

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

15 December 2021

Item: 3

Application No.:	21/02329/FULL
Location:	33 Cannon Court Road Maidenhead
Proposal:	x3 new dwellings with associated access, parking and landscaping following demolition of existing dwelling and outbuildings.
Applicant:	King Charles Homes
Agent:	Mrs Emily Temple
Parish/Ward:	Maidenhead Unparished/Furze Platt
If you have a question about this report, please contact: Dariusz Kusyk on 01628796812 or at dariusz.kusyk@rbwm.gov.uk	

1. SUMMARY

1. The proposed development, by virtue of its design, scale and mass, would respect the character and appearance of the area and the streetscene. The proposed development would not impact on the residential amenities of the occupants of the neighbouring properties in terms of appearing overbearing, and it would not result in any unacceptable overshadowing or overlooking. Furthermore, the proposed development would provide for an acceptable level of parking provision, and it would be acceptable with regard to its impact on landscaping and biodiversity.
2. The applicant has agreed in principle to meet the requirements of the Council's Interim Sustainability Position Statement or to provide any necessary carbon off-set contribution.

It is recommended the Committee authorises the Head of Planning:	
1	To grant planning permission with the conditions listed in Section 13 of this report following on submission of information demonstrating that the proposal will meet the Council's Interim Sustainability Position Statement or the completion of a legal agreement securing any necessary carbon off-set contribution.
2	In the event the above information is not submitted nor legal agreement completed to refuse planning permission.

2. REASON FOR PANEL DETERMINATION

- At the request of Cllr Del Campo due to concerns the development would result in an unacceptable impact on the character of the area, overdevelopment and inadequate parking provision.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the western side of Cannon Court Road and consists of a two-storey detached dwelling with a single detached garage located to the side and other outbuildings to the rear. There is a substantial parking area to the front of the site with soft landscaping along the side boundaries.

3.2 The area surrounding the site is predominantly residential in character with mainly semi-detached houses on the western side of the road and a mix of detached and semi-detached houses along the eastern side of the road. The properties are positioned on a consistent building line and are of a relatively unified design, materials and roof form. The application site differs from the prevailing character in terms of plot size.

4. KEY CONSTRAINTS

4.1 Victorian Village townscape character and Local Wildlife Site.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 This application seeks consent for the demolition of the existing dwelling and the erection of 3 terraced dwellinghouses with associated parking to the front. The total site area is circa 0.17ha. The footprint of the existing main building totals to circa 132m² and including the detached garage and rear outbuildings it is approximately 200m². Driveway parking is proposed for six cars, perpendicular to and accessed directly from Cannon Court Road.

5.2 Relevant planning history:

Reference	Description	Decision
16/00321/FULL	Construction of 6 x apartments and 4 x dwellings following demolition of existing dwelling.	Withdrawn - 27.10.2016
21/02330/FULL	x5 new dwellings with associated access, parking and landscaping following demolition of existing dwelling and outbuildings.	Not decided yet at the time of writing.

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

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 9 - Promoting Sustainable Transport

Section 12 - Achieving well-designed places

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Housing mix and type	HO2
Housing Density	HO5

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
Housing mix and type	HO2

- 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 consultation on the main modification to the BLPSV ran from 19 July to 5 September 2021.
- 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.

Other Local Strategies or Publications

- 7.5 Other Strategies or publications material to the proposal are:
- RBWM Townscape Assessment
 - RBWM Parking Strategy
 - RBWM Design Guide
 - RBWM Interim Sustainability Position Statement

8. CONSULTATIONS CARRIED OUT

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Comments from interested parties

17no. occupiers were notified directly of the application.

14no. letters were received objecting to this application, summarised as:

Comment		Where in the report this is considered
1.	Unacceptable impact upon the streetscene and character of the area	See section 9 of the report.
2.	Adverse impact upon amenity of the occupiers of adjacent dwellings in terms of proposed development appearing overbearing, loss of light and privacy	
3.	Excessive scale and overdevelopment of the plot	
4.	Unacceptable impact on existing trees	
5.	Detrimental impact upon biodiversity	
6.	Adverse impact upon refuse collection, highways and access arrangements	
7.	Negative impact due to excessive hardstanding	
8.	Loss of light and loss of privacy	
9.	Comments with regards to backland development	Not relevant for this application (Relate to: 21/02330/FULL)

Consultees

Consultee	Comment	Where in the report this is considered
Highways Officer	No objections, subject to conditions.	See section 9 of the report.
Environmental Protection Officer	No objections, subject to conditions.	
Ecology Officer	No objections, subject to conditions.	

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- Principle of redevelopment;
- Impact on the character and appearance of the area;
- Impact on amenity of surrounding residential occupiers;
- Impact on highways conditions and parking;
- Impact on landscaping and biodiversity;
- Other material considerations.

Issue I. Principle of redevelopment

9.2 The site at present is occupied by a single detached dwelling and located in a wholly residential area. Given the character of the surrounding area and the appearance of the existing property within the streetscene, no objection is raised to the redevelopment of the site for housing. Redevelopment with a higher density is considered appropriate in the context of the site, subject to compliance with other relevant development plan policies and all material considerations.

Issue II. Impact on the character and appearance of the area

- 9.3 The NPPF (2021) and Council's adopted policies DG1, H10 and H11 seek to promote standards of design which will result in a high quality, varied and stimulating townscape and environment. The design guidelines set out in Policy DG1 advise that when assessing new development proposals, regard will be had to ensuring harm is not caused to the character of the surrounding area through development which is cramped, or which results in the loss of important features that contribute to that character. Policy H10 further advises that "new residential development schemes will be required to display high standards of design" and Policy H11 adds 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".
- 9.4 The surrounding area is predominantly residential in character and consists of large detached and semi-detached two storey properties set within relatively regular plots. There is a distinct linear layout and pattern of development within this part of Cannon Court Road which is of two storey dwellinghouses, consistent in terms of their design, building line and roofscape.
- 9.5 The proposed 3no. terraced dwellings would be of a regular rectangular shape with a generous separation distance from the neighbouring properties. The proposed building would provide circa 2.2m separation distance from no. 31 and around 2.0m from no. 35. In general, the proposal is considered to present an appropriately spacious layout, compliant with the Local Plan Policy H11, which emphasises that "*In established residential areas, planning permission shall not be granted for schemes which introduce a scale or density of new development which could be incompatible with or cause damage to the character and amenity of the area.*". The explanation of Policy H11 (at para 5.7.9) clarifies that development can "*damage the character of an area through producing cramped development out of keeping with the area, loss of spaciousness, the loss of important features such as trees, the failure to respect building lines or the rhythm or the style of built form, the intrusion of buildings or features of alien form or scale(...)*". This proposed new terrace of three dwellings would not appear cramped but would respect the rhythm of development in the vicinity and be considered to result in an appropriate form of development in this area.
- 9.6 The proposed development would comprise of a circa 17.6m wide and 11.6m deep building, which would be acceptable within its plot. The proposed dwellings would have a sympathetic appearance, compliant in relation to the adjacent properties and the wider streetscene, incorporating an 8.8m high ridge and 6.0m high eaves level. From the streetscene perspective, this would be approximately 1.4m higher than the adjacent dwelling no.35 to the right and of a similar height to no.31 to the left. The proposal would be characterised by red brickwork on the front and side elevations with white fenestration, which would be considered sympathetic to the vernacular of the locality. The proposal, by virtue of its traditional design, would be considered to accord with the advice contained within the RBWM Design Guide, which states in Principle 7.9 that "*Designers should use architectural detailing to create attractive buildings that positively contribute to the character and quality of an area*" or "*Buildings that employ architectural detailing that is unattractive, low quality or is not honest or legible will be resisted*".
- 9.7 The proposed development, owing to the scale, spacing and design of the dwellings proposed, would result in an acceptable form of development in this area, which would be in-keeping with the visual appearance of the streetscene and the overall character of the area. In general, the scheme would be considered to comply with policies DG1, H10 and H11 of the adopted Local Plan and advice contained in the RBWM Design Guide.

- 9.8 The proposed development would incorporate an appropriate amount of outdoor amenity space, with a the depth of around 43.0m and widths between 8.0m and 11.0m. The gardens would therefore have an area of around 344.0m² - 473.0m², in accordance with the RBWM Design Guide, which requires a minimum of 65.0m² for a 3-bed dwelling. Furthermore, the proposed internal amenity standards are equally acceptable with habitable rooms designed to receive a sufficient amount of light and the internal floorspace of each room and the dwellings as a whole in accordance with Technical Housing Standards.

Issue III. Impact on the amenities of the surrounding occupiers

- 9.9 The proposed development would be sited between 2.0m-2.2m from the existing neighbouring properties, which in combination with retention of the existing landscaped screening is considered appropriate. The south and north facing, upper-level windows would be fitted with obscure glass and given that they may be conditioned to be non-opening up to 1.7m above the finished floor level, would not result in any unacceptable overlooking of the habitable areas of the adjacent houses (condition 7). The proposed rear elevation first floor windows would not change the established arrangement in terms of overlooking. There would therefore be no impact in terms of loss of privacy that would result from the proposed development.
- 9.10 It is considered that the proposed development would not have any detrimental impact upon the amenities of the neighbouring occupiers in terms of overshadowing/loss of light or appearing obtrusive or overbearing, as it would only project by around 1.0m-1.5m beyond the rear elevations of the adjacent dwellinghouses.

Issue IV. Impact on highways conditions and parking

- 9.11 At present the existing single dwelling has two vehicular access points and these are located at the northern and southern ends of the site. It is proposed to remove the existing hedge which will provide adequate visibility in accordance with the guidance set out in Manual for Streets. A 1.2m wide footway across the application site would be retained to enable a continuous pedestrian route to be provided from the site in a southerly direction to the junction with Switchback Road South, which is considered acceptable.
- 9.12 Car parking provision of 2no. spaces per dwelling is considered acceptable and meets the existing car parking standards.
- 9.13 Secure and covered cycle parking is not indicated on the submitted plan, however this can be adequately conditioned in the decision notice.
- 9.14 The applicants have not detailed the servicing and refuse arrangement of the site, however there is sufficient space for refuse bins within the front garden or sides of the properties, which will be serviced by the Councils refuse vehicle at the front of the property similar to the other properties on Cannon Court Road.

Issue V. Impact on landscaping and biodiversity

- 9.15 It is considered that the proposed development would not result in any unacceptable impact upon the landscaping on site. Despite the removal of existing trees within the rear garden and removal of landscaping at the front in order to provide parking spaces, the proposal would be considered and not out of character with the locality. There are a number of examples of similar driveway arrangements in the vicinity of the site. It is therefore considered that the proposal would not have a detrimental impact upon the streetscene. In addition, soft landscaping would be proposed along the side and to the rear of the proposed dwellings, which is considered acceptable, subject to a condition to secure a landscaping plan and its implementation prior to occupation (condition 6).

- 9.16 The applicant has submitted an updated bat survey report (AA Environmental, July 2021) which has been undertaken to an appropriate standard. As such, the report concludes that the buildings and trees are unlikely to host roosting bats. Furthermore, as recommended in the report, and in accordance with paragraph 175 of the NPPF, which states that “opportunities to incorporate biodiversity in and around developments should be encouraged” a condition is recommended to ensure that enhancements for wildlife are provided within the new development (condition 12).

Issue VI. Other Material Considerations

Housing Land Supply

- 9.17 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. 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.*

- 9.18 Footnote 7 of the NPPF (2021) 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..).’

- 9.19 The BLPSV is not yet adopted planning policy and the Council’s adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hr HLS) is the ‘standard method’ as set out in the NPPF (2021).

- 9.20 At the time of writing and for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

- 9.21 The LPA therefore accepts, for the purpose of this application and in the context of paragraph 11 of the NPPF (2021), including footnote 7, the so-called ‘tilted balance’ is engaged. The LPA further acknowledge 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 (2021). The assessment of this and the wider balancing exercise is set out below in the conclusion.

Sustainability

- 9.22 The applicant has submitted some initial information with the application outlining sustainability measures that will be included within the development. However, the current measures do not meet the requirements of the Council’s Interim Sustainability Position Statement. The applicant has agreed in principle to either meet the requirements of this statement or to make any necessary carbon off-set contribution. This is welcomed and the recommendation requires this to be finalised before planning permission is granted.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable.

11. PLANNING BALANCE AND CONCLUSION

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- 11.1 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development and with regard to section 9 of this report it is considered that the 'tilted balance' should be applied. This sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 11.2 It is not considered that the proposal would result in harm to the streetscene when viewed from Cannon Court Road or character of the area when viewed from the wider locality. The scheme would have an acceptable impact on neighbouring residential amenity. It is considered that there would be no harm in terms of highway safety and the local highway infrastructure. An adequate level of on-site parking is proposed and also given its sustainable location, there are no objections in this respect.
- 11.3 Weighing in favour of the proposal is the provision of housing on previously developed land. Paragraph 120 of the NPPF goes on to state that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Furthermore, paragraph 69 of the NPPF states that local planning authorities should support the development of windfall sites through policies and decisions and give great weight to the benefits of using suitable sites within existing settlements for homes. The site is considered to be a windfall site (sites not specifically identified in the development plan) and brownfield land within the boundaries of an existing settlement. The site is considered to be suitable for redevelopment to provide additional housing, and the NPPF promotes development of such sites for housing. It is acknowledged that small and medium sized sites can make an important contribution to meeting the housing requirements of an area.
- 11.4 On the basis of the above, and due to compliance with the Local Plan policies, the proposal is recommended for approval.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site plan
- Appendix C - Existing floorplans
- Appendix D - Existing elevations
- Appendix E – Proposed site layout
- Appendix F – Proposed floorplans
- Appendix G – Proposed elevations
- Appendix H – Proposed streetscene

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 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.

- Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 4 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
- 5 No other part of the development shall commence until the access has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. 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.
- 6 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.
- 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.
- 7 The first floor windows in the flank elevations of the proposed development shall be fitted with obscure glass and shall be of a high level type with a cill level that is a minimum of 1.7m above the finished internal floor level and the window type shall not be altered.
- Reason: To prevent overlooking and loss of privacy to neighbouring occupiers Relevant Policies - Local Plan H11.
- 8 No further windows shall be inserted at first floor level in the side elevation(s) of the proposed development.
- Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H10.
- 9 The development shall to be carried out in accordance with the details given in Appendix B of the ecology survey report (AA Environmental Ltd - dated July 2021 - ref: 213239) unless otherwise agreed in writing by the council.
- Reason: To ensure that reptiles, a group of protected species, are not adversely affected by the proposals, in accordance with the paragraph 174 of the NPPF.
- 10 Any deep excavation shall either not be left open overnight or an escape ramp in the form of a scaffold plank shall be placed at a shallow angle to allow any trapped wildlife to exit the excavation.
- Reason: To prevent the incidental trapping of wildlife during construction work in accordance with paragraph 174 of the NPPF
- 11 No development above slab level shall commence until a report detailing the external lighting scheme, and how this will not adversely impact upon wildlife, has been submitted to and approved in writing by the LPA. The report (if external lighting is to be installed) 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 bird and bat boxes. The approved lighting plan shall thereafter be implemented and maintained as agreed.
- Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with paragraph 180 of the NPPF.

- 12 Prior to the commencement of the development above slab level, details of biodiversity enhancements, to include integral bird and bat boxes, tiles or bricks on the new buildings (including at least one sparrow terrace and one swift brick) and native and wildlife friendly landscaping (including pollen-rich planting and gaps at the bases of fences to allow hedgehogs to traverse through the gardens), shall be submitted to and approved in writing by the council. The biodiversity enhancements shall thereafter be installed as approved.
Reason: To incorporate biodiversity in and around developments in accordance with paragraph 175 of the NPPF.
- 13 Demolition works shall be undertaken under the supervision of an appropriately qualified ecologist (full member of CIEEM and or a Natural England bat licence holder with experience of supervising demolitions where there is a risk of bats being present). Works are to follow a method statement agreed between the ecologist and the contractor detailing techniques, including the careful removal of tiles by hand, and the procedure to follow should bats or signs of bats be found. A closing out report including details of the methods used, and any bats or signs of bats found, is to be issued to the Council.
Reason: To ensure that bats, a group of protected species, are not adversely affected by the proposals.
- 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 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk