

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

4 July 2018

Item: 1

Application No.:	18/00263/FULL
Location:	25 - 27 Braywick Road Maidenhead
Proposal:	Construction of 7 x 1 bed and 9 x 2 bed apartments with associated parking with access off Braywick Road and Greenfields following demolition of 2 x dwellings.
Applicant:	Mr & Mrs Goyal
Agent:	Mr Dave Cox
Parish/Ward:	Maidenhead Unparished/Oldfield Ward

If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk

1. SUMMARY

- 1.1 The application is for residential development of 16 apartments, following the demolition of 2 dwellings. A scheme for 11 apartments has been approved on this site, and this permission remains extant.
- 1.2 Given the scale and design of the building that was previously allowed on appeal, and taking into account the comments that the Inspector made about this site, the development is considered to be of an acceptable scale and design in the context of this site.
- 1.3 There are likely to be conflicts with some trees along the southern boundary of the site, and a pressure arising from future occupiers to prune these trees; however, the development would not result in incursion into the root protection areas of these trees, and these trees are not protected and could be taken back to the common boundary without consent from the Council (at this time). On balance, the impact upon trees from this scheme is considered to be acceptable.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.
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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 consists of 2 detached houses. They are the most southerly of a line of detached houses on this eastern side of Braywick Road. To the south east is Braywick Sports Ground which has playing pitches as well as a number of buildings and other structures. On the opposite side of the road, detached houses continue further to the south.
- 3.2 At the front of the site, is Braywick Road. The 2 houses on the site and their immediate neighbours to the north sit below the level of this road. There is no consistent spacing, size or style to the houses on this side of the road.
- 3.3 To the rear of the site is the end of a 4 storey block of maisonettes in Greenfields. Views of this building are largely screened by trees just beyond the rear gardens of Nos 25-27. Several of these blocks of maisonettes back on to the Braywick Sports Ground.
- 3.4 The site is within an Air Quality Management Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Relevant Planning History

Application reference	Description	Decision
04/01265/OUT	Construction of 8 no. 2 bedroom flats with associated parking and new access off Braywick Road following demolition of existing dwellings	Refused 15 th December 2004
05/01140/OUT	Outline application for the construction of 11 No. 1 and 2 bedroom flats with parking and new access following demolition of existing dwellings	Permitted 4 th August 2005
15/00477/FULL	Construction of 9 x 2 bed and 2 x1 bed flats with basement parking with access off Greenfield's, following demolition of 2 x dwellings.	Allowed on Appeal on the 24 th November 2015.

- 4.1 The application seeks planning permission for 16 apartments within one building (comprising 7 x1 bedroom flats and 9 x 2 bedroom flats) following the demolition of the existing dwellings. The flats would be provided over 3 stories, with accommodation in the roof (which is a crown roof). The building (at its highest point) would have a height of just over 10 metres, however, as the ground level of where the building is situated is lower than the level of Braywick Road, the height of the building when viewed from Braywick Road is shown to be 8.8 metres (at its highest point).
- 4.2 The roof of the building is varied and the building would have a series of gables and balconies. The building would be finished in a mixture of red brick and white render, and the roof would have clay tiles.
- 4.3 Instead of the 2 accesses being provided off the Braywick Road, one new access would be created off this road, and a new vehicular access would be created off Greenfields (to the north east). 13 car parking spaces would be provided on site, with 7 car parking spaces located to the front of the building (facing Braywick Road) and 6 car parking spaces located to the rear of the building (facing Greenfields).
- 4.4 A refuse store and bike store is proposed and would be located in the south-eastern part of the application site. The stores would have a height of 2.5 metres.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections

Amenity- Paragraph 17
Transport- Paragraph 32
Design- 60, 61, 64
Air Quality- Paragraph 124

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
DG1, H10, H11	P4, T5	N6

These policies can be found at
https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3 (significant weight)
Trees	NR2 (significant weight)
Sustainable Transport	IF2 (significant weight)
Managing Flood Risk and Waterways	NR1 (limited weight)
Air Pollution	EP2 (significant weight)

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 summarizing 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 have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. The weight attributed to each of these policies is set out in the table above.

This document can be found at:

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

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

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

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of the development;
- ii Impact on the character and appearance of the area (including impact on trees);
- iii Impact on living conditions of future and neighbouring occupiers;
- iv Highways
- v Air Quality

Principle of the development

6.2 Residential development in the settlement area is acceptable in principle and this site is within walking distance of Maidenhead Town Centre which provides access to public transport, shops, jobs and other services and facilities.

- 6.3 While the principle of the development is acceptable, a development must still be in accordance with the policies of the Adopted Local Plan, certain policies of the emerging Borough Local Plan, and the National Planning Policy Framework (NPPF); this is assessed below.

Impact on the character and appearance of the area (including impact on trees)

- 6.4 When considering the impact of the development on the character and appearance of the area, it is important to take into account a previous planning permission on the site which remains extant (reference 15/00477/FULL), which was for 11 flats. This decision is a material consideration in the determination of this application.
- 6.5 With respect to 'scale' the dimensions for the previously approved scheme and the current scheme are set out in the table below.

	Previously consented scheme	Current scheme
Height (max) (approx)	8.8m	10.2m
Width (approx)	29m	33.5m
Depth (approx)	20m	17m

- 6.6 This building proposed in this application would be taller and wider than the apartment building that was approved. However, in the previous appeal decision for the 11 flats, the Inspector concluded:

'...it is not necessary to retain individual detached houses on these 2 plots or replicate their scale in any new building. Because the appeal site is at the end of the line of houses rather than in the middle of a consistent group, some modest increase in scale and a different style of building can be satisfactorily accommodated.'

- 6.7 The height of the proposed building in this scheme would be 10.2 metres, however, the ground level of the application site is lower than the ground level of Braywick Road, and as such when viewed from Braywick Road the height of the building would be circa 8.8 metres. This height is considered to be acceptable within the context of this area, and given it is an end plot.
- 6.8 The maisonettes at Greenfields are four storeys in height, and so are of a significant scale. It is considered the scale of the proposed building would be acceptable in relation to the scale of these maisonettes, when viewed from Greenfields.
- 6.9 With regard to the design of the proposed building, it is not similar to other buildings on this road; however, the Inspector acknowledged in the previous appeal decision at the site that because this site is at the end of the line of houses, a different style building could be satisfactorily accommodated. The appearance of the proposed building is considered to be acceptable within the context of this site.
- 6.10 In the previous appeal decision, the Inspector acknowledged that some trees would be lost where the new access crosses the verge at the end of Greenfields. However, the Inspector did not regard the loss of these trees as harmful to the character of the area, and considered that the more dominant and important trees were at the rear of No 27 and just beyond its southern boundary (which were shown for retention in the previously consented scheme).
- 6.11 Although the trees along the southern boundary are shown to be retained, the Council's tree officer raises concern over potential conflict of the proposed development and these trees. The concern relates to unreasonable loss of light to the proposed flats. The tree officer also raises concern over the proximity of the proposed building to trees within G12 and T3, which are the trees that the Inspector recognised as being significant (taking into account their future growth) and pressure from future occupiers to fell or prune these trees due to issues from restriction of light, dominance, and perceived inconvenience and danger from falling limbs.

- 6.12 It is acknowledged that the proposed building in this application is situated in closer proximity to these significant trees; however, the scheme allowed on appeal would also create a relationship where there would likely be a pressure to cut back trees by future occupiers. The proposed building in this application does not make any incursions into the Root Protection Areas of these significant trees (which are shown to be retained). In addition, these trees are not protected and could be cut back up to the common boundary by the owner, without consent from the Council at the current time.
- 6.13 It is recognised that the proposed development is likely to result in the some pruning of the trees (of significance) to be retained because of the juxtaposition of the proposed development with these trees, however, given the comments made in paragraph 6.12 of this report, the impact on trees is not considered to warrant refusal of the application on these grounds, that could be substantiated at appeal.

Impact on living conditions

- 6.14 While the outdoor space is limited some of the apartments will have balconies and the site is within easy walking distance of Braywick Park, and as such the living conditions are considered to be acceptable for future occupiers.
- 6.15 With regard to neighbouring occupiers (number 23 Braywick Road), the proposed building is not considered to be unduly overbearing to this dwelling, or its garden. In addition, all windows facing Number 23 are shown to be obscurely glazed which would prevent overlooking. Condition 17 is recommended to ensure these windows remain obscurely glazed.

Highways

- 6.16 A development of this scale has the potential to generate 50 vehicular movements per day. However, given the limited parking on site / parking restrictions within the area, the vehicular movements are likely to be less than this.
- 6.17 The applicant proposes the construction of 16 residential apartments, which are to be served by a vehicular access onto Greenfields as well as a new vehicular access off Braywick Road. The required visibility splays of 2.4m x 120m (on Braywick Road) can be achieved to the left and right.
- 6.18 Both of the existing vehicular accesses off Braywick Road are to be stopped up.
- 6.19 The site is considered to be in an area of good accessibility as the development is within 800m of Maidenhead Railway Station and Maidenhead town centre (as per the Council's Parking Strategy). The provision of 13 car parking spaces to serve this development is considered to be acceptable, in line with the Council's parking strategy.
- 6.20 Cycle parking standard is set at 1 space per dwelling which is an acceptable number, however, further detail on the type of cycle parking is required (see condition 10).
- 6.21 Refuse collection will be served from Greenfields with the refuse collection store located near the end of this cul-de-sac.

Air Quality

- 6.22 The application site lies within the Maidenhead Air Quality Management Area (AQMA). An air quality assessment has been carried out using the ADMS-Roads dispersion model to determine the impact of emissions from road traffic on sensitive receptors. Predicted concentrations have been compared with the air quality objectives. The results of the assessment indicate that annual mean NO₂ concentrations are below the objective in the 'without' and 'with' development scenario. Concentrations of particulate matter (PM₁₀) are also predicted to be below the annual mean objective in the 'without' and 'with' development scenario. Based on the evidence it is also estimated that there will be no exceedances of either short term objective for NO₂ or PM₁₀. Therefore, no mitigation is required as the air quality objectives are predicted to be met. The Air Quality Assessment refers to best practice for mitigation measures to reduce impacts on air

quality in the construction and operational phase, as it is widely acknowledged that there is no safe level of exposure to air pollution. As such, planning condition 11 is recommended to obtain details of these measures to be put in place.

Sustainable Drainage

- 6.23 As this site is a major development, it is a requirement for the scheme to provide adequate Sustainable Drainage. The applicant has provided some detail in respect of sustainable drainage, however, further detail would be required as to the sustainable drainage that would be provided. The detail of the sustainable drainage to be used can be secured by planning condition. (See condition 7).

Other Material Considerations

Housing Land Supply

- 6.24 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 in 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.

Conclusion

- 6.25 In light of the above analysis and taking into account the weight to be accorded to the relevant policies of the Borough Local Plan Submission Version, on balance, and when taking into account all relevant material planning considerations, this application is considered to comply with the relevant policies listed within the Development Plan and the Borough Local Plan Submission Version.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposal is CIL liable at a rate of £100 per square metre with a net increase in floorspace of 786.2 sqm.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

29 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 8th February 2018 and the application was advertised in the Maidenhead Advertiser on the 15th February 2018.

No comments have been received from members of the public.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	Recommends conditions if planning permission is granted.	6.23

Other consultees

Consultee	Comment	Where in the report this is considered
Council's Tree Officer	The scheme fails to adequately secure the protection of important trees which contribute to the character and appearance of the area. I therefore recommend refusal of the application under N6, and DG1	6.4-6.13
Environmental Protection	<p>Thank you for the Air Quality Assessment completed by Aether Ltd and submitted to RBWM on the 5th March 2018.</p> <p>This has been assessed by our air quality officer and they concluded that the assessment shows the AQ impacts are not significant and is acceptable.</p> <p>They recommend that the mitigation measures detailed in section 3.3 and 3.4 are implemented in full.</p>	6.22
Berkshire Archaeology	Recommends that a condition requiring a programme of archaeological work is attached, should planning permission be granted, to mitigate the impacts of the proposed development	A condition is recommended. (See condition 4)
Highway Authority	Offers no objection, subject to planning conditions.	6.16-6.21

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed Site layout
- Appendix C – Elevations and Floor plans
- Appendix D- Previously consented plans

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

- 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).
- Prior to the construction of the building hereby permitted, details of the materials to be used on the external surfaces of the building and of the retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1.
- Prior to the commencement of any works or demolition a construction 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

- 4 No development shall take place, other than demolition to ground level, until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work (which may comprise more than one phase of work) in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed entirely in accordance with the approved programme of works.
Reason: The site lies in an area of archaeological potential, particularly in relation to the prehistoric and Roman settlement and land use of this part of the Thames Valley. The potential impacts can be mitigated by a programme of archaeological work in accordance with national and local planning policy.
- 5 No development shall take place until plans showing details of: existing and finished ground levels; finished floor levels; position and height of retaining walls have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
Reason: In the interest of visual amenity of the area.
- 6 No works or development shall take place until an Arboricultural Method Statement and Tree Protection Plan specific to this scheme, has been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations. Nothing shall be stored or placed in any area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details until completion of the development.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 7 Prior to the commencement of development, a surface water drainage scheme for the development, based on sustainable drainage principles shall first be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall include:
-A demonstration of compliance with the SuDS hierarchy
-Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
-The results of onsite infiltration testing undertaken in accordance with BRE365. Should infiltration prove to be feasible calculations submitted in support of an application to discharge the condition should be based on infiltration rates derived from tests undertaken in compliance with BRE Digest 365. Infiltration devices should be modelled using a factor of safety of a minimum of 2, and an infiltration coefficient of 0 for the base of the devices in line with best practice.
-A plan indicating that surface water flows would be managed appropriately in the event of exceedance/failure.
-Supporting calculations confirming compliance with the Non-Statutory Standards for Sustainable Drainage Systems (where infiltration has been proven to be practical the calculations shall be based on infiltration rates determined by infiltration testing undertaken in accordance with BRE365).
-Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.
The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.
Reason: To ensure compliance with the National Planning Practice Guidance and the Non-Statutory Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere in accordance with paragraph 103 of the NPPF.

- 8 No other part of the development shall commence until the new accesses have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The accesses shall thereafter be retained as approved.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1
- 9 Prior to the construction of the building hereby approved, details of both hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. These works shall be carried out as approved following the completion of the development and retained thereafter in accordance with the approved details.
A) Hard landscaping - These details shall include a detailed hard landscape specification and supporting plan(s) to a recognised scale illustrating the proposed positions, dimensions, materials and finished levels of: means of enclosures
B) Soft landscaping - These details shall include;
A) A detailed soft landscaping plan to a recognised scale clearly illustrating the location of all trees, shrubs, plants, hedges, grasses and climbing plants to be planted and areas of turf to be laid;
B) A detailed written soft landscape specification detailing the species, quantity, density, stock type, size, position, and the proposed time or programme of planting of all trees, shrubs, plants, hedges, grasses and climbing plants. This specification shall include details of all ground preparation and cultivation within and adjacent to root protection areas of retained on/off-site trees, and other operations (watering, mulching, weeding, support etc.) associated with their establishment.
If within a period of five years from the date of planting of any tree, shrub, plant, hedge, grass, and climbing plant shown on the approved landscaping plan(s), is removed, or uprooted, or destroyed, or dies, or becomes seriously damaged or defective, or an alternative replacement is planted; another tree, shrub, plant, hedge, grass, and climbing plant of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1
- 10 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 11 Prior to the commencement of development, details of the measures to reduce the impacts of the development (during construction and operation) upon air quality shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved measures.
Reason: The site is within an Air Quality Management Area, and the development should be undertaken to reduce the impacts on air quality.
- 12 No part of the development shall be occupied until the visibility splays shown on drawing 2113-PL-101 Revision A have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5
- 13 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

- 14 The existing accesses to the site of the development shall be stopped up and abandoned immediately upon the new accesses being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1
- 15 In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plan 2113-PL-02; and paragraphs (i) and (ii) below shall have effect until the expiration of 2 years from the date of the occupation of the building for its permitted use.
i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work)].
ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
Reason: To ensure important trees which make an important contribution to the appearance of the scheme are retained.
- 16 The windows in the north elevation of the building hereby approved at first floor level and above 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 protect neighbouring amenity.
- 17 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1
- 18 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

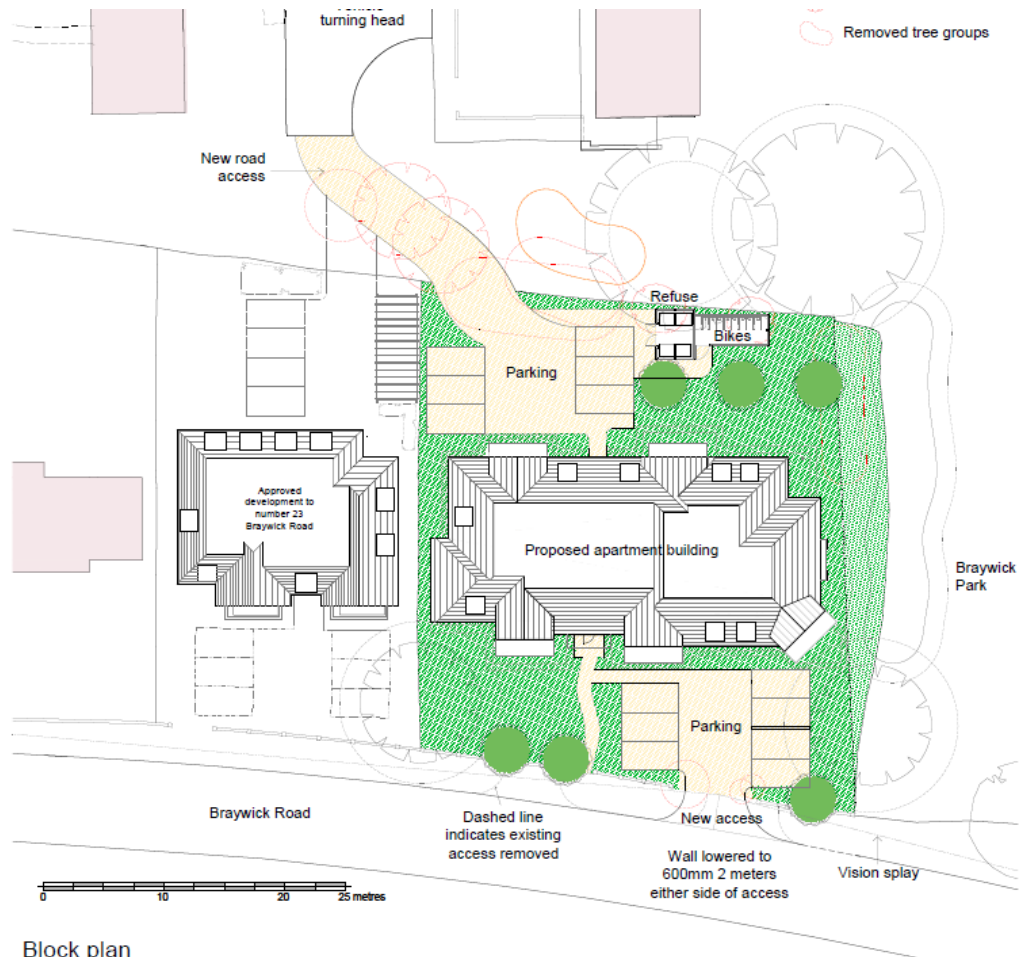
- 1 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks' notice to obtain details of underground services on the applicant's behalf.
- 2 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.
- 3 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.
- 4 No builder's materials, plant or vehicles related to the implementation of the development should be parked / stored on the public highway so as to cause an obstruction at any time.
- 5 The applicant should be aware that the chalk formation in the Maidenhead area is known to be susceptible to the development of solution features and this should be taken into account in the design of any infiltration systems and the proposed building foundations

- 6 Where infiltration is proposed the lead local flood authority would normally expect infiltration tests to be carried out in accordance with BRE365.
- 7 The applicant's attention is drawn to the Considerate Constructors Scheme Initiative. The initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works. Further information on how to participate can be found at www.ccscheme.org.uk

Appendix A- Location plan

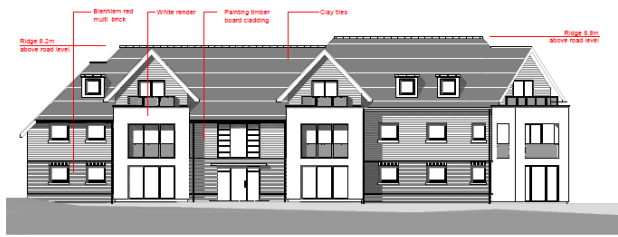


Appendix B- Proposed block plan

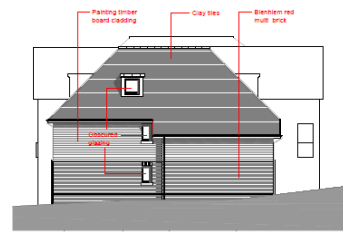


Block plan

Appendix C- Elevations and floor plans



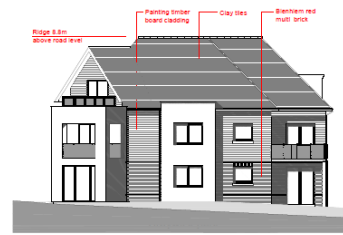
Front elevation (West facing - fronting onto Braywick Road)



Side elevation (North facing)



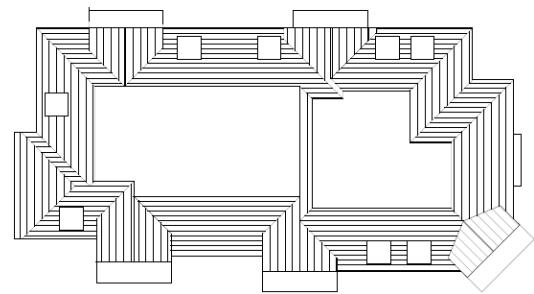
Rear elevation (East facing / rear)



Side elevation (South facing - to Braywick Park)



Second floor plan



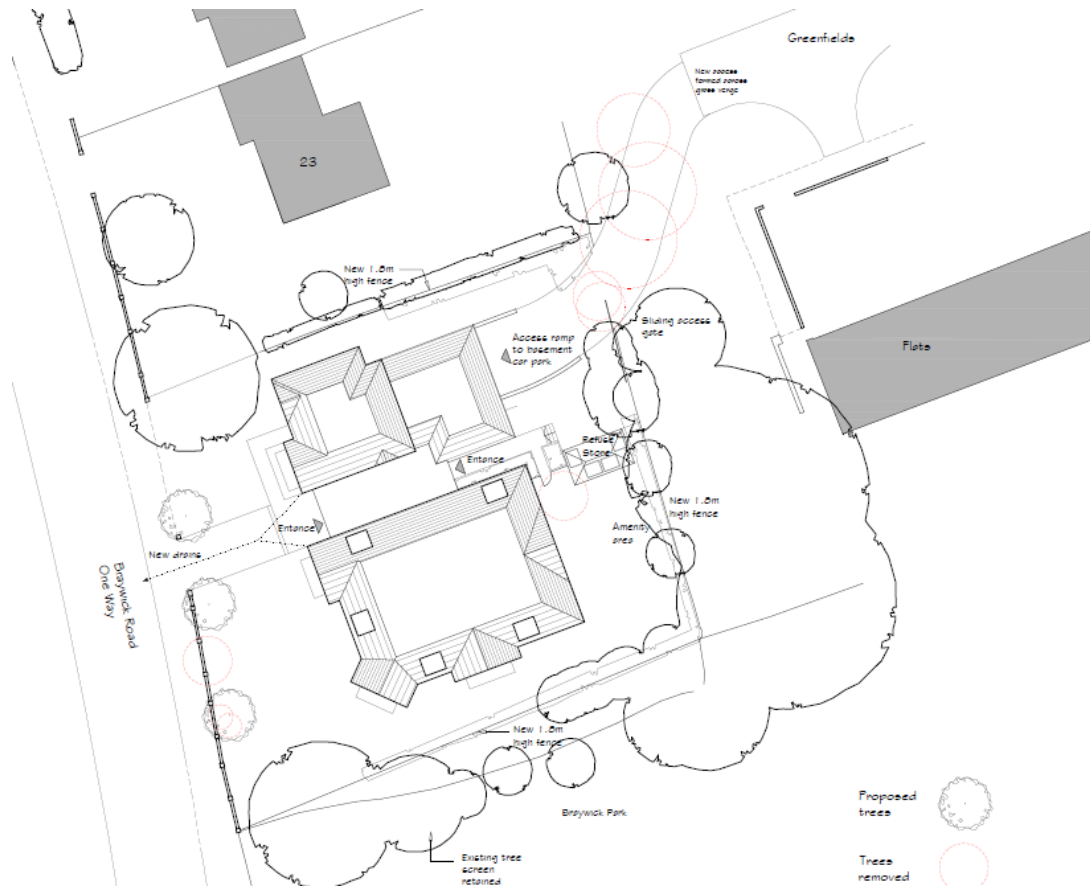
Roof plan



0 10 20 25 metres



Appendix D- Previously approved scheme





West Elevation



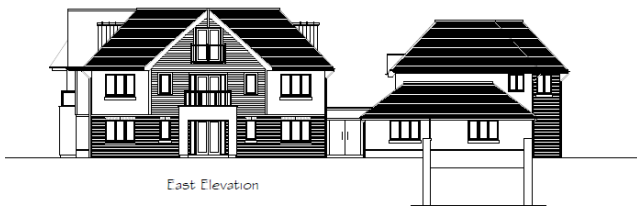
North Elevation



South Elevation



Section BB



East Elevation



Section BB

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

4 July 2018

Item: 2

Application No.:	18/00421/FULL
Location:	30 - 32 Forlease Road Maidenhead
Proposal:	Erection of 7 flats following the demolition of the existing semi-detached houses
Applicant:	Mr & Mrs Kehoe
Agent:	Miss Natasha Gandhi
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
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1. SUMMARY

- 1.1 This is a resubmission of a virtually identical scheme proposed under application 16/03873, which was refused permission on the grounds that it did not pass the Sequential Test.
- 1.2 An appropriate assessment of potential sites with a lower flood risk than the application site has been undertaken, with comprehensive justification for discounting these sites. The Sequential Test has therefore been passed. In terms of the Exception Test, the application has sufficiently demonstrated that the proposal would provide wider sustainability benefits to the community that outweigh flood risk and would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. The Exception test is therefore also passed.
- 1.3 The proposal is considered to be acceptable in relation to all other planning considerations.

It is recommended the Panel grants planning permission with the conditions listed in Section 9 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 site comprises numbers 30 and 32 Forlease Road in Maidenhead, which is an edge of centre location and falls within the remit of the Maidenhead Town Centre Area Action Plan. The existing dwellings are a pair of semi-detached two storey properties that front onto Forlease Road and back onto the new McCarthy and Stone retirement flats fronting Bridge Avenue.
- 3.2 The location, on the edge of the town centre, means that the area has a transitional character, with a mixture of larger apartment buildings, offices and smaller residential dwellings. More recent developments have tended to be larger in scale, with a general trend towards higher density development and an expanding town centre. This is particularly true in Bridge Avenue, to the rear which has benefitted from a large degree of development in recent years. A redevelopment of 8 flats fronting Forlease Road and next to the application site has also recently been completed, and now forms part of the character of the area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks permission for the demolition of the existing dwellings and their replacement with a 2.5 storey building consisting of 1 x 3 bed flat, 5 x 2 bed flats and 1 x 1 bed

flat, all with off road parking to the rear accessed through an undercroft passageway. Flat No. 2 would also benefit from pedestrian access at ground floor to the front of the building.

- 4.2 The proposal is almost identical to that proposed under application 16/03873 which was refused on the grounds that it failed the Sequential Test. The main difference between this and the previous application is that the proposed building would be raised above ground by approximately 0.5 m to install piers and create voids under the flats.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections: Core Planning Principles and Sections 6 (Delivering a wide choice of high quality homes); 7 (Requiring good design); 10 (Meeting the challenge of climate change, flooding and coastal change).

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
DG1, H10, H11	P4, T5	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	BLP Policy
Design in keeping with character and appearance of area	SP 2, SP 3
Manages flood risk and waterways	NR 1
Makes suitable provision for infrastructure	IF 1, IF 2
Environmental protection	EP 1, EP 2
Housing density	HO 5

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 in January 2018. The examination of the Submission Version is currently taking place.

The Borough Local Plan Submission Version does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt it. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy.

In this case, significant weight is to be accorded to Borough Local Plan Submission Version policies SP2, SP3, IF1, IF2, HO5, EP1 and EP2. Limited weight should be accorded to Borough Local Plan Submission Version policy NR 1 due to the extent and nature of objections raised to it by representations on the Borough Local Plan Submission Version. The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

The document can be found at:

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

Maidenhead Area Action Plan (AAP)

- 5.3 Policies relevant to the consideration of the application are: MTC 4: Quality Design and MTC 12: Housing.

This document can be found at:

https://www3.rbwm.gov.uk/downloads/file/549/maidenhead_town_centre_aap_adopted_september_2011_part_1

Supplementary planning documents

- 5.4 Supplementary planning document adopted by the Council relevant to the proposal:

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

More information on this document can be found at:

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

Other Local Strategies or Publications

- 5.5 Other Strategies or publications relevant to the proposal:

- 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 Principle of development;
- ii Flood risk;
- iii Impact on character and appearance of the street scene;
- iv Amenity of existing and future residents;
- v Highways considerations;
- vi Other material considerations.

Principle of development

- 6.2 The provision of housing within the wider town centre is supported by policy MTC 12 of the AAP, whilst the core principles of the NPPF seek to encourage the effective re-use of previously developed land. The principle of development is therefore considered to be acceptable.

Flood risk

- 6.3 The site is located in Flood Zone 3. In accordance with the technical guidance accompanying the NPPF, the proposal needs to demonstrate compliance with the Sequential Test, Exception Test and have a Flood Risk Assessment demonstrating the development is safe with regards to flood risk.
- 6.4 The applicant has examined all sites at a lower risk of flooding within the Maidenhead Commercial Boundary and AAP area. The site search methodology is considered acceptable with the applicant providing sufficient reasons for why these sites have been discounted. As such, it is considered that the Sequential Test is passed.
- 6.5 A failure to pass the Sequential Test normally means the Exception Test is not advanced, hence this is not referred to in the reason for refusal on the previous application. However, had the previous application not failed the Sequential Test, the delegated officer's report sets out that it would have failed the Exception Test, on the grounds of loss of flood plain storage, failure to take account of climate change and lack of safe access and egress.
- 6.6 The application site is located within the Maidenhead Commercial Boundary and AAP Boundary, where residential, commercial and retail uses are promoted. The AAP suggests a significant proportion of new development will come forward in the identified Opportunity areas, however these are not the only sites for new development. Policy MTC 12 expressly states that new housing development will be supported throughout the Town centre where this contributes to the provision of a sustainable mix of new housing.
- 6.7 Taking into account Policy MTC 12 and the extent of land within the AAP Boundary within Flood Zone 3, which would be subject to the Exception test, in terms of sustainability the provision of additional residential development on the site accords closely with the policies of the AAP connected with the rejuvenation of the town centre and the need to create sustainable mixed communities. Therefore, the benefits arising from the delivery of residential development in a highly sustainable location weighs positively in support of the scheme. The site's location on the boundary of Maidenhead Town Centre also weighs in its favour, as it helps to relieve pressure to develop on less sustainable greenfield sites. For these reasons, the proposal is considered to provide wider sustainability benefits to the community that outweigh flood risk.
- 6.8 A Flood Risk Assessment (FRA) has been submitted with the application. It advises that a 1 in 100 annual probability plus 35% allowance for climate change gives a flood level of 24.70m AOD at the worst case in-channel peak flood level. The proposal has therefore set the ground floor level at 25.00m AOD. In addition, in order to ensure the free flow of water during a flood event without loss of flood storage, it is proposed that the building be raised on piers to create floodable voids underneath, the inspection and maintenance of which will be the responsibility of the management company. With the demolition of the existing dwellings, the proposal would create a net gain of 81m³ of flood storage.
- 6.9 It is necessary to consider and incorporate safe access arrangements as part of the mitigation to ensure that occupants of the proposed development are safe in times of flooding and can achieve access/egress to/from the wider area safely. The FRA advises that safe escape is achievable by heading north of the site on Forlease Road and west onto the A4 roundabout. As the site is within a "slow responding catchment" there would be significant warning of potential flooding from the River Thames. In addition, the Jubilee River is controlled by the Environment Agency and therefore the occupants of the development would receive early warnings from this source. These matters should be included in a Flood Risk Management Plan, required by condition 16 in Section 10 of this report.
- 6.10 In terms of surface water runoff, the applicant proposes to deal with this by way of infiltration drainage, subject to the ground conditions underlying the site. Infiltration testing and groundwater level monitoring would be required to determine the feasibility of infiltration. If infiltration drainage is not possible, attenuation storage will need to be provided by way of a combination of sub-base storage and geo-cellular storage before being discharged into the public sewer at a rate to be agreed with Thames Water.

- 6.11 Overall, it is considered that the submitted FRA sufficiently demonstrates that the development can be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. Subject to appropriate conditions (numbers 4, 15 and 16 in section 9 of this report) the proposal complies with Policy F1 of the Local Plan and Policy NR1 of the Borough Local Plan (BLP), Submission Version.

Impact on character and appearance of the street scene

- 6.12 The design and appearance of the scheme is very similar to the flatted development next door at numbers 26-28 Forlease Road (15/00684/FUL). The proposed building would therefore be of a scale and appearance that is in keeping with that of the surrounding area and is reflective of the roof forms and projections of some of the older properties within the street scene.
- 6.13 The proposed building would follow the ridge line of 26-28 Forlease Road and would adhere to the established building line. Space at the front of the building would allow for some soft landscaping and tree planting along the frontage of Forlease Road. This would help improve the quality of the street scene and create a softer more secure environment that fulfils the requirements of the Local Plan. Details of a landscaping scheme can be secured by way of condition (see condition 13).
- 6.14 In summary the impact of the proposed development upon the character and appearance of the street scene is considered to be acceptable. Subject to conditions 2, 3, 5 and 13 in section 9 of this report, the proposal complies with Policies DG1, H10 and H11 of the Local Plan and Policies SP2 and SP3 of the BLP.

Amenity of existing and future residents

- 6.15 The proposed building would not extend significantly behind the rear elevation of the new building at 26-28 Forlease Road and would subsequently not lead to any loss of light, overshadowing or overbearing impacts.
- 6.16 There would be 4 metres separation between the side elevation of the proposed building and 34 Forlease Road. Whilst the proposed building would extend beyond the rear elevation of no 34 by 7.1 metres, a gap of 1 metre would be retained between the side elevation and the boundary. A small section of no 34's garden would experience some shading in the morning, however this does not constitute significant harm and the applicant has demonstrated that there will be no loss of light to the neighbour's habitable rooms. On this basis and given the separation distances proposed there is considered to be no loss of light, overshadowing or overbearing impacts to 34 Forlease Road that would warrant the refusal of this planning application.
- 6.17 Whilst car parking is proposed to the rear of the proposed building, given the urban context, where there are a number of rear parking areas, this is not considered to give rise to a level of noise or disturbance that would warrant the refusal of this planning application.
- 6.18 When considering the potential for the development proposals to impact on the privacy of neighbours, it is acknowledged that there are already above ground floor level windows in the rear elevation of the existing buildings on site, that provide oblique views across the rear amenity space of neighbouring properties. This arrangement would not be significantly altered compared to the current arrangement and the relationship between buildings is not unusual in an urban environment.
- 6.19 A separation distance of approximately 30 metres exists between the rear elevation of the proposed building and the retirement apartments on Bridge Road. This is considered appropriate to maintain acceptable levels of privacy to current and future occupants and to avoid any overbearing impacts.
- 6.20 Considering the living conditions of the future occupiers of the proposed building, the flats are considered to be on the smaller side but not to the extent where it would warrant the refusal of this planning application. A sufficient level of amenity space is provided at ground floor level.

- 6.21 In summary the development proposal is considered to maintain acceptable levels of amenity when considering the existing and future occupiers of neighbouring properties and also provide appropriate living standards to the future occupiers of the building. Subject to condition 6 in section 9 of this report the proposal complies with Policy SP2 of the BLP and core planning principles of the NPPF.

Highways considerations

- 6.22 The Highway Authority has advised that the site is located within an area of good accessibility and that the access arrangements and visibility splays from the access are acceptable. In addition, the provision of 7 car parking spaces is also acceptable and in accordance with the standards set out in the Parking Strategy 2004 when having regard to the location of the site in an area of good accessibility.
- 6.23 The number of trips generated from the development would not put a significant strain on the local highway network. Secure cycle storage is provided within the building and the refuse storage area is considered acceptable.
- 6.24 The Highway Authority has advised that the proposal does not present any severe highway concerns and has therefore raised no objections subject to conditions 7, 8, 9, 10, 11 and 12 in section 9 of this report. The proposal complies with Policies P4 and T5 of the Local Plan and Policy IF2 of the BLP.

Other Material Considerations

Housing Land Supply

- 6.25 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 in 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.

Community Infrastructure Levy (CIL)

- 6.26 As the application is for residential development it is liable for CIL. However, due to its Town Centre Location it carries a zero tariff.

More information on CIL can be found at:

https://www3.rbwm.gov.uk/downloads/file/2631/charging_schedule

Environmental Protection issues

- 6.27 Environmental Protection has submitted a list of conditions in response to being formally consulted on the application, with no other comments or advice provided. It recommends that conditions in respect of a site specific environmental construction management plan, dust management, no fires, construction working hours, restrictions on vehicle deliveries during construction, contaminated land and lighting scheme. The 8th condition recommends a requirement for an Air Quality Assessment to be undertaken the findings of which should be submitted with the application.

- 6.28 Any planning conditions imposed on a permission are required to be reasonable, necessary, related to planning and enforceable. Of the suggested conditions, only a construction management plan would be considered appropriate as a planning condition – vehicle deliveries can be incorporated into such a condition. Case law has established that issues relating to nuisance, such as fires, working hours and dust are matters which are covered by Environmental Protection law and therefore not necessary, reasonable or enforceable under Planning legislation – these matters can, however, be covered by informatives on the decision notice. The site remains in residential use and therefore a contaminated land condition is also not necessary, (although details of the proposed surface water drainage is required, as per paragraph 6.10 above to ensure the appropriateness of any infiltration scheme). As this is a small development, a lighting scheme is also not considered necessary.
- 6.29 Maidenhead Town Centre and its immediate surroundings are within an Air Quality Management Area (AQMA). This means that all residential development proposals coming forward for consideration need to have assessed the impact of the proposal on the AQMA, (from additional vehicular movements created as a result of the development), and the impact of air pollution on future occupants of the development. In this case, given the site's good accessibility to the town centre and sustainable modes of transport, the Highway Authority has advised that the minimum amount of parking (7 spaces) is acceptable and that this will not have a severe impact on the highway network. By extension, it is not considered that 7 cars would have a significant adverse impact on air quality in the area. With regard to the potential impact of air pollution on future residents of the development, it is considered reasonable to attach a condition requesting details of measures to provide fresh air ventilation to the flats to ensure that this is not a problem, (as per condition 15 in section 9 of this report).
- 6.30 It is noted that Environmental Protection did not previously provide a consultation response to application 16/03873 and the lack of an air quality impact report was not included in the reason for refusal. It would therefore be unreasonable to include it as part of this application.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

9 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 6th March 2018.

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

Comment		Where in the report this is considered
1.	Maidenhead Civic Society – The living space for flats 2 and 5 are substandard.	6.20

Consultee responses

Consultee	Comment	Where in the report this is considered
Highway Authority	No objections subject to conditions.	6.22 – 6.24
Environmental Protection	Recommends a number of conditions to be attached to any approval.	6.27 – 6.30
Environment Agency	No consultation response received.	Not required, as this is not a Major application. However flooding is

		considered in paragraphs 6.3 – 6.11
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8. APPENDICES TO THIS REPORT

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

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until details of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies: Local Plan: DG1, H10 and Borough Local Plan (BLP) Submission Version January 2018, SP 2 and SP 3.
- 3 No development shall take place until a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area. Relevant Policies: Local Plan DG1 and BLP SP 3.
- 4 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment compiled by Peter Brett Associates dated February 2018, project reference 42810/4001/001 and including the following mitigation measures:
1) The finished floor level of the proposed development shall be set no lower than 25.00 metres Above Ordnance Datum (mAOD);
2) Any proposed steps, ramps, fencing or decking will be designed to be 'open';
3) Incorporation of flood openings / voids as per drawing 2473-PL-102;
4) The proposals will result in no ground level raising within the 1% (1 in 100) AEP plus 35% allowance for climate change.
Reasons: 1) To reduce the risk of flooding to the proposed development and future occupants, 2) To ensure that there is no net loss of floodplain storage up to the 1% (1 in 100) AEP plus 35% allowance for climate change flood level, 3) To ensure that flood flows will not be impacted and floodwater will be able to flow freely, 4) To ensure that there is no net loss of floodplain storage up to the 1% (1 in 100) AEP plus 35% allowance for climate change flood level. Relevant Policies: Local Plan F1, BLP NR1.
- 5 No development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policies: Local Plan DG1, BLP SP 3.
- 6 No further window(s) or rooflights shall be inserted at first floor level or above in the north and south elevations of the building without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11, BLP SP 3.

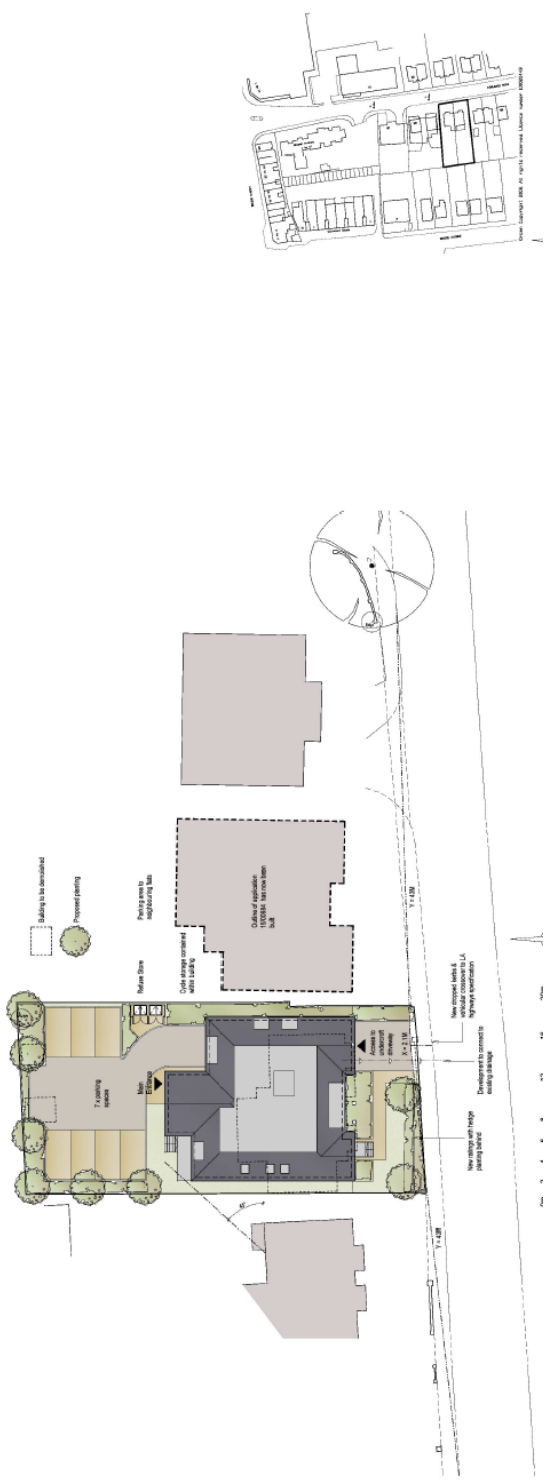
- 7 No other part of the development shall commence until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG, BLP IF 2.
- 8 Prior 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, BLP IF 2.
- 9 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1, BLP IF 2.
- 10 No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5, BLP IF 2.
- 11 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, BLP IF 2.
- 12 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, BLP SP 3, IF 2.
- 13 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1, BLP SP 3.

- 14 No development shall take place until there have been submitted to and approved in writing by the Local Planning Authority details of measures to provide fresh air ventilation to the flats hereby permitted. The ventilation measures shall be implemented as approved and retained in good working order thereafter.
Reason: In the interests of the residential amenities of future occupants in order to comply with one of the core planning principles in the National Planning Policy Framework (NPPF). Relevant Policy: BLP EP 2.
- 15 Prior to commencement a surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved drainage strategy.
Reason: To prevent the increased risk of flooding and to prevent pollution of the water environment. Relevant Policies: Local Plan F1 and BLP NR 1.
- 16 Prior to occupation, a Flood Risk Management Plan, that includes an evacuation plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall have effect from first occupation of the development and shall be implemented for the lifetime of the development.
Reason: To help safeguard the users of the development in the event of a flood. Relevant Policy - Local Plan F1 and BLP NR 1.
- 17 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.
- 18 The first and second floor window(s) in the north and south elevation(s) of the building shall be maintained as annotated on the approved drawings and they 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.

Informatives

- 1 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks' notice to obtain details of underground services on the applicant's behalf.
- 2 The applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.
- 3 The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday to Friday 08.00 - 18.00, Saturdays 08.00 to 13.00. No working on Sundays or Bank Holidays.

Building height of the McCarthy Stone development behind site





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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

4 July 2018

Item: 3

Application No.:	18/01232/FULL
Location:	Lennox House Ray Park Avenue Maidenhead SL6 8DT
Proposal:	Extension to east elevation and internal alterations to provide 4 new flats and alterations to provide an additional 7 car parking spaces
Applicant:	
Agent:	Mrs Sarah Hardwick
Parish/Ward:	Maidenhead Unparished/Maidenhead Riverside 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 This application is identical to application 17/01649 that was previously considered by the Panel in December 2017. That application was refused permission on the grounds that the applicant had not demonstrated that safe access and egress could be achieved during a 1 in 100 (1.0%) probability flood event plus 35% allowance for climate change and therefore the development was not considered to be safe.
- 1.2 The planning application proposes extensions that, with internal alterations, will form four additional flats. The extensions are minor in scale and will have no adverse impact on the character of the area or upon the amenities of neighbouring occupiers. There is currently an undersupply of car parking on site, so the additional 7 spaces represents a welcome improvement.
- 1.3 Having regard to the wider benefits of the scheme, and subject to the submission and approval of a flood risk management plan incorporating an evacuation plan to the town centre, together with mitigation measures in respect of the finished floor level and flood compensation, the scheme is considered acceptable in terms of flood risk.

It is recommended the Panel grants planning permission with the conditions listed in Section 9 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 site comprises Lennox (formerly Servite) House and the private amenity space and car parking area which surrounds it. Lennox House is a three storey apartment building that was built in the 1970s and contains 25 flats. The site contains a number of mature trees that are the subject of a Tree Preservation Order. The property has vehicular access off Ray Park Avenue and a tarmac parking area to the rear of the building for 10 car parking spaces.
- 3.2 The site's surroundings are leafy and suburban in character. The surroundings are characterised by large detached buildings on large plots which include apartment blocks and large private residences. The area mainly comprises two to three storey buildings that predominantly date from the 1970s or are built in the arts and crafts style. There are also a number of bungalows in the area that appear to date from the 1960s/70s.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 This planning application proposes the erection of two single storey extensions located to the rear of Lennox House. The extensions are achieved by extending an existing single storey flat roofed area that previously contained a communal lounge and infilling an area between two existing projections. The extensions, along with some internal alterations, would provide four additional flats. The site access arrangements will remain as existing. The scheme also involves an extension to the existing car parking area to provide an additional 7 car parking spaces. Terrace areas will be formed to the rear of the property so that some of the ground floor flats will benefit from private amenity areas.

4.2

Reference	Description	Decision/Date
17/03157/CONDIT	Details required by condition 2 (tree protection) of planning permission 17/02501 for the provision of 8 additional parking spaces and alterations to existing parking within the site together with associated works	Refused 5/04/2018
17/02501/FULL	Provision of 8 additional parking spaces and alterations to existing parking within the site together with associated works	Approved 9/10/2017
17/01649/FULL	Extension to east elevation and internal alterations to provide 4 new flats and alterations to provide an additional 8 car parking spaces.	Refused 22/12/2017
17/01335/FULL	Provision of 7 additional parking spaces and alterations to existing parking within the site together with associated works	Refused 19/07/2017
17/01336/FULL	Provision of 2 additional parking spaces and alterations to existing parking within the site together with associated works	Refused 19/07/2017
296/74	Group flatlets for the elderly (Outline)	Approved 11/11/1974
402151	Flatlets for the elderly (Detail)	Approved 20/08/1975
404489	Extension	Approved 27/09/1976
409464	Conservatory	Approved 19/07/1979

4.3 It is noted that the original consent for the building described the use as "flatlets for the elderly". This wording is ambiguous in terms of whether the authorised use was Use Class C3 (i.e. dwellings) or C2 (e.g. nursing or care homes). Having visited the building and on examining the original floorplans, it is clear that the use is Class C3. This is on the basis that each flat was self-contained and had its own kitchen and bathroom and the only shared facility was the communal lounge. No care was provided within the building.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework (NPPF) Sections: Core planning principles and Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), and 10 (Meeting the challenge of climate change, flooding and coastal change).

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	Flooding
DG1, H10, H11	P4, T5	N6	F1

These policies can be found at

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

Borough Local Plan (BLP): Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1
Trees	NR 2
Makes suitable provision for infrastructure	IF 1, IF 2
Housing	HO 2, HO 5

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 in January 2018.

The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy.

In this case, significant weight is to be accorded to Borough Local Plan Submission Version policies SP2, SP3, IF1, IF2, HO2, HO5 and NR2. Lesser weight should be accorded to Borough Local Plan Submission Version policy NR 1 due to the extent and nature of objections raised to it by representations on the Borough Local Plan Submission Version. The application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

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

More information on this document 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
- 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 Impact on character of the area;
- ii Impact on amenities of neighbouring and future occupiers;
- iii Flood Risk;
- iv Highways and Car Parking;
- v Impact on Trees; and
- vi Other material considerations.

Impact on character of the area

6.2 The proposed alterations are minor in scale and would be located at the rear of the building and, as an infill, would not be visible from public views. The extensions are single storey and are subservient to the host building. With a condition to ensure that the materials used on the external surfaces of the extensions will match the existing building, the alterations would sympathetically match the existing building. The proposed development would therefore have no negative impact upon the appearance of the host building or upon the established character of the area.

6.3 With regard to the impact of the development on the character of the area, and subject to condition 2 in section 9 of this report, the proposal complies with Policies DG1, H10 and H11 of the Local Plan and Policies SP 2, SP 3, HO 2 and HO 3 of the BLP.

Impact on amenities of neighbouring and future occupiers

6.4 The extensions are located to the rear of the building near to the shared boundary with "Greendale". The existing minimum rear to side elevation separation distance of 3.8 metres would be retained. The southern-most projection of Lennox House abuts the rear boundary of "Greendale". The element of the extension that adjoins this projection would be single storey and would have a flat roof and so only represent a minor change when compared to the current arrangement. On this basis, and due to the fact that the proposed extension is single storey,

there would be no overbearing impacts, increased sense of enclosure, overshadowing, loss of light or loss of privacy when compared to the current arrangement.

- 6.5 Considering the amenity of future occupiers, whilst the proposed units are small they are not so small as to warrant the refusal of the application. Some of the ground floor flats will have access to private amenity space and the rest will have access to the communal grounds. Whilst some of the amenity space is being lost to car parking, it is acknowledged that some amenity space will remain, and not everybody wishes to have a garden as a lifestyle choice. The site is also close to the river which provides opportunities for outdoor recreation.
- 6.6 Due to the established separation distances being maintained the occupiers of the proposed flats will experience acceptable levels of privacy. Roof lights will ensure that the proposed flats, despite being close to the boundary will enjoy adequate levels of sun/daylight. To this end the proposed flats are considered to provide acceptable amenity standards to future occupiers.
- 6.7 With regard to the amenities of neighbours and future occupiers of the development, the proposal complies with Policies DG1, H10 and H11 of the Local Plan and Policies SP 2 and SP 3 of the BLP.

Flood Risk

- 6.8 The application site is within Flood Zone 3 and, as the proposal would create new dwellings, is classified as a “more vulnerable development”. In terms of the Sequential Test, as the proposal is for an extension to an existing building, this is passed. The proposal is also required to pass the Exception Test.
- 6.9 In order to pass the Exception Test, it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and, a site specific flood risk assessment must demonstrate that, the development will be safe for its lifetime taking account of the vulnerability of its users.
- 6.10 In terms of wider sustainability benefits, the proposal would be making more efficient use of the existing building and site from very minor changes - just internal alterations and two small infill extensions. In this case, the creation of four dwellings would be provided without any impact on the character of the area or neighbour’s amenities. The more efficient use of previously developed sites for housing means less pressure to build on scarce greenfield sites. In addition, the proposal would create four, one-bedroom units, (adding to the mix of residential development in the area), that would be made available to a wide range of people from the community, rather than just those of retirement age which had previously been the case.
- 6.11 In terms of the proposed development being safe, the Environment Agency has advised that it has no objection to the proposal provided finished floor levels are set no lower than 24.40m AOD and 8.59m³ of compensatory flood plain storage is provided, as set out in the submitted Flood Risk Assessment (FRA). These measures would ensure that the proposed development is sufficiently flood resilient and resistant without increasing flood risk elsewhere, and are covered by condition 4 in section 9 of this report.
- 6.12 The submitted FRA suggests an escape route from the site by traveling south along Ray Park Avenue, then east along Bath Road and over the bridge crossing the River Thames. However, this is not considered to be appropriate as, in a severe flood event, residents are likely to need access to a wide variety of services and facilities, and therefore the escape route should conclude in Maidenhead Town Centre. From the information provided in the FRA and from previous residential schemes in the vicinity of the site considered by the Council, that have undertaken a similar assessment of establishing a safe route, it is known that a route with a very low hazard rating from this area to the town centre cannot be achieved. As such, and having regard to the early warning system of potential flooding from the River Thames in place from the Environment Agency, a flood risk management plan incorporating an evacuation plan to the town centre is considered appropriate in this case.

- 6.13 Subject to conditions 4 and 5 in section 9 of this report, the proposal is considered acceptable in flood risk terms and complies with Policies F1 of the Local Plan and NR 1 of the BLP.

Highways and Car Parking

- 6.14 The site currently accommodates 10 parking spaces for the 25 units (24 x 1 Bedroom, 1 x 2 Bedroom). The current parking provision provides a shortfall of 16 spaces. The proposal under consideration includes 7 additional car parking spaces and four additional flats therefore; reducing shortfall of parking spaces to 9. Although it is acknowledged that the parking provision overall does not conform to current standards, the proposal presents an improvement to existing conditions on site and is therefore acceptable.
- 6.15 The proposal includes the addition of four secure cycle parking spaces which conform to current guidelines of one space per additional dwelling.
- 6.16 The application does not propose any changes to refuse provision compared to the existing arrangement. This is acceptable.
- 6.17 The application presents an improvement to on-site parking provision which is considered a highway benefit. It is acknowledged that the proposal will increase the number of vehicle trips generated from the site however, the impacts are not considered severe in comparison to the existing situation. The Highway Authority therefore raises no objection to the proposal subject to conditions 6, 7 and 8 recommended in section 9 of this report. The proposal complies with Policies P4 and T5 of the Local Plan and IF 2 of the BLP.

Impact on Trees

- 6.18 The Tree Officer has confirmed their broad agreement with the details given in the submitted tree survey and advised that there is no objection to the removal of the Lawson Cypress (T27) growing to the rear of the building for the reasons given in the report. The other retained trees would not be directly impacted by the proposed extensions and it is noted from 12.2 of the arboricultural report that no new underground services are to be installed within the root protection areas of the retained trees.
- 6.19 The Tree Officer has no objection to the proposed development subject to conditions 3, 9 and 10, set out in section 9 of this report. The proposal complies with Policies N6 of the Local Plan and NR 2 of the BLP.

Other Material Considerations

Housing Land Supply

- 6.20 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 in 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.

Community Infrastructure Levy

- 6.21 **The application proposes new residential development and therefore would be liable for a Community Infrastructure Levy contribution.** Based on the submitted information, the tariff payable for this development would be £10,670.40.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

35 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 27th April 2018 and the application was advertised in the Maidenhead Advertiser on 10th May 2018.

No letters of representation have been received.

Consultee responses

Consultee	Comment	Where in the report this is considered
Highway Authority	No objections subject to conditions in relation to a construction management plan, parking as approved and provision of cycle parking.	6.14 – 6.17
Environment Agency	No objections subject to a condition in respect to finished floor level and flood storage compensation.	6.8 – 6.13
Environmental Protection	Recommends conditions in relation to working hours and delivery hours together with informatives in respect to dust and smoke controls.	To be covered by informatives
Trees	No objections subject to conditions in relation to tree retention/replacement and tree protection.	6.18 – 6.19

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site layout plan
- Appendix C – Proposed elevations
- Appendix D – 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 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, BLP: SP 2 SP 3.
- 3 No development shall take place until a specification of the finishing materials to be used in the hard surfacing hereby approved have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area and to ensure permeability of the site. Relevant Policies - Local Plan DG1, F1 and BLP: SP 2, SP 3, NR 1.
- 4 The development permitted by this planning application shall be carried out in accordance with the Flood Risk Assessment, prepared by Lanmor Consulting, reference 181027/FRA/MK/RS/01, dated March 2018, and the following mitigation measures detailed within the FRA and the Proposed Flood Storage Volumes, drawing reference 181027/1200/02, dated July 2017, specifically: 1) 8.59m³ of compensatory flood plain storage is provided; 2) Finished floor levels

are set no lower than 24.40mAOD metres above Ordnance Datum. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be approved, in writing, by the local planning authority. Thereafter, the measures shall be maintained as approved.

Reason: To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

Relevant Policies: Local Plan F1, BLP: NR 1.

- 5 Prior to occupation, a Flood Risk Management Plan, that includes an evacuation plan to Maidenhead Town Centre, shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall have effect from first occupation of the development and shall be implemented for the lifetime of the development.

Reason: To help safeguard the users of the development in the event of a flood. Relevant Policies - Local Plan F1 and BLP: NR 1.

- 6 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, BLP: IF 2.

- 7 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1, BLP: IF 2.

- 8 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing, reference 3751/PL/36 received 24.04.18 showing cycle storage details. 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.

- 9 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6 and BLP: NR 2.

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

approval of the Local Planning Authority.

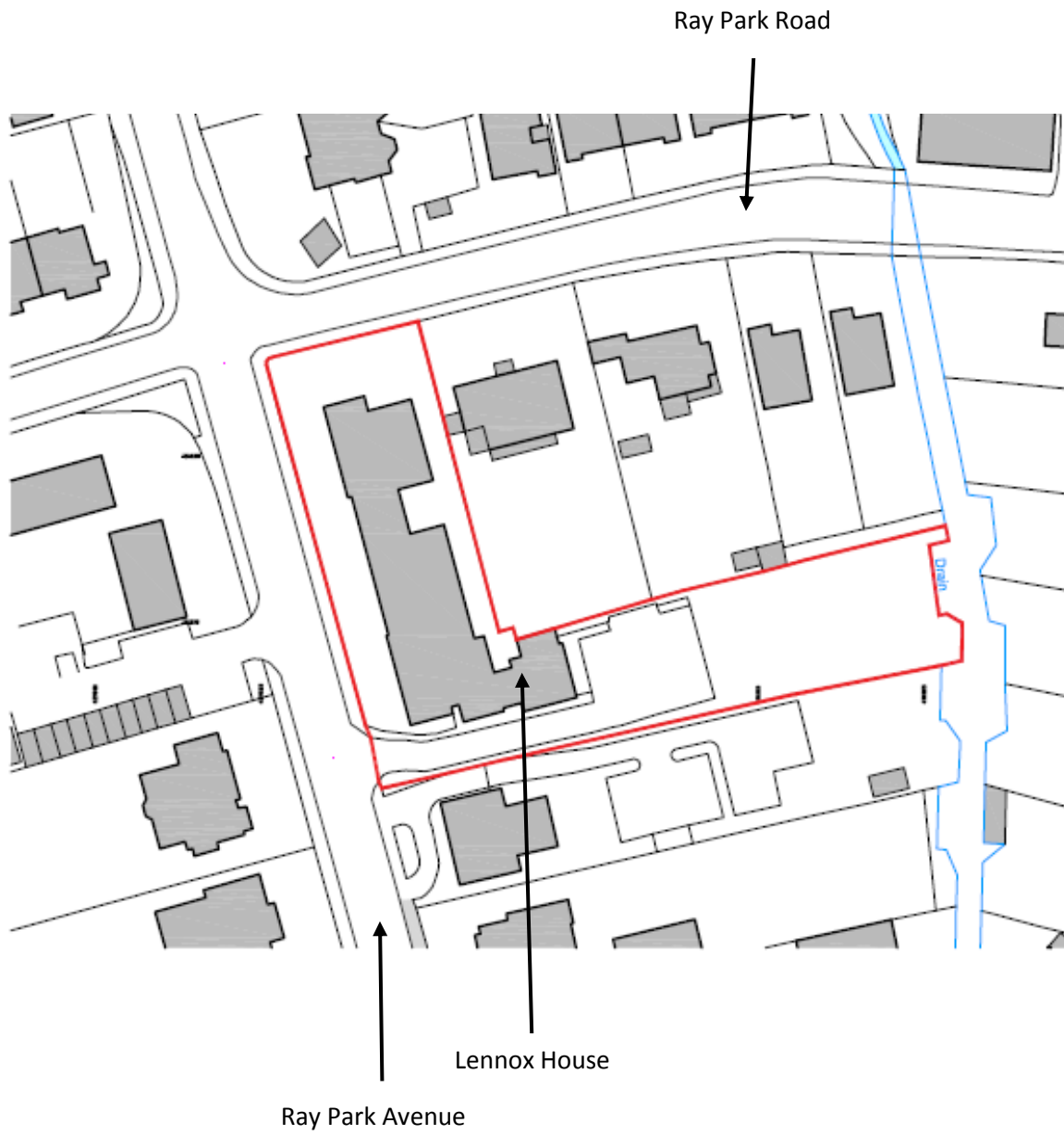
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6 and BLP: NR 2.

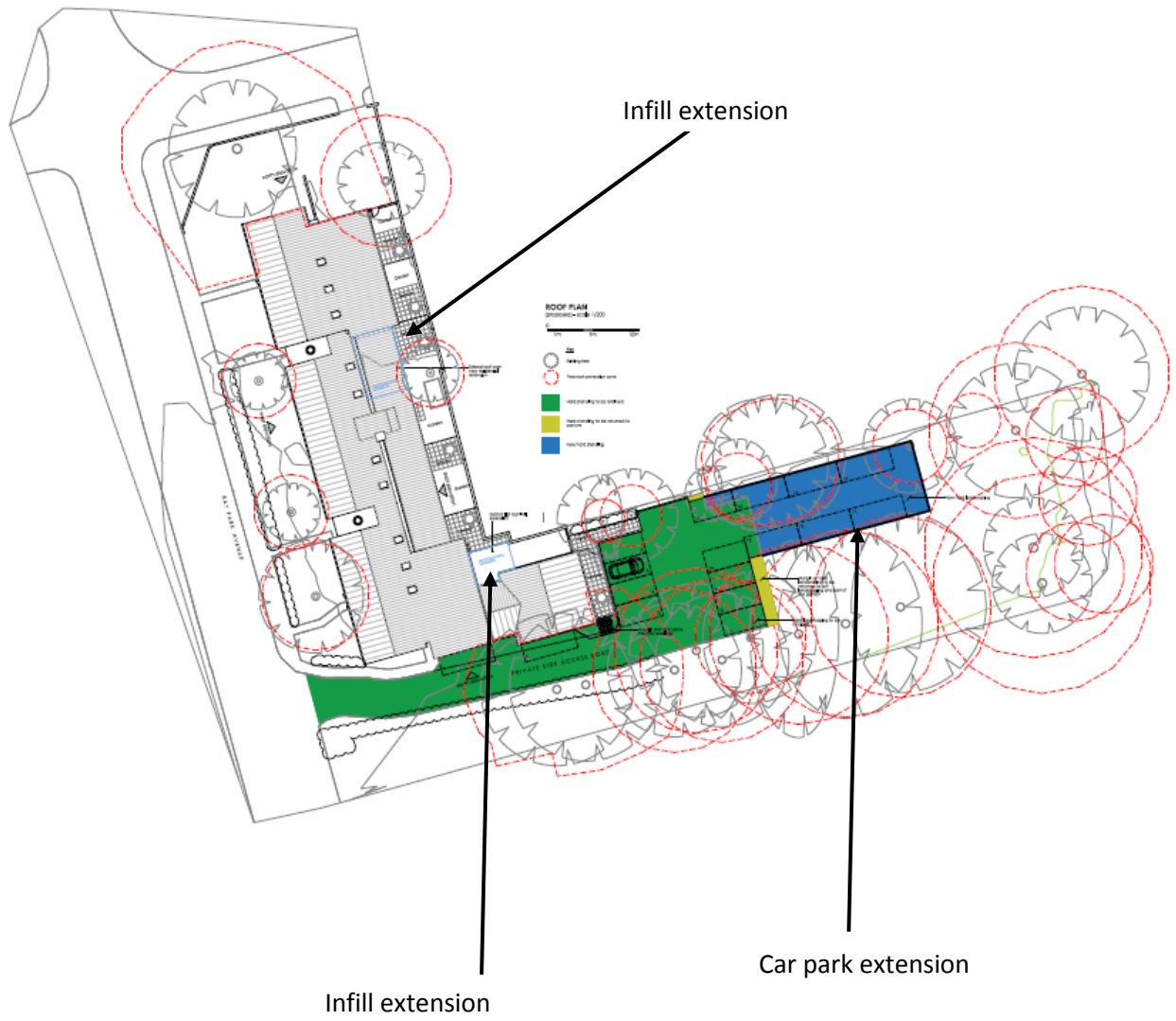
- 11 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

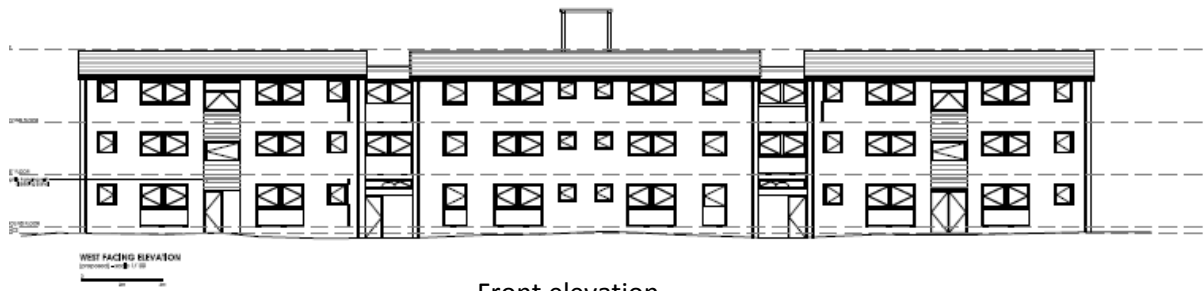
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

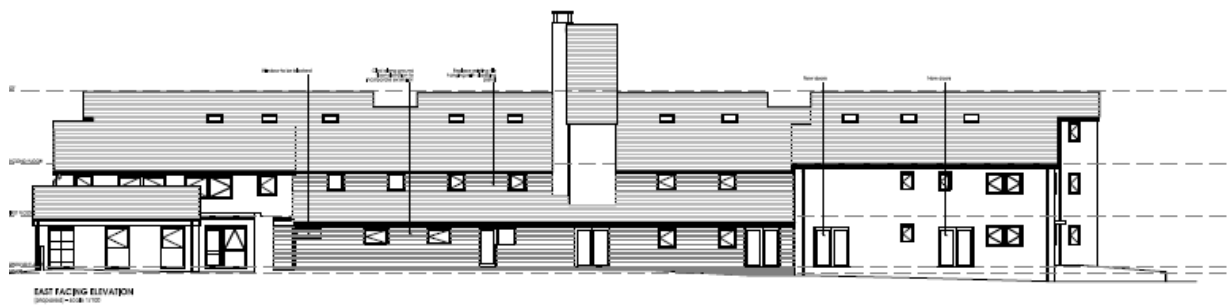
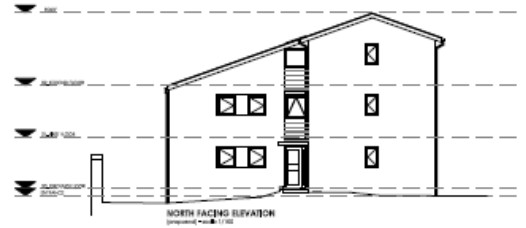
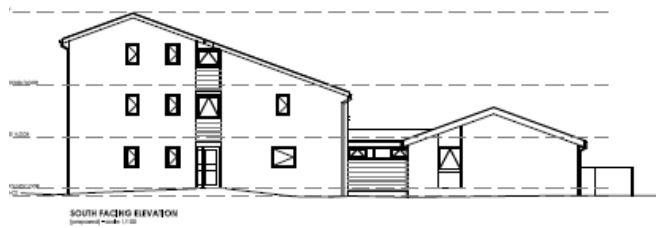
- 1 It is important to note that whilst the Ash tree growing in the neighbouring property to the north of the site will not be considered a constraint due to the limited landscape contribution, the footprint of the proposal is within its root protection area. Whilst the applicant has the common law right to cut back any encroaching roots or branches to the boundary line to facilitate an approved development, this may cause the neighbouring tree to become unstable and have a negative impact on its health and appearance. Should the tree(s) fail or die as a result of these operations the applicant may be deemed responsible for damage/injury that occurs. It is therefore recommended that the applicant contact a suitably qualified Arboriculturist to obtain the appropriate advice before undertaking any work.
- 2 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 3 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.
- 4 No builder's materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
- 5 The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.
- 6 The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday - Friday 08.00 - 18.00, Saturday 08.00 - 13.00, No working on Sundays or Bank Holidays.
- 7 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 68 3830 and follow good practice.



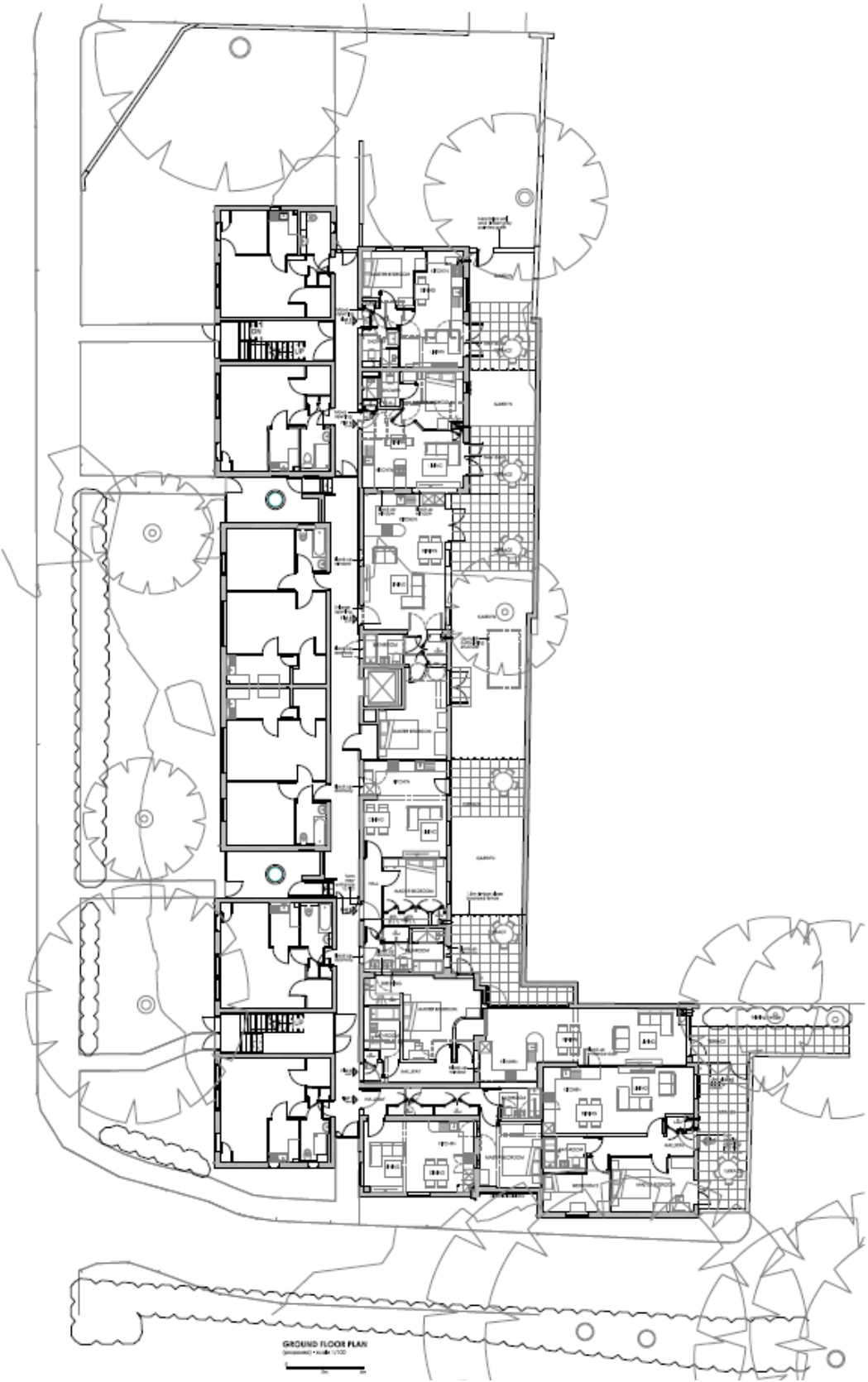




Front elevation



Rear elevation



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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

4 July 2018

Item: 4

Application No.:	18/01261/FULL
Location:	Cookham Dean CE Primary School Bigfrith Lane Cookham Maidenhead SL6 9PH
Proposal:	Regulation 4 application for a new running track using artificial grass surface.
Applicant:	Fenella Reekie
Agent:	Mr Ilkkan Bellikli
Parish/Ward:	Cookham Parish/Bisham And Cookham 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 proposal is for a green coloured artificial grass running track just inside the perimeter of the school playing field. The proposal is appropriate development in the Green Belt, and would not harm the character of the Cookham Dean Conservation Area or the Area of Special Landscape Importance. It will not harm the amenities of the neighbouring properties, and will be an improvement to a community facility.

It is recommended the Panel grants planning permission with the conditions listed in Section 9 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 Cookham Dean Primary School is located off Bigfrith Lane. The school is split over two sites, with the application site located on the north side of the lane. The area is rural in character with sporadic residential development surrounding the school. The site is within the Green Belt, an Area of Special Landscape Importance and the Cookham Dean Conservation Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is to construct a green coloured artificial grass running track, 1.3m wide, just inside the perimeter of the playing field which lies to the north of Bigfrith Lane.
- 4.2 There is no relevant planning history.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Section 9.

Royal Borough Local Plan

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

Green Belt	Conservation Area	Area of Special Landscape Importance	Design keeping area	in with	Community facilities
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GB1, GB2	CA2	N1	DG1	CF2
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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
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 have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP1, SP2, SP3, SP5 in this case. The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

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 whether it is appropriate development in the Green Belt;
- ii whether it is in keeping with the character of the area;
- iii whether it preserves or enhances the Cookham Dean Conservation Area;
- iv impact on the Area of Special Landscape Importance;
- v impact on neighbouring amenities; and
- vi improvement to a community facility.

Green Belt

6.2 Policy GB1 of the Local Plan states that acceptable uses and development in the Green Belt include engineering operations which maintain openness and do not conflict with the purposes of including land in the Green Belt. This is echoed by Paragraph 90 of the National Planning Policy Framework (NPPF). In this case, the track surface will only be slightly higher than the surrounding playing field ground level, and will be flush with the top of the grass. It is therefore

considered to be an engineering operation which maintains openness, and does not conflict with the purposes of including land in the Green Belt. Consequently, the proposal amounts to appropriate development in the Green Belt, in accordance with Policies GB1 and GB2 of the Local Plan and Paragraph 90 of the NPPF.

Character

- 6.3 It is proposed that the running track will be olive green, and it is therefore considered that it will blend in with the green of the grass, and will not harm the character of the area. The plans initially submitted implied that the colour would be blue, but amended plans have been submitted which clarified that the colour would be olive green. The proposal therefore complies with Policy DG1 of the Local Plan.

Conservation Area

- 6.4 The Council has to pay 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. In this case, it is considered that the proposed running track will preserve the character of the Cookham Dean Conservation Area, as it will be green in colour and will not stand out from the grass of the playing field. The proposal therefore complies with Policy CA2 of the Local Plan.

Area of Special Landscape Importance

- 6.5 It is considered that the proposed running track will preserve the character of the Area of Special Landscape Importance, as it will be green in colour and will not stand out from the green grass of the playing field. The proposal therefore complies with Policy N1 of the Local Plan.

Amenities

- 6.6 The land is already used as a school playing field, so the addition of a green coloured running track will not harm the amenities of the neighbouring occupiers.

Community facilities

- 6.7 The proposal is for an improvement to a community facility, and therefore complies with Policy CF2 of the Local Plan.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

8 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 30.5.2018 and the application was advertised in the Maidenhead & Windsor Advertiser on 7.6.2018.

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

Comment		Where in the report this is considered
1.	The surface should be green rather than blue as shown.	6.3

Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Enthusiastically support	Noted
Environmental Protection	Suggested informatives	Added
Highways	No objection	Noted

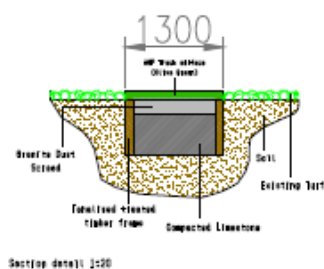
8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Block plan and section
- Appendix C - Site plan

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 proposed running track shall be green in colour and maintained as such in the future.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1
- 3 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.



[illegible]

