

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

DEVELOPMENT CONTROL PANEL

21 July 2021

Item: 3

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| Application No.: | 21/00940/FULL |
| Location: | Charnwood 12 And Land At Charnwood 12 Lime Walk Maidenhead |
| Proposal: | Construction of x2 dwellings with associated access, following demolition of the existing part single part two storey side element of the existing dwelling. |
| Applicant: | Mr Booker |
| Agent: | Mr Lee Norris |
| Parish/Ward: | Maidenhead Unparished/Pinkneys Green |
| 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 site relates to 12 Lime Walk and a large garden associated with the site. The site falls within the residential area of Pinkney's Green and is adjacent to Pinkneys Green Conservation Area, a Grade II listed building and other important non-listed buildings.
- 1.2 The report sets out the relevant Development Plan and other policy considerations as well the extent of statutory consultations undertaken by the Council. The report also sets out the main material planning considerations and assessment in relation to this planning application.
- 1.3 The proposed development has been reduced in size and scale to overcome previous concerns raised by officer's in relation to its impact on the setting of the area, as described within the Council's Townscape Assessment.
- 1.4 Concerns have been raised by the Conservation Officer with regards to the impact the proposals have on the setting of heritage assets adjacent to the application site. These matters are addressed within the report in further detail, as well as the public benefit which is considered to outweigh any harm that may arise.
- 1.5 The proposed development is not considered to raise any issues in terms of highway safety.
- 1.6 Berkshire Archaeology raise no objections to the proposal as a result of the findings of the evaluation undertaken at the site under the previously withdrawn application.
- 1.7 No objections have been raised by tree officers or the council ecologist, subject to appropriate conditions, should planning permission be forthcoming.
- 1.8 On balance, it is considered that the benefits weigh in favour of this scheme and therefore the proposal is recommended for approval, subject to matters set out below.

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| It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report. |
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2. REASON FOR PANEL DETERMINATION

- The application has been called in by Cllr Baskerville, only where the recommendation of the Head of Planning is to approve the proposal.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises a large garden area associated with number 12 Lime Walk. The site is situated at the end of the cul-de-sac. The dwellings in the area comprise large, detached dwellings situated in spacious plots. According to the Council's Townscape Assessment, the area is classed as 'Leafy Residential Suburbs', the key characteristics of which are low to medium density, built form is defined by suburban style detached two storey houses on medium to large plots, and the leafy suburban character is reinforced by well-established private gardens (including mature trees/shrubs) that are often bounded by tall beech or laurel hedges.
- 3.2 The Pinkneys Green Conservation Area adjoins the site to the north and west. Within the adjacent Conservation Area is a Grade II Listed Building and important non-Listed Buildings.
- 3.3 There are trees on the boundaries of the site.

4. KEY CONSTRAINTS

- 4.1 Setting of designated and non-designated heritage assets.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The scheme is for the construction of two detached dwellings, with associated access. The existing dwelling on site would have a part single storey, part 2 storey side element of the dwelling demolished to make way for the new access.
- 5.2 The application site area measures circa 0.32 hectares.
- 5.3 The proposed dwellings would have a height of 7.9 metres. The eaves heights vary across both buildings. Both dwellings have dormer windows set within the eaves of the buildings. The materials proposed for the dwellings include facing brickwork, tile hanging and black timber cladding. With regard to materials for window frames, these are indicated to be upvc or timber. The application form states that roof tiles are to be approved.
- 5.4 The proposed dwellings would have 5 bedrooms. The existing dwelling would be left with 4 bedrooms.
- 5.5 Each of the dwellings are shown to have parking areas to accommodate 3 cars each. A turning area is shown in front of the dwelling on plot 1.
- 5.6 New tree planting on the boundaries is shown on the proposed site plan, with details of the species to be approved by the LPA.

| Reference | Description | Decision |
|---------------|--|--|
| 20/02562/FULL | Construction of x2 dwellings with associated access, following demolition of the existing part single part two storey side element of the existing dwelling. | Withdrawn on the 30 th November 2020. |

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 |
|---|---------------------------|
| Design in keeping with character and appearance of area | DG1, H10,H11 |
| Highways | P4 AND T5 |
| Trees | N6 |
| Setting of Heritage assets | CA2, LB2 |

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 5- Delivering a sufficient supply of homes

Section 9- Promoting Sustainable Transport

Section 11- Making effective use of land

Section 12- Achieving well-designed places

Section 15- Conserving and enhancing the natural environment

Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version Proposed Changes (2019)

| Issue | Local Plan Policy |
|---|-------------------|
| Design in keeping with character and appearance of area | QP1,QP3 |
| Sustainable Transport | IF2 |
| Heritage Assets | HE1 |
| Trees | NR3 |
| Nature Conservation and Biodiversity | NR2 |
| Climate change | SP2 |

7.1 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

*“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

7.2 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. 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. All representations received were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector's post hearings advice letter was received in March 2021. The next stage will be for main modifications to be carried out and consulted upon.

7.3 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

7.5 Supplementary Planning Documents

- Borough Wide Design Guide

7.6 Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Interim Sustainability Position Statement

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 as development affecting the setting of a Conservation Area at the site on the 9th April 2021 and the application was advertised in the Local Press as development affecting the setting of a Conservation Area on 8th April 2021. A site notice was posted advertising the development as affecting the setting of a Listed Building on the 7th June, and it was advertised in the Local Press as such on the 10th June.

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

| Comment | Where in the report this is considered |
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| 1. The scheme seeks to replace a significant open garden space that adjoins the Conservation Area with bricks and mortar, and a new roadway extension of Lime Walk. This would have a major impact on the rural character of the whole village, and clearly undermines the principles behind the creation of the Conservation Area. | Section 9 |
| 2. The scale of the proposed development is inconsistent with the properties and their gardens in this part of the village. | Section 9 |
| 3. The proposed houses would overlook the gardens and houses in the immediate neighbourhood, denying their owners much of the peace and privacy that they have paid a premium to enjoy. | Section 9 |
| 4. Although the arboricultural impact assessment states that no mature trees will need to be felled to allow the proposed development, this is only after the felling of several mature trees in the garden of 12 Lime Walk immediately after the purchase of the property by its current owner in 2020. | Section 9 |
| 5. The development would significantly increase the traffic flow along Lime Walk, and then the access on to Pinkneys Drive. These are rural roads with no pavements and low lighting levels, containing family housing. There is almost no visibility of traffic approaching from the left at the junction with Pinkneys Drive. | Section 9 |

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| 6 | The development proposed requires vehicle access to the two new houses through a road extension from the end of the cul-de-sac Lime Walk. This in turn requires part of 12 Lime Walk to be demolished, and also requires a significant reduction in the space between numbers 11 and 12. This would clearly be damaging rather than an enhancement to the local area. | Section 9 |
| 7 | The setting of the only listed building in Pinkneys Green – Mead House, Pinkneys Drive – adjoins the proposed development site. The new houses proposed would have a major impact on the garden setting of Mead House. Other houses of significant local interest also adjoin the development site, in particular The Walnuts. These would also be severely affected by noise and visual intrusion coming from the proposed development. | Section 9 |
| 8 | Whilst additional screening has been added in the plans, there has been very limited screening along the border with our property. Any development on this site will need to include significant screening to minimise the impact on the adjoining Pinkneys Green Conservation Area (PGCA) including The Pygthle | Section 9 |
| | The Pygthle will experience a serious loss of privacy. Plot 1 will look directly over our property, at present Charnwood does not directly overlook our property (our gardens adjoin). | Section 9 |
| | Concerns over the density of the development. | Section 9 |
| | Due to the proximity of the proposed two new 5 bedroom dwellings to our property, there will be a detrimental impact on our property as a result of the increased noise and disturbance. | Section 9 |
| | The creation of additional parking spaces for each proposed plot is another example of over development and will add to the cramped nature of the proposed development. | Section 9 |
| | The plans are totally insensitive to the surrounding properties, in particular our property, Mead House and The Walnuts which are all within the PGCA. | Section 9 |
| | Additional traffic will cause a danger to pedestrian safety, as there is no pavement along Lime walk. | Section 9 |
| | After the development of No.7 Lime Walk by the applicants we are very worried about another out of character and totally different build type of house to the rest of Lime Walk. | Section 9 |
| | There are a number of restrictive covenants on the area specific to no.12, the two additional properties would breach these covenants | This is not relevant to the planning consideration. |
| | There has been no consultation with the existing residents of Lime Walk and this application must be declined | Site notices and newspaper adverts were posted, and neighbour letters were sent. |

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| | <p>Two large, five-bedroom detached houses result in a cramped development, despite the original proposal being amended following pre-application advice provided by the Council and the subsequent revision.</p> | <p>Noted, see section 9</p> |
| | <p>The Borough Wide Design Guidance SPD adopted in June 2020 is a material consideration. This highlights the importance of the Council's four strategic design themes underpinning a proposal and a design checklist.</p> <p>i) Does the development respond positively to the size, shape and rhythm of the surrounding plot layout? the resulting plots are a lot smaller than any of the remaining plots on Lime Walk and hence not in keeping with Lime Walk.</p> <p>ii) As the proposal is effectively "backland" development, is it subordinate and does it maintain the existing character and amenity? Although the proposal has tried to be carefully and sensitively designed the proposed two properties do not appear to be subservient to the existing Charnwood property, especially as it is proposed to lose a side extension to allow for the proposed two new dwellings.</p> | <p>Section 9.</p> |
| | <p>Very concerned about the proximity of one of the proposed dwellings (Plot 2) to the boundary and western elevation of property (11 Lime Walk). The Design Guide provides rule of thumb separation distances for two storey residential development – which does not appear to be followed. Whilst this understandably focusses on rear to rear and rear to side elevations, it appears from the proposed plans that the eastern elevation of Plot 2 will be close to the western elevation of 11 Lime Walk, although I appreciate that the windows at ground and first floor of Plot 2 face north and south and so do not directly overlook the western elevation of 11 Lime Walk</p> | <p>See section 9</p> |
| | <p>Proximity will have an adverse impact on residential amenity and in particular noise and disturbance from Plot 2. The proposed property will cause a loss of privacy and light from the downstairs rooms and will materially change the privacy of 11 Lime Walk.</p> | <p>See section 9.</p> |
| | <p>I think it's a little surprising that the applicant did not submit more photographs of the application site and the surrounding area, although they may have done this at the pre-application stage and did not feel it was necessary to do this with the application. The reasons why I feel this may have been helpful is to compare photographs of the existing neighbouring properties with the plans of their proposed development and how this demonstrates there would be no undue detrimental impact on, say, loss of privacy or potential overlooking. In this case I would ask that before the Planning Committee takes any decision on the application, if they can visit the site and the area (if they can do so safely in the light of Covid-19), they should do to get a full appreciation of the issues involved. This will also allow the planning committee to appreciate the impact of the size of the developments and also the significant impact on noise and disturbance if the properties are built and hence is not in keeping with the current character of Lime Walk.</p> | <p>Noted.</p> |

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| <p>Due to the proximity of proposed Plot 2 in particular, there will be a loss of daylight, sunlight and overshadowing as a result of the proposal. I have noted that such an assessment was not provided as part of the application. Due to the proximity of Plot 2 any trees/hedges will have a limited impact at night time when light from a five bedroom house so close to my boundary will be evident. To the Western end of 11 Lime Walk there are two windows from an upstairs room above my garage. The revised plans show trees/hedgerows but there is no statement on the screening, meaning that I will still be overlooking the front elevation of Plot 2 and in sight of the significant number of downstairs windows with the impact of light from the proposed development at night time.</p> | <p>See section 9 of the report. The proposed dwelling on plot 2 will be visible when viewed from number 11, however, it is not considered to have adverse impact that would warrant refusal.</p> <p>The impact from any lights being turned on at night is not considered to be harmful to the neighbouring amenity of number 11.</p> |
| <p>Currently there is only one property either side of 11 Lime Walk but with the proposal of two additional five bedroom houses, the noise and disturbance (from additional cars and neighbours so close to my boundary) will be significant and hence a reason for my objection to the proposed development.</p> | <p>This is a residential area and it is not considered that 2 additional dwellings would result in an unacceptable level of noise and disturbance.</p> |
| <p>In 60 years of the street's existence each of the original houses has maintained not only the space for human habitation but space for trees, birds, invertebrates and wildlife by balancing the size of the plot with the size of the houses and allowing space for plants and trees.</p> <p>In a global climate emergency where species diversity is plummeting and extinction rates skyrocketing, it is beholden on every one of us to do our part to protect the environment for the animals and plants that surround us. That is why we have legislation to protect trees and bats, both of which have been disregarded by these proposals.</p> | <p>See section 9.</p> |
| <p>The scheme would result in the loss of bat roosts, which is unacceptable.</p> | <p>See section 9.</p> |
| <p>Adverse impact on hedgehogs</p> | <p>See section 9, and recommended condition on biodiversity enhancements.</p> |
| <p>In another example of dishonestly the planning notice was hidden from view. The photo below shows that the notice was (on private property) when it should have been displayed where members of the public could see it.</p> <p>Also the existence of the planning application was not distributed to all residents of Lime Walk. The 'neighbour notification list' included in the application shows that the application was not given to residents of Lime Walk, only the residents who immediately side-on to the proposed development. Houses are listed on the neighbour notification list that are nowhere near the development.</p> <p>Residents at the top of the street only found out about the application too late to object to the first application which was withdrawn. Another example of dishonestly and trying to manipulate and subvert the proper channels for planning applications.</p> | <p>Site notices were placed on the gate fronting the application site. This is considered a reasonable place to display the site notices.</p> <p>With regard to letters sent, it is only a requirement to send letters to neighbours that adjoin the application site. Some properties that were notified (that to not adjoin the application site) were sent letters, as they had objected on the previous application.</p> |

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| | <p>To even access the area for two new houses, the existing beautiful house, 'Charnwood' that is one of the original dwellings made from reclaimed local bricks and timber and clay tiles, would have to be semi demolished.</p> | <p>Noted.</p> |
| | <p>The proposed new dwellings don't have adequate space for parking or manoeuvring vehicles. There are bottlenecks from the lot of 12 Lime Walk onto the small lane of Lime Walk as well another bottleneck to the side of Charnwood (even after demolition of part of the house) to the two new proposed houses. The plans state three cars for each house could park side by side but in reality the cars could not manoeuvre in and out of those positions. The plans propose that 9 cars can park in the 3 developments but this is not physically possible unless you drop the cars in with a crane.</p> | <p>Highways raise no objection to the development.</p> |
| | <p>The proposed development also doesn't have provision for bins and waste removal. Residents are required to put their bins out on the street for collection. The design as it currently stands has a refuse area which is not on the street, it's inside the property away from the collection point.</p> | <p>A bin collection point is shown on the site layout plan. A condition is recommended to secure details of this.</p> |
| | <p>Many vehicles visiting Lime Walk have to use the turning circle, even small delivery vans and the post van have to go to the end of the street to turn in the turning circle where the proposed new development meets the street. Street parking in the turning circle directly outside the development would mean no vehicles could turn in the street. Any street parking by new residents or visitors or deliveries to the residents who parked on the street would block the road, meaning all the other residents of the street wouldn't be able to turn or have bigger sized vehicles come down the lane.</p> | <p>Turning areas within the application site for the proposed development are shown.</p> |
| | <p>The turning from Lime Walk onto Pinkneys Drive is already a dangerous intersection. There's limited visibility as you turn out of Lime Walk which is near the cricket pitch and cars speed along Pinkneys Drive. Increasing the number of houses and this traffic flow will further increase the likelihood of an accident. More traffic control measures would be required such as traffic lights, a pedestrian crossing or a mini roundabout.</p> | <p>The addition of 2 dwellings is not considered to create severe traffic issues or highway safety concerns.</p> |
| | <p>The land at the end of Lime Walk was sold subject to a number of restrictive covenants of which some are specific to number 12 and others that extend to the five properties on that land (10, 11, 12, 13 and 14) that states that "nothing shall at any time be done permitted or suffered upon the property which may be or become a nuisance or source of damage or annoyance to the vendor or his successors or the owners or occupiers of any neighbouring property". The construction of the two additional proposed properties and the consequences arising from the development would indeed breach this covenant which we certainly relied on when purchasing the property at No.10.</p> | <p>Noted, however, restrictive covenants are not a material planning consideration.</p> |

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| | If every property/plot on Lime Walk followed this same pattern of development there would not be a single tree, bush, flower or creature on the street that is currently bursting with life. This planning application sets the precedent for the next 60 years of the life of this street and the animals and plants that inhabit it. Approving this application would be a blow to the future biodiversity of this conservation area. | Each application is determined on its merits, and this plot is larger than others on Lime Walk. |
| | The two new buildings are not specified to be constructed with materials in keeping with the street (reclaimed bricks and timber, clay roofs). | A condition would secure details of the materials. |
| | The loss of open space through major development of a residential garden which we believe is contrary to the intent of planning rules & regulations. | This is not major development, and in principle development on a residential garden is not unacceptable. |
| | The real, adverse, impact on the form and character of land abutting the Pinkneys Green Conservation Area arising from this residential garden infill, and the resultant loss of open space, diminishing the sense of openness of the Conservation Area which includes a listed building, Mead House. | See assessment. |
| | The road in cul-de-sac is in a poor state of repair as the Council has not maintained it. | Noted, this is not relevant to the consideration of this application. |
| | Construction traffic will damage the road further, making it dangerous | See section 9. |
| | Adverse impacts upon heritage assets. | See section 9. |
| | The noise and pollution created by additional traffic would be detrimental to an area that is adjacent to the Pinkney's Green Conservation Area. | See section 9. |

Consultees

| Consultee | Comment | Where in the report this is considered |
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| Ecology | 'Subject to the conditions, there are no objections to this application on ecology grounds' | Section 9 |
| Environmental Protection | No objection subject to conditions | Section 9 |
| Highways | No objection to the proposal- conditions recommended | Section 9 |
| Berkshire Archaeology | 'An archaeological investigation was undertaken at the site ahead of a previous development application in 2020. This evaluation revealed no archaeological material or features. Therefore' in the view of Berkshire Archaeological, should permission be granted, development should be allowed to proceed with no further requirement for archaeological mitigation.' | Section 9 |
| Trees | No objection to the proposal- subject to conditions | Section 9 |

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| Conservation | <p>The proposals presented within this application would cause less than substantial harm to the significance of the Pinkney's Green Conservation Area through the erosion of the setting and rural characteristics that contribute to the identified character and appearance. The development would also erode the setting of The Meads (Grade II listed) and other non-designated heritage assets by the increased suburbanisation of the area. No public benefit has been identified which would outweigh this harm. As outlined above, the proposal is considered to be contrary to the adopted RBWM Local Plan Policies CA2 (which: <i>require(s) that any development will enhance or preserve the character or appearance of the area</i>) and LB2 (which: <i>ensure(s) that development proposals do not adversely affect the grounds and/or setting of listed buildings.</i>"), along with the requirements outlined within paragraphs 192 and 196 of the National Planning Policy Framework (NPPF) 2019. Furthermore, the proposal is also contrary to Policy HE1 of the Borough Local Plan (Submission Version) through the identified harm arising.</p> | Section 9 |
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Others

| Group | Comment | Where in the report this is considered |
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| Maidenhead Civic Society | <p>The host dwelling sits on a very substantial plot, largely to the rear of No 10 Lime Walk. It is proposed to infill with 2 substantial 5 bed detached houses, with access achieved by demolishing a substantial element of Charnwood. The two new houses are overlarge for their plots, with limited garden amenity space for dwellings of such size. Likewise, the residue amenity space for the host dwelling is significantly reduced. Parking arrangements have been changed from the earlier application where the unsatisfactory proposal was for 4 spaces in a tandem arrangement. The new scheme has three spaces side by side for each property - including Charnwood. The drawings for the new dwellings show these spaces very close together and it is unlikely that the illustrated dimensions for parking spaces are up to standard.</p> <p>The 5 bedroom houses are too large for the setting, amenity space is restricted and parking arrangements are inadequate. Infilling with two houses detracts from the</p> | Section 9 |

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| | <p>character of the neighbourhood and is detrimental to the adjacent surroundings and dwellings in the Conservation Area. To retain the scale and proportions of the residential setting of Lime Walk the infilling should be restricted to one new dwelling. The planning guidelines regarding back garden infilling require that such development should not be detrimental to the neighbourhood.</p> | |
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9. EXPLANATION OF RECOMMENDATION

The key issues for consideration are:

- i Principle of Development
- ii Design considerations including the impact on heritage assets
- iii Highway Considerations and Parking Provision
- iiii Impact on neighbouring amenity
- v Ecology
- vi Trees
- vii Archaeology
- ix Environmental Considerations
- xi Other material considerations

Issue i- Principle of Development

- 9.1 The application site is located with the residential area of Pinkneys Green. The site sits adjacent to the Pinkneys Green Conservation Area, to the north.
- 9.2 The vicinity of the site is described within the Council's Townscape Assessment, as being classed as 'Leafy Residential Suburbs', the key characteristics of which are low to medium density, built form is defined by suburban style detached two storey houses on medium to large plots, and the leafy suburban character is reinforced by well-established private gardens (including mature trees/shrubs) that are often bounded by tall beech or laurel hedges.
- 9.3 Neither the planning designations, nor the Council's Townscape Assessment resist the re-development of sites to include residential dwellings if they have regard for development plan policies, and other material considerations. As such, the principle of the erection of two detached dwellings would not conflict with the Local Plan.

Issue ii- Design considerations including the impact on heritage assets

- 9.4 Policies DG1 and H10 of the adopted Local Plan seek to ensure that residential development will be of a high standard of design and landscaping, compatible with the area and street scene. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause

damage to the character and amenity of the area. The Borough Wide Design Guide provides further guidance for the design of new developments.

- 9.5 The application site has been the subject of a pre-application submission and subsequent application which was withdrawn by the applicant following discussions with the case officer. The dwellings which form part of the current application have been reduced in size and scale with revisions to the access road and the introduction of screen planting along all boundaries.
- 9.6 The land around 12 Lime Walk is comparatively extensive. The Council's Townscape Assessment classes the area as 'Leafy Residential Suburbs', the key characteristics of which are low to medium density with the built form being defined by suburban style detached two-storey homes on medium to large plots. This character is reinforced by well-established private gardens that are often bounded by tall beech or laurel hedges.
- 9.7 The proposed dwellings by virtue of their size, scale and appearance are considered to have overcome previous concerns raised during discussions on the 2020 application. The proposed dwellings would now conform to the character identified within the Council's Townscape Assessment. This has been achieved through the reduction of the massing at roof level and revisions to the scheme as a whole which includes the access road.
- 9.8 The proposed dwellings would retain and respect the identified suburban character through their layout and plot sizes with significant landscaping features to be introduced (subject to a detailed landscaping condition). Plot 2 would measure circa 900 square metres, plot 1 would measure around 950 square metres, and the plot for the existing dwelling would be circa 959 square metres. These plots would be smaller than some plots in the road, which are in the region of 1068 square metres to 2,140 square metres; however, The Coach House, and number 7 have plots sizes of around 650 – 893 square metres. As such, whilst the resultant plots would be smaller than some other plots on the road, they would also be larger than other plots. It is therefore not considered the resultant plot sizes would result in any detrimental impact on the character of the area.

Heritage

- 9.9 Regard has been had to sections 66 and 72 of the Planning (Listed Building and Conservation Area) Act 1990. As previously identified the site lies adjacent to the Pinkney's Green Conservation Area, as well as statutorily listed buildings (The Meads).
- 9.10 The Council's Conservation Team have raised concerns over the impact the proposal may have on the setting of the Conservation Area, as well as that of 'The Meads', a Grade II listed building.
- 9.11 Para 193 of the NPPF (National Planning Policy Framework) requires that great weight should be given to the conservation of assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.12 Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.13 Part of the character, as identified in the Pinkney's Green Conservation Area Appraisal, is that of a "*rich, peaceful rural landscape with historic rural settlements set in a wooded context*". It is this context, or setting to use another term, which contributes to the special character of the Conservation Area, and therefore the value in its designation. To increase the suburban density of the setting of the Conservation Area, and that of the surrounding buildings would, undoubtedly, alter this identified rural characteristic.
- 9.14 As noted in the Conservation Area Appraisal "*As part of a large urban area, Pinkney's Green is an area **sensitive to change**. Urban expansion has already created a coalescence of settlements in the area with infill eroding traditional settlement boundaries. Currently, Pinkney's Green **does retain a traditional rural feel** and Green Belt designation presently limits new development around the settlement.*

- 9.15 Whilst the site does not lie directly in the Pinkneys Green Conservation Area, the proposals impact upon the *setting* of this designated heritage asset and that of The Meads (Grade II listed), as well as a number of non-designated heritage assets, such as the Walnuts. As Historic England's *The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)* advises: "Setting is the surroundings in which an asset is experienced and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not." And that: "The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places."
- 9.16 Whilst the visual aspect plays a part in the character of the setting, it is the encompassing environment which truly defines how the assets are experienced. In the case of this proposal, the construction of two new dwellings within the undeveloped garden of Charnwood - the setting of the identified assets - would alter this setting to a limited negative extent. However, given the scale and appearance of the proposed dwellings, and the way in which the site is perceived from the adjacent Conservation Area and Listed Building, the level of harm to both the setting of the adjacent Conservation Area and Listed Building is itself considered to be limited. When assessed against the NPPF, the level of harm is considered to be less than substantial.
- 9.17 The public benefits arising from this scheme are discussed in the planning balance.

Issue iii- Highways Considerations and Parking

- 9.18 Policy T5 of the adopted Local Plan states that all development proposals will be expected to comply with the Council's adopted highway design standards. The NPPF (2019) states that developments should promote opportunities for sustainable transport modes, provide safe and suitable access to the site for all users, and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.19 The NPPF (2019) states at para 109 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.'***
- 9.20 An access road is proposed along the western boundary of the site, which would involve the demolition of an existing single storey addition to No.12 Lime Walk. The access road would serve both proposed dwellings, with the supporting plans indicating 3 off-street parking spaces available to both dwellings.
- 9.21 As part of the application process RBWM highways were consulted on the proposal. Highways noted that the existing access would serve all 3 dwellings and raised no objection to this arrangement, subject to pre-commencement conditions which are laid out later within this report under section 13.
- 9.22 In terms of giving priority to sustainable transport modes, the application site is located on the periphery of Maidenhead and is not considered to be in a sustainable location with relation to transport options. In such instances it is likely that future owners/occupants will rely on car ownership, however there is ample space on the site for secure cycle storage.

Parking

- 9.23 The Council's adopted parking standards in Appendix 7 of the Local Plan (as amended) requires dwellings of this size to provide 3 off-street parking spaces. The proposed site plans indicate that each dwelling would be capable of accommodating 3 off-street parking spaces, with highways commenting that safe turning circles can be achieved within each space.

Refuse

- 9.24 The proposed plans indicate the siting of refuse bin collection within the site. Whilst no comprehensive layouts have been provided, it is considered that the site is capable of providing satisfactory bin stores and collection points.
- 9.25 To ensure compliance with the Borough's Waste Management Planning Advice note, highways have recommended the imposition of a condition should permission be forthcoming which requires the applicant to provide details of the type of bin stores to be provided, as well as their location.
- 9.27 Mindful of the above, and the conditions proposed for highway and parking matters, it is considered that the proposed development would not cause significant issues in terms of capacity on the highway network cumulatively or individually. In addition, the proposed parking arrangement would satisfy the Council's parking standards within the Local Plan (2003).

Issue iii- Impact on neighbouring amenity

- 9.28 There is no specific policy in the Local Plan regarding impact on neighbouring amenity arising from new development, other than in the case of residential extensions considered under Local Plan policy H14.
- 9.29 Para 127 (f) of the NPPF (2019) is a material planning consideration to be given significant weight and states developments should:

'create places that are safe, inclusive and accessible and which promote health and well-being; with a high standard of amenity for existing and future users.'

- 9.30 The Borough Design Guide (SPD) provides guidance on residential amenity.
- 9.31 Plot 2 is proposed to be sited to the west of No.11 Lime Walk. Plot 2 would be sited a reasonable distance (5 metres from the side elevation) from No.11. The 45 degree angle from habitable room windows in the rear elevation of this dwelling would not be breached by the proposed development. The proposed dwelling on plot 2 is not sited directly next to the side elevation of this dwelling, and there would be a sufficient gap so as not to cause a significant loss of light to windows in the side elevation. It is not considered that the proposed dwelling on plot 2 would be overbearing or result in a loss of privacy to this dwelling or its rear garden. It is worth highlighting that no windows are proposed in the eastern elevation of plot 2.
- 9.32 Similarly, the proposed dwelling on Plot 1 would be sited a substantial distance from the properties on Pinkneys Drive so as not to warrant any concern with regard to overlooking, loss of light or being overbearing.
- 9.33 The rear elevation of the dwelling on plot 2 is around 20 metres from the rear boundaries on Compton Drive, so the scheme would not adversely affect the amenity of these dwellings.
- 9.34 Consideration has been given to the arrangement between the existing dwelling (number 12) and the proposed development. Owing to the juxtaposition of the dwellings as well as their scale, layout and appearance they would not impact the amenities of the existing dwelling No.12.

Issue v- Biodiversity

- 9.35 Paragraph 170 of the NPPF (2018) states that planning decisions should contribute to and enhance the natural and local environment. The emphasis is on minimising impacts on and providing net gains for biodiversity. Paragraph 175 of the NPPF (2018) states that: ***"When determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused... Development whose primary objective is to conserve or enhance biodiversity should be supported; while***

opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

- 9.36 Emerging Policy NR2 of the BLPPSVC requires proposals to protect and enhance biodiversity. A bat report, undertaken in 2020 was submitted as part of this application with relation to this site. The report concluded that the garage and shed would unlikely host roosting bats. The main house on site was found to contain multiple features suitable for roosting with droppings found in the loft. Whilst the dwelling itself is not to be demolished, other parts of the house/site are which have been identified as possibly affecting the roost.
- 9.37 The LPA has a statutory duty under The Habitat Regulations to be satisfied that a licence for development works affecting bats is likely to be granted by Natural England. The three tests under the Habitats Regulations are:
- (a) Preserving public health or public safety or other imperative reasons of overriding public interest;
 - (b) There is no satisfactory alternative; and
 - (c) The action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.
- 9.38 In so far as the first test is concerned, the public interest generated by the proposal can be of a social, environmental or economic interest. It considered that there is an imperative reason of overriding public interest of an economic nature as the development will provide economic benefits from the provision of housing.
- 9.39 With regard to the second test, it is not considered that there is a satisfactory alternative, as if the existing dwelling is not part demolished, then the access road required to serve the new dwellings cannot be provided.
- 9.40 With regard to the third test, appropriate mitigation can be provided which will ensure that there will not be a detrimental impact to the favourable conservation status of the bat species concerned.
- 9.41 In accordance with Para 175 of the NPPF, which states that ‘opportunities to incorporate biodiversity in and around developments should be encouraged’, planning conditions are proposed which would secure biodiversity enhancements.

Issue vi- Trees

- 9.42 Local Plan policies N6 and DG1 provide general design policies on the importance of high-quality landscaping in delivering successful schemes. Policy N6 of the adopted Local Plan states that plans for new development should, wherever practicable, allow for the retention of existing suitable trees and include appropriate tree planting and landscaping schemes.
- 9.43 The Council’s tree officer was consulted on the application and noted the removal of trees along the western boundary of the site. Whilst their loss is regrettable, they were not the subject of a TPO or within a Conservation Area and therefore not afforded protection.
- 9.44 The loss of the trees and their amenity value to the setting can be compensated for through a detailed landscaping scheme, subject to a planning condition.

Issue vii- Archaeology

- 9.45 An archaeological evaluation was undertaken at the site as part of a previous application in 2020, (20/02562/FULL). This evaluation revealed no archaeological material or features within the site. As such, Berkshire Archaeological do not consider the development has the potential to impact any as yet unknown heritage assets.

Other considerations

9.46 The Council published the position statement on sustainability and energy efficient design in March 2021. This application was received during March, and as such the position statement is given limited weight to the determination of this application.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is CIL liable.

11. PLANNING BALANCE AND CONCLUSION

11.1 It is acknowledged that there would be some limited harm to the setting of adjacent designated heritage assets (the Conservation Area and Listed Building), as per the NPPF, the harm is considered to be less than substantial harm. When applying paragraph 196 of the NPPF, it is considered that the provision of 2 dwellings which would make a contribution to the Council's 5 year housing land supply, would amount to public benefits that would outweigh the harm that would be caused to the setting of the adjacent heritage assets.

11.2 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. It is considered 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). While the proposed site is adjacent to designated heritage assets, there are no clear reasons for refusing the proposed development on this basis.

11.3 Section 9 of this report sets out clearly the aspects of the proposal which comply with the development plan and NPPF.

11.4 Having due regard for the titled balance, it is considered that the identified harm would be demonstrably outweighed by the benefits of the development, which include the provision of 2 new houses which would make a contribution to the Council's 5 year housing land supply. In addition, economic benefits would arise from the creation of jobs associated with the construction of the dwellings.

12. APPENDICES TO THIS REPORT

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

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 The development hereby permitted shall be commenced within three years from the date of this permission.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 Prior to the commencement of construction of the dwellings hereby approved, details of the materials to be used on the external surfaces of the dwellings shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

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

3 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 part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with a layout that has first been submitted to and approved in writing by the Local Planning Authority. 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 and turning 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.

- 5 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1

- 6 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any tree work be undertaken other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any tree work 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 size and species, and shall be planted at such time, as specified by the Local Planning Authority.

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

- 7 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees growing within and adjacent to the site, 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 completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing and ground protection 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 written consent 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.

- 8 Prior to the commencement of construction of the dwellings hereby approved, full details of both hard and soft landscaping works, shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved within the first planting season following substantial completion of the development and retained thereafter in accordance with the approved details. If within a period of five years from the date of planting 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 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.

- 9 No works hereby permitted (including demolition works) that could affect the bat roost shall commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England). Thereafter mitigations measures approved in the licence shall be maintained in accordance with the approved details. Should conditions at the site for bats change and / or the applicant conclude that a licence for development works affecting bats is not required the applicant is to submit a report to the LPA detailing the reasons for this assessment and this report is to be approved in writing by the LPA prior to commencement of works.

Reason: The house hosts a bat roost which could be affected by the proposals. This condition will ensure that bats, a material consideration, are not adversely affected by the proposed development.

- 10 Prior to the first occupation of the dwellings hereby approved, a report detailing any new external lighting scheme, and how this will not adversely impact upon wildlife, shall have been submitted to and approved in writing by the LPA. The report (if external lighting is proposed) shall include the following figures and appendices:

- A layout plan with beam orientation
- A schedule of equipment
- Measures to avoid glare

-An isolux contour map showing light spillage to 1 lux both vertically and horizontally, areas identified as being of importance for commuting and foraging bats, and locations of bat and bird boxes.

The approved lighting plan shall thereafter be implemented as agreed. No other external lighting shall be installed.

Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with para 180 of the NPPF.

11 Prior to the commencement of construction of the dwellings hereby approved, details of biodiversity enhancements, to include integral bird and bat boxes, tiles or bricks on the new buildings (in addition to those required by the bat licence) and native and wildlife friendly landscaping (including mixed native hedgerows and gaps at the bases of any fences (or other boundary features) to allow hedgehogs to traverse through the gardens), shall be submitted to and approved in writing by the LPA. The biodiversity enhancements shall thereafter be installed as approved prior to the first occupation of the dwellings hereby approved, and shall be retained in perpetuity. Reason: To incorporate biodiversity in and around developments in accordance with paragraph 175 of the NPPF.

12 No windows shall be inserted at first floor level in the flank elevation(s) of the eastern elevation of the dwelling on plot 2.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.

13 The first floor window(s) in the western elevation(s) of the dwelling on plot 2, and the side (northern) elevation of the dwelling on plot 1 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.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.

14 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 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.
- 2 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 3 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.