

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

8 June 2016

Item: 3

Application No.:	16/00552/FULL
Location:	Land Adjacent 24 South Road Maidenhead
Proposal:	Erection of 4 x 1bed apartments with improvements to road layout and disabled access.
Applicant:	Mr Collett
Agent:	Not Applicable
Parish/Ward:	Boyn Hill Ward
If you have a question about this report, please contact: Antonia Liu on 01628 796697 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The applicant seeks planning permission to construct a two-storey building comprising of 4 x 1 bedroom flats on land adjacent to 24 South Road, Maidenhead.
- 1.2 The provision of the site for housing would boost the Borough's supply of housing and would be a clear benefit in this respect. The siting, scale, design and detailing will ensure that the proposal assimilates well into its surroundings, and a landscaping scheme would soften the external appearance of the new building.
- 1.3 The proposal would result in the loss of an existing footpath linking South Road to Grenfell Place (A308). There is no substantive objective to this loss as there is an alternative route to the north, linking South road to Frascati Way (A308) and the loss of the footpath would be offset by proposed alterations to the South Road/Frascati Way footpath which would improve disabled access to the town centre, and the enlargement of the turning head which would improve ease for turning for larger vehicles. There is no objection to a car free development in this accessible and sustainable location subject to the applicants entering into a legal agreement to remove the right to be eligible for car parking permits. The preclusion for future occupiers to secure parking permits is required given the pressure for parking in the locality and so that it can encourage alternative travel to the car.
- 1.4 The building has been carefully sited to ensure that it would not significantly affect the living conditions of existing occupiers of neighbouring properties.

It is recommended the Panel authorises the Borough Planning Manager:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure adopted highway works under S278 of the Highways Act and parking permit restrictions in Section 6 and with the conditions listed in Section 9 of this report.
2.	To refuse planning permission if an undertaking to secure adopted highway works under S278 of the Highways Act and parking permit restrictions in Section 6 of this report has not been satisfactorily completed by 1 July 2016 for the reason that the proposed development would not be detrimental to highway infrastructure and would add to parking pressures in the area.

2. REASON FOR PANEL DETERMINATION

- The application is for 4 x 1-bed flats. The Council's Constitution does not give the Borough Planning Manager 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 lies within Maidenhead Town Centre and comprises of curtilage land to the side of 24 South Road and highway land (albeit in the ownership of 24 South Road). South Road is a residential street in the form of a cul-de-sac with a mix of detached, semi-detached and flatted properties however to the immediate neighbours to the west of the site comprise of semi-detached houses of similar scale and design. To the south is 31 Grenfell Place; while to the east is the A308 which runs at a right angle to South Road.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 There is no relevant planning history for the site.

4.2 The proposal is for an erection of a two storey building comprising of 4 x 1-bed apartments on land to the east of 24 South Road.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Section 2, 6 and 7.

Royal Borough Local Plan

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

	Within settlement area	Highway / Parking Issues
Local Plan	DG1, H6, H8, H9 H10, H11, N6	T5, T8, P4
Maidenhead Area Action Plan (MAAP)	MTC4, MTC12	MTC14, MTC15

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

- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:
http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of Development;
- ii Highway Safety and Parking;
- iii Design and Appearance;
- iv Neighbouring Amenity;
- v Other Material Considerations;

Principle of Development

- 6.2 The site lies within Maidenhead Town Centre where residential development is supported in accordance with Local Plan policy H6 and MAAP policy MTC12. It is considered that high densities can be supported in Town Centres and intensification in these locations would protect the Green Belt. Paragraph 23 of the NPPF also recognises that residential development can play an important role in ensuring the vitality of centres. Therefore, the principle of residential development is acceptable provided that there is no conflict in terms of highway safety, parking, design and appearance, neighbouring amenity and other relevant material planning considerations.

Highway Safety and Parking

- 6.3 South Road is classified as an adopted highway in the form of a cul-de-sac. The proposal site is located on the south side of the existing turning head and includes a section of the adopted highway with an existing footpath linking South Road to Grenfell Place (A308). The Highway Assets Engineer has agreed in principle to the stopping up of this section of adopted highway as there is an alternative route to the north, linking South road to Frascati Way (A308). The loss of the footpath would also be offset by proposed alterations to the South Road/Frascati Way footpath which would improve disabled access to the town centre, and the enlargement of the turning head which would improve ease for the turning of larger vehicles. These benefits are considered to outweigh the loss of the footpath from South Road to Grenfell Place. The applicant would need to enter into an agreement with the Council under S278 of the Highways Act, which can be secured by a S106 legal agreement.
- 6.4 There is to be no curtilage parking and therefore there would be no access and visibility issues. Due to controlled parking within the area (residential parking permits and time controlled parking) and high level of public transport accessibility the loss of on-site parking for no. 24 South Road and lack of on-site parking provision for the flats is considered acceptable in this instance, subject to no parking permits being issued, which can be secured by a S106 legal agreement. This is to ensure no increase in on-street parking pressure as a result of the development, to the detriment of highway safety and impact on existing local amenity. To comply with current cycle parking standards the proposal would need to provide 1 cycle parking space per unit. Cycle parking is shown to the rear of the property, and further details can be secured by condition 8. The proposed bin storage is located adjacent to the cycle storage area, which is in excess of the current maximum bin carry distance for operatives. A bin collection area for collection days can be secured by condition 9.
- 6.5 Overall, the proposal is considered to comply with Local Plan policies T4, T8 and P4, and policies MTC14 and MTC15 of the MAAP.

Design and Appearance

- 6.6 The proposed plot is rectangle in shape and measures approximately 31m in depth and 9m in width. The proposed building comprises of a simple rectangle form, which measures approximately 7.8m in width and 14.4m in depth with a hipped roof measuring approximately 5.3m and 8.4m in height at the eaves and ridge. While the proposal is a detached building at the end of the row of semis (14-24 South Road) the proposed plot is comparable with the size and shape of the existing single plots and the proposed building reflects the height, architectural lines, detailing and materials of 14-24 South Road. Set approximately 2.6m back from the public highway it would also align with the established building line on the south side of South Road. Overall it is considered that the proposal is considered to be sufficiently harmonious within this streetscene.
- 6.7 Due to location at the end of the cul-de-sac the proposed building would also be visible from Frascati Way and Grenfell Place, but the east elevation features a doorway and windows and so avoids presenting a blank elevation to the A308. Furthermore, due to the separation distance from no. 31 Grenfell Place, which results in a visual break, it is not considered to be particularly incompatible with the terrace to which no. 31 belongs. The proposal involves the change of use form highway land to residential with the loss of a strip of land along the A308 which currently comprises of some green scrub and an immature lime tree, but there is no objection in principle to the change of use and it is considered that appropriate landscaping could soften the

appearance of built development along the A308. A landscaping scheme and its management can be secured by condition 3 and 4.

- 6.8 On this basis, the proposed development meets the aims and objectives of Local Plan policies DG1, H10 and H11, and policy MTC4 of the MAAP.

Neighbouring Amenity

- 6.9 The proposed house would not extend significantly further forward or rearwards to no. 24 South Road. There are flank windows on the east elevation of 24 South Road, which the proposal would extend across, but these are secondary windows. As such, the proposal is considered unlikely to result in any unreasonable loss of light or visual intrusion to no. 24. The windows on the rear elevation would have indirect, oblique views into the rear garden at 24 South Road but these views are not considered to materially add or differ from views from existing neighbouring properties. A first floor flank window has been proposed, but would serve a non-habitable room (landing/hallway), and would be obscure and fixed glazing, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level can be secured by condition 5. There is an approximate 17m separation distance from the rear of the proposed house to the side of the existing house at 31 Grenfell Place which is considered to be sufficient to mitigate any undue overlooking, visual intrusion or loss of light to this neighbouring house. It is therefore considered that the proposal complies with Core principle 4 of the NPPF and Local Plan policies H11.

Other Material Considerations

Housing Land Supply

- 6.10 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.
- 6.11 The proposal involves the loss of an immature lime tree located alongside the existing footpath that currently runs through the site, however the contribution of the tree to local amenity is considered to be low and not considered to outweigh the socio-economic benefits of additional dwellings as a result of the development.
- 6.12 An ecological survey was submitted with the application which demonstrates that there is no evidence of badgers or their setts, negligible roosting opportunities for bats with, and unsuitable habitat for species of herpetofauna. As such, it is considered that there would be no significant harm to local ecology as a result of the proposal.
- 6.13 The Community Infrastructure Levy Regulations 2010 (CIL Regulations) which came in force on the 6 April 2015, allows the Council to raise funds from developers undertaking new building projects in the borough to support and fund new infrastructure that the Council and local communities may require. Planning obligations may still be sought to mitigate local impact if they are still necessary to make the development acceptable in planning terms if directly related to the development and if fairly related to the scale and kind of the development. In this case, it is considered that planning obligations would not be sought.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

4 occupiers were notified directly of the application, and the planning officer posted a statutory notice advertising the application at the site on 23 February 2016.

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

Comment		Where in the report this is considered
1.	Inadequate parking provision, exacerbating existing on-street parking pressures.	Para. 6.4.
2.	Loss of pedestrian footway and part of the turning circle, which are required.	Para. 6.3.
3.	Cramped form of development.	Para. 6.6.
4.	Loss of a tree.	Para. 6.11.
5.	Poor foul water / sewage infrastructure.	Noted, but not a planning matter.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Maidenhead Civic Society	Inadequate parking provision, exacerbating existing on-street parking pressures.	Para. 6.4.
Local Highway Authority	No highway objections to the proposals subject to the inclusion of various conditions relating to the submission and approval of a Construction Management Plan, submission and approval of details of cycle storage and bin storage; informatives relating to damage to highway land, recovery of expenses due to extraordinary traffic, and legal agreement under S278 of the Highways Act; and s106 to remove parking permits.	Para. 6.3 – 6.5, condition 7, 8 and 9, and informative 1.
Environmental Protection	No objection subject to informatives relating to prior consent for construction noise, and dust and smoke control.	Informative 2.

8. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan
- Appendix B – Proposed Layout
- Appendix C – Proposed Floor Plans
- Appendix D – Proposed Elevations

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

In this case the issues have been successfully resolved.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1. The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy - Local Plan DG1
3. No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
4. Prior to the commencement of development a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall cover any areas of existing landscaping, including woodlands, and all areas of proposed landscaping other than private domestic gardens.
Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Policies - Local Plan DG1.
5. The first floor window(s) in the west elevation(s) of the building shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
6. No dwelling shall be occupied until details of the location of a water butt of at least 120L internal capacity to be installed to intercept rainwater draining from the roof of each dwelling has been submitted to and approved in writing by the Local Planning Authority and subsequently provided at each dwelling. The approved facilities shall be retained.
Reason: To reduce the risk of flooding and demand for water, increase the level of sustainability of the development and to comply with Requirement 4 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
7. 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.
8. 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
9. 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.

10. No development shall commence until details of the existing ground levels (against OD Newlyn) measured at regular intervals across the site have been submitted to the Local Planning Authority. No changes shall be made to the existing levels of the site.
Reason: In the interest of the visual amenities of the area. Relevant Policies Local Plan DG1, N1
11. The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

1. 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.
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.
Before any development commences the applicant shall enter into a legal agreement with the Council under Section 278 of the Highways Act 1980 to cover the construction of the highway improvement works in
The owners and all successors in title shall not be eligible for residents parking permits.
2. The applicants' contractor is advised to apply for a prior consent, which controls the hours of working and can stipulate noise limits on the site. This is recommended by way of Informative and is covered by the Control of Pollution Act 1974. Such an agreement is entered into voluntarily, but is legally binding. The applicant's attention is also drawn to the provisions under British Standard Code of Practice B.S. 5228: 2009 'Noise Control on Construction and Open Sites'. The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday-Friday 08.00-18.00, Saturday 08.00-13.00 No working on Sundays or Bank Holidays. Please contact the Environmental Protection Team on 01628 683830.
The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control and these are available on the internet: 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
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 683538 and follow good practice.