

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

8 June 2016

Item: 7

<b>Application No.:</b>	16/00909/FULL
<b>Location:</b>	Colemans Solicitors 21 Marlow Road Maidenhead SL6 7AA
<b>Proposal:</b>	Alterations to second floor, addition of third, fourth and penthouse floors, change of use from office to residential to form 10 x 2-bed, 1 x 1-bed and 1 x 3-bed flats with external alterations. (Part retrospective)
<b>Applicant:</b>	Mr Stone, Mr Cutler & Colemans Solicitors LLP
<b>Agent:</b>	Mr M Carter - Carter Planning Ltd
<b>Parish/Ward:</b>	Belmont Ward
<b>If you have a question about this report, please contact:</b> Diane Charlton on 01628 685699 or at <a href="mailto:diane.charlton@rbwm.gov.uk">diane.charlton@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The increase in height of 1.5 metres is unacceptable in terms of its impact on the street scene. The proposed design has vertical emphasis making it too prominent in the context of the adjacent buildings. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The design is of poor quality and therefore not in compliance with the NPPF.

**It is recommended the Panel refuses planning permission for the following summarised reason (the full reasons are identified in Section 9 of this report):**

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| 1. | The increase in height is unacceptable and would have an adverse impact on the street scene. |
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**2. REASON FOR PANEL DETERMINATION**

- The Borough Planning Manager and Lead Member for Planning consider it appropriate that the Panel determines the application.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The application property is a three storey office building located on the east side of Marlow Road, some 65m north of the A4 roundabout. The front elevation of the building has a conventional two storey height with the third storey contained within a mansard. There is no vehicular access to the forecourt, which is landscaped, from Marlow Road. The rear part of the site provides 11 parking spaces and is accessed via The Crescent.
- 3.2 To the north of the application site is a 4 storey residential development. To the south is Thames House a substantial 3 and 4 storey office development of a greater size and height than No.21. The east boundary is formed by the Marlow Road and the west runs to the rear of properties to The Crescent including the adjacent former osteopath clinic with a rear car park now in residential use.

**4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

Ref.	Description	Decision and Date
06/01875/FULL	Extension of existing office by rebuilding existing second floor and addition of a third and part fourth floor.	Refused 04.10.2006 Appeal allowed 23.05.2007.
07/02320/FULL	Extension of existing office by rebuilding existing second floor and addition of a third	Refused 24.10.2007 Appeal allowed

	and part fourth floor.	11.08.2008.
10/02260/FULL	Renewal of permission 07/02320 for the extension of existing office by rebuilding existing second floor and addition of a third and part fourth floor.	Approved 03.11.2010.
13/01104/FULL	Extension of the existing office by rebuilding the second floor and adding a third floor and fourth floor, alterations to front and rear entrances to allow for disabled access, rear light well and alterations.	Approved 03.07.2013.
13/03121/NMA	Non-material amendment to planning permission 13/01104 to alter front and rear fenestration and install Juliet balconies.	Approved 15.11.2013.
15/01662/NMA	Non-material amendment to planning permission 13/01104 to increase the width of the new front entrance ramp resulting in the removal of the planter, and addition of a gas meter enclosure.	Approved 29.06.2015.
15/01988/CLASSO	Change of use from offices (B1) to 7 no. residential flats (C3)	Approved 17.08.2015
15/02596/FULL	Extension of existing building by altering existing second floor and adding a third and fourth floor, change of use from offices to 10 x 2 bed and 1 x 1 bed flats with external alterations to building.	Approved 30.11.2015.

- 4.1 This application seeks to make alterations to the second floor, addition of third, fourth and penthouse floors, change of use from office to residential to form 10 x 2-bed, 1 x 1-bed and 1 x 3-bed flats with external alterations.
- 4.2 It is proposed to provide one 2 bed roomed flat in the basement, a one bed roomed and a two bed roomed flat at ground floor level and two 2 bed roomed flats each on the 4 floors and a three bed flat on the 5<sup>th</sup> floor.
- 4.3 There is an extant permission for the extension and conversion of the building to residential under permission 13/01104.

## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

### Royal Borough Local Plan

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

	<b>Within settlement area</b>	<b>Highways /Parking issues</b>
Local Plan	DG1, H10	T5, P4

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

- Planning Obligations and Developer Contributions
- 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](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

## **Other Local Strategies or Publications**

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)

NPPF – Paragraph 56 and 64 - Design

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i The principle of the change of use and extension;
- ii The impact of the proposal on the character and appearance of the area;
- iii The impact on the living conditions of neighbour;
- iv Parking provision;
- v Sustainable design and construction and Planning for an Ageing Population;

### **The Principle of the proposal**

6.2 The proposed change of use of the building from B1 Office to C3 residential having been confirmed to be lawful under Class O of the GDPO by the recent Prior Approval Application - ref:15/01988/Class O and permission 15/02596/FULL, has established the principle of the change of use of the building to C3 residential. The property also adjoins residential property to the rear and the flats adjoining on the Marlow Road frontage. There are also no policies in the Local Plan to prevent the loss of the commercial use.

### **The impact of the proposal on the character and appearance of the area**

6.3 The existing streetscape along this part of the Marlow Road is a complete mix; from the octagonal Christian Scientist Church to the large Thames House with corner tower past the application site and onto the new residential development. The existing building at No21 is dwarfed by its neighbours. On the direct opposite side of Marlow Road is the imposing War Graves Commission building. There is no commonality of mass or scale to any of these buildings other than they are all substantially larger than No.21.

6.4 The previous approved schemes all maintained the same building height as approved at appeal and were considered to be acceptable. This proposal is to increase the overall height of the building by a further 1.5 metres. It is proposed to create a further floor to the building resulting in 6 floors plus basement. The increase in height of 1.5 metres is unacceptable in terms of its impact on the street scene. The proposed design has too much vertical emphasise making it too prominent in the context of the adjacent buildings. It is considered that there is too much glazing and the fenestration is at odds with the lower floors. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The design is of poor quality and therefore not in compliance with the NPPF.

6.5 The proposed development by reason of its height and design would result in a development that would be incongruous within this part of Marlow Road. It would not respect the roofscape of the buildings in which context it is viewed and would therefore cause substantial harm to the character of the area and the street scene.

### **The impact of the proposal on the living conditions of neighbours**

- 6.6 The proposed extension and change of use will not adversely impact on any of the surrounding properties given the distances between properties and their siting. In such a location some degree of overshadowing and overlooking is expected. It is not considered that the additional glazed floor will cause sufficient impact on the adjacent residential flats, over that of the extant permission and subsequent permission to warrant refusal.

### **Parking provision**

- 6.7 The site has the benefit of pedestrian access directly to Marlow Road with vehicular access being derived off The Crescent (a residential street and unclassified road) which leads to a parking area to the rear of the property. The previous office use (465sqm) had a minimum of 11 car parking spaces with additional cars doubled parked (in the rear parking area) where demand exceeded supply. As the site is within 800m walking distance of the main Maidenhead railway station, the proposed parking ratio of 1 space per each residential unit (12 no in total) is considered to be sufficient. It should be noted that if a residential parking scheme is introduced along The Crescent in the future, the occupiers of these flats would not necessarily be entitled to any residential parking permits.
- 6.8 Visitor cycle parking and a cycle store (within the building in the basement) for each residential unit is also proposed. The latter has been relocated to the front of the property to allow for an additional car parking space (for the new 3 bed flat) to be provided to the rear.

### **Sustainable design and construction**

- 6.9 All new development is expected to meet the requirements of the Council's SPD on sustainable design and construction to ensure that the new buildings are economical in the use of materials, energy and water. It is considered that these details can be secured by condition.

### **Other Material Considerations**

- 6.10 The CIL Regulations came into affect from 6th April 2015 and imposes a restriction on the pooling of Section 106 contributions by LPAs for use towards an infrastructure type or project

It is also important to note that a planning obligation s106 can only be taken into account when determining a planning application for a development, or any part of a development, if the obligation meets all of the following tests:

- 1) necessary to make the development acceptable in planning terms;
- 2) directly related to the development; and
- 3) fairly and reasonably related in scale and kind to the development.

Furthermore, national planning policy advice contained within the NPPG makes it very clear that site specific contributions should only be sought where this can be justified with reference to underpinning evidence on infrastructure planning. In this case bearing in mind the history of the site where no contributions have been previously asked for given the Inspector's decision, the approval of 7 flats under Class O and the limited impact a development of this scale would have means that there are no projects which meet the above tests. Financial contributions are therefore not required.

## **7. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

31 neighbouring properties were notified.

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

Comment	Where in the report this is considered

1.	The addition of a 3 <sup>rd</sup> and 4 <sup>th</sup> floor was seen to be over powering. The addition of a 5 <sup>th</sup> floor is ridiculous and top heavy in relation to neighbouring properties.	6.3-6.5.
2.	The building and roof line is extremely high and disproportionate in relation to neighbouring buildings.	6.3-6.5.
3.	Spur House will be adversely affected by reduced sunlight.	6.6.
4.	Privacy issues from Balconies and windows.	6.6.
5.	Insufficient parking. The Crescent is already full to capacity.	6.7-6.8.
6.	Access and safety issues during construction.	There would be a construction management plan if permission were to be granted.

### Consultee's responses

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objection.	Noted.
Highway Officer	No objection.	

## 8. APPENDICES TO THIS REPORT

- Appendix A – Site location plan
- Appendix B – Proposed elevations
- Appendix C – Proposed floor plan
- Appendix D – Elevations allowed at appeal
- Appendix E – Elevations of approval 15/02596

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 NPPF.

In this case the issues have been unsuccessfully resolved.

## 9. REASON RECOMMENDED FOR REFUSAL

1. The height and appearance of the proposed building would dominate and cause harm to the street scene. The proposal is contrary to Policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted June 2003) and paragraphs 56 and 64 of the National Planning Policy Framework (NPPF), March 2012.