Borough (paragraph 4.2.8) as the standard of protection may be less than 1% AEP and flood defences do not address surface water, groundwater and foul sewer flooding. In this case, paragraph 4.2.14 of the Council's SFRA states there is a known risk of groundwater emergence along the River Thames and Figure E 'Areas Susceptible to Groundwater Flooding' shows the site located in an area with a greater probability to groundwater flooding (more than 75%). This is supported by the FRA submitted by the applicant which states that while there is no historic risk to groundwater flooding at the site given the underlying geology it is considered that groundwater flooding could pose a risk to future occupants of the site (paragraph 3.10). As such, flood defences as a mitigating factor are given limited weight in this respect. There is also a requirement under paragraph 103 of the NPPF to take into account 'residual risk' and The NPPG and the Council's SFRA specifies that residual risk includes the failure of flood defences or severe flooding that overtops flood defences. The NPPG and Council's SFRA go on to state that areas behind flood defences are at particular risk from rapid onset of fast-flowing and deep water flooding with little or no warning if fences are overtopped or breached. In relation to being within the 'safe limits', as defined in 'Flood Risk to People Guidance Document' (FD2321/TR2) this is not the accepted threshold to demonstrate safe access, which in accordance with the standing advice from the EA is the 'Framework and Guidance for Assessing and Managing Flood Risk for New Development' (FD2320/TR2). Furthermore, Flood Evacuation Route Plan only demonstrates that the inundated route, with the exception of section 2, would only be within the 'safe limits' in accordance with FD2321/TR2 for a 1 in 100 flood event. The NPPF makes clear that an appropriate allowance for climate change would have to be applied when considering flood risk. The flood water depths including climate change of the inundated route would fall under 'Dangerous for Most' with the exception of section 4 which would be 'Dangerous for Some' and section 6 which would be 'safe'. While the Flood Evacuation Route Plan indicates relatively low flood water depths for a 1 in 100 flood event, the flood water depths for a 1 in 100 flood event including climate change would be higher than the exhaust of an average car. There are also no guarantees that occupiers of the proposed house would have access to a car or the ability to drive it and there is no reasonable planning mechanism that would secure this. For these reasons it is not considered the alternative case, in the absence of a low hazard route being identified, represents a safe access. The proposal would therefore increase the number of people at risk from flooding, would result in an unacceptable risk to the health and safety of the occupants during a flood event, and would place an increased burden on the emergency services during a time of flood, contrary to paragraph 103 of the NPPF and Local Plan policy F1.

- 6.11 An alternative route to the north via the A4094 has also been referred to in the SMES but with limited information provided on this route, including any plan illustrating the route itself, it has not been possible to assess whether the route is safe in accordance with EA guidance and FD2320/TR2, and the NPPF.
- 6.12 The SMES states that the EA's hydraulic modelling for the River Thames basin indicates that flooding from rivers is slow and with the imposition of a Flood Evacuation Plan, which would ensure future occupants are registered and aware of the EA Flood Warning Services, future occupants would have a matter of days of advanced warning to leave the property. However, it is considered that there is no planning mechanism that could guarantee that people would / could heed warnings to vacate at the time of any warning. It is also considered that there are no specific material considerations that would support sole reliance on a Flood Evacuation Plan.
- 6.13 The SMES states that in actuality there would be an unlikely requirement to evacuate the property or a safe escape route as the finished floor levels of the dwelling would be above the 1 in 100 year flood level plus climate change and therefore unlikely to be inundated. With flood warnings the occupants could stock up on essential provisions. However sufficient supplies could also not be guaranteed for an extended period of time until surrounding flood water recedes, and same as refuge on a dry island there would be no guarantees that infrastructure such as power, water and sewage provision wouldn't fail. It is considered that such a situation would have the potential to pose an unacceptable risk to the health and safety of those occupants and to put additional pressure and risk on the emergency services in enabling evacuation.
- 6.14 It follows that as the proposal fails to demonstrate that flood risk can be safely managed during a 1 in 100 flood event then the proposal would not be safe when considering any additional residual risk, which the SFRA defines as a measure of outstanding flood risks and uncertainties that have not been explicitly quantified and or accounted for. In terms of sustainable drainage, if approved, details and implementation of an acceptable scheme meeting the Non-Statutory Technical Standards for Sustainable Drainage can be secured by condition.

Character of the Area

- 6.15 Maidenhead Court Park is an attractive residential area which is characterised by detached dwellings set within relatively modest to large plots with landscaped frontages which gives a spacious, verdant feel. In terms of the style of dwellings there is a mixture of bungalows, two storey dwellings to two and a half storey dwellings ranging from Edwardian style to later twentieth century suburban housing.
- 6.16 The left side of Maidenhead Court Park from No's 3 to 17 is sited approximately in line with one another with the exception of Hedsor Place and Redlands Cottage which are set significantly further back from the road. The new dwelling would be sited fronting Maidenhead Court Park to the front of Hedsor Place and in the gap between no. 9 and no. 13 Maidenhead Court Park, approximately in line with these two adjacent properties. While the proposal would result in a tandem development, due to its siting to the front it is considered that the new house would read as a continuation of the prevailing building line along this section of Maidenhead Court Park and therefore acceptable in this case. Concerns have been raised by local residents over height. While the main ridge height remains the same as the previous proposals under 16/01292/FULL and 14/03999/FULL, the front facing gables have been increased in height in comparison to those proposed under 16/01292/FULL and 14/03999/FULL by 0.5m and 0.2m. However the scale of the proposal and the lower-eave design is considered to result in a dwelling that sits comfortably between both the existing neighbours, which comprises of a two storey and two and half storey dwelling. It is noted that the finished floor levels would be set at 25.70 AOD (paragraph 6.6) and a section has been provided to demonstrate that there would be sufficient height within the proposed building for rooms to function within the built envelope. Following subdivision, the resultant plot for the existing house at Hedsor Place would still be large in size and comparable with plots within the locality. The plot for the proposed house would be smaller, but the house is not considered to be cramped being offset from the boundaries, with approximately 170sqm of amenity space to the rear, and sufficient space to accommodate soft landscaping along its frontage. If recommended for approval a landscaping scheme could be secured by condition to mitigate the loss of existing greenery to the front of Hedsor Place and maintain the existing verdant character of the street. The space between the new house and

shared flank boundary with no. 9 Maidenhead Court Park would be narrower than the prevailing gaps between buildings along this section of Maidenhead Court Park, but it is considered that the 1.5m gap and hipped roof would maintain the sense of space between buildings and present visual terracing.

- 6.17 In terms of the design of the dwelling, it incorporates similar features to that of Hedsor Place with the roof design and double fronted gables.
- 6.18 For these reasons the proposed dwelling is considered to be of a high quality design that would be in keeping with the character and appearance of the area in accordance with Local Plan Policies DG1, H10 and H11 and the provisions of the NPPF in this respect.

Impact on Neighbouring Amenity and Future Occupiers

- 6.19 The proposed dwelling would be sited approximately in-line with no. 9 and 13 Maidenhead Court Park and would not extend significantly further forwards or rearwards of these adjoining houses. It is therefore not considered to result in a significant loss of light to or visual intrusion when viewed from their rear and front windows or neighbouring gardens. It is noted that no. 9 Maidenhead Court has a number of ground-floor and first-floor side windows on the northwest elevation. On the ground floor there is a window serving a kitchen, but as this kitchen window is north facing and not the only source of natural light or outlook with another kitchen window on the southwest elevation, this relationship is considered acceptable. The remaining ground floor windows serve non-habitable rooms. With regards to the first-floor, the proposal dwelling would not intrude through a 25 degree taken from the mid-point of these side-facing windows and therefore unlikely to result in an undue loss of light or visual overbearing to the detriment of neighbouring amenity. With regards to no. No. 13 Maidenhead Court Park there are no side window to the main house on the southeast elevation, with only a high level, ground floor window serving the adjoining garage. As this is a non-habitable room, the proposal is not considered to result in undue harm to neighbouring amenity in this respect.
- 6.20 A first floor window is proposed on the southeast elevation of the proposed house which would face no. 9 Maidenhead Court Park. However, this would serve an en-suite and if it had been recommended for approval a condition could be attached to any permission granted to ensure that the window was obscurely glazed and non-opening to a level of 1.7m above finished floor level. Windows to the front and rear elevation are not considered to result in an undue loss of privacy which materially differ or add to existing levels of overlooking. A distance of 24 metres would be maintained between Hedsor Place and the proposed dwelling from front to rear which would be considered sufficient to prevent any issues in respect to overlooking and loss of privacy.
- 6.21 The proposed dwelling would be of an appropriate size, there would be sufficient levels of natural light to serve the main living area and an appropriate level of private amenity size. It is considered that the proposed redevelopment would provide a good living environment for future occupiers.
- 6.22 Given that it is one unit and its residential nature it is not considered that the proposal would generate unreasonable levels of smell or other disturbances such as noise. Overall, the proposal is considered to meet the aims and objectives of Core Planning Principle 4 of the NPPF.

Highway Safety and Parking

- 6.23 Maidenhead Court Park is an adopted residential street which is approximately 6.0m wide and subject to a local 30mph speed restriction. There is a 2.2m wide footway adjacent to the proposed access point and a 2.0m wide verge and 1.3m wide footway opposite. The existing dwelling (Hedsor Place) has an in-out drive arrangement. It is proposed to utilise a centrally located access point to serve the new development with an access further to the north in order to serve Hedsor Place. The proposed accesses would achieve a visibility splay of 2.4 x 43 metres each way, which is considered acceptable. The redundant southernmost access point would need to be stopped up for use by vehicles and the adjoining footway/verge crossover reinstated, the accesses should be surfaced with a bonded material to avoid spillage of loose material onto

the carriageway, and the gradient of the driveway should not exceed 1 in 12, but these details could be secured by condition.

- 6.24 The proposed car parking layout for the proposed house would provide adequate parking and turning facilities for two cars which would meet the Council's adopted Parking Standards for a 3-bed house. While the proposal involves the loss of garages for Hedsor Place, sufficient parking and turning would be retained for the existing 4-bed dwelling to the front of the house. Refuse and recycle facilities could be secured by condition if minded to approve.
- 6.25 The proposed development would result in an increase in 6-12 vehicle movements per day, but would not be substantial enough to have a negative impact on highway safety and the local road network. In the interest of highway safety and free flow of traffic during construction, a Construction Management Plan is recommended.
- 6.26 Overall, the proposal is considered to meet the aims and objectives of Local Plan policy P4 and T5.

Other Material Considerations

Trees

- 6.27 The proposal would result in the loss of a tree, but it is not protected and not considered to contribute significantly to visual amenity. As such there are no objections to its loss.

Contaminated Land

- 6.28 The site is located on an old gravel pit however there is no objection to the development subject to a condition if minded to approve in the event that unexpected soil contamination is found after development has begun.

Housing Land Supply

- 6.29 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 housing applications 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 5 year supply of deliverable housing sites. Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council intends to formally submit by 31 January 2018. The Borough Local Plan sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 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 sqm based upon the chargeable residential floor area.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

13 neighbouring residents were notified directly of the application and the planning officer posted a statutory notice advertising the application at the site on 22.01.2018.

17 letters of objection were received, summarised as:

Comment	Where in the
---------	--------------

		report this is considered
1.	Proposal fails Sequential Test and Exceptions Test. Flood risk, application has previously been refused on this basis and this application does not overcome concerns.	Para. 6.3 – 6.14
2.	The height of the proposed house would be significantly taller than neighbouring properties, resulting in a dominant and unsightly addition in the streetscene.	Para. 6.15
3.	The infilling to the front of the exiting house would be out of character with historic pattern of development and spacious character.	Para. 6.15
4.	The smaller plot size would be out of character within the wider locality.	Para. 6.15
5.	The amount of car parking spaces proposed are insufficient, resulting in on-street parking to the detriment of visual and residential amenity.	Para. 6.23
6.	Loss of privacy and loss of light to neighbouring rooms	Para. 6.18 – 6.19
7.	Single dwelling would not contribute significantly to housing demand	Para. 6.28
8.	There have been numerous applications for the proposal, applicants should have appealed refused scheme rather than resubmitting.	The changes to the red-line plan, and additional information relating to flooding means a sufficiently different proposal from the previous.

Other Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Should be determined in line with standing advice.	Para. 6.3 – 6.14
Environmental Protection	No objection subject to condition related contaminated land, and informatives relating to dust and smoke control, hours of construction and deliveries to the construction site.	Para. 6.27
Local Highway Authority	No objection subject to conditions related to the construction of the access, surfacing of the accesses with bonded materials, stopping up of the redundant access, the gradient of the drives, refuse and recycling facilities and a construction management plan.	Para. 6.22 – 6.25
Maidenhead Civic Society	The forward building would be out of character with the streetscene, obstruct views and harm setting of the existing house and would harmful in terms of flood risk.	Para. 6.3 – 6.17

9. APPENDICES TO THIS REPORT

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

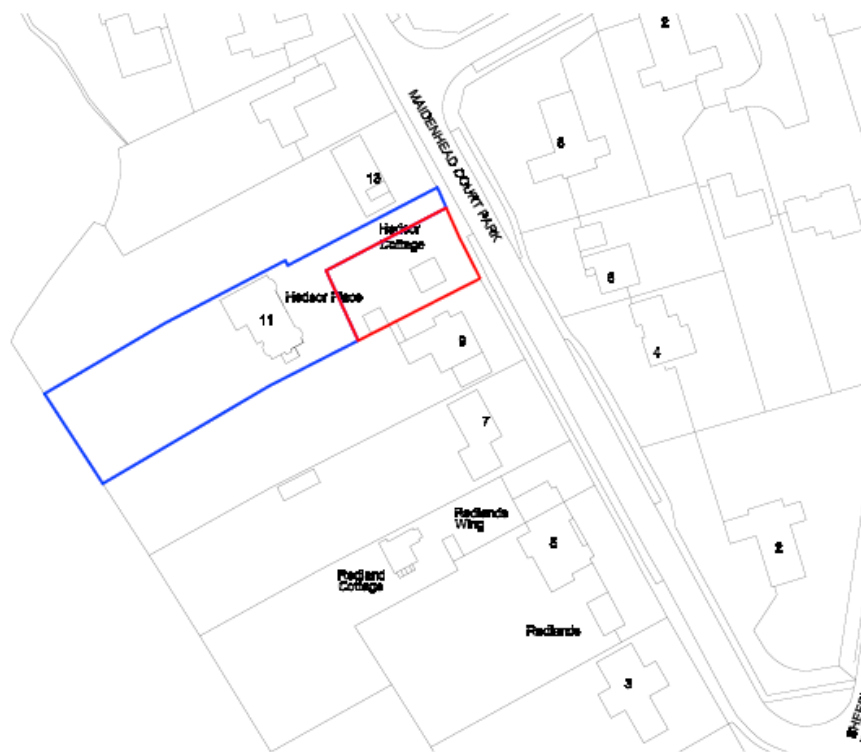
This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental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

In this case the issues have not been successfully resolved.

10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal fails to demonstrate that the development can provide appropriate safe access and egress for future occupants. The proposal would therefore increase the number of people at risk from flooding, would result in an unacceptable risk to the health and safety of the occupants during a flood event, and would place an increased burden on the emergency services during a time of flood, contrary to paragraph 103 of the NPPF and saved Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003).

Appendix A – Site Location Plan



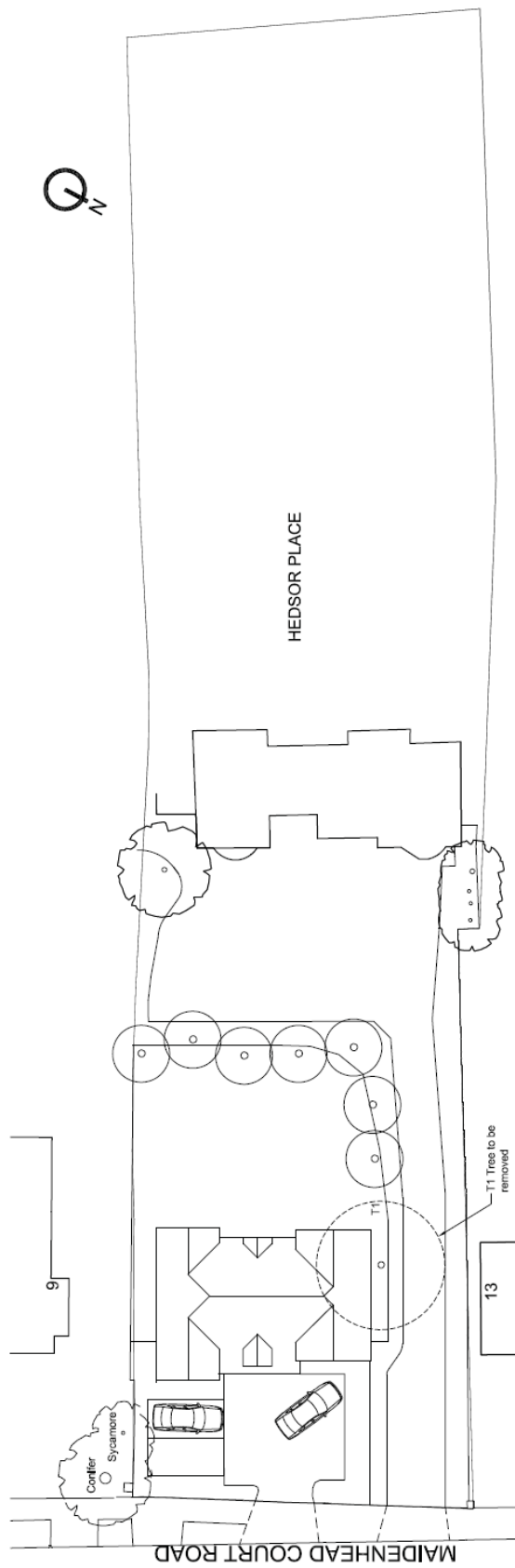
■ Mr & Mrs Hock
Hedsor Cottage,
■ Maidenhead Court Park
Location Plan

Drawing1.dwg

■ Project HMCP
■ Dwg No/rev. PL-100
■ Scale 1:1250@A4
■ Date OCT 2017
■ Checked by AC



Appendix B – Site Layout



Site Plan
Scale 1:250

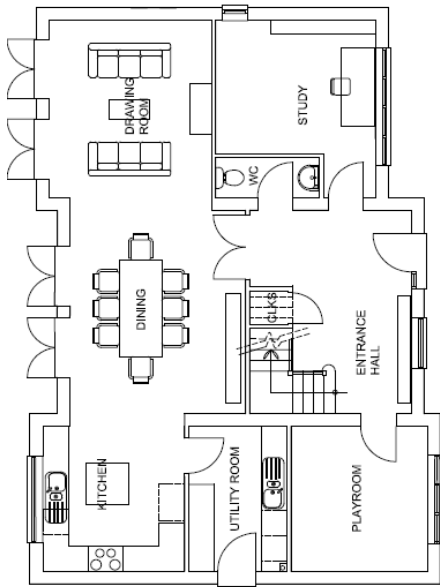
FOR PLANNING

Project	LAND AT HEDSOR PL, 11 MAIDENHEAD COURT PARK, SL6 8HN
Title	PROPOSED BLOCK PLAN
Drawing Number	D1418/PL01
Date	NOV '14
Drawn	AN AS STATED
Scale	AS STATED
Page	A3
Plot Size	100mm long

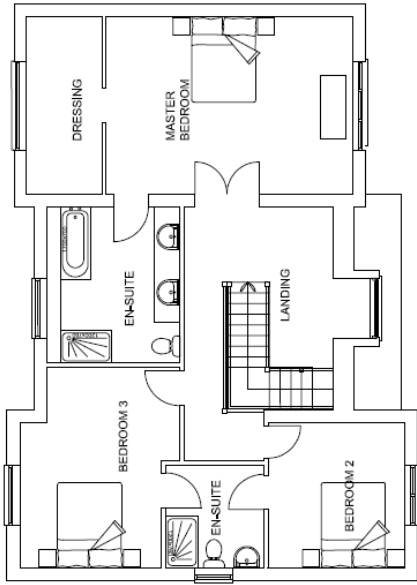
Artichoke
Architectural Developments Limited
71 Clewer Hill Road, Windsor, SL4 4DE
01753 830 422 • 07793 318 035
Info@adtd.co.uk



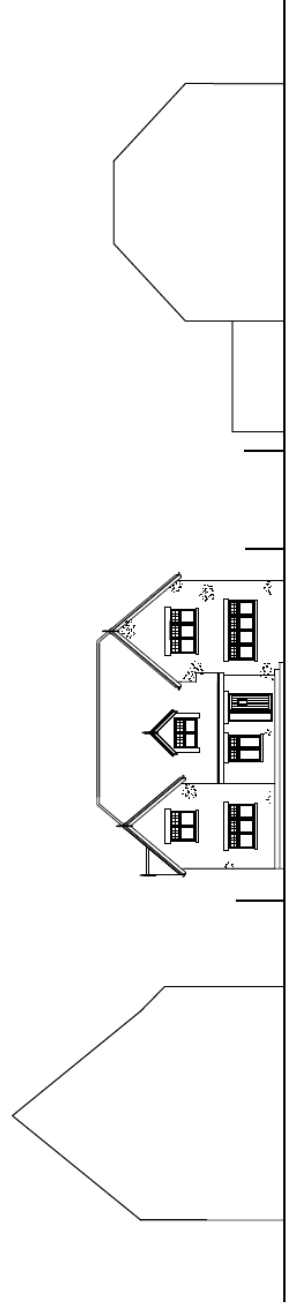
Appendix C – Proposed Plans and Elevations



PROPOSED GROUND FLOOR PLAN Scale 1:100



PROPOSED FIRST FLOOR PLAN Scale 1:100



INDICATIVE STREET SCENE Scale 1:200



FOR PLANNING

Project: LAND AT HEDSOR PL
11 MAIDENHEAD
COURT PARK, SL6 8HN

Title: PROPOSED PLANS &
STREET ELEVATION

Block/No: D1418/PL02

Date: NOV '14

Drawn: AN

Checked: AS

Scale: AS STATED

Sheet: A3

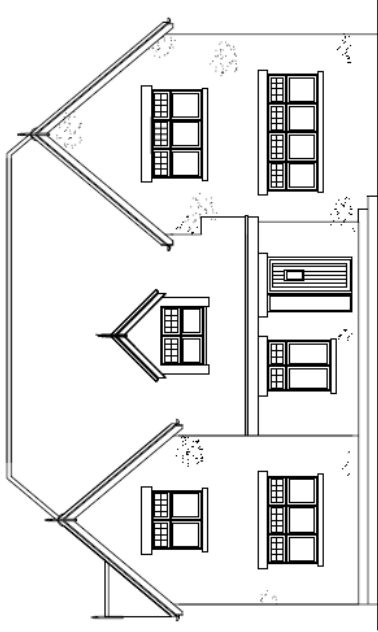
Note: this line should be 100mm long

Rev: 29/10/2017
A: Floor level
B: Minor alignment of windows for planners validation
C: 05.07.15
D: 08.07.15

Drawn By: [Name]
Checked By: [Name]

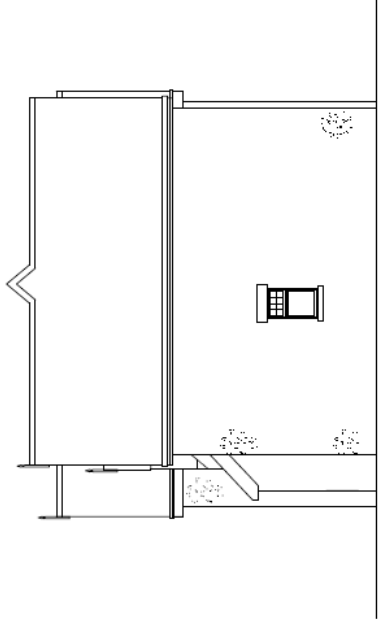
Artichoke
Architectural Developments Limited

01753 830 422 • 07793 318 035
Info@aadlid.co.uk



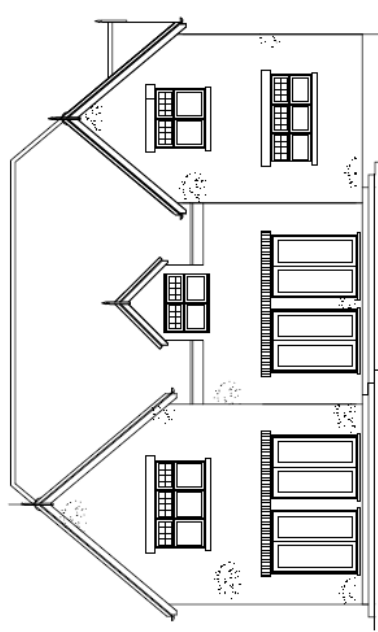
PROPOSED FRONT ELEVATION

Scale 1:100



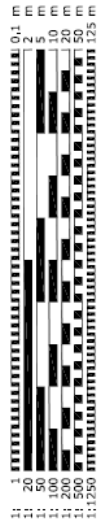
PROPOSED SIDE ELEVATION

Scale 1:100



PROPOSED REAR ELEVATION

Scale 1:100



Project: LAND AT HEDSOR PL,
 11 MAIDENHEAD
 COURT PARK, SL6 8HN
 Title: PROPOSED
 ELEVATIONS
 Drawing No: D1418/PL03
 Date: NOV 14
 Scale: A3
 Drawn By: AN
 Checked By: DRGS
 Date: 14
 Scale: A3
 This line should be 100mm long

FOR PLANNING

Artichoke
 Architectural Developments Limited
 71 Clewer Hill Road, Windsor, SL4 4DE
 01753 830 422 • 07793 318 035
 info@aadttdi.co.uk

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

11 April 2018

Item: 5

Application No.:	18/00195/FULL
Location:	Goyal 28 Bridge Street Maidenhead SL6 8BJ
Proposal:	Conversion of first, second and third floor to 3 x 1-bedroom studio flats and a detached bin store
Applicant:	Mr Goyal
Agent:	Mr Terry Platt
Parish/Ward:	Maidenhead Unparished/Oldfield Ward
If you have a question about this report, please contact: Alys Hughes on 01628 796040 or at alys.hughes@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal is considered acceptable in principle as the ground floor would remain in retail use and the conversion to residential accommodation would contribute to a sustainable mix and choice of housing.
- 1.2 The application of the Sequential Test and Exception Test is not required. The proposal is considered acceptable in line with the flood risk requirements of paragraph 103 of the NPPF.
- 1.3 There is no car parking on the site currently and none is proposed as part of the scheme however the proposed use would not generate a significantly greater demand for parking than the existing use.
- 1.4 There are no residential amenity issues or significant concerns over character and appearance.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.
--

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; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The proposal site is situated within the Maidenhead Town Centre Commercial Boundary and forms part of the secondary shopping frontage. The building is situated on the south west side of the corner of Bridge Street and Forlease Road. It is a three-story building, including the side extension approved in 1992. The whole building has a Class A1 use, and is a clothes outfitters specialising in school and youth organisation uniforms with retail sales on the ground floor and storage above. The retail unit is accessed off Bridge Street and there is a separate access to the upper floor from Forlease Road across a grassed area of adopted highway land. There is no on-site parking.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for the conversion of the first, second and third floors to residential use, to provide three studio units. The ground floor would remain in retail use. External alterations would be limited to the insertion of windows in the rear elevation at first and second floor level to provide light to kitchens and the second floor bathroom.

- 4.2 11/00498/FULL - Change of use of first, second and third floor to provide 3 no. studio flats. Renewal of planning permission 08/01671/FULL. Permitted 28.04.2011

08/01671/FULL – Change of use of first, second and third floor to provide 3 no.studio fats. Permitted 27.08.08

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections

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	Maidenhead Town Centre	Flooding
DG1, H6, H8, H9	P4, T5	MTC12	F1

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1
Makes suitable provision for infrastructure	IF1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council has prepared 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 were submitted to the Secretary of State for examination on 31st January 2018. The weight to be afforded to each policy at this stage will differ depending on the level and type of representation to that policy.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary planning documents

- 5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004
 - Maidenhead Town Centre Area Action Plan 2011

Other Local Strategies or Publications

- 5.4 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:

- i the acceptability of change of use
- ii impact on amenities
- iii parking and access
- iv flood risk
- v other issues

The acceptability of change of use

6.2 The proposal site is situated within the Town Centre Commercial Boundary of the Maidenhead Town Centre Area Action Plan (AAP). Policy MTC 12 states that new housing developments will be supported throughout the town centre and proposals are expected to contribute to a sustainable mix and choice of housing. The ground floor is to remain in retail use and Local Plan Policy H6 encourages the re-use and conversion to residential accommodation of office space and vacant upper floors in shopping areas.

6.3 Based on the above, the proposed change of use is considered acceptable in principle.

Impact on amenities

6.4 The proposed additional windows would face the side elevation of the block of flats, known as 1-17 Chapel Archers, situated to the south of the site. The proposed plans illustrate that these additional windows would be obscurely glazed. One window would be serving a bathroom and the other two would be serving kitchens. The bathroom window would be acceptable as being obscurely glazed as this is not a habitable room. Kitchens are habitable rooms, however, being a studio flat, the windows at the front of the building would provide the main outlook and this level of outlook and light ingress in relation to the size of the residential unit is considered sufficient. Obscurely glazing the rear windows serving the kitchen to prevent any risk of overlooking towards neighbouring amenity areas would therefore be acceptable and this would be conditioned (condition 5).

6.5 No amenity space is provided on site however the site is situated within close proximity to The Moor and also Kidwells Park. Prospective residents would be aware of the lack of any on-site amenity space.

Flood Risk

Sequential Test and Exception Test

6.6 The site is situated within Flood Zone 2 (medium risk). Paragraph 101 of the NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding, and the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Paragraph 102 of the NPPF goes on to state that If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. However, in accordance with paragraph 104 the Sequential Test does not need to be applied for

development for a change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site) or the Exception Test.

Paragraph 103 of the NPPF

- 6.7 Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and considered development appropriate in areas of risk of flooding where informed by a site specific flood risk assessment (FRA) following the Sequential Test and, if required, the Exception Test, it can be demonstrated that the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons, and development is appropriately flood resilient and resistant, including safe access where required, and that any residual risk can be safely managed and it gives priority to the use of sustainable drainage systems.
- 6.8 A Flood Risk Assessment has been submitted to support the application in accordance with paragraph 103 and 104 of the NPPF. The information provided in the updated FRA is sufficient and it has been demonstrated that the development is appropriately flood resilient and resistant, including safe access and escape routes in accordance with paragraph 103 of the NPPF. A condition will be included on any permission to require the development to be implemented in accordance with the details contained within the FRA (condition 2)

Other Issue

- 6.9 There is no car parking on the site currently and none is proposed as part of the scheme. This is acceptable in view of the site's sustainable location in Maidenhead town centre and with regards to access to public transport such as bus and rail. Whilst concerns have been raised by a neighbour regarding the existing parking pressures in the area, as the proposal is a change of use, it is not considered that the proposed use would generate a significantly greater demand for parking than the existing use.
- 6.10 In terms of the provision of a cycle store, space on site is limited and so the agent has agreed to supply folding bikes with storage locker in each unit as part of the scheme. This can be covered by condition (condition 4).
- 6.11 Details of the bin store has been provided and would be located to the rear of the site. The Highways Authority have confirmed that they have no objection to the proposed size and location of the bin store (condition 3).
- 6.12 The only alterations to the appearance of the building are the additional windows and these are not considered to significantly alter the appearance of the building, particularly due to their location. As such, no concerns are raised with regards to the impact of the proposal on the character and appearance of the area.

Other Material Considerations

- 6.13 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 housing applications 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 5 year supply of deliverable housing sites. Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted on the 31 January 2018. The Borough Local Plan sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory.
- 6.14 CIL is not payable on residential development situated within Maidenhead Town Centre.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

1 letter was received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. Parking already an issue in the area	6.9

Other consultees

Consultee	Comment	Where in the report this is considered
Highways	Recommend for approval subject to one condition requesting for details of cycle and bin store to be submitted	Details of cycle and bin store have been received during the course of the application and are dealt with under 6.10 and 6.11
Environment Protection	No comments received at time of drafting report.	

8. APPENDICES TO THIS REPORT

- Appendix A - Proposed location plan and elevations drawings
- Appendix B – Proposed floor plans

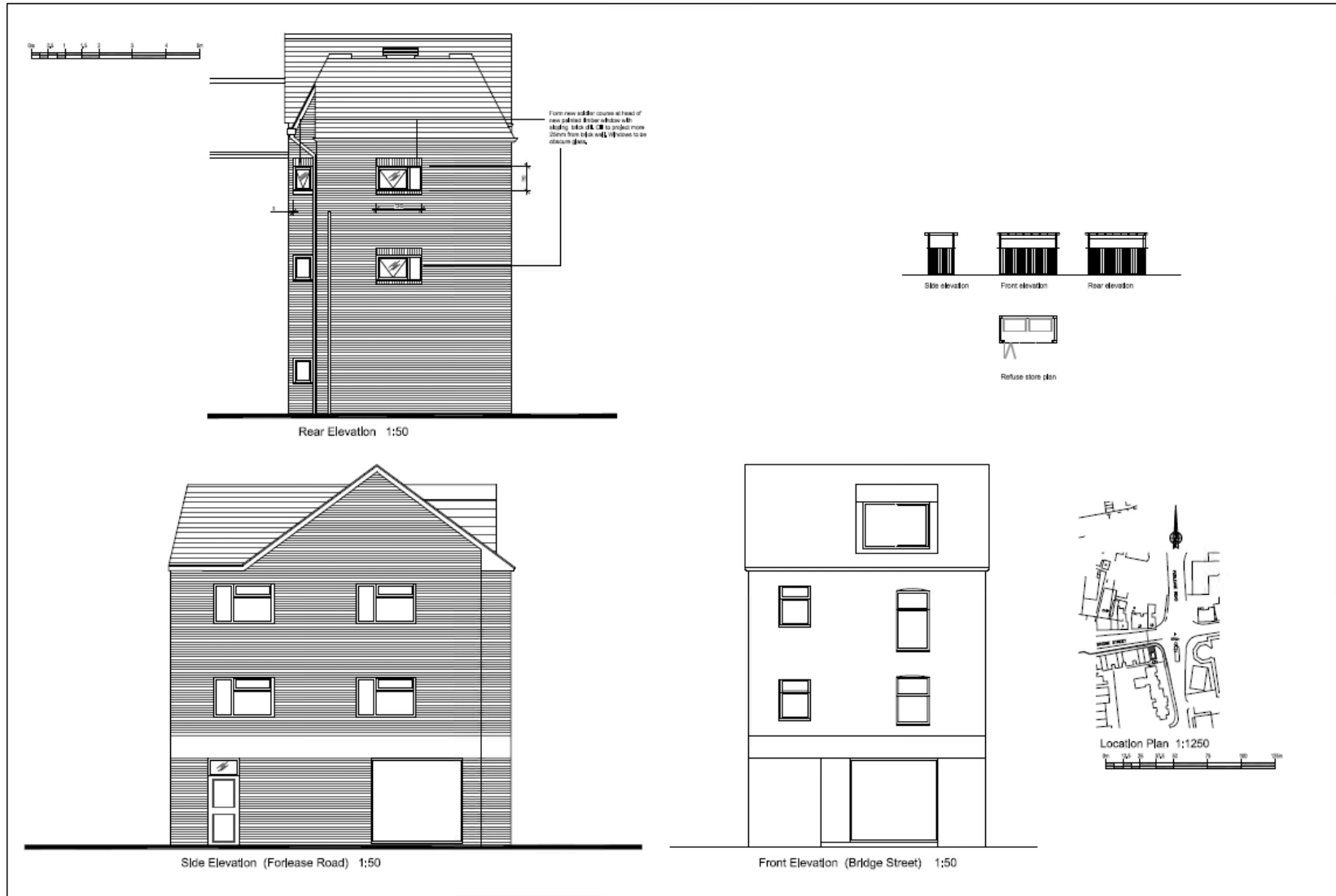
9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 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 The development permitted by this planning permission shall be carried out entirely in accordance with the details contained within the approved Flood Risk Assessment (Peter Brett, January 2018, Project reference 42662/4001).
Reason: To reduce the risk of flooding to the proposed development and future occupants.
Relevant policies: Local Plan Policy F1 and section 10 of the NPPF.
- 3 Prior to the occupation of the development, the bin storage area shall be provided in accordance with the details contained on approved drawing no. 1701-PL201 Rev A. 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.
- 4 Prior to the occupation of the development hereby permitted, foldable bicycles and storage lockers shall be provided for each unit in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the bicycles and lockers shall be permanently retained for the use of the occupants of the development.
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

- 5 The approved new window(s) on the southern 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 these windows 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 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 – Proposed location plan and elevation drawings



Rev	Notes

Design Notes

1. This is not a survey drawing, all dimensions to be checked on site.
2. Do not scale off the drawing.
3. The copyright of this drawing is the property of TPA Design Ltd
4. All discrepancies to be reported to the architect.
5. Please ensure that this drawing is read together and cross referenced with all other relevant architectural drawings, schedules and specifications.
6. Please ensure that this drawing is read in conjunction with all other construction relevant drawings, schedules and specifications.
7. TPARCHITECTS is a trading name of TPA Design Ltd Registered address 28a St Luke Road, Micklehead, Barkeley SL10 1JH.

Project: Mr Goyal
28 Bridge Street
Micklehead

TPO: Elevations
Comments to Plans

TPO No: 17014/2021

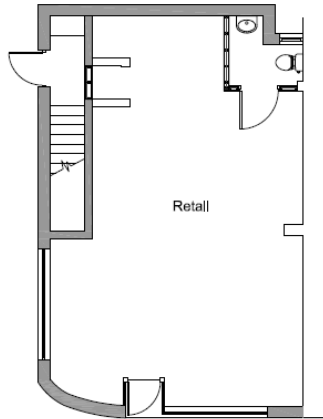
Rev: A

Drawn: [Name]
Checked: [Name]
Date: 03/08/2024

TPARCHITECTS

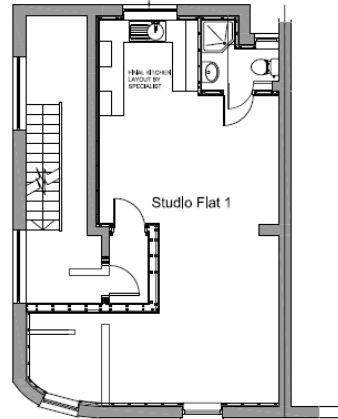
28a St Luke Road Micklehead Barkeley SL10 1JH
t: 01753 600000 e: info@tparchitects.co.uk
www.tparchitects.co.uk

Appendix B - Floor Plans

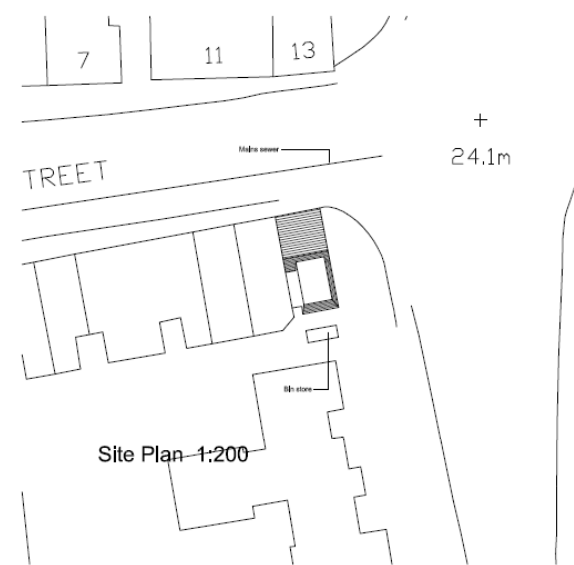
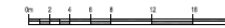


Ground Floor Plan 1:50

new window to be polished double glazed unit & obscure glass. Form new brick above window with brick soldier course at head and sill as shown

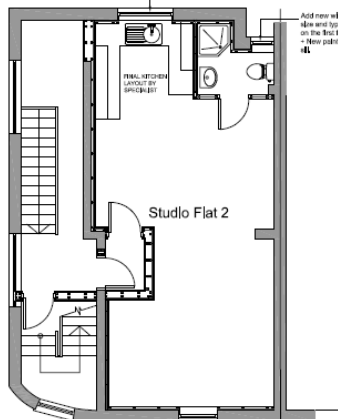


First Floor Plan 1:50



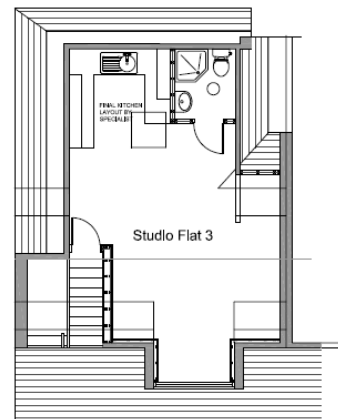
Site Plan 1:200

Form new opening with 1500 x 750mm new window to be polished double glazed unit & obscure glass. Form new brick above window with brick soldier course at head and sill as shown



Second Floor Plan 1:50

Add new window to match in size and type as the adjacent one on the first floor in this corner. New polished timber window as shown



Third Floor Plan 1:50

Rev	Description

Drawings Notes:
 1. This is not a survey drawing - all dimensions to be checked on site.
 2. Do not scale off this drawing.
 3. The copyright of this drawing is the property of TPA Design Ltd.
 4. All discrepancies to be reported to the architect.
 5. Please ensure that this drawing is read together and cross referenced with all other relevant architectural drawings, schedules and specifications.
 6. Please ensure that this drawing is read in conjunction with all other consultants' specialist contractors relevant drawings, schedules and specifications.
 7. TPARCHITECTS is a trading name of TPA Design Ltd Registered address 20a St Lukes Road, Middlesbrough, Cleveland TS6 0DN.

Project: Mr Royal 20 Kings Street Middlesbrough	
20a St Lukes Road Middlesbrough TS6 0DN +44 (0)1642 72388 www.tparchitects.co.uk	
Title: Floor Plans Conversion to Flats	Date: 15/08/2018 Rev: 01_2018
Drawing No: 17014-PL200	Status: ISSUED FOR CONSTRUCTION

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

11 April 2018

Item: 6

Application No.:	18/00199/FULL
Location:	Rosedene Moneyrow Green Holyport Maidenhead SL6 2ND
Proposal:	Replacement porch, replacement single storey side extension with accommodation in the roof space served by an external staircase with first floor decking
Applicant:	Mr Biddle
Agent:	Mr Scott Lewis
Parish/Ward:	Bray Parish/Bray Ward
If you have a question about this report, please contact: Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk	

1. SUMMARY

- 1.1 The site lies in the Green Belt. The proposal for a two storey extension to this house, which has been much extended in the past, to form a garage with home office above would result in a cumulative increase in floorspace of 193%. This is considered to be disproportionate to the original property and therefore inappropriate development in the Green Belt. The proposal is contrary to Policies GB1, GB2 and GB4 of the Local Plan and Paragraph 89 of the NPPF. No very special circumstances are apparent to outweigh this finding. In addition, the proposed external timber stairway and access deck would cause loss of privacy to the neighbouring properties to the sides and rear, contrary to Policy H14 of the Local Plan and Paragraph 17 of the National Planning Policy Framework.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 9 of this report):	
1.	Inappropriate development in the Green Belt
2.	Loss of privacy to neighbouring properties

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Coppinger if the recommendation is refusal, in the public interest. Cllr Walters had also requested it be determined by Panel if the recommendation was approval, in the public interest (Green Belt).

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is a small semi-detached house located on a ribbon of development in Moneyrow Green. It is located in the Green Belt. It has been significantly extended in the past, as has the adjoining property. There is a bungalow to the rear accessed via a driveway alongside Rosedene. There is a further semi-detached house to the south on the other side of the bungalow's driveway.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for a replacement porch and a two storey side extension to replace an existing detached garage, to contain a garage on the ground floor and a home office on the first floor within the roof space. It would be of oak framed construction with timber cladding. It would include a rear external timber staircase and raised timber access deck.

- 4.2 3822 Alterations and additions (2 storey side extension) Approved 1959
BR application for a lean to conservatory 1959
04/41382 Erection of single storey rear extension Approved 2004

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Within settlement area	Green Belt
Local Plan	DG1, H14	GB1, GB2, GB4

These policies can be found at:

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

Other Local Strategies or Publications

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

- RBWM Parking Strategy – view using link at paragraph 5.1

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents were submitted to the Secretary of State for examination on 31st January 2018. The weight to be afforded to each policy at this stage will differ depending on the level and type of representation to that policy.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- i Appearance and character
- ii Green Belt
- iii Neighbouring Amenity
- iv Parking

Appearance and character

- 6.2 The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 7 (Requiring Good Design) and Local Plan Policy DG1, advise that all development should seek to achieve a high quality of design that improves the character and quality of an area. The proposed porch would be in keeping with the design of the house. The proposed side extension would be of contrasting materials to the house, being timber clad as opposed to the brick used in the construction of the existing house. The roof would be constructed of roof tiles to match the house, and these materials would not be unusual for a rural garage. The proposal is considered to respect the appearance and design of the host dwelling and the appearance and character of the street scene would not be harmed.

Green Belt

- 6.3 Policy GB4 of the Local Plan states that proposals for extensions to existing dwellings in the Green Belt will only be approved where they do not result in a disproportionate addition over and above the size of the original dwelling. The supporting text to the policy explains that a disproportionate addition can occur through one large extension or through the cumulative impact of a series of small ones. In terms of assessing whether a proposal will result in a disproportionate addition, floorspace is a guiding factor, together with the bulk and scale and the effect on the openness of the Green Belt. Paragraph 89 of the NPPF states that an extension to a building in the Green Belt is not inappropriate, provided it does not result in disproportionate additions over and above the size of the original building.
- 6.4 The original dwelling had a floor area of 54.4 sqm and the existing extensions have a total floorspace of 63.6 sqm. The dwelling has therefore already increased in floorspace by 117% over and above the original dwelling. The proposed extensions would have a floorspace of 41.5 sqm. As a result, the cumulative increase in floorspace would be 105.1 sqm, a 193% increase over and above the original dwelling.
- 6.5 The previous extensions comprise a large two storey side extension and a single storey rear extension. The floorspace increase described above, together with the overall increase in bulk and scale of the house and its resultant encroachment into the open area to the side of the house, would be disproportionate (cumulatively with the previous extensions) to the size of the original dwelling.
- 6.6 Overall, the proposal, when considered in the context of the previous additions to this house, would result in disproportionate additions over and above the size of the original dwelling and is therefore contrary to Policies GB4 and GB1 of the Local Plan and to Paragraph 89 of the NPPF. In addition it would result in a loss of openness in the Green Belt, contrary to Policy GB2 of the Local Plan and paragraph 79 of the NPPF. The fact that the original dwelling was very small, and the fact that the extension would replace an existing small single detached garage, are not considered to comprise very special circumstances to outweigh the inappropriateness of the proposal. The proposal is inappropriate development in the Green Belt, and no very special circumstances are apparent to outweigh the harm that would be caused.

Neighbouring Amenity

- 6.7 The proposed side extension would include an external staircase and access deck to the rear. The deck would be 25m from the windows of the bungalow to the rear, and the staircase would be 23m from those windows. The deck and staircase would be 5m from the side of the rear garden of the property to the south. The first floor rear patio windows would be 27m from the bungalow. It is therefore considered that there would be a significant loss of privacy to the bungalow and to the rear garden of the property to the south. However, there would be no significant harm caused to the immediate neighbouring properties in terms of loss of outlook, daylight, sunlight or otherwise. The bungalow would lose some of its views towards open countryside at the front of the property, however, planning cannot protect views across other people's land.

Parking

- 6.8 Sufficient space would remain on the site to accommodate the car parking for the resulting dwelling in compliance with the adopted parking standards in Appendix 7 of the Local Plan as amended by the Royal Borough of Windsor and Maidenhead Parking Strategy, May 2004.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

3 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 15.2.2018.

One letter was received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. The current planning application will be the third extension to this property, it was originally a small 2 up 2 down house.	4.1. 4.2, 6.3-6.6
2. The extension will considerably increase the size of the property and in the Green Belt will be disproportionate to its original size.	6.3-6.6
3. It is listed as single storey but its roof height will extend $\frac{3}{4}$ up the side of the existing house and will be only 0.5m from the boundary fence in places.	6.2
4. The rear elevation drawings do not show all the rear windows in the existing house. The double patio doors on the first floor will cause me loss of privacy.	6.7
5. The decking will be large enough to have casual seating and will also cause me loss of privacy.	6.7

Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Recommended for refusal – Reason GB2 – the development will have an impact on the openness of the Green Belt and harm the character due to the scale, siting and design. DG1- The development by design will create an external staircase, first floor decking and floor to ceiling glass doors which will overlook the property which sits to the rear. This will result in a loss of privacy to the neighbouring property as well as restricting their views of open countryside.	6.3-6.7

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site and roof plan
- Appendix C – Existing ground floor plan Proposed floor plans
- Appendix D – Existing elevations Proposed elevations and section

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. 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 unsuccessfully resolved.

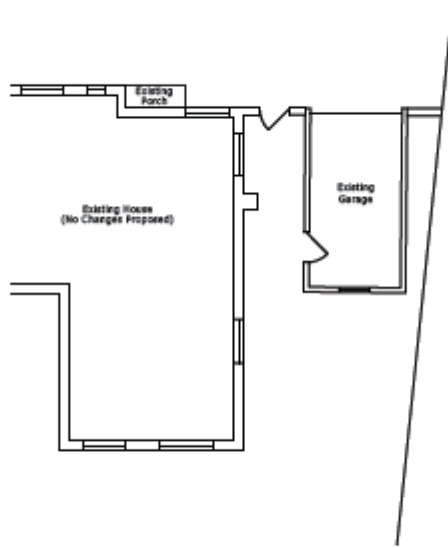
9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposed works would result in a total floorspace increase of the dwelling of 105 sq. metres, which would represent a total percentage increase in floorspace of 193% over and above the original dwellinghouse. Therefore, the proposal, when considered cumulatively with previous extensions carried out to the dwelling and by reason of its siting, size and mass, would result in a disproportionate addition over and above the size of the original dwellinghouse. As such the proposal would be contrary to paragraph 89 of the National Planning Policy Framework (NPPF) and would represent inappropriate development in the Green Belt which would result in substantial harm to the Green Belt. Paragraph 88 of the NPPF advises that inappropriate development in the Green Belt should not be approved except in very special circumstances. In this case, the applicant has failed to demonstrate that there are any other considerations that would clearly outweigh the harm to the Green Belt, and, as such, there are no very special circumstances. Accordingly, the proposal is contrary to saved Policies GB1, GB2(A) and GB4 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and paragraphs 87, 88 and 89 of the National Planning Policy Framework, March 2012.
- 2 The proposed timber staircase and access deck would result in overlooking of the neighbouring properties to the rear and to the sides, and would cause a loss of privacy to the detriment of the residential amenities of the occupants of these dwellings. As such, the proposals are contrary to Policy H14 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted June 2003), and to the core planning principles of the National Planning Policy Framework set out in Paragraph 17, that planning should always secure a good standard of amenity for all existing occupants and buildings.

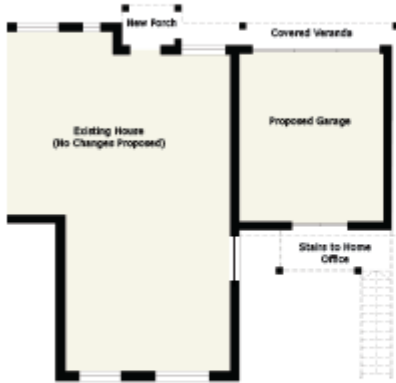


01 - Site Location Plan





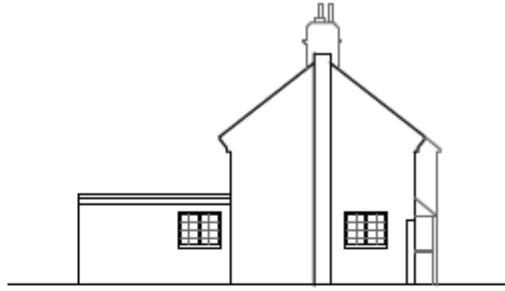
01 - Existing Ground Floor Plan



01 - Proposed Ground Floor Plan



02 - Proposed First Floor Plan



02 - Existing Side Elevation



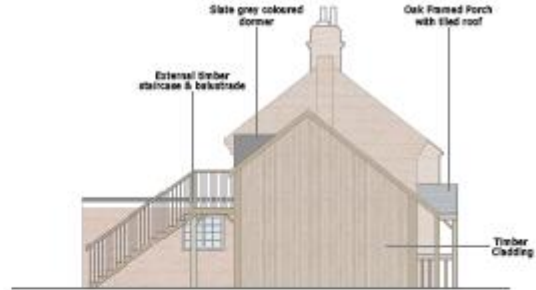
01 - Existing Rear Elevation



02 - Existing Front Elevation



01 - Proposed Section



02 - Proposed Side Elevation



03 - Proposed Rear Elevation



04 - Proposed Front Elevation

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

11 April 2018

Item: 7

Application No.:	18/00233/FULL
Location:	Ivy House 13 Hearne Drive Holyport Maidenhead SL6 2HZ
Proposal:	Two storey side extension
Applicant:	Mr And Mrs Topping
Agent:	Mr Robert Hillier
Parish/Ward:	Bray Parish/Bray Ward
If you have a question about this report, please contact: David Johnson on 01628 685692 or at david.johnson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The site lies in the Green Belt and within the Holyport Conservation Area. The proposal is for a two storey side extension to the dwelling. The cumulative increase in floor space over the original dwelling would total 44%. In this case, the increase is subordinate in scale and is not considered to constitute a disproportionate addition. It is therefore considered that the proposal constitutes appropriate development in the Green Belt. The bulk and scale of the proposal is considered appropriate in relation to the original dwelling and the extension would not extend beyond the building line of properties located to the rear of the application site. The proposal is not therefore considered to result in harm to the openness of the Green Belt. The scale and design of the extension is considered to be in keeping with the character of the existing dwelling and the surrounding area. It is considered the proposal would not result in significant harm to any neighbouring property in relation to loss of privacy, outlook, daylight, sunlight or otherwise and the proposal complies with relevant Local Plan policies in relation to parking. The proposal is considered to comply with all relevant Local Plan policies.

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

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Leo Walters who considers it is in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on a prominent corner along Hearne Drive and comprises a two storey detached dwelling. The site is located within the Green Belt and is located within the Holyport Conservation Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 Planning permission is sought for the erection of a two storey side extension.
- 4.2 There is no relevant planning history for the site.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Within settlement area	Green Belt	Conservation Area
Local Plan	DG1, H14	GB1, GB2, GB4	CA2

These policies can be found at:

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

5.2 Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Historic Environment	HE1, HE3

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents were submitted to the Secretary of State for examination on 31st January 2018. The weight to be afforded to each policy at this stage will differ depending on the level and type of representation to that policy.

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 Landscape Character Assessment – view using link at paragraph 5.2
- RBWM Parking Strategy – view using link at paragraph 5.2
- Conservation Area appraisal – view at https://www3.rbwm.gov.uk/info/200207/conservation_and_regeneration/666/conservation_areas_and_listed_buildings

6. OTHER MATERIAL CONSIDERATIONS

6.1 The Council has paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. EXPLANATION OF RECOMMENDATION

7.1 The key issues for consideration are:

- i Whether the development is appropriate in the Green Belt and if not, whether there are any very special circumstances;
- ii The impact on the character and appearance of the existing dwelling and the character and appearance of the surrounding area;

- iii The impact on the amenities of neighbouring properties; and
- iv Parking and highway implications.

Green Belt

7.2 Section 9 of the NPPF sets out the Government's approach to protecting Green Belt land. Paragraph 87 of the NPPF states: 'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.' Paragraph 89 of the NPPF advises that local planning authorities should regard the construction of new buildings as inappropriate however; there are a limited number of exceptions to this general rule. One of the exceptions includes; 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.

Policy GB4 of the Local Plan relates to residential extensions in the Green Belt and this policy states floor space calculations will be a guiding factor in assessing whether a proposal is disproportionate. Extensions which increase the floor space by more than 50% over the original dwelling are generally deemed disproportionate. However, the bulk and scale of the proposed extensions and their effect on the openness of the Green Belt must also be assessed.

Policy GB4 House Extensions in the Green Belt		
		% increase
Floor space of original dwelling or at 01/07/1947	139.4sqm	
Extensions added prior to the current application	0.00sqm	0.0%
Current proposal	60.8sqm	
Total floor space added	60.8sqm	44%

In determining whether additions are disproportionate, Policy GB4 states the percentage increase in floor space is not the sole determining factor; it is important also to assess the bulk and scale and the effect on the openness of the Green Belt. The proposed extension amounts to a 44% increase in floor-space and is considered to be subordinate to the original dwelling and would not result in a disproportionate addition.

Policy GB2 indicates that permission will not be granted for a new development within the Green Belt if it would have a greater impact on the openness of the Green Belt than the existing development on the site or if the development would harm the character of the countryside by virtue of its scale and siting or by making a material increase in the scale of development of the site. The site is within the built-up area of the village. Although the separation distance between the application dwelling and neighbouring properties facing the proposed extension would be reduced, the distance between properties would still be substantial. Furthermore, the width of the extended dwelling would still be set behind the building lines of properties further along Hearne Drive. The roofline of the main body of proposed extension would mirror the roofline of the existing dwelling and would extend beyond the front elevation of the existing dwelling by 1m with a pitched roof set down from the main roofline by approximately 1m. Overall, it is considered that the impact on openness is considered to be minimal.

Impact on the character and appearance of the existing dwelling and the character and appearance of the surrounding area

- 7.3 The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 7 (Requiring Good Design) and Local Plan Policy DG1, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. Policy CA2 states development in conservation areas must enhance or preserve the character and appearance of the area.

The Conservation Officer has raised no objection to the proposal. The scale and design of the proposed extension is considered appropriate to the existing dwelling and the additions would appear in keeping with the host dwelling. Furthermore, the proposed extension is not considered to have a detrimental impact on the open plan nature of this residential development as a whole. The proposal is therefore considered to be acceptable in terms of its design in relation to the character and appearance of the existing dwelling and the street scene.

Impact on the amenities of neighbouring properties

- 7.4 Given its location within Hearne Drive and the significant separation distances between the application site and neighbouring properties, the proposal is not considered to result in significant harm to any immediate neighbouring property in terms of loss of privacy, outlook, daylight, sunlight or otherwise.

Parking and Highway implications

- 7.5 Sufficient space would remain on the site to accommodate the car parking for the resulting dwelling in compliance with the adopted parking standards in Appendix 7 of the Local Plan as amended by the Royal Borough of Windsor and Maidenhead Parking Strategy, May 2004.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

Five occupiers were notified directly of the application, additionally an email was received from the owner of No. 27. No objections have been raised.

The application was advertised in the Maidenhead Advertiser and the Windsor Express on the 15th February 2018

The planning officer posted a **statutory** notice advertising the application at the site on the 8th February 2018.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Bray Parish Council	<p>Recommend refusal – GB1 and GB2, Inappropriate development in the Green Belt which will have an impact on the openness. There are no special circumstances which would outweigh harm to the Green Belt.</p> <p>H14 – The development will have an adverse effect upon the character and appearance of the original property and the neighbouring properties. The development will adversely affect the street scene in general.</p> <p>DG1 – Harm will be caused to the character of the surrounding area through the development which is cramped as well as a loss of the areas important features.</p>	See the main report where all the issues raised are considered.

Conservation Officer	No objections raised as there will be no impact on the Holyport Conservation Area.	Noted.
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9. APPENDICES TO THIS REPORT

- Appendix A - Location plan
- Appendix B – Site Plan
- Appendix C – Proposed Plans/Elevations
- Appendix D – Existing Plans/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.

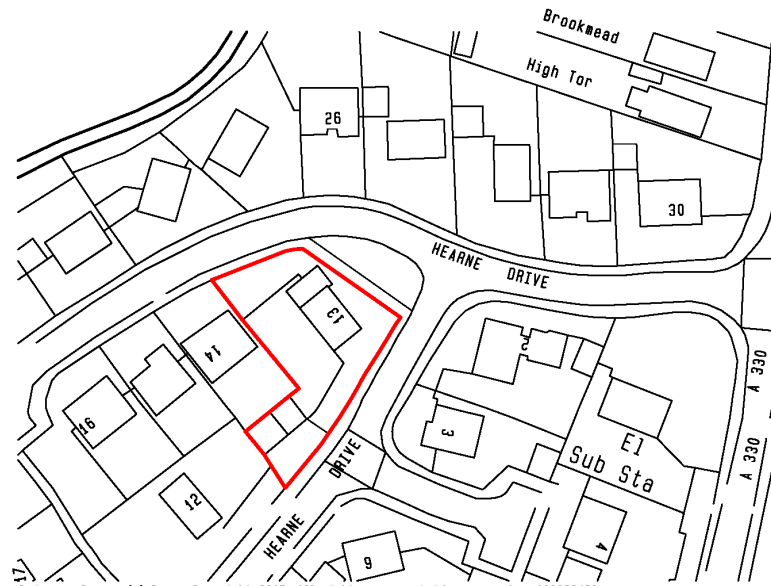
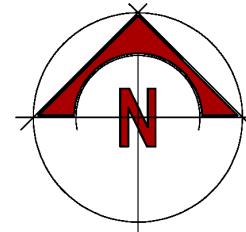
This recommendation is made following careful consideration of all the issues raised through the application. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have been successfully/unsuccessfully resolved.

10. 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 materials to be used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwelling house unless first otherwise agreed 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 amenities of the area. Relevant Policies - Local Plan DG1
- 3 The first floor window in the northwest facing elevation of the extension 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.
- 4 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.
- 5 No further window(s) shall be inserted at first floor level in the northwest elevation(s) of the extension 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.

Appendix A – Location Plan



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NOTES
All dimensions must be checked on site and not scaled from this drawing.

A	Date	Revisions

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R.M.HILLIER M.R.I.C.S.
CHARTERED SURVEYOR

Client
MR & MRS J. TOPPING

Job Title
**13 HEARNE DRIVE
HOLYPORT
BERKS.
SL6 2HZ**

Drawing Title
LOCATION PLAN

Scale **1:1250 @ A4**

Date	Drawn by

Dwg. No.	Rev.
0112/17/03	

Appendix B – Site Plan



NOTES
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Client
MR & MRS J. TOPPING

Job Title
**13 HEARNE DRIVE
HOLYPORT
SL6 2HZ**

Drawing Title
SITE PLAN

Scale **1:500 @ A4**

Date _____ Drawn by _____

Dwg. No. **0112/17/04** Rev. _____



Appendix C – Proposed Plans & Elevations



FRONT ELEVATION



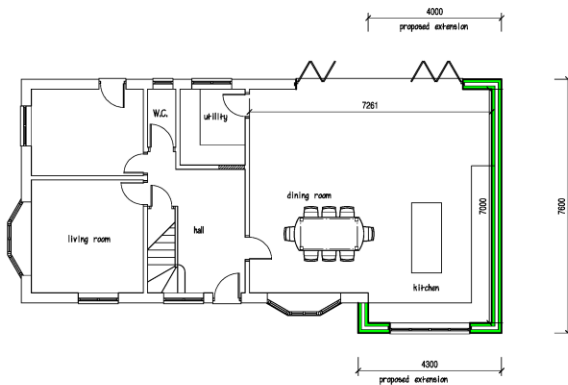
REAR ELEVATION



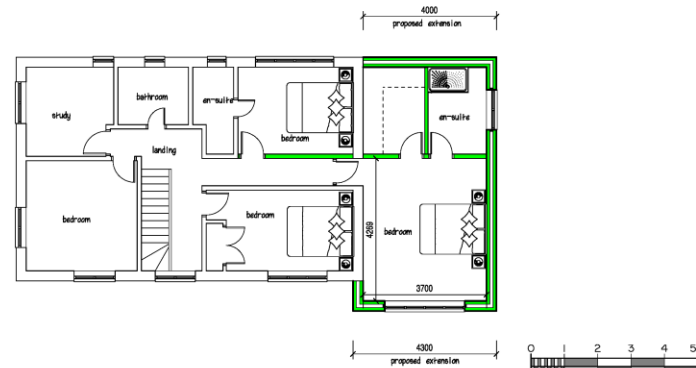
SIDE ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

NOTES

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Client

MR & MRS J.TOPPING

Job Title

**13 HEARNE DRIVE
HOLYPORT
MAIDENHAED
BERKS
SL6 2HZ**

Drawing Title

**PROPOSED PLANS
AND ELEVATIONS**

Scale **1:100 @ A2**

Date

Drawn by

Drg. No.

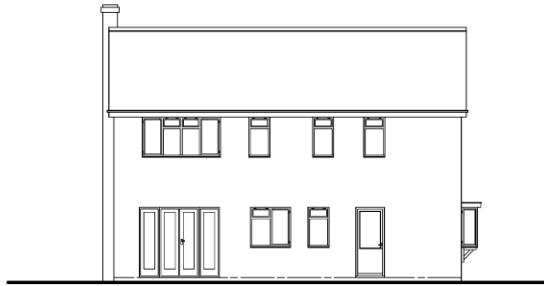
0112/17/02

Rev.

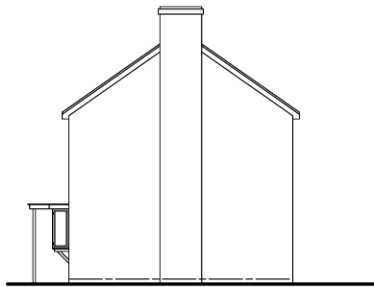
Appendix D – Existing Plans & Elevations



FRONT ELEVATION



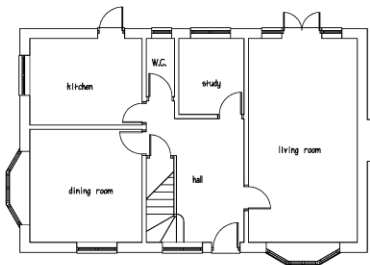
REAR ELEVATION



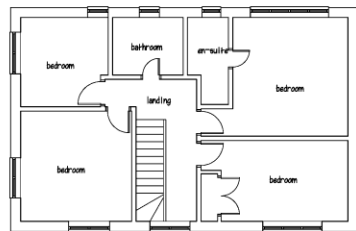
SIDE ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



NOTES

All dimensions must be checked on site and not scaled from this drawing.

A	Date	Revisions

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CHARTERED SURVEYOR

Client

MR & MRS J. TOPPING

Job Title

**13 HEARNE DRIVE
HOLYPORT
MAIDENHAED
BERKS
SL6 2HZ**

Drawing Title

**EXISTING PLANS
AND ELEVATIONS**

Scale **1:100 @ A2**

Date

Drawn by

Drg. No.

0112/17/01

Rev.

Tree Preservation Order 016 of 2017

Little Round Wood and Long Wood, Smewins Road, White Waltham

1. Background:

Tree Preservation Order (TPO) 016 of 2017 was created on 22 November 2017 to protect ancient woodland at Longwood Farm, Smewins Road, White Waltham. The TPO was made following a visit by the Planning Enforcement Team, who were investigating a complaint of unauthorised development. They observed a number of trees had been felled within the ancient woodland to accommodate three large heavy duty duck barns and associated enclosures. The Order is to deter further inappropriate works and protect the ancient woodland in perpetuity.

TPO 016 of 2017 relates to trees as per the specification below:

W1 – All trees of whatever species.

2. Objections:

A letter of objection in respect of the Order was received from Mr and Mrs Taylor of Longwood Farm. The objection is summarised below:

- The TPO will affect our livelihood and that of my neighbours.
- The recent tree loss is minor clearance work to support our agricultural enterprise.
- It is unnecessary as we are taking appropriate action to improve the condition of the woodland and safeguard its future, which includes the production of a woodland management plan and seeking a forestry felling licence for certain works.
- It will prevent undertaking safety works putting livestock at risk, such as cutting Ash infected with Ash dieback disease, removal of aged Douglas fir and dead branches from ancient Oak trees. It will also hinder other works, such as the re-coppicing of hazel.

3. Response to the objection and justification for the Order:

Under the Town and Country Planning Act (1990) local authorities may make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area. The Act does not define amenity, nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, a TPO should be used to protect selected trees and woodlands if their removal would have a significant impact upon the local environment and its enjoyment by the public. Local planning authorities should be able to show that a reasonable degree of public benefit would accrue before the TPO is made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath. Trees may be worthy of preservation, amongst other reasons, for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of the trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors such as importance as a wildlife habitat may be taken into account which alone would not be sufficient to warrant a TPO.

The woodland is of significant amenity value and can be clearly viewed from Smewins Road and Beenhams Road. The area is classified as 'Wooded Clay Farmland' in the Council's Landscape Character Assessment, where woodland is a key landscape feature.

The woodland is recorded on Natural England's Provisional Ancient Woodland Inventory as 'Ancient and Semi Natural Woodland'. Ancient woodland is irreplaceable. Ancient woodland takes hundreds of years to establish and is considered important for its wildlife, soils, recreation, cultural value, history and contribution to landscapes.

The woodland is also listed as 'Deciduous Woodland Priority Habitat' on Natural England's Priority Habitats Inventory. UK BAP priority habitats are those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan. The UK list of priority habitats was drawn up in compliance with the requirements of the Natural Environment and Rural Communities (NERC) Act 2006 (England) Section 41.

The Forestry Act 1967 allows the removal of 5 cubic metres of timber in any annual quarter. Under this legislation, trees which have a diameter of 8cm or less when measured at 1.3m from ground level can also be removed, along with thinnings of 10cm or less and coppice of 15cm or less. It also does not prevent the lopping and topping of trees. Over a relatively short period of time a small woodland could be removed or significantly harmed. The only effective means to deter this from happening are the controls provided under a TPO.

The protection on Little Round Wood and Long Wood does not prevent them from being managed, the TPO is simply to deter inappropriate works. Some sensitive management, such as the phased removal of the non-native Douglas fir, replacing with broadleaved native trees suitable for the soil and woodland type, is encouraged. Re-coppicing of the lapsed hazel coppice, on a cyclical basis, would also be appropriate, but young shoots may need to be protected from deer browsing.

The TPO does not require a landowner to undertake any management works, so does not place any financial burden on them. Therefore, the TPO should not affect the livelihood of the owner (or neighbour) if their intention is simply to continue to manage the ancient woodland as ancient woodland. Applying for works is straight forward, it's just a matter of filling in a simple form and submitting it, there is no fee. A woodland management plan can support a tree works application. Where works are clearly specified, the Council can grant consent for the management plan, eliminating the need for repeated applications over a longer timeframe. A further reassurance to the site owner is that an authority dealing with an application relating to woodland must grant consent so far as accords with good forestry practice unless it is satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

However, the TPO will have no effect in respect of anything done by, or on behalf of, the Forestry Commission on land in which it has an interest. This is also the case in respect of works done by or on behalf of a person under a working plan or plan of operations, approved by the Forestry Commission. This could be an existing forestry dedication covenant or a grant scheme or loan administered by the Forestry Commission.

Not all other work requires the consent of the Council, the removal of dead/dangerous branches can be carried out under an exemption in the legislation and there are other exemptions that may apply in particular circumstances. Whether a tree or branch is dangerous is based on risk, taking into account site usage and likelihood of damage or injury should it fail. Should someone intend to carry out works under an exemption, it is prudent to send the Tree Team some photos, so we can confirm by return, that the exemption applies. In a case where a tree is to be felled, 5 days' notice to the Council should be given.

Irrespective of the TPO, a tree may provide a habitat for plants and wildlife protected under the Wildlife and Countryside Act 1981 and other legislation, which must be observed when undertaking works. Trees with hollow crevices, for example, provide important natural roost sites for many bat species covered by this Act. Ancient and veteran trees are likely to have a high proportion of dead wood and dead branches, valuable attributes that provide a resource for rare insects and fungi. These branches should not be removed, but managed

such that the target area below is restricted to ensure any risk is kept to an appropriately low level.

The Council's Tree Team can provide advice on the management of ancient woodland and discuss any works with interested parties. This can be provided over the phone or on site via our pre-application advice service.

4. Sustainable Development Implications:

In terms of the sustainable development policy the recommendation contained in the report will have the following significant beneficial sustainable development implications: A positive impact on the natural environment by retaining the tree stock.

RECOMMENDATION that Tree Preservation Order 016 of 2017 is confirmed without modifications

DATED 22 November 2017

TOWN & COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER 016/2017

relating to

Little Round Wood And Long Wood, Smewins Road, White Waltham, SL6
3SR.

www.rbwm.gov.uk



Royal Borough
of Windsor &
Maidenhead

TREE PRESERVATION ORDER

The Royal Borough of Windsor and Maidenhead, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order-

Citation

1. This Order may be cited as the Royal Borough of Windsor and Maidenhead Tree Preservation Order No. 016/2017

Interpretation

2. (1) In this Order "the authority" means the Royal Borough of Windsor and Maidenhead.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall-
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 22nd day of November 2017

[Signed on behalf of The Royal Borough of Windsor and Maidenhead

Jilli Jackson 22.11.17.

.....
Authorised by the Council to sign in that behalf]

[CONFIRMATION OF ORDER

[This Order was confirmed by The Royal Borough of Windsor and Maidenhead without modification on the]

OR

[This Order was confirmed by The Royal Borough of Windsor and Maidenhead subject to the modifications indicated by on the]

.....
Authorised by the Council to sign in that behalf]

[DECISION NOT TO CONFIRM ORDER

[A decision not to confirm this Order was taken by The Royal Borough of Windsor and Maidenhead on the]

.....
Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

[This Order was varied by The Royal Borough of Windsor and Maidenhead on the under the reference number]

.....
Authorised by the Council to sign in that behalf]

[REVOCACTION OF ORDER

[This Order was revoked by The Royal Borough of Windsor and Maidenhead on the under the reference number]

.....
Authorised by the Council to sign in that behalf]

SCHEDULE
Specification of trees

Trees specified individually
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Trees specified by reference to an area
(within a dotted black line on the map)

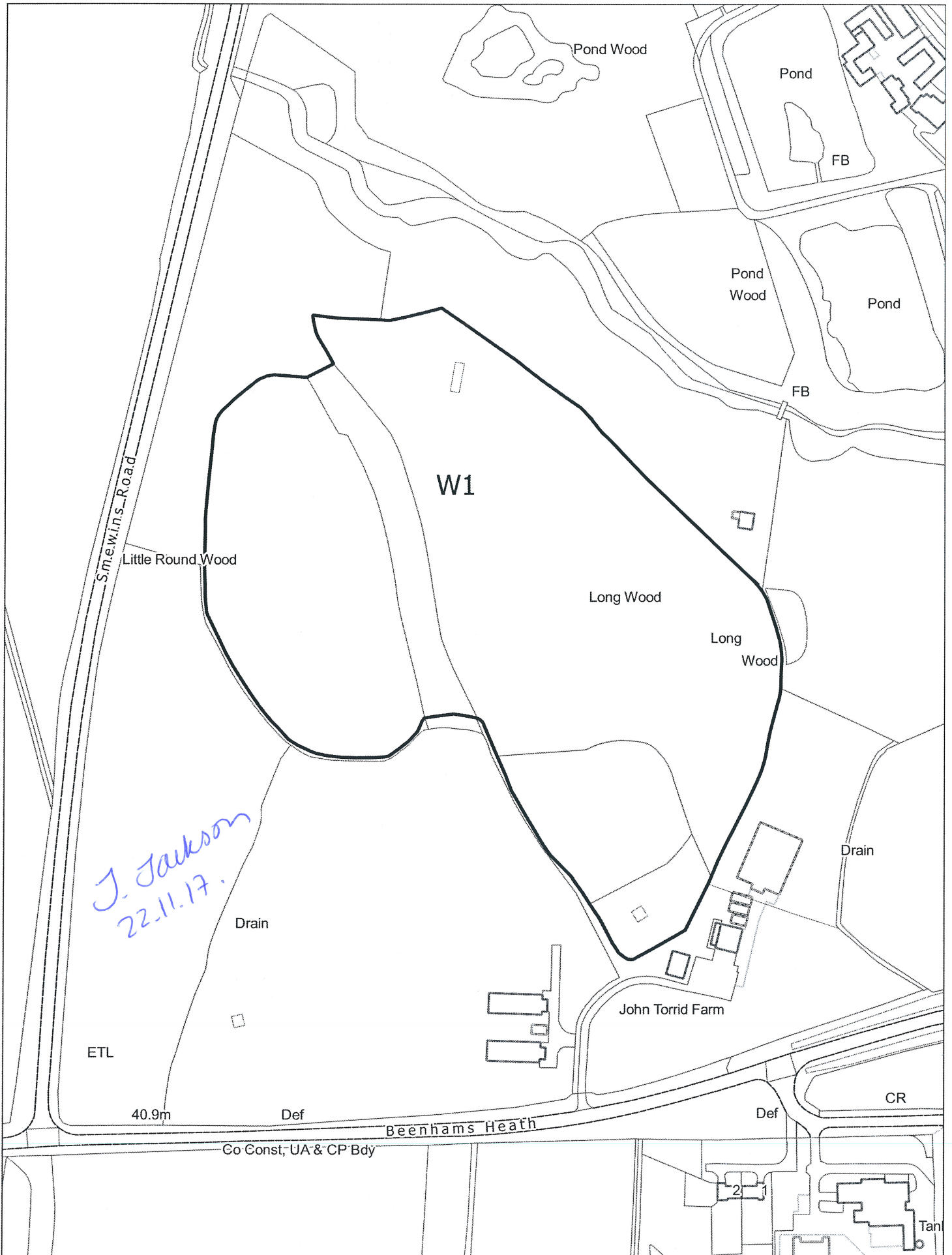
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Groups of trees
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
	None	

Woodlands
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	All trees of whatever species.	On land to the east of Smewins Road and to the north of Beenhams Road.



Date: 22/11/2017

Scale: 1:2,500

Little Round Wood And Long Wood, Smewins Road, White Waltham, SL6 3SR.

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Ordnance Survey 100018817





Tree Preservation Order 018/2017

Foundation Park, Roxborough Way, Maidenhead and land adjacent to the western boundary of Foundation Park.

1. Background:

Tree Preservation Order (TPO) 018/2017 was made on the 13th December 2017 to protect trees within and adjacent to Foundation Park. Many of the trees within Foundation Park site are subject to planning conditions that provide for some limited protection. This TPO has been made as a precautionary measure to clarify the protection of the trees, to deter inappropriate tree works or removal and ensure the trees are considered as part of any future development on the site.

TPO 018/2017 relates to trees as per the specification below:

A1 – All trees of whatever species.

2. Support:

Two letters of support were received from D.G and YU Thompson of 7b Firs Lane and from Mr G Morton of Xanadu Firs Lane. Their reasons for supporting the Tree Preservation Order are summarised below:

- It is important that the trees at Foundation Park are preserved and maintained.
- Between April and November the trees provide very good screening and noise reduction from Foundation Park
- Concern that the owners and managers of Foundation Park may not adequately look after the trees if they are not protected by the TPO.

3 Objections:

One letter of objection was received from Mr and Mrs Smith of Carefree Cottage, Firs Lane. Their objections are summarised below:

- The trees growing adjacent to Firs Lane have not been managed for over 5 years. After contacting Foundation Park and The Council on numerous occasions the trees have still not been managed.
- During the summer you cannot see sunlight in the rear garden it is all shadow and leaves.

- The trees growing adjacent to the property cause problems including: The garden and roof are covered in moss, not enough light to run solar panels, there are squirrels everywhere, sunlight is blocked to the rear garden, the fence is rotting due to leaf build up and the electrical substation is overgrown by high level branches.

3. Response to the objection and justification for the order:

Under the Town and Country Planning Act (1990) local authorities may make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area.

Trees naturally influence the area in which they grow through shade, falling leaves and as a wildlife habitat. Whilst these factors can be annoying and a cause of inconvenience they can often be resolved or reduced through suitable pruning works.

The Tree Preservation order enables applications to be made for appropriate pruning and felling whilst also ensuring that valuable trees are not damaged or removed. The owners of Foundation Park have recently made an application and received consent under the provisional TPO to undertake a variety of tree works including to trees growing on the boundary with Firs Lane. The Tree Preservation Order is not intended to hinder the appropriate management of the trees and consent for tree work in line with good arboricultural practice is not unreasonably withheld.

Not all tree work requires the consent of the Council, the removal of dead branches can be carried out under an exemption in the legislation and Statutory undertakers may cut back branches causing problems to their equipment there are other exemptions that may apply in particular circumstances.

The trees included within this TPO are principle landscape features of significant amenity value within the local and wider landscape, providing seasonal interest, screening and contributing to the character and appearance of the area. The trees are visible from within the business park and the following vantage points: Cannon Lane, Firs Lane Roxborough Way, the public right of way to the west of Firs Lane and the public railway to the south of Foundation Park.

Confirmation of the Tree Preservation Order will ensure these trees are adequately protected through the Town and Country Planning Act 1990. If the order is not confirmed, there is a risk that these trees may be removed or pruned without due consideration.

The formally adopted Tree and Woodland Strategy states the Council will make Tree Preservation Orders to protect healthy trees that are of significant amenity value, where it is considered expedient to do so.

The Act does not define amenity, nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, a TPO should be used to protect selected trees and woodlands if their removal would have a

significant impact upon the local environment and its enjoyment by the public. Local planning authorities should be able to show that a reasonable degree of public benefit would accrue before the TPO is made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath. Trees may be worthy of preservation, amongst other reasons, for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of the trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors such as importance as a wildlife habitat may be taken into account which alone would not be sufficient to warrant a TPO.

In this case, it is considered the trees, due to their position and size are prominent features in the local area, screening and softening the buildings in Foundation Park and making a significant contribution to the appearance of the local area.

4. Sustainable Development Implications:

In terms of the sustainable development policy the recommendation contained in the report will have the following significant beneficial sustainable development implications: A positive impact on the natural environment by retaining the tree stock.

RECOMMENDATION that Tree Preservation Order 018/2017 is confirmed.

DATED 13 December 2017

TOWN & COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER 018/2017

relating to

Foundation Park, Roxborough Way, Maidenhead and land adjacent to the western boundary of.

www.rbwm.gov.uk



Royal Borough
of Windsor &
Maidenhead

TREE PRESERVATION ORDER

The Royal Borough of Windsor and Maidenhead, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order-

Citation

1. This Order may be cited as the Royal Borough of Windsor and Maidenhead Tree Preservation Order No. 018/2017.

Interpretation

2. (1) In this Order "the authority" means the Royal Borough of Windsor and Maidenhead.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

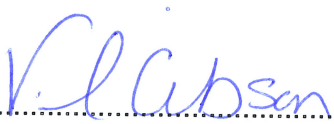
3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall-
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 13th day of December 2017

[Signed on behalf of The Royal Borough of Windsor and Maidenhead


.....
Authorised by the Council to sign in that behalf]

[CONFIRMATION OF ORDER

[This Order was confirmed by The Royal Borough of Windsor and Maidenhead without modification on the]

OR

[This Order was confirmed by The Royal Borough of Windsor and Maidenhead subject to the modifications indicated by on the]

.....
Authorised by the Council to sign in that behalf]

[DECISION NOT TO CONFIRM ORDER

[A decision not to confirm this Order was taken by The Royal Borough of Windsor and Maidenhead on the]

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[VARIATION OF ORDER

[This Order was varied by The Royal Borough of Windsor and Maidenhead on the under the reference number]

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Authorised by the Council to sign in that behalf]

[REVOCAION OF ORDER

[This Order was revoked by The Royal Borough of Windsor and Maidenhead on the under the reference number]

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Authorised by the Council to sign in that behalf]

SCHEDULE
Specification of trees

Trees specified individually
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Trees specified by reference to an area
(within a dotted black line on the map)

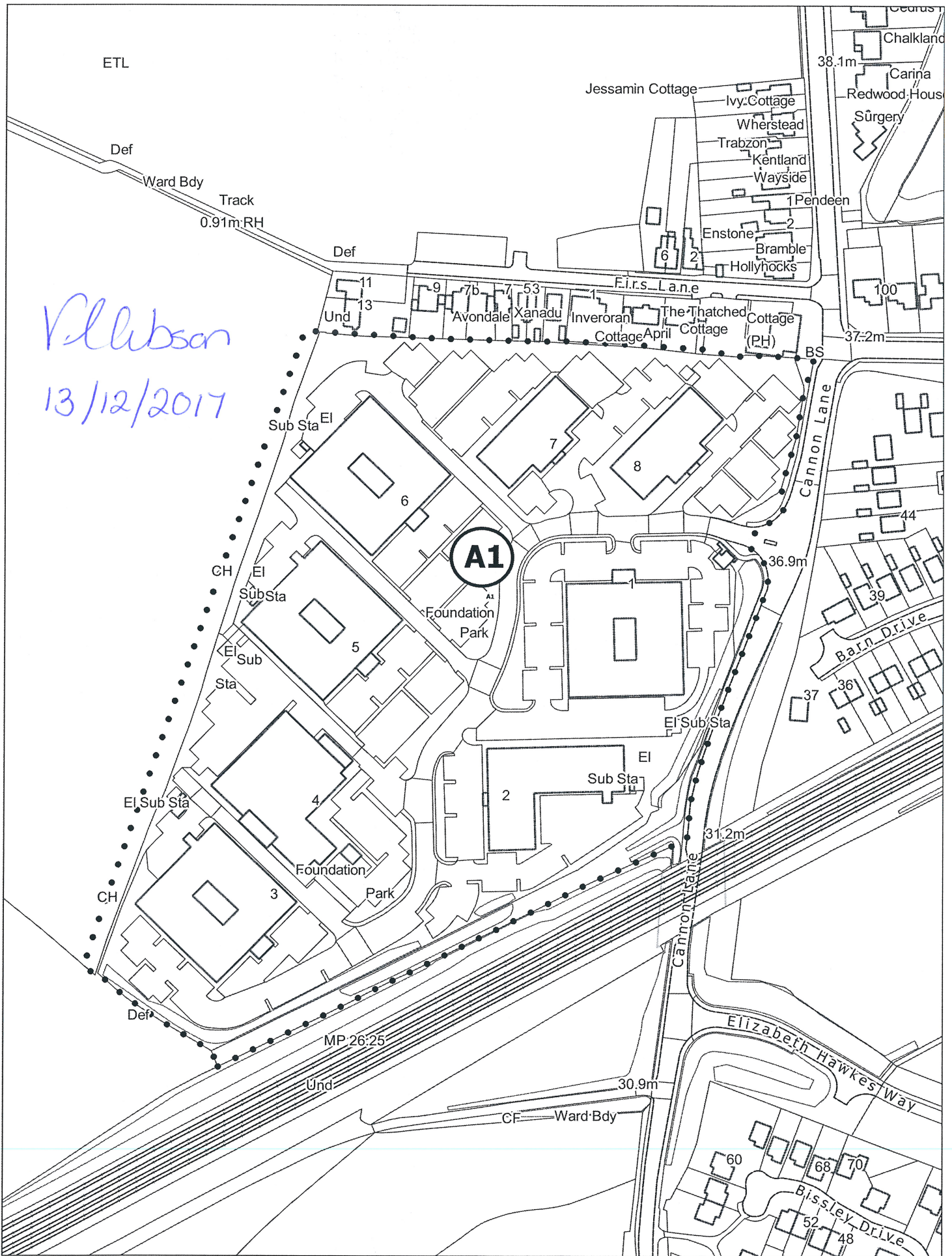
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
A1	Trees of all species	Land at Foundation Park, Roxborough Way, Maidenhead and land adjacent to the western boundary of.

Groups of trees
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
	None	

Woodlands
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	



Date: 13/12/2017
 Scale: 1:2,000

Foundation Park, Roxborough Way, Maidenhead and land adjacent to the western boundary of.

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 Ordnance Survey 100018817





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