

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

20 January 2021

**Item: 1**

<b>Application No.:</b>	20/00864/OUT
<b>Location:</b>	Station Court High Road Cookham Maidenhead SL6 9JF
<b>Proposal:</b>	Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for the erection of x12 flats.
<b>Applicant:</b>	David Howells
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Cookham Parish/Bisham And Cookham

**If you have a question about this report, please contact:** Antonia Liu on 01628 796034 or at [antonia.liu@rbwm.gov.uk](mailto:antonia.liu@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 The application is for outline permission for the erection of a new block of 12 residential flats and associated development following the demolition of the existing office building. Access, appearance, layout and scale are to be considered at this stage with the only remaining matter (landscaping) reserved for subsequent approval.
- 1.2 The loss of employment uses and redevelopment of the site for housing is acceptable in principle.
- 1.3 Due to the proposed layout the proposed building would respect the general building line / set back from the road and the spacing of buildings which characterise the area. The height, scale and form of the proposed building would not result in an overly dominant or incongruous building within the plot or the streetscene. There is no objection to the proposed design. Landscaping is a reserved matter, but there is space for a sufficient level of sustainable planting to soften the development.
- 1.4 The proposed access is acceptable in respect of highway safety. A parking ratio of 1 space per flat is acceptable due to the accessible location and existing parking restrictions in the vicinity that would prevent any potential indiscriminate on-street parking to the detriment of highway safety. With reference to paragraph 109 of the NPPF, it is not considered that the proposal would result in a severe impact on the road network that would warrant refusal.
- 1.5 There are no concerns in relation to loss of light, loss of privacy or visual intrusion to existing neighbouring houses. Noise from the adjacent railway can be satisfactorily mitigated for future occupants of the development. All habitable rooms are of a satisfactory size and benefit from natural light and ventilation. Proposed outdoor amenity space falls short of Council standards, which should be weighed against the development in the planning balance.
- 1.6 There are no objections in relation to sustainable drainage, ecology or contaminated land.
- 1.7 In accordance with paragraph 11 of the National Planning Policy Framework, the titled balance is engaged. The moderate harm in terms of inadequate amenity space would not significantly and demonstrably outweigh the value of using suitable brownfield land within the settlement area which is given substantial weight and the benefit of using suitable small-medium windfall sites within existing settlements for homes, which should be given great weight.

**It is recommended the Panel grants planning permission with the conditions listed in Section 13 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 measures approximately 0.16ha and is located within the settlement of Cookham on the south side of High Road at its junction with Peace Lane. The site currently comprises a single storey, L-shape building in office (Class E) use with a footprint of approximately 423sqm and maximum height of approximately 4.8m. The building is sited to the southeast of the site with the short arm of the L sited approximately 1m from the southern boundary and the long arm sited approximately 3m from the eastern boundary. Between the existing building and the eastern boundary is a narrow strip of grass which, due to the change in ground level, is approximately 1m higher than the remainder of the site. The remainder of the site predominately comprises of hardsurfacing for parking and turning which measures approximately 957sqm. The site is enclosed by a brick wall along the southern boundary, and railings along the western and eastern boundary. Access to the site is located to the north, off High Road. There is a further change in ground level between the site and Peace Lane with Peace Lane sited approximately 1m higher.
- 3.2 The surrounding area is predominately residential, although Cookham train station and a parade of shops is located approximately 60-100m to the north-east. Parking for the train station lies immediately to the north of the site. The railway track runs north to south adjacent to the eastern boundary to the site. To the south of the site are residential bungalows on the east side of Peace Lane. The adjacent bungalow to the south is known as St Ives. On the western side of Peace Lane are two storey detached houses.

## **4. KEY CONSTRAINTS**

- 4.1 The site lies within an area of contaminated land.

## **5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 5.1 The original application was for outline permission for the erection of a new block of 14 residential flats and associated development following the demolition of the existing office building. Access, appearance, layout and scale are to be considered with all other matters (landscaping) reserved.
- 5.2 During the course of the application the scheme has been amended. The main changes are as follows:
- reduction in size of the proposed building resulting in the provision of 12 flats
  - reduction in ridge height and simplification of roof form
  - shallower pitches to the gables, and removal gable on side (Peace Lane) Elevation
  - replacement of stone quoins with brick quoins
  - stone headers have been retained on the ground and first floor windows within the gable elements, but replaced with brick headers on all other windows
- 5.3 The proposed building is sited centrally, measuring approximately 23.5m in length and 16.3m in width, excluding the west gable which projects a further 2.3m and the east gable which projects a further 2.7m. The overall footprint of the building measures approximately 437sqm. The building is two-storey in height with accommodation in the roof. The north, west and east facing pitch-roof gables have an eaves height of around 5.7m and a ridge height of around 9.8m. The main crown roof has an eaves height of around 5.3m and a ridge height of around 9.4m.
- 5.4 The proposed building is to be constructed out of red brick with brick quoins, a mix of brick and stone headers, and stone sills.
- 5.5 The proposed accommodation comprises of 9 x 2-bed flats and 3 x 1-bed flats.

- 5.6 The existing vehicular access to the north of the site will be retained although narrowed in width to serve a car parking area which comprises 5 spaces and measures approximately 155sqm in area. To the north of this car parking area is a bin store. A new access is proposed from Peace Lane to serve a car parking area to the south which comprises 7 spaces and measures approximately 424sqm in area. To the north of this car parking area is a cycle store. The main pedestrian access to the flats is through a door on the north (High Road) elevation with a second access on the west (Peace Lane) elevation.
- 5.7 Around the building is open space measuring approximately 626sqm. The ground floor flats (nos. 1-4) benefit from a private patio area and the first floor flats (nos. 5-8) benefit from a private balcony.
- 5.8 The most relevant planning history for the site is as follows:

Reference	Description	Decision
19/03030/CLASSO	Change of use from B1 (Offices) to C3 (Residential) to provide x4 flats.	Prior Approval Required and Granted - 18.12.2019
04/01631/FULL	Construction of single storey office (B1)	Approved - 24.03.2005
99/34173/FULL	Part change of use from storage to office accommodation	Approved - 19.08.1999
88/00123/FULL	Change of use to storage and distribution of scaffolding and relaxation of condition 4 on consent 418308 (working hours)	Approved - 13.01.1989
87/00093/FULL	Extension to workshop for motor car repairs	Approved - 13.11.1987

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Character and Appearance	DG1, H10, H11
Loss of Employment	E6
Highways and Parking	P4, T5, T7
Trees	N6

These policies can be found at: <https://www.rbwm.gov.uk/home/planning/planning-policy>

## 7. MATERIAL PLANNING CONSIDERATIONS

### 7.1 National Planning Policy Framework Sections (NPPF) (2019)

Section 2 – Achieving Sustainable Development  
 Section 4 – Decision-Making  
 Section 6 – Building a Strong, Competitive Economy  
 Section 9 – Promoting Sustainable Transport  
 Section 11 – Making Effective Use of Land  
 Section 12 – Achieving Well-Design Places  
 Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change  
 Section 15 – Conserving and Enhancing the Natural Environment

### National Design Guide

- 7.2 This document was published in October 2019 and seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the

separate planning practice guidance on design process and tools. The focus of the design guide is on layout, form, scale, appearance, landscape, materials and detailing.

### 7.3 **Borough Local Plan: Submission Version and Submission Version Proposed Changes**

Issue	BLPSV Policy	BLPSVPC Policy
Character and Appearance	SP2, SP3	QP1, QP3
Housing Provision	HO2	HO2
Loss of Employment Land	ED3	ED3
Sustainable Transport	IF2	IF2
Trees	NR2	NR3
Neighbouring Amenity	EP1, EP3, EP4	EP1, EP3, EP4

7.4 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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

7.5 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. The Inspector resumed the Examination of the BLPSV and Proposed Changes with hearings held between 5 October 2020 to 9 December 2020. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should currently be given limited weight.

7.6 The Borough Local Plan documents can be found at:  
<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

### 7.7 **Supplementary Planning Documents**

- Cookham Village Design Statement
- Borough Wide Design Guide

### 7.8 **Other Local Strategies or Publications**

- RBWM Parking Strategy

More information on these documents can be found at:  
<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

## 8. **CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

16 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 6 May 2020 and the application was advertised in the Local Press on 16 April 2020.

Re-consultation was undertaken on amended plans on 11 December 2020. At the time of writing this report the consultation period is still open and any further comments received will be reported in a Panel update.

1 letter was received neither supporting or objecting to the proposal, but commenting that the submitted Planning, Design and Access Statement states that there is only one train per hour, which is incorrect, and the trains run twice per hour.

23 letters were received objecting to the application, including from Cookham Parish Council and the Cookham Society (3 letters taken as 1 representation). In general, there appears to be no objection in principle to redevelopment of the site to residential however the following concerns have been raised (summarised below):

Comment	Where in the report this is considered
Overdevelopment of the site due to mass and scale of building, amount of associated development and lack of soft landscaping.	Section ii
Scale and type of development is overly dominant and out of keeping with the character of the area.	Section ii
Concerns over highway safety due to location on dangerous bend in the road, inadequate access, and increase in traffic generation	Section iv
Insufficient on-site parking provision.	Section iv
Loss of light, overlooking and visual intrusion to neighbouring houses, and increase in noise from intensification of the site to the detriment of neighbouring amenity.	Section iii
Inadequate level of amenity space provided and noise and disturbance from railway resulting in poor amenity for future occupiers.	Section iii
Frontage dominated by inactive rooms (bedrooms) resulting in poor natural surveillance / encouraging crime.	Bedrooms are habitable rooms. Bedroom windows therefore provide natural surveillance.
Houses are needed to meet local demand, not flats	Section i
Loss of employment.	Section i
Loss of historic element – platform 2 waiting room forms part of the site, which was built in 1850s.	Section ii
Inadequate sustainable drainage and flash flooding.	Section v
Noise and disturbance during construction.	A condition requiring a site specific construction environmental management plan is advised by the Environmental Protection Officer and recommended (condition 4).
Harm to ecology. Tilted balance is not engaged due to harm to habitat sites.	Section vi
Natural England should be consulted due to proximity to Burnham Beeches (SSSI and SAC).	Section vi
Network Rail should be consulted. Contrary to covenant with Network Rail	Network Rail were consulted. See Consultees box below. Any covenants do not amount to material planning considerations.

## Consultees

Consultee	Comment	Where in the report this is considered
Arboriculture Officer	Notes that landscaping is a reserved matter and no detailed landscaping has been provided with the outline application. Notes that the existing site contains very little landscaping, and any new development provides the opportunity for	Comments were provided on the original scheme submitted. Following a reduction in scale and change in the form there are wider and larger strips between the proposed building and High

	<p>new tree planting and additional landscaping. Raises concerns there is limited space between the proposed building and High Road to the west and the building and railway to the east for any significant tree planting and would therefore harm the character and appearance of the surrounding area.</p>	<p>Road to the west and the building and railway to the east. The overall amount of green space around the building is considered to be sufficient to provide sustainable landscaping.</p>
Environmental Protection	<p>The site is within or near an Air Quality Management Area (AQMA) and an Air Quality Assessment is required.</p> <p>No objection subject to conditions relating to noise and vibration mitigation measures; a site specific construction environmental management plan; vehicle deliveries and collection restrictions; and contaminated land. A smoke control informative is also recommended.</p>	<p>DEFRA records do not list the area or nearby areas as being under an AQMA and therefore an Air Quality Assessment is not required. In relation to noise and contaminated land see section iii and vii.</p> <p>Site specific construction environmental management plan condition recommended.</p> <p>A condition restricting vehicle deliveries and collection is not considered to meet the statutory tests of necessary to make the development acceptable nor enforceable.</p>
Highways	<p>The development is in an area of good accessibility, and therefore a parking ratio of 1 space per flat is considered acceptable for this development. Details of cycle parking that complies with the guidance set out in the West London Cycle Parking Guidelines is requested prior to determination.</p>	<p>Section iv</p>
Lead Local Flood Authority	<p>Objects due to lack of ground investigation to inform the infiltration rate at the outset to ensure the proposed strategy is robust. Should tests reveal very low infiltration or high ground water, questions what would be the alternative strategy.</p> <p>Requests further information on the level of treatment of roof water before being discharged to the permeable pavement, and on the issue of compaction of gravel, and potential ground water contamination.</p>	<p>Section v</p>
Network Rail	<p>Objects to the development as there is a covenant contained in the land sale that any building should not be more than one storey, and there is a requirement that any subsequent purchaser enter into a deed of covenant in respect of the liabilities contained in the original sale.</p>	<p>A covenant containing a deed to land is not a material planning consideration in determining an application, and planning permission does not override any restrictions on the title.</p> <p>A developer must obtain both planning permission and comply with any covenant on the land (or negotiate release or amendments outside of the planning</p>

		permission process) for the development to be carried out.
Thames Water	No objection in relation to the waste water network and sewage treatment works infrastructure capacity. With regard to surface water drainage, Thames Water advised that where the developer proposed to discharge to a public sewer prior approval from Thames Water Developer Services will be required and refers the developer to the Thames Water website.	Comments on waste water network and sewage treatment works capacity are noted.  In relation to sustainable drainage see section v.

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Character and Appearance
- iii Residential Amenity
- iv Highway Safety and Parking
- v Sustainable Drainage
- vi Ecology
- vii Contaminated Land
- viii Other Material Considerations

### **i Principle of development**

9.2 The existing use of the site is Class E (offices) and the proposal would result in the loss of existing employment generating uses within the site.

9.3 With reference to the Local Plan Proposals Map, the site is not a designated Employment Area (policy E2) therefore the relevant Local Plan policy is E6. Local Plan policy E6 states that for non-designated employment sites proposals for redevelopment will be supported in appropriate circumstances. Paragraph 4.2.21 of the supporting text elaborates and states that redevelopment of sites in existing business use to alternative uses such as housing outside of identified employment areas will generally be supported subject to proposals having no adverse impact on locally available employment opportunities and their compatibility with other policies in the Local Plan.

9.4 Paragraph 121 of the NPPF, which is a material consideration, states that:

*“Local Planning Authorities should also take a positive approach to applications for alternative uses of land which is currently but not allocated for specific purposes in plans where this would help to meet identified development needs. In particular they should support proposals to:*

- a) Use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres and would be compatible with other policies in this framework...”*

9.5 In terms of loss of employment uses, the existing building benefits from prior approval for a change of use from B1 (offices) to C3 (residential), ref: 19/03030/CLASSO. Overall, given the

flexible policy context and this fall-back position, there is no objection to the loss of the existing office building.

- 9.6 In terms of redevelopment for housing, the Council's Strategic Housing Market Assessment (SHMA) has identified a housing need of 14,240 new dwellings from April 2013 to April 2033 and windfall sites are expected to provide an additional 2,065 during this period. Therefore, the Council will generally be supportive of new residential development on small sites that unexpectedly become available provided that the proposal complies with other policies in the Local Plan. It has been raised by residents that houses, not flats, are required. The most up-to-date evidence on identified need is set out in the Berkshire Strategic Housing Market Assessment (SHMA) (2016), which sets out that provision of housing types is relatively even (Detached: 31%, semi-detached: 25%, terraced: 19%, flats: 24%). In this context and given the number of flats proposed, the proposal is not considered to amount to a disproportionate addition of flats within the Borough. In terms of number of bed-rooms, the table below summaries the completions by housing size for the for the past 6 years taken from the Monitoring Report 2019, Table 8, while the Council's 5 Year Housing Land Supply Statement (March 2019) reports a housing delivery rate of 97% based on the 2018 Housing Delivery Test. On this basis, the proposal for 2-bed and 1-bed units are acceptable. An assessment on the proposal's compliance with other relevant Local Plan policies is undertaken below.

	1 bed	2 bed	3 bed	4+ bed
Need (2013 – 2036) (Market Sector)	966 7.9%	3,508 28.6%	4,737 38.6%	3,074 25.0%
Completions (2013 – 2019) (Total)	818 24.9%	1,429 43.5%	538 16.5%	499 15.1%

## ii Character and Appearance

### Density

- 9.7 The proposal will result in approximately 87 dwellings per hectare (dph) which represents a high-density development. The surrounding area has a density of around 53dph and so the proposal would represent a moderate uplift in density. However, the Council's Borough Wide Design Guide states that places with a mix of densities are important to create balanced and sustainable communities, and therefore should be generally encouraged. Furthermore, paragraph 122 of the NPPF states that planning decisions should support development that makes efficient use of land taking into account the identified need for housing and the availability of land suitable for accommodating it, while paragraph 123 of the NPPF states that where there is an existing shortage of land for meeting identified housing need, which at the time of writing is currently the case (see section viii), it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site. As such, there is no objection in principle to the proposed density.
- 9.8 Balanced against this is Local Plan policy H11 which states that schemes that introduce a scale or density of new development which would be incompatible and cause damage to the character of the area would be resisted and, while paragraph 118 of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes, paragraph 122 of the NPPF states that making efficient use of land should take into account the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed places.

### Design Policies

- 9.9 In addition to Local Plan policy H11, which requires a compatible scale or density of new development with the character of the area, Local Plan policy H10 requires new development to display a high standard of design and where possible to enhance the existing environment, and policy DG1 states that harm should not be caused to the character of the surrounding area. As a material consideration, paragraphs 124 and 130 of the NPPF advise that high quality buildings and places is fundamental to what planning should achieve and permission should be refused for

development of poor design that fails to take the opportunity for improving the character and quality of the area and the way it functions.

- 9.10 The Council's Borough Wide Design Guide SPD, which supports the aims and objectives of the above policies, sets out the over-arching specific design considerations for all scales and types of development from strategic design principles to detailed matters. In relation to the established character, the Cookham Village Design Statement (VDS) SPD identifies the key characteristics and provides detailed guidance on how to achieve compatibility.

#### Identified Character of the Area

- 9.11 With reference to the Cookham VDS SPD, the site forms part of the 'Cookham Rise and Station Hill Area' in the sub-area of 'High Road'. The Cookham VDS SPD sets out that the 'Cookham Rise and Station Hill Area' have a degree of urbanisation with a more compact housing pattern that typifies the rest of Cookham, although development has maintained generous spaces around individual properties to maintain a rural and semi-rural quality. In relation to the sub-area, the Cookham VDS SPD states that it is predominately a residential area comprising of mainly Victorian housing with some modern development in the mix.

#### Loss of Existing Building and Flatted Development

- 9.12 There appears to be part of the original Victorian waiting room for platform 2 at Cookham Station (platform 2, no longer in existence) retained within the existing structure on site. The building is not designated as a Listed Building nor a Significant Non-Listed Building but could be considered as a non-designated heritage asset. Paragraph 197 of the NPPF states that in taking account of the effect of an application on the significance of a non-designated heritage asset, a balanced judgement will be required. The loss of the non-designated heritage asset should be weighed against the development in the overall planning balance.
- 9.13 Turning to the redevelopment of the site, while the type of housing within the locality is characterised by houses there is no objection in principle to a flatted scheme subject to acceptability of layout, height, scale, form and architectural detailing.

#### Layout, Height, Scale, Form and Architectural Detailing

- 9.14 Cookham VDS SPD guidance G6.1 advises that new buildings should sit comfortably in their surrounds. The width, depth and height of a proposed building should be in keeping with buildings in the area, and new buildings should respect the general building line / set back from the road and the spacing of buildings which characterise the area. In relation to new apartment buildings G6.7 advises that they should adhere to modest scale and discreet design principles and should harmonise with their immediate locality.
- 9.15 The proposed building would be sited centrally within the plot but would not break the established building line formed by the bungalows to the south of the site and there would be a sufficient set back from the High Road and Peace Lane frontage to provide space for landscaping to soften the visual impact on the streetscene. No substantive details on landscaping have been submitted but landscaping is a reserved matter and therefore if outline permission is forthcoming such details would be considered as part of a reserved matters application.
- 9.16 Based on the height, scale and form of the proposed building, which is described in paragraph 6.3 of this report, it would be a taller and larger building than the surrounding houses. However, this would not automatically render the scheme unacceptable; the assessment should be based on whether the taller and larger building would be overly dominant or incongruous. In this case at two and half storeys the proposed building would not be significantly taller than the 2 storey houses within the vicinity, and it is noted that ground levels fall away from Peace Lane and so the proposed building would be sited approximately 1m lower than neighbouring houses. While there is some uniformity in height to the bungalows to the south of the site on Peace Lane, there is a mix of building heights including on the opposite side of Peace Lane and on High Road. In terms of resulting mass and bulk, the proposed building is considered to sit comfortably within the plot with sufficient space to provide an adequate setting. In addition, the open areas created within

the site would provide a reasonable gap between the development and neighbouring properties, which is an identified characteristic in the Cookham VDS SPD as noted in paragraph 9.9 of this report. Some of the space is given over to parking with 5 car parking space to the north and 7 spaces to the south of the proposed building, but it is considered that there would still be sufficient space for a green setting and soft landscaping around the proposed building. As such, the proposal is not considered to be overly dominant within the site or incongruous in this respect.

- 9.17 In terms of architectural detailing, given that there is a variety of architectural styles within the locality, there is no objection to the proposed design which appears to be turn-of-the-century architecture. During the application the detailing and materials has been altered to sufficiently harmonise the proposed development with the surrounding character.
- 9.18 Taken together the proposal would not appear unduly incongruous, nor result in undue harm to the character and appearance of the streetscene and wider area to warrant refusal.

### **iii Residential Amenity**

- 9.19 Local Plan policy H11 states that in residential areas, planning permission will not be granted for schemes which introduce a scale or density of new development which will cause damage to the amenity of the area. As a material consideration, paragraph 127 of the NPPF states that planning decisions should ensure that development should achieve a high standard of amenity for existing and future users.
- 9.20 To the south, adjacent to the site, is a detached bungalow known as St Ives, which is the closest neighbouring house. There is a separation distance of approximately 20m between the proposed building and shared boundary with St Ives, which is considered to mitigate any loss of light, visual intrusion or loss of privacy. Four car parking spaces serving the flatted development are located adjacent to the rear garden of St Ives but given the residential use and limited number it is not considered to result in undue noise or disturbance.
- 9.21 In relation to future residents of the development, the proposed site lies adjacent to a railway line and near Cookham Train Station. A Noise and Vibration Assessment has been submitted to support the application, which concludes that mitigation measures would be required to provide satisfactory amenity levels for future residents in this respect. The mitigation measures proposed, which includes practical design measures including suitable glazing, acoustically attenuated ventilation and building fabric with a sufficient onsite sound insulation and sound reduction qualities would meet Progression Practice Guidance (ProPG). If minded to approve a condition to secure these mitigation measures is recommended (condition 14).
- 9.22 Based on the proposed floor plans, all habitable rooms are of an acceptable size and shape to ensure that the rooms are able to function for the purposes they are intended. All habitable rooms also benefit from windows and so would have natural light and ventilation.
- 9.23 In terms of outdoor amenity space, paragraph 8.26 of the Council's Borough Wide Design Guide SPD states that flatted development should provide both private and communal amenity space. Principle 8.5 sets out that ground floor flats should have private amenity space which adjoins, is accessible from the flat with a minimum depth of 3m and as wide as the dwelling it serves. Balconies for flats above ground floor should relate well to internal accommodation and be a minimum of 2m deep, wider than their depth and provide a minimum floor area of 5sqm. The depth of the private patio areas for the ground floor flats would measure approximately 2m in depth and would not be as wide as the dwelling it serves. The proposed balconies for the first floor flats would comply with the standards, but no balconies are proposed for the second floor flats accommodated within the roof space. For communal space, Principle 8.6 of the Borough Wide Design Guide SPD states that there should be a minimum of 10sqm of communal outdoor amenity space per flat which must be connected to the building and easily accessible to residents and should be screened from public view, free from vehicles, located to receive sunlight and dominated by planting and allow for sustainable tree planting. It is considered that the communal outdoor space would meet the quantity required but not the quality due to its form and layout. This harm due to inadequate amenity space should be weighed against the development in the overall planning balance.

#### **iv Highway Safety and Parking**

- 9.24 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to accord with adopted car parking standards, and policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking.

##### Trip Generation and Access

- 9.25 A Transport Assessment was submitted to support the proposal, which demonstrated that the proposed development will give rise to a reduction in vehicle movements in both peak hours and across the day. The methodology in predicting trip rates for both the existing and proposed use is robust. The existing access from High Road will be narrowed to approximately 4.8m in width to serve the car parking area to the north of the site, while a new access is proposed from Peace Lane to serve the car parking area to the south. The tracking shows that vehicles can enter and exit both car parks in forward gear, and the visibility splays of 25m to the left and right for both accesses are considered to be acceptable for a car to exit the site safely.

##### Car and Cycle Parking

- 9.26 12 on-site parking spaces have been proposed. Concerns have been raised by local residents over insufficient on-site parking provision, and an increase in indiscriminate on-street parking as a result of the development. The Council's Parking Strategy sets out maximum parking standards for residential development, and pre-dates the NPPF. With reference to the NPPF, which is a more up-to-date expression of Government intent, paragraph 106 states that maximum parking standards should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. Paragraph 105 indicates that when determining parking standards, the type of development, accessibility and local car ownership levels should be taken into account. Paragraph 109 of the NPPF further states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.27 In this case, the Local Highway Authority have advised that a parking ratio of 1 space per flat in this location is acceptable as it lies within a short walking distance of Cookham Station, which runs a half hourly service during peak periods and an hourly service during the off-peak periods ensuring that the site can be considered to be accessible. Furthermore, there are existing parking restrictions within the vicinity such as double yellow lines, and time limited and permit parking bays to prevent any potential indiscriminate on-street parking to the detriment of highway safety and so the development is unlikely to result in a severe impact on the road network that would warrant refusal in this respect.
- 9.28 In relation to cycle parking, the proposal includes 1 cycle parking space per unit. The Local Highway Authority have requested this information prior to determination, but it is considered that there is sufficient room on site to provide adequate cycle parking and if minded to approve the details can be secured by condition (condition 10).

#### **v Sustainable Urban Drainage (SUDS)**

- 9.29 Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. A Sustainable Drainage Strategy (SUDS) has been submitted to support the proposal, which comprises of lowering the car park areas to act as shallow ponds and permeable paving which aims to completely attenuate the runoff in 1 in 100 plus climate change storms.
- 9.30 The proposed sustainable drainage strategy is agreed in principle, but the Lead Local Flood Authority have raised concerns that in the absence of ground investigation to establish infiltration rates there is an assumption that the site will be able to infiltrate at the lowest possible infiltration

rate. However, if soakage tests identify infiltration rates lower than those used in the strategy then detailed design can adjust the parameters accordingly. In the event of a worst case scenario of very low infiltration rates then the scheme can include an overflow to the foul sewer at a trickle rate (subject to permission from Thames Water). The detailed design following soakage tests to inform the detailed design can be conditioned (condition 11). The materials for the permeable pavement can also be selected to mitigate compaction based on standards details and can be secured as part of the detailed sustainable drainage design.

- 9.31 In relation to rainwater, in accordance with the SUDS manual, roof water is clean by definition and therefore does not require treatment. As such, the lack of a filter strip would not a warrant refusal of this application.

## **vi Ecology**

- 9.32 The site lies within the 5km zone of influence Chiltern Beechwoods SAC which is a European Designated site. Where a proposal is likely to have a significant effect on a European Designated site either alone or in combination with other plans or projects the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives. Paragraphs 175 and 176 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 9.33 The primary reason for designation of Chiltern Beechwoods SAC is the extensive tract of beech forest which is an important part of a grassland-scrub-woodland mosaic, which support important orchid sites and stag beetles. Threats and pressures include management and use, problematic native species and invasive non-native species, and interspecies flora relations.
- 9.34 Given the amount of development, the separation distance and the identified threats and pressures, the proposed development is not considered to have a significant effect on Chiltern Beechwoods SAC. Therefore, an appropriate assessment is not required.
- 9.35 Burnham Beechwood SAC lies over 5km from the application site, and therefore out of a zone of influence and the proposed development is unlikely to have a significant effect on this SAC due to the distance involved.
- 9.36 The site lies approximately 1500m from Cock Marsh which is designated an SSSI. The Cock Marsh SSSI Designated Site Details via Natural England website lists operations that would require Natural England's consent and management issues (threats). This primarily focuses on potential impact on floodplain grazing marsh (drainage, water quality, grazing and use of fertilizers). In this context and given the scale, nature and distance of the proposal from the Cock Marsh, the proposal is not considered to result in any undue harm to this SSSI.
- 9.37 In terms of wildlife within the area, paragraph 170 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity. A wildlife friendly landscaping scheme incorporating biodiversity enhancement such as the incorporation of native species, bird and bat boxes, log-piles, holes in boundary fencing to ensure wildlife can move from garden to garden etc. would address this issue. However, landscaping is a reserved matter and therefore if minded to approve the details of the landscaping scheme and its acceptability would be considered under the reserved matters application.

## **vii Contaminated Land**

- 9.38 The site comprises of brownfield land and within an area designated as contaminated land. If minded to approve a condition to ensure any risks from land contamination to the future users of the land and neighbouring land are minimised can be imposed (condition 6).

## **viii Other Material Considerations**

### Housing Land Supply

9.39 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development and the latter paragraph states that:

*For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.40 Footnote 7 of the NPPF (2019) clarifies that:

*'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).'*

9.41 At the time of writing, the Council cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). It is further acknowledged that there are no 'restrictive' policies relevant to the consideration of this planning application which would engage section d(i) of paragraph 11 of the NPPF (2019). It is therefore accepted that for the purposes of this application and in the context of paragraph 11 of the NPPF, including footnote 7, the so-called 'tilted balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

## **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

10.1 In accordance with the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, the development is CIL liable. The required CIL payment for the proposed development is set at J295.20 per square metre on the chargeable floor space.

## **11. PLANNING BALANCE AND CONCLUSION**

11.1 As set out in section viii it is considered that in this instance the tilted balance should be applied.

11.2 Weighing in favour of the proposal is the value of using suitable brownfield land within a settlement area for homes, which in accordance with paragraph 118 of the NPPF should be given substantial weight, and the benefit of using suitable small-medium windfall sites within existing settlements for homes, which in accordance with paragraph 68 of the NPPF should be given great weight.

11.3 Against this would be the harm in terms of inadequate amenity space. Given the acceptable quality of the residential accommodation overall, this should be afforded moderate weight in the planning balance. Given the extent of previous redevelopment on the site and what remains of the non-designated heritage asset, the loss of the non-designated heritage asset should be afforded limited weight.

11.4 Overall and having due regard for the tilted balance, it is, in this instance, not considered that the identified harms would significantly and demonstrably outweigh the benefits of the proposal.

## **12. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and site layout
- Appendix B – Proposed floorplans and elevations

## **13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

1 Details of the landscaping (hereinafter called the 'reserved matters') shall be submitted to and

approved in writing by the Local Planning Authority before any part of the development is commenced. Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) Order 1995.

2 The Development shall commence within two years from the date of approval of the last of the reserved matters.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3 An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

4 No development shall take place (including site clearance, demolition or ground works) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

a) Arrangements for liaison with the Environmental Protection Team;

b) Procedures for maintaining good public relations including complaint management, public consultation and liaison;

c) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;

d) Control measures for dust and other air-borne pollutants;

e) Measures for controlling the use of site lighting whether required for safe working or for security purposes.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

5 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.

6 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

a survey of the extent, scale and nature of contamination;  
as assessment of the potential risks to:  
human health

property (existing or proposed) including buildings, crops, livestock, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments:  
an appraisal of remedial options, and proposal of preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme. A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting Unexpected Contamination In the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is the subject of the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of (x) years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4.

7 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the

Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, H10, H11

8 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 as approved.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1

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.

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 No development shall commence until a surface water drainage scheme for the development, based on the sustainable drainage principle, has been submitted to and approved in writing by the Local Planning Authority. Details shall include:

a) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details;

b) Supporting calculations confirming compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (where infiltration to ground is proposed the calculations should be based on infiltration rates determined by on-site testing undertaken in accordance with BRE:365);

c) Results of groundwater monitoring indicating levels recorded on the site and a design based on these levels;

d) Details of the Maintenance arrangement relating to the proposed surface water drainage systems, 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 the development is safe from flooding and does not increase flood risk elsewhere in accordance with paragraph 165 of the NPPF.

12 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) 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 interest of the visual amenities of the area. Relevant Policy Local Plan DG1.

13 The development shall not be occupied until all walls, fencing or any other means of enclosure (including any retaining walls), have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.

14 The proposed development should be built in accordance with the proposed mitigation strategy in the Noise and Vibration Assessment by Mewies Engineering Consultants Ltd, Ref: 25370-04-NA-01 Rev A, dated November 2019. Reason: To secure an acceptable standard of residential amenity

15 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 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. applicant should be aware the permitted hours of construction working in the Authority are as follows:
  - Friday 08.00 - 18.00
  - 08.00 - 13.00
  - working on Sundays or Bank Holidays.
  
- 2 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.