

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

28 September 2016

Item: 1

Application No.:	15/03388/OUT
Location:	Woodlands Farm Spring Lane Cookham Dean Maidenhead SL6 9PN
Proposal:	Outline application with all matters reserved: Erection of 3 x detached dwellings.
Applicant:	Mr Simmonds- The Simmonds Partnership
Agent:	Mr Matt Taylor- JSA Architects Ltd
Parish/Ward:	Cookham Parish/

If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk

1. SUMMARY

- 1.1 A material change in planning policy requires the application to be referred back to the Panel. Essentially, the Local Planning Authority can no longer request the affordable housing contribution as it had originally been seeking in connection with the proposed development.
- 1.2 Other than a change in national planning policy which prohibits affordable housing and/or other financial contributions being sought in relation to proposals for 10 or less dwellings and no more than 1000m², (which would be confirmed at the reserved matters stage), there has been no other material change in circumstances.

It is recommended the Panel authorises the Borough Planning Manager:

To grant planning permission with the conditions listed in Section 10 of this report and subject to the completion of a legal undertaking that, in the event of the reserved matters application for residential development having a floor space that exceeds 1000 sq.m. a contribution will be made in respect of affordable housing.

To refuse planning permission if the legal undertaking has not been completed by 28 th December 2016 for the reason that the application fails to secure affordable housing where it is made necessary by the proposal under a reserved matters application, unless the LPA and applicant have agreed an extension of time.
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2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not allow the Borough Planning Manager to the application in the manner recommended.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Woodlands Farm is located on the eastern side of Spring Lane, close to its junction with Church Lane in Cookham Dean. The farm extends to approximately 25 hectares and was previously a dairy, then poultry farm. The application site itself is 0.79 hectares and is occupied by 31 stables let on a livery basis. In addition various redundant single storey farm buildings have been converted to offices and storage space with associated parking. The remaining land is mainly laid to grass to provide grazing for the liveried horses. Two larger buildings are located to the centre of the developed area of the site and provide all weather manege and hay store together with a residential flat above.

3.2 The site is located in the Green Belt and in an Area of Special Landscape Importance. It is positioned on higher ground than the surrounding open fields and countryside to the east and south. Access is provided off Spring Lane. The site abuts the curtilage of St. Johns House to the west, Woodlands Farm House and Woodlands Farm Cottages to the north.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
342/49	Reconstruction of farm house and conversion of barn to dairy and cowshed.	Approved 30.11.49
6547/65	Erection of cattle yard and Dutch barn.	Approved 28.07.65
428065	Conversion of two agricultural buildings to light industrial and storage.	Approved 19.08.94
99/33564	Renewal of 428065.	Approved 09.04.99
00/36112	Change of use of Building B to light industrial unit and storage.	Approved 15.02.01.
01/36542	Change of use of former stables to garage.	Approved 19.03.01.
03/40262	Construction of replacement hay and implement store with ancillary staff accommodation above and tractor store.	Approved 18.12.03.
04/01332	Variation of condition 1 of 99/33564 to allow change of use of Building A to general B1 and B8.	Approved 17.12.04.

4.1 The proposal seeks outline planning permission with all matters reserved for the erection of three detached dwellings, following the demolition the existing buildings and removal of hard standing.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 9

Royal Borough Local Plan

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

	Green Belt
Local Plan	GB1, GB2.

Supplementary planning documents

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

- Cookham Village Design Statement: Relevant policies G4.4, Section 6 and G9.1 and G9.2.

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment

- RBWM Parking Strategy

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issue for consideration is whether there has been any material change in circumstances since the Panel resolved to approve the application in March of this year. A copy of that report, update and appendices are attached in Appendix A.
- 6.2 The Panel resolved to authorise the Borough Planning Manager:
1. To grant planning permission on the satisfactory completion of an undertaking to secure the affordable housing in Section 7 of the report and with the conditions listed in Section 10.
 2. To refuse planning permission if an undertaking to secure the affordable housing in Section 7 of the report has not been satisfactorily completed by 1st June 2016 for the reason that the proposed development would not be accompanied by associated affordable housing.
- 6.3 The legal agreement in respect of the affordable housing was completed on the 13th July. However, since the March Panel, there has been a material change in planning policy. National Planning Policy Guidance has been amended and has re-inserted the specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought i.e. schemes of less than 10 dwellings and no more than 1000m². This followed the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.
- 6.4 Members resolved to grant approval subject to a legal agreement to secure the necessary affordable housing or to refuse it if a legal agreement had not be completed by 1st June. While contributions towards affordable housing cannot be sought under this outline application, a legal agreement is still required to ensure that, should the reserved matters application involve residential floor space in excess of 1000 sq.m. a contribution will be sought .
- 6.5 As there has been no other material change in circumstances since March, the recommendation to Panel remains to grant planning permission subject to the conditions in Section 10.

Other Material Considerations

Housing Land Supply

- 6.6 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.
- 6.7 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.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution. As this is an outline application, the CIL would be calculated once the reserved matters application has been submitted.

8. CONSULTATIONS CARRIED OUT

- 8.1 Summaries of the comments received from interested parties can be found in the main and update reports in Appendix A.

9. APPENDICES TO THIS REPORT

- Appendix A – Panel Report, 16th March 2016, including appendices, and update report.

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

This recommendation is made following careful consideration of all the issues raised through the application process and through 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 successfully resolved.

10. CONDITIONS IF PERMISSION IS GRANTED

- 1 An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission
Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 The development shall commence within two years from the date of approval of the last of the reserved matters.
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 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 GB2, N1
- 4 No part of the development shall be higher than 7.35 metres above the original natural ground level of any part of the site where it is immediately adjacent to the proposed dwellings.
Reason: To protect the openness of the Green Belt and in the interest of the visual amenities of the area. Relevant Policies Local Plan GB2, N1.
- 5 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 6 Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwellinghouse the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.
Reason: The site is in the Green Belt and an Area of Special Landscape Importance and whilst the development subject to this permission complies with the relevant policies further development would be unlikely to do so, Relevant Policies - Local Plan GB1, GB2, N1.

- 7 Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fence, gate, wall or other means of enclosure shall be erected on the site without planning permission having first been obtained from the Local Planning Authority.
Reason: To ensure the location, form, design and materials are appropriate for the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 8 Within one month of the substantial completion of the development the buildings shown to be removed on the approved plans, shall be demolished in its entirety and all materials resulting from such demolition works shall be removed from the site.
Reason: To prevent the undesirable consolidation of development on the site having regard to its Green Belt location. Relevant Policies - Local Plan GB1, GB2,
- 9 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 GB2.
- 10 No development shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan GB2.
- 11 No development shall commence until details of any proposed external lighting including specification of the lights, LUX levels and operational times) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter shall be operational.
Reason: In order to protect the character of the Green Belt. Relevant Policy - Local Plan GB2.
- 12 No development shall take place until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 13 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.
- 14 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for the parking of vehicles of site operatives and visitors, the loading and unloading of plant and materials and the storage of plant and materials used in constructing the development.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

- 15 No part of the development shall be occupied until vehicle parking and turning space has been laid out and surfaced 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.
- 16 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.
- 17 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
- 18 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, 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 the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing 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 prior written approval 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.
- 19 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping 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 same size and species unless the Local Planning Authority give its prior written consent to any variation.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 20 No development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. The design of any means of enclosure around the site and between plots should include a gap at the base to facilitate the movement of wildlife through the site into adjacent areas. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area and in the interests of biodiversity. Relevant Policies - Local Plan DG1, NPPF paragraph 109.
- 21 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.

22 No development shall commence until a sensitive lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reason: In order to protect bats by ensuring lighting from the development is directed away from ecologically sensitive areas. Relevant Policy - NPPF Paragraph 125.

23 No clearance of the site (including demolition) shall be undertaken during 1st March and 31st August inclusive (the bird nesting season). Should this not be possible, any vegetation and/or suitable features to be removed should first be checked by a suitably qualified ecologist in order to determine the location of nests prior to removal. Any active nests should be cordoned off and protected until the end of the nesting season or until the birds have fledged (as recommended in the submitted Ecological Assessment and Bat Survey Report, (Aspect Ecology, September 2015)

Reason: In order to protect bird nesting habitats. Relevant policy - NPPF, Paragraph 109.

24 No development shall commence until full details of biodiversity enhancements have been submitted to and approved in writing by the council. Biodiversity enhancements shall include but not be limited to: details of swallow nest boxes, other nest box designs and bat boxes, schedule of native species planting and retained trees and provision of log piles. The biodiversity enhancements shall be retained thereafter in accordance with the approved details.

Reason: To accord with the paragraph 109 of the NPPF.

25 No development shall commence until an invasive non-native species method statement full is submitted to and approved in writing by the council. The method statement shall include measures for the containment, control and removal of these species. The measures shall be implemented as approved.

Reason: To accord with the paragraph 109 of the NPPF.

26 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.

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

16 March 2016

Item: 4

Application No.:	15/03388/OUT
Location:	Woodlands Farm Spring Lane Cookham Dean Maidenhead SL6 9PN
Proposal:	Outline application with all matters reserved: Erection of 3 x detached dwellings.
Applicant:	Mr Simmonds- The Simmonds Partnership
Agent:	Mr Matt Taylor- JSA Architects Ltd
Parish/Ward:	Cookham Parish
If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks outline planning permission, (as opposed to full planning permission), for three detached dwellings following the removal of stables, commercial units and associated buildings from the site. As this is an outline application, the main consideration is whether the principle of the proposed development is acceptable with details relating to appearance, means of access, landscaping and layout to be dealt with under a later reserved matters application.
- 1.2 The application site is in the Green Belt where limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), is appropriate development provided it would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development (paragraph 89 NPPF).
- 1.3 In this case it is considered that the previous agricultural use has sufficiently 'moved on' to other uses such that it is reasonable to describe the site as 'previously developed'. The applicant has provided information that demonstrates that the proposal would reduce the amount of built volume, footprint and floor space on the site compared to the existing development. Subject to a restriction on the height of the dwellings to be no higher than the existing buildings on site, together with conditions in relation to site levels and removal of domestic permitted development rights, the proposal would not have a greater impact on the openness of the Green Belt than the existing development. In addition, the proposal would not be contrary to any of the five purposes of the Green Belt. For these reasons the proposal is considered to be appropriate development in the Green Belt.
- 1.4 As the application site exceeds 0.5 hectare an element of affordable housing is sought in compliance with Policy H3 of the Local Plan. This is to be secured by way of a S106 agreement.

It is recommended the Panel authorises the Borough Planning Manager:

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| 1. | To grant planning permission on the satisfactory completion of an undertaking to secure the affordable housing in Section 7 of this report and with the conditions listed in Section 10 of this report. |
| 2 | To refuse planning permission if an undertaking to secure the affordable housing in Section 7 of this report has not been satisfactorily completed by 1st April 2016 for the reason that the proposed development would not be accompanied by associated affordable housing. |

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Cllr. MJ Saunders in light of the scale and impact of this

application and the related community comments received to date by RBWM Planning.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 Woodlands Farm is located on the eastern side of Spring Lane, close to its junction with Church Lane in Cookham Dean. The farm extends to approximately 25 hectares and was previously a diary, then poultry farm. The application site itself is 0.79 hectares and is occupied by 31 stables let on a livery basis. In addition various redundant single storey farm buildings have been converted to offices and storage space with associated parking. The remaining land is mainly laid to grass to provide grazing for the liveried horses. Two larger buildings are located to the centre of the developed area of the site and provide all weather manege and hay store together with a residential flat above.

3.2 The site is located in the Green Belt and in an Area of Special Landscape Importance. It is positioned on higher ground than the surrounding open fields and countryside to the east and south. Access is provided off Spring Lane. The site abuts the curtilage of St. Johns House to the west, Woodlands Farm House and Woodlands Farm Cottages to the north.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
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99/33564	Renewal of 428065.	Approved 09.04.99
00/36112	Change of use of Building B to light industrial unit and storage.	Approved 15.02.01.
01/36542	Change of use of former stables to garage.	Approved 19.03.01.
03/40262	Construction of replacement hay and implement store with ancillary staff accommodation above and tractor store.	Approved 18.12.03.
04/01332	Variation of condition 1 of 99/33564 to allow change of use of Building A to general B1 and B8.	Approved 17.12.04.

4.1 The proposal seeks outline planning permission with all matters reserved for the erection of three detached dwellings, following the demolition the existing buildings and removal of hard standing.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Sections 9.

Royal Borough Local Plan

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

	Green Belt
Local Plan	GB1, GB2.

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

- Sustainable Design and Construction

- Planning for an Ageing Population
- Cookham Village Design Statement: Relevant policies G4.4, Section 6 and G9.1 and G9.2.

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

6. EXPLANATION OF RECOMMENDATION

6.1 As this is an outline planning application, the key issue for consideration is whether the principle of the proposed development is acceptable. Issues relating to appearance, means of access, landscaping and layout would be considered as part of a reserved matters application.

6.2 Policy GB1 of the Local Plan sets out the types of development that are considered appropriate in the Green Belt. The proposal does not fall within any of these types but this Policy has to some extent been superseded by the lists of types of appropriate development set out in paragraphs 89 and 90 of the National Planning Policy Framework (NPPF), and this is material to the consideration of the application. Specifically, paragraph 89 of the NPPF explains that limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, is not inappropriate development in the Green Belt.

6.3 Annex 2 of the NPPF explains that the definition of previously developed land excludes land that "is or has been occupied by agricultural buildings." However, this definition has created issues of interpretation at appeal because the vast majority of all land in the UK would have been agricultural at one point or another. If applied literally, this definition would have the effect of preventing almost all claims under that section of Paragraph 89 of the NPPF. Given the Government's drive to provide more housing such a literal approach could not have been the intention of the clause when drafted.

6.4 In assessing this application, officers looked at other appeal decisions and of particular interest is the decision in the case of *Ilsom Farm*, in which the Inspector considered the definition of previously developed land in some detail:

"It appears to me that the definition is intended to address the circumstances where agricultural buildings stand on a site or have been demolished. The agricultural use of the appeal site was first replaced by the stonemasonry use in 1990 and there have been subsequent planning permissions, including for B1 use. The site has therefore been used continuously (with planning permission) for non-agricultural purposes for many years, notwithstanding that the former agricultural buildings have been reused. These factors lead me to conclude that the use of the site has genuinely 'moved on' from its agricultural origins and that it is reasonable to define the appeal site as PDL. Accordingly its effective reuse can be encouraged in accordance with Paragraph 17 of the Framework and this is a material consideration which attracts significant weight."

6.5 This approach requires the local planning authority to assess the proximity of the agricultural use as a matter of fact, and it is clearly possible for a site to 'move on' beyond being considered to have had an agricultural use, for the purposes of the NPPF. The *Ilsom Farm* case went back to 1990 with the appeal decision being made in 2013.

6.6 In the consideration of this application officers have adopted a similar approach in assessing whether it is reasonable to define the site as previously developed land. The factors that were weighed up in making this assessment included:

- 1) Whether the agricultural buildings have been re-used for another purpose.
- 2) Whether the agricultural use of the land has been replaced by a different use.
- 3) Whether any different use was granted planning permission.

6.7 Having regard to the planning history set out in section 4 of this report, legal advice provided and further clarification from the applicant regarding the hay making part of the operation, officers are of the opinion the site has moved on from its agricultural origins and constitutes previously developed land.

6.8 Having established the site is PDL, an assessment of the impact of the proposed development on the openness of the Green Belt, together with the purposes of including the land within it, when compared to the existing development, has to be made.

6.9 The applicant's agent has provided the following volume calculations:

	Existing (to be demolished)	Proposed (3 dwellings combined) each arranged over two floors with basement - indicative	Difference
Volume	8701.09 m ³	6118.10 m ³	-2582.99 m ³ = 30% reduction
Floorspace	2494.12 m ²	1696 m ²	-798.12 m ² = 32% reduction
Footprint	2358 m ²	851.6 m ²	-1506.4m ² = 64% reduction

6.10 From the figures outlined above it can be seen that in terms of total volume of building, floorspace and footprint, the indicative development would be significantly less than that of the existing. However, an assessment of scale including the heights of the proposed development against the existing also needs to be undertaken in order establish whether the proposal would harm the openness of the area.

6.11 As an outline application has been submitted the applicant is not required to submit detailed elevations of the proposed dwellings. However, paragraph 11.2 of the submitted Planning Statement indicates that "the proposed dwellings are likely to be full two-storeys in height, with basement accommodation." The agent has also advised that illustrative elevations indicate a maximum height of 8.5m with a partial basement that could add another circa 2.8m to the south-eastern elevation.

6.12 The highest existing building on the site has a ridge height of 7.35m, with the majority of the other buildings being only single storey. If the proposed three dwellings each had a height as indicated (8.5m plus basement of 2.8m at the rear) the scale and bulk of the proposed development would far exceed the existing, irrespective of volume and footprint, and this would have a greater impact on the openness of the Green Belt, as well as potentially harming the character and appearance of the area. It is important to stress however that, while the proposal is for three detached dwellings, the agent's reference to two-storeys in height and basement are indicative. As such, in order to ensure the openness of the Green Belt is preserved, it is recommended that a planning condition be attached to any approval limiting the height of each dwelling to 7.35m when taken from any point of the natural (existing) ground level, (notwithstanding the levels indicated on the submitted plans).

6.13 With regard to preserving the purposes of the Green Belt, the main issue in this case is to safeguard the countryside from encroachment (the other purposes not being relevant here). The indicative layout shows the proposed development will remain within the existing building lines on the site. Provided this is suitably conditioned and domestic permitted development rights removed, it is considered that the proposal would safeguard the countryside from encroachment.

- 6.14 In terms of other criteria covered in Policy GB2 and DG1 of the Local Plan, the proposal will not lead to a material intensification in the level of activity on the site, as the vehicle movements associated with three family dwellings would be significantly less than for the existing livery business and commercial units. The dwellings would also be some distance away from the nearest residential properties and therefore unlikely to cause harm to the amenities of neighbours.
- 6.15 With regard to the loss of the stables and loss of the commercial units there are no local or national planning policies that specifically seek to protect these other than if they are local services and community facilities in villages such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. As this is a privately owned site none of these community 'exceptions' are applicable to the application.
- 6.16 In summary, subject to planning conditions that include restricting the height of the dwellings, retaining the levels of the site and removing domestic permitted development rights, the proposal is considered appropriate in the Green Belt, with the character and appearance of the countryside, which is within an Area of Special Landscape Importance, also protected.

Other Material Considerations

- 6.17 The application is supported by an Ecological Assessment and Bat Survey Report (Aspect Ecology, September 2015) and this has been examined by the Council's ecologist. The ecologist has advised that if the Local Planning Authority is minded to approve the application, conditions relating to a sensitive lighting strategy, vegetation removal and protective measures for breeding birds, the provision of nest boxes and biodiversity enhancements, together with gaps at the base of the fencing to facilitate the movement of wildlife, should be imposed.
- 6.18 The site is located in an Area of Special Landscape Importance. Policy N1 of the Local Plan advises that proposals which would detract from the special qualities of that landscape will not be permitted. In particular the Council will resist proposals that would (i) adversely affect both long distance and local views within these areas; (ii) result in the loss of tree cover and hedgerows or adversely affect the ecological value of the area; and/or (iii) adversely affect the formal landscape features and their settings. As the only consideration for this application is whether the principle of the proposed development is acceptable, with the exception of the ecological impact the other issues for assessment will be the subject of a reserved matters application.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 The application site is 0.7 hectares and, as such, in line with Policy H3 of the Local Plan a proportion of the scheme should be for affordable housing. In this case, an off-site contribution of £191,889 is being sought.
- 7.2 The impact of the proposal on local infrastructure and services would be limited due to its location and scale. As such, it is not appropriate to seek any further S106 contributions under this application.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

4 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 5th November 2015.

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

Comment		Where in the report this is considered
1.	How could this be allowed? Does it mean anyone with a spare bit of land can put in outline planning permission? If this is allowed it would make a total mockery of the Village Plan.	6.2 – 6.16
2.	Horse ownership in the area is not on the decline. The equine community is as strong as ever. The few livery yards in the area have long waiting lists. Many people are devastated at the thought of losing this yard. If Woodlands Farm closes I may not be able to keep my horse as there is not enough stabling elsewhere.	6.15
3.	The bat survey should be investigated as residents report a sizeable bat population on the site. There are many birds and bats in the area with a huge house martin and swallow population that breed on site every year. The loss of their breeding site will affect their survival as a species.	6.17
4.	Lack of proper consultation. There appears to have been no real consultation with residents.	Section 8 neighbour notifications and site notice.
5.	Loss of local employment. If the application is approved these businesses will have to relocate or close down. These businesses contribute to the local economy.	6.15
7.	The Green Belt should be preserved and protected at all costs	6.2, 6.3
8.	The livery business at Woodlands Farm is extremely viable. There is a great demand for stables in the area. It would be a significant loss to Cookham	6.15
9.	The proposal will cause harm to wildlife habitats.	6.17
10.	Will lead to an increase in traffic congestion.	6.14
11.	Loss of a leisure facility that would be harmful to children's educational experiences of nature.	6.15
12.	Views of Cookham would be significantly harmed.	6.11, 6.18
13.	No bat report or ecological report has been submitted.	As these relate to protected species the information is not made public. 6.17
14.	The three-storey buildings will detract from the Green Belt and Area of Outstanding Natural Beauty.	6.11, 6.12.
15.	Will increase light pollution in the countryside.	6.17
16.	There is a shortage of good premises for local businesses and this will remove some. The existing businesses on the site could well move out of the area or close down altogether.	6.15
17.	This is inappropriate development in the Green Belt,	6.16
18.	Will result in loss of access to the site to enjoy views of the countryside from.	This is private property.
19.	Will harm a local catering business due to the loss of critical income if the businesses have to relocate.	6.15
20.	Letter from local child aged 7 – would like to be able to keep a horse at	6.15

	the stables when she grows up. (Representation includes a drawing by the writer of horses grazing on the hills and photographs of 'Snow' the pony and 'Fluffy' the foal.)	
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Statutory consultees

Consultee	Comment	Where in the report this is considered
Cookham Parish Council	Objection The proposed development does not conform to Para 89 of the NPPF as the site should not be considered as 'previously developed land'.	6.2 – 6.7
	Concerns also exist regarding ecology and Highways (access/egress) issues.	6.17 6.14
	Inappropriate loss of industrial and leisure	6.15

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objections. Recommends informatives relating to dust and smoke controls, together with hours of construction be attached to any approval.	Noted.
The Cookham Society	Contrary to paragraph 89 of the NPPF and Policy GB1 of the Local Plan. If approved all farm buildings would be able to claim that the site represent acceptable development under paragraph 89 of the NPPF, which would be disastrous for the Green Belt. The assertion by the applicant that the livery is not thriving is questioned, and the paddocks are unlikely to be waterlogged as claimed. Refurbishment of the buildings has not been adequately considered. Do not agree with officer's interpretation of 'previously developed land'.	6.1 – 6.7 6.15

9. APPENDICES TO THIS REPORT

•	Appendix A - Site location plan
•	Appendix B – Existing site plan
•	Appendix C – Proposed site plan

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 successfully resolved.

10. **CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission
Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 The development shall commence within two years from the date of approval of the last of the reserved matters.
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 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 GB2, N1
- 4 No part of the development shall be higher than 7.35 metres above the original natural ground level of any part of the site where it is immediately adjacent to the proposed dwellings.
Reason: To protect the openness of the Green Belt and in the interest of the visual amenities of the area. Relevant Policies Local Plan GB2, N1.
- 5 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 6 Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwellinghouse the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.
Reason: The site is in the Green Belt and an Area of Special Landscape Importance and whilst the development subject to this permission complies with the relevant policies further development would be unlikely to do so, Relevant Policies - Local Plan GB1, GB2, N1.
- 7 Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fence, gate, wall or other means of enclosure shall be erected on the site without planning permission having first been obtained from the Local Planning Authority.
Reason: To ensure the location, form, design and materials are appropriate for the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 8 Within one month of the substantial completion of the development the buildings shown to be removed on the approved plans, shall be demolished in its entirety and all materials resulting from such demolition works shall be removed from the site.
Reason: To prevent the undesirable consolidation of development on the site having regard to its Green Belt location. Relevant Policies - Local Plan GB1, GB2,
- 9 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 GB2.
- 10 No development shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in

- writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan GB2.
- 11 No development shall commence until details of any proposed external lighting (including specification of the lights, LUX levels and operational times) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter shall be operational.
Reason: In order to protect the character of the Green Belt. Relevant Policy - Local Plan GB2.
- 12 No development shall take place until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 13 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.
- 14 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for the parking of vehicles of site operatives and visitors, the loading and unloading of plant and materials and the storage of plant and materials used in constructing the development.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 15 No part of the development shall be occupied until vehicle parking and turning space has been laid out and surfaced 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.
- 16 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.
- 17 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

- 18 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, 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 the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing 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 prior written approval 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.
- 19 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping 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 same size and species unless the Local Planning Authority give its prior written consent to any variation.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 20 No development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. The design of any means of enclosure around the site and between plots should include a gap at the base to facilitate the movement of wildlife through the site into adjacent areas. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area and in the interests of biodiversity. Relevant Policies - Local Plan DG1, NPPF paragraph 109.
- 21 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.
- 22 No development shall commence until a sensitive lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details
Reason: In order to protect bats by ensuring lighting from the development is directed away from ecologically sensitive areas. Relevant Policy - NPPF Paragraph 125.
- 23 No clearance of the site (including demolition) shall be undertaken during 1st March and 31st August inclusive (the bird nesting season). Should this not be possible, any vegetation and/or suitable features to be removed should first be checked by a suitably qualified ecologist in order to determine the location of nests prior to removal. Any active nests should be cordoned off and protected until the end of the nesting season or until the birds have fledged (as recommended in

the submitted Ecological Assessment and Bat Survey Report, (Aspect Ecology, September 2015)

Reason: In order to protect bird nesting habitats. Relevant policy - NPPF, Paragraph 109.

- 24 No development shall commence until full details of biodiversity enhancements have been submitted to and approved in writing by the council. Biodiversity enhancements shall include but not be limited to: details of swallow nest boxes, other nest box designs and bat boxes, schedule of native species planting and retained trees and provision of log piles. The biodiversity enhancements shall be retained thereafter in accordance with the approved details.

Reason: To accord with the paragraph 109 of the NPPF.

- 25 No development shall commence until an invasive non-native species method statement full is submitted to and approved in writing by the council. The method statement shall include measures for the containment, control and removal of these species. The measures shall be implemented as approved.

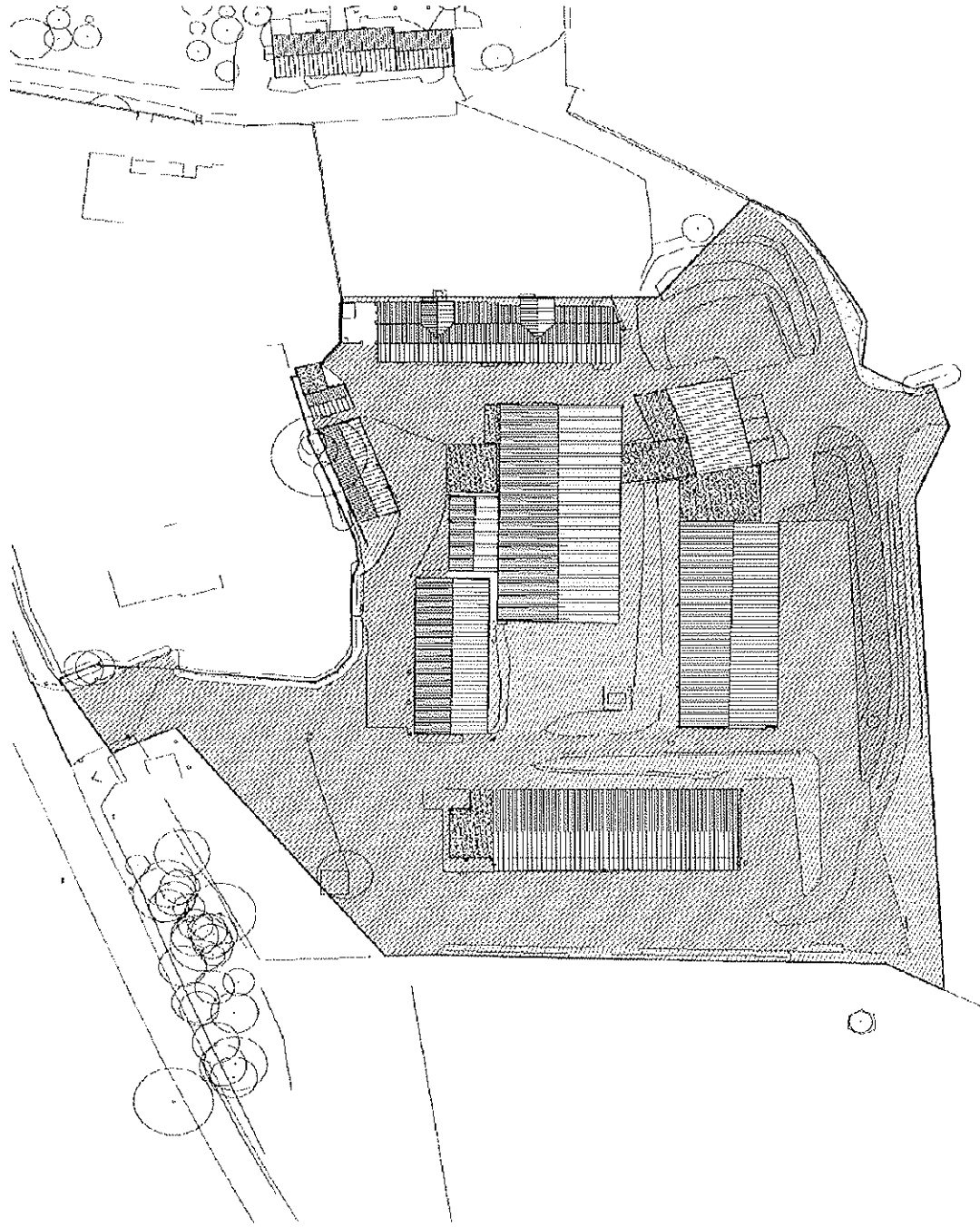
Reason: To accord with the paragraph 109 of the NPPF.

- 26 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

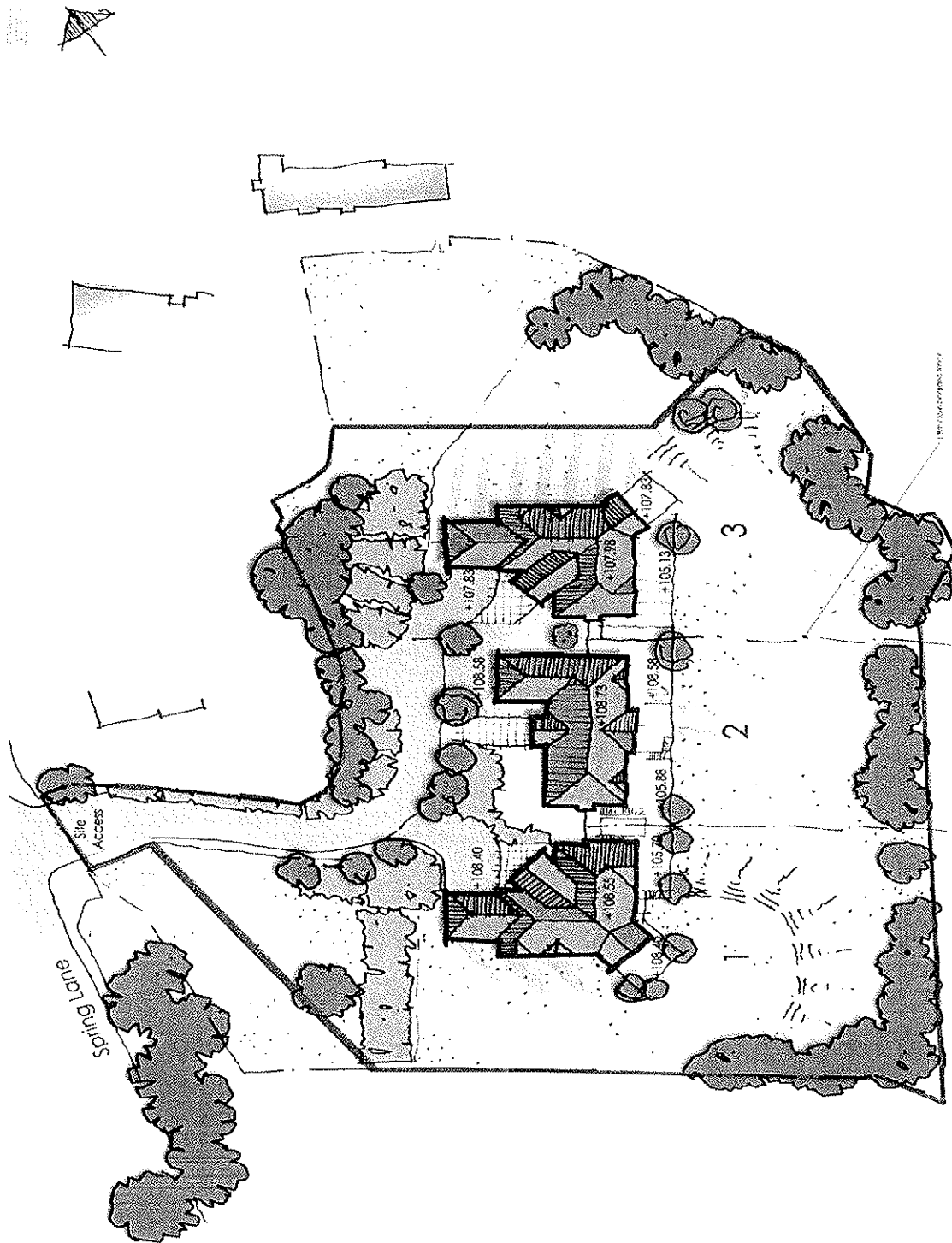
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.



APPENDIX A



APPENDIX B – EXISTING SITE PLAN



APPENDIX C – PROPOSED SITE PLAN

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE**

Maidenhead Panel

Application No.:	15/03388/OUT
Location:	Woodlands Farm Spring Lane Cookham Dean Maidenhead SL6 9PN
Proposal:	Outline application with all matters reserved: Erection of 3 x detached dwellings.
Applicant:	Mr Simmonds- The Simmonds Partnership
Agent:	Mr Matt Taylor- JSA Architects Ltd
Parish/Ward:	Cookham Parish/
If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk	

1. SUMMARY

- 1.1 The National Planning Casework Unit (NPCU) has requested that should the Panel be minded to approve the application it be referred to the Secretary of State for Communities and Local Government prior to a decision being issued, to establish whether the application should be called in for his determination.
- 1.2 Two additional letters of objection have been received since the main report was written.

The recommendation is slightly amended to reflect the referral to the Secretary of State. It is recommended the Panel authorises the Borough Planning Manager:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure the affordable housing in Section 7 of this report and with the conditions listed in Section 10 of this report following referral to the Secretary of State and there being no intervention by him.
2	To refuse planning permission if an undertaking to secure the affordable housing in Section 7 of this report has not been satisfactorily completed by 1 st June 2016 for the reason that the proposed development would not be accompanied by associated affordable housing.

2. ADDITIONAL INFORMATION

- 2.1 The NPCU has requested that if the Panel is minded to approve the application it be referred to them, before a formal decision is issued, to establish whether the Secretary of State should call it in for his determination. 2 additional letters of objection have been received, summarised as:

Comment	Officer response	Change to recommendation?
The farm currently meets local livery and business needs;	Comments noted. These issues are covered in the main report to Panel.	No.
The livery yard has good facilities and is well		

<p>located. It has plenty of off-road parking for horse trailers and boxes;</p> <p>This will be a blot on the landscape;</p> <p>Loss of business units and employment;</p> <p>Loss of Green Belt;</p> <p>Loss of stables – where will these go?</p>		
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MAIDENHEAD DEVELOPMENT CONTROL PANEL

28 September 2016

Item: 2

Application No.:	15/03596/FULL
Location:	71 - 73 High Street Maidenhead
Proposal:	Alterations and extensions to the existing building in association with its use as a single retail unit (for flexible A1, A2, A3, or A4 use) at ground and basement and 12 residential units (Class C3) at first, second, third and fourth floor levels (9x one bedroom, 3x two bedrooms) with partial demolition to the rear of the building and associated works (amendments to p.p 14/01714/FULL)
Applicant:	Mrs Boucai
Agent:	Mrs Faye Wright- Forward Planning And Development
Parish/Ward:	/Oldfield Ward

If you have a question about this report, please contact: Daniel Gigg on 01628 796044 or at daniel.gigg@rbwm.gov.uk

1. SUMMARY

- 1.1 This application is for the change of use of the upper floors, extensions to the roof level and a 2 storey 'mews-style' rear extension to form 12 residential units at 71 to 73 High Street ('Cresset Towers'). The proposal is to create a single shop unit on the ground floor rather than three individual retail units (as existing). The ground floor will also be enlarged. It is proposed that the entire ground floor be used in a flexible way for retail and retail-related uses but excluding use for takeaways. A two storey rear extension is also proposed to be demolished.
- 1.2 This application is, in effect, an amendment to a previous permission at this site (ref. 14/01714); it alters the previous scheme through an increase in the number of apartments from 11 to 12, with the resulting mix of 9 x 1 bed units and 3 x 2 bed units. In all other respects the scheme is largely identical but with the 'mews-style' rear extension reduced from a three storey extension to a two storey one and the existing windows could not be repaired so replacement, timber framed windows will be installed. The applicant will also not utilise the basement for retail/retail-related uses which was originally envisaged. It is understood that the applicant commenced development in respect of the last approved scheme but is now building out this current scheme.
- 1.3 This development provides the opportunity for new homes and would make a more efficient and effective use of the existing building. Both Local Plan and Area Action Plan Policies support living in the town centre because of the sustainability benefits. The two storey extension at the rear of the site has been demolished but, as with previous applications, there was no objection to this as it was considered that this part of the existing building did not contribute to the character or appearance of the area. Overall, the development would preserve the Conservation Area because of bringing the building back into use, the various repairs to the existing front and rear facades of the building and the new extensions would be of an appropriate size to the host building. Also, the ground floor retail/retail-related uses will help with the vitality and viability of the town centre.
- 1.4 A number of conditions are recommended that secure details have during the course of dealing with this application such as materials, repairs and on-going construction management. In addition, a legal agreement will be entered into to secure a financial contribution towards affordable housing and it will preclude the ability for future occupiers to obtain parking permits in the interests of sustainable travel.

It is recommended the Panel authorises the Borough Planning Manager:

1.	To grant planning permission on the satisfactory completion of an undertaking to secure a contribution towards affordable housing and to prevent future occupiers of the building obtaining parking permits as set out in Section 7 of this report and the conditions listed in Section 10 of this report.
2.	To refuse planning permission if: an undertaking to secure the infrastructure in Section 7 of this report has not been satisfactorily completed by the 11 th November 2016 for the reason that the proposed development would not contribute towards affordable housing and it would not result in sustainable travel patterns.

2. REASON FOR PANEL DETERMINATION

- 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 on the south side of Maidenhead High Street within the Conservation Area. The building forms part of Cresset Towers. It is a finely-detailed ornate, Victorian building with moulded red brick ornaments and other high quality features, such as the intact carriageway (rear), joinery and feature windows (oriel bays). The ground floor is in retail use, but the upper floors are currently unused, and in a fair to poor condition. The ground floor of the building has a lawful use as retail. It is understood that the upper floors were last used as offices but are now vacant.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The full planning application is for the change of use of the upper floors of the building to residential flats. A two storey building to the rear is to be demolished and a 2 storey 'mews-style' extension is to be built in its place. A total of 12 residential units are proposed comprising 9 x 1-bedroom units and 3 x 2-bedroom units. The proposal is to create a single shop unit on the ground floor rather than three individual retail units (as existing). The proposal also involves the creation of a ground floor rear extension to provide additional retail space. To the rear of the building there is a detached single storey brick building to be demolished, an attached single storey building/extension and the supporting brick structure under the external staircase.
- 4.2 There is extensive history relating to these properties from changes of use of the ground floor units and change of use of the upper floors to office. Planning permission to convert the upper floors and extend the building at the rear to form 10 apartments along with a flexible use of the ground floor for A1 to A4 uses was first granted in September 2013 under application 12/02728. In August 2014, planning permission was granted under reference 14/01714, as an amendment to the previous development to increase the number of apartments to 11. It is understood that the developer commenced the 2014 planning permission last year. This was carried without having agreed all the pre-commencement conditions of that permission with the Council. However, decisions have now been issued on all such details that were required before commencement took place (refs. 15/01933 and 16/00473).
- 4.3 This current scheme is, in effect, an amendment to the 2014 planning permission to increase the number of apartments to 12. The other main differences are that the 'mews-style' building at the rear has been reduced from 3 storeys to 2 and that there will now be replacement timber windows within the building as the existing ones could not be easily repaired. During the course of determining the application the applicant amended the red line plan to omit land within the control of a neighbouring owner, Vixcroft. In addition, at that time the applicant submitted the full range of detailed matters to avoid the requirement for pre-commencement conditions. Such matters include materials, architectural detailing, and hard and soft landscaping. Re-consultation took place on the amended red line and the detailed matters.

4.4 In March 2015, planning permission was given for two additional floors above the retail premises at the adjoining site of 75 High Street for 5 apartments (ref. 14/04006). This development is currently being constructed by the same developer for this current proposal at 71-73 High Street. The two buildings will share a communal entrance and stair core to the apartments which will be located in this current scheme. The same access arrangements were shown in the permission for 14/01714.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections National Planning Policy Framework: Core planning principles (paragraph 17); Section 1 – Building a strong, competitive economy; Section 2 – Ensuring the vitality of town centres; Section 4 – Promoting sustainable transport; Section 7 – Requiring good design; Section 8 – Promoting healthy communities; Section 12 – Conserving and enhancing the historic environment.

Royal Borough Local Plan and Maidenhead Town Centre Area Action Plan (AAP)

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

	Within settlement area	Conservation Area
Local Plan	DG1, H10, E10	CA1, CA2
Maidenhead Area Action Plan (AAP)	MTC4, MTC12, MTC14	MTC4

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of the development
- ii Character and appearance of the Conservation Area
- iii Environmental protection issues
- iv Impact on neighbouring properties and living conditions of future residents.
- v Highway issues
- vi Affordable housing
- vii Other material considerations

Principle of the development

- 6.2 In the previous applications in 2012 and 2014, it was accepted that the additional residential development of the upper floors of the building should be supported under both policies in the NPPF (paragraph 51) and local planning policies in the Local Plan (policies E6 and H6) and AAP (policy MTC12). There was no objection to the loss of the office space particularly in light of the AAP which provides for new office floorspace. In addition, as set out in subsequent sections of this report the proposal complies with other Local Plan policies – this being a requirement of Policy E6.
- 6.3 The proposal is to extend the shop floor space to the rear of the premises to occupy the space in the existing open courtyard area and to replace buildings and extensions (to be demolished). The proposal is to amalgamate the three shop units into one larger unit but not to use the basement as was put forward in earlier applications. The space will be available for A1 (retail use), A2 (Finance and Professional Services), A3 (Restaurant and Café), and/or A4 (Drinking Establishments). Therefore the space could be used for A1 retail use or a retail-related use. It is noted that most of the units in the immediate vicinity of the application site are in retail use and furthermore as set out in the latest Retail Study for the Borough there is an increase need for leisure uses to help with the vitality and viability of the town centre. This was accepted under previous applications and it still remains the case that should the unit become an A2, A3 or A4 use it will be one that will still be acceptable in the primary shopping area because it will not significantly alter the retail character of the area and could help with diversification of uses. The proposals comply with Policies MTC7 and MTC8 of the AAP.

Character and appearance of the Conservation Area

- 6.4 The Maidenhead Town Centre Conservation Area Appraisal (2016) identifies Cresset Towers as a non-listed building of architectural and historic interest. In addition, the AAP identifies it as a landmark building. The applicant proposes to make alterations internally, to extend the building and make external alterations and repairs.
- 6.5 The applicant has agreed to repair brickwork and other detailing to the walls of the building (see condition 3). In addition, a traditional looking, timber shopfront will replace the existing modern ones (detailed plans have been submitted and this will be secured through condition 2).
- 6.6 The proposals still involve the addition of a mansard style roof. Detailed plans of the roof design and how it will integrate with the existing building have been submitted and will be a condition of the planning permission, subject to the appropriate detailing to the roof which will be covered by submission of details under condition 3. This condition also secures a natural slated tiled roof.
- 6.7 At the rear of the main building there is a single storey brick building to be demolished, an attached single storey building/extension and the supporting brick building under the external staircase. These parts of the building do not have any particular heritage qualities and as with the extant permissions there is no objection to the demolition. This part of the rear building will be replaced with a mews-style extension which will be 2 floors of residential accommodation and a single storey addition that will form the additional retail floorspace. The mews-style extension would be smaller than the one that was previously approved but it would still be of an acceptable size and proportion to the host building. While the single storey extension would be flat roofed and would extend across a significant part of the rear of Cresset Towers it would be of an appropriate design. There would also be enclosed bin and bike stores in the rear yard area of the site – these would be single storey and are considered to be an appropriate size and design.
- 6.8 In previous applications, the windows to the building were to be retained and repaired. However, it has since been established that the windows could not be easily repaired. The Conservation Officer has viewed the windows on site and agreed that they can be replaced. As such a full schedule of white painted timber windows of a similar casement design will be installed.
- 6.9 It is considered that the proposals will preserve the character and appearance of the Conservation Area. Cresset Towers will remain an important building following the restorations and additions to

it. Bringing the building back into active use is also important for the contribution it will make to local distinctiveness of the Town Centre. In arriving at this conclusion regard has been paid to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as special attention has been paid to seeking a scheme that preserves the Conservation Area. The proposal will also comply with Policy CA2 of the Local Plan and paragraph 131 of the NPPF.

Environmental Protection issues

- 6.10 There are no concerns in respect of air quality and noise subject to conditions relating to internal noise levels, opening hours of the commercial premises, insulation, sound limiter devices and mechanical plant. There are some conditions that the EPO has recommended such as details to handle asbestos, however, such conditions are not considered to meet the tests as set out in the National Planning Policy Guidance (NPPG) as they are covered by other legislation. The proposals accord with Policies NAP3 and NAP4 of the Local Plan.

Impact on neighbouring properties and living conditions of future residents.

- 6.11 There are a number of windows in the side (west facing elevation) of the office building at No. 69, at first floor level and above. It is considered that the relationship of the proposed residential units and this office building and other nearby office buildings (Nicholson House) and retail units is acceptable. In terms of the living conditions of future occupiers concerns have been raised in representations in respect of the apartments within the 'mews-style' extension.
- 6.12 For the ground floor apartment (no. 11), there will be windows in the south facing elevation and in an adjoining space will be a lightwell serving the living room, and a window in the west facing elevation to the bedroom. Daylight will be restricted into the kitchen of the apartment but as this will not be a habitable room it is considered that the level of amenity will be acceptable. The living room and bedroom to no. 11 will look out across a passageway and onto a neighbouring wall. For a bedroom, it is considered that for this type of accommodation the outlook will be acceptable. In terms of the living room it is not considered that the outlook would be so oppressive to warrant a refusal particularly as there will be visible sky and daylight from the lightwell which will adjoin the living room.
- 6.13 For the first floor apartment (no. 12), there will be a small window to a bedroom. For this type of accommodation it is considered that sufficient light will reach this room and the outlook will be satisfactory given the building opposite is some 3.5m away. The rest of the accommodation will receive sufficient light and the outlook will be acceptable.
- 6.14 In terms of the other apartments, the living conditions will be good. A number of the proposed flats would have balconies and there is a first floor podium/amenity area to the rear of the premises, which would be available for the residents of the flats to use. The applicants are proposing some soft landscaping to this area.
- 6.15 Lastly in a town centre location, the same level of amenity cannot be achieved as could be in a suburban location. Taking this into account and the assessment above, it is considered that the proposed development would provide a high quality living environment for future users as required by Policy MTC4 of the AAP and Core Planning Principle 4 of the NPPF.

Highway Issues

- 6.16 The proposal will see the creation 12 dwellings. Usually units of the size proposed would attract a communal parking requirement of around 12 spaces. Given the sustainable town centre location and the provision of cycle parking, a zero level of car parking is acceptable. In addition, a restriction on parking permits being issued in the future to residents will be precluded through the use of a S106 Agreement.
- 6.17 In terms of servicing the building, refuse vehicles will be able to access White Hart Lane and deliveries can be via the Nicholson's Shopping Centre through a service lift that lies to the south east of the application site.

Other material considerations

- 6.18 The applicant for this scheme is also constructing a residential development of the neighbouring site of 75 High Street (ref. 14/04006). Together the schemes trigger a requirement to provide affordable housing under the requirements of the NPPG. The developer's viability appraisal which has been independently reviewed shows that both developments can support a total financial contribution of £22,491 towards off-site affordable housing. As a financial contribution has already been secured under the planning permission for no. 75 High Street of £7,441.50, the difference to be paid will be £15,049.26 which will be sought through a S106 Agreement.
- 6.19 A Ministerial Statement from December 2014 confirms the Government's commitment to protecting people from flood risk. This Statement was as a result of an independent review into the causes of the 2007 floods which concluded that sustainable drainage systems (SuDS) were an effective way to reduce the risk of 'flash flooding'. Such flooding occurs when rainwater rapidly flows into the public sewerage and drainage system which then causes overloading and back-up of water to the surface. In this case, the site is already covered by hardsurfaces but there is an opportunity to achieve betterment; in this case, a water storage facility along with the requirement for a management plan, will be secured by condition (condition 24). The water that will be stored will also be used for irrigation of the soft landscaping within the communal areas. The proposals comply with paragraph 103 of the NPPF.
- 6.20 Archaeological investigation through a watching brief was carried out under the previous permission. This showed that there were no archaeological finds. As such the proposals comply with ARCH2 of the Local Plan.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposal is CIL liable but is located in Maidenhead Town Centre where there is zero charging.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

23 occupiers were notified directly of the application.

The application was advertised in the Maidenhead Advertiser on 3rd November 2015.

The planning officer posted a statutory notice advertising the application at the site on 27th November 2015.

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

Comment		Where in the report this is considered
1.	The proposals are reliant on access over land owned by Vixcroft in order to provide a fire exit to the basement retail space. As such the correct notices should be served on Vixcroft.	4.3
2.	Vixcroft were not notified of the proposals although some of the tenants have received consultation letters.	Vixcroft are the owners of the Nicholson's Shopping Centre. Letters were sent to occupiers of some of the

		nearby retail units within the Centre. In addition, a site notice was put up. The appropriate level of consultation took place.
3.	The rear fire exit serving the basement of the retail unit opens onto Vixcroft's land. This should be relocated so that the exit does not rely on passage over this third party land.	The plans have been amended to remove the fire escape opening onto third party land.
4.	The contrived layout in order to 'squeeze' additional units into the mews building creating unacceptable living arrangements that demonstrate overdevelopment of the site. This is contrary to paragraph 56 of the NPPG relating to good design. While this is a town centre location where higher density is expected, this should not be at the expense of living conditions as in this case.	6.11-6.15
5.	The proposed lightwell area at ground floor serving the mews house is critical to providing sufficient light into the ground floor living areas due to the very small side elevation window providing the only other source of light. It does, however, seem likely that the level of light into this lightwell would be severely compromised by the approximately 4m high wall along the South East boundary.	6.11-6.15
6.	No daylight and sunlight assessment has been provided and as such an assessment is necessary to demonstrate acceptable light levels will be provided.	There is no requirement to submit such an assessment. The proposals have been considered and as set out at paragraph 6.11-6.15 are found to comply with the NPPF.
7.	The outlook from the living room of unit 11 is severely compromised with one small window facing onto a wall at a distance of approximately 1.5m. This also limits the amount of light that is afforded from this window.	6.11-6.15
8.	The bedroom window of Unit 11 faces onto the wall of the neighbouring property as a distance of less than 2 metres. This is the only window serving this room and does not provide an appropriate outlook for a habitable room.	6.11-6.15
9.	The bedroom of Unit 12 is served by an undersized window set in the corner of the room. This is augmented by a skylight. The outlook is severely limited.	6.11-6.15
10.	The reduction in the overall height is welcome. It allows for the first floor rooms to receive further light from skylight windows and the kitchen to have a window.	6.11-6.15
11.	The applicant is in breach of current planning permissions because	4.2

	development has been implemented without complying with pre-commencement conditions.	
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Other consultees

Consultee	Comment	Where in the report this is considered
Tree Officer	There are no trees on the site that could be affected and no potential for further tree planting.	Noted
Local Lead Flood Authority	No objection subject to a condition securing details of the surface water storage measures and a maintenance plan.	6.20
Environmental Protection Unit.	No objection subject to conditions regarding delivery vehicle hours, works relating to hours of repair or maintenance of plant, odour control, noise levels, light pollution and asbestos. Informatives are recommended regarding contamination, dust and smoke control.	6.10
Highways	From a highway perspective these proposals are of a minor nature and will therefore have no material affect on the previous highway comments. The highway authority has no objections, subject to compliance with all previous permitted applications.	6.16-6.17
Conservation Officer	We have worked extensively and closely with the applicants on this scheme. I am satisfied that all matters included within this application are satisfactory.	6.4-6.9
Archaeologist	Recommends a condition relating to an archaeological works programme.	6.21

9. APPENDICES TO THIS REPORT

•	Appendix A - Site location plan
•	Appendix B – floor plans
•	Appendix C – elevations

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED.

- 1 The development(s) shall continue to be carried out in accordance with the following architectural detailing and replacement windows:
 - 2013 74 100 N
 - 2013 74 101 O
 - 2013 74 102 P
 - 2013 74 106 M
 - 2013 74 106 O
 - 2013 74 108 D
 - 2013 74 37 G
 - 2013 74 36 F
 - 2013 74 160 C
 - 2013 74 67 P

- 2013 74 91
- 2013 74 110 M
- 2013 74 111 J
- 2013 74 45 E

Reason: In the interests of the visual amenities of the area and the character and appearance of the Conservation Area. Relevant Policies - Royal Borough of Windsor and Maidenhead Local Plan ('the Local Plan') DG1, CA2 and the Maidenhead Town Centre Area Action Plan ('the MTCAAP') MTC4.

- 2 The shop front shall continue be constructed in accordance with the details as shown on drawing no. 2013-74-40 C. The shopfront shall thereafter be retained in accordance with the approved plans.
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - Local Plan CA2 and the MTCAAP MTC4.

- 3 The development shall continue to be carried out in accordance with the following materials:
 - Materials for repairs, the extensions, roof, gutters/down pipes and shop front as referred to in the letter of 20th June 2016 by Studio Map.
 - Brick Repairs Method Statement, including drawing no. 2013 74 0 A.
 - Timber windows and doors as shown on drawing no. 2013 74 110 M and 2013 74 111 J and painted in white.
 - Re-use of the stained glass into the internal doors as referred to in the document 'Stained Glass Internal Doors 9th September 2016'.
 The development shall be carried out and maintained in accordance with the approved details.
Reason: To protect and preserve the character and appearance of the Conservation Area. Relevant Policies - Local Plan CA2 and the MTCAAP MTC4.

- 4 The lighting as shown on drawing no. 2013 74 32 E shall continue to be carried out in accordance with the approved lighting details and be operational on completion of the High Street facade repair works. Thereafter, the lighting shall be permanently retained as operational and the external lighting for the High Street facade shall be under control of light sensor/timer that will enable the lights to come on when ambient external light drops at dusk and then turn off as ambient light levels rise at dawn. .
Reason: To ensure the building contributes to the visual amenities of the area and in the interests of future occupiers of the apartments. Relevant Policies - Local Plan DG1 and NAP3, and MTCAAP MTC4.

- 5 The development shall continue to be carried out with the anti-pigeon measures as shown on drawing no.s 2013 74 36 F and 2013 74 37 G. The approved measures shall be retained thereafter.
Reason: To ensure the satisfactory appearance of the building in the Conservation Area. Relevant Policies - Local Plan CA2, DG1 and MTCAAP MTC4.

- 6 The development shall continue to be carried out as approved with the soundproofing and insulation measures as referred to in the Hoare Lea '71-73 High Street Maidenhead - Environmental Noise Survey' and made available prior to first occupation. The approved measures shall be retained thereafter.
Reason: To protect the amenities of future occupiers of the apartments. Relevant Policies - Local Plan NAP3 and the MTCAAP MTC4.

- 7 Details of the refuse bin storage area and recycling facilities including a management scheme for the emptying of refuse and recycling bins for the apartments shall be submitted to the Local Planning Authority and shall be approved in writing, prior to the first occupation of any of the residential units. The facilities shall be provided, managed and retained in accordance with the approved details and the apartments shall not be occupied until such facilities have been provided.
Reason: To enable satisfactory refuse collection to take place in the interests of highway safety and convenience and in the interests of visual amenity. Relevant Policies - Local Plan DG1 and MTCAAP MTC4.

- 8 Details of the refuse bin storage area and recycling facilities including a management scheme for the emptying of refuse and recycling bins for the commercial premises shall be submitted to the Local Planning Authority and shall be approved in writing, prior to the first occupation of any part of the ground floor and basement of the building. The facilities shall be provided, managed and retained in accordance with the approved details and the apartments shall not be occupied until such facilities have been provided.
Reason: To enable satisfactory refuse collection to take place in the interests of highway safety and convenience and in the interests of visual amenity. Relevant Policies - Local Plan DG1 and MTCAAP MTC4.
- 9 The demolition and construction shall continue to be carried out with The Method Statement, Appendix A and Appendix B by hira construction D&B Ltd and complied with for the duration of the works or as may be agreed first 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 and MTCAAP MTC4.
- 10 The hard and soft landscaping shall continue to be carried out in accordance with the following plans:
- 2013 74 30 H
- 2013 74 30 I
- 2013 74 45 E
-2013 74 46 E
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, CA2, and MTCAAP MTC2, MTC4.
- 11 None of the apartments shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details as shown on drawing nos. 2013 74 42 G and 2013 74 44. 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 cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1 and MTCAAP MTC4, MTC14.
- 12 The rating level of the noise emitted from all plant and equipment associated with the development shall be lower than the existing background level (to be measured over the period of operation of the proposed plant and equipment and over a minimum reference time interval of 1 hour in the daytime and 5 minutes at night dependent upon the operating hours of the proposed plant and equipment) by at least 10dB(A). The noise levels shall be determined 1m from the nearest existing or proposed noise-sensitive premises/residential premises. The measurement and assessment shall be made in accordance with BS 4142: 1997 'Method for rating industrial noise affecting mixed residential and industrial area'. The mitigation measures as submitted by Hoare Lea Acoustic as detailed in their Environmental Noise Survey and Plant Noise Assessment shall be implemented to ensure compliance with this condition.
Reason: To protect the residential amenity of the development and to accord with the Local Plan Policy NAP3 and the MTCAAP MTC4.
- 13 All proposed plant and equipment and machinery, including ventilation plant and ducting, shall be installed and operated within the development so as to prevent the transmission of noise and vibration into any of the residential apartments above and/or Mews House to the rear of the development.
Reason: To protect the residential amenity of the development and to accord with the Local Plan

Policy NAP3 and MTCAAP MTC4.

- 14 All A1- A4 licensed premises and those holding live music, as part of this development, shall not be permitted to operate until details of all measures to provide acoustic insulation for the containment of internally generated noise, and acoustic ventilation have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the use commences and shall be retained maintained in good working order at all times.
Reason: To protect the residential amenity of the development and to accord with the Local Plan Policy NAP3 and the MTCAAP MTC4.
- 15 Details of a sound limiting device shall be submitted to and be approved in writing by the Local Planning Authority, prior to the first occupation of any part of the building. The sound limiting device shall be installed prior to the amalgamation of the ground floor units and retained thereafter and shall be maintained in good working order at all times.
Reason: To protect the residential amenity of the development and to accord with the Local Plan Policy NAP3 and the MTCAAP MTC4.
- 16 Deliveries by any vehicle used for commercial purposes shall only be made to or from the site between the hours of 07.00 and 19.00 hours Monday to Fridays and between 09.00 and 17.00 on Saturdays and between the hours of 10.00 and 16.00 on Sundays, bank and public holidays.
Reason: To protect the residential amenity of the development and to accord with the Local Plan Policy NAP3 and the MTCAAP MTC4.
- 17 Prior to the installation of ventilation and filtration equipment for commercial cooking area(s) the details shall have been submitted to and approved in writing by the Local Planning Authority. The details shall also include the materials and colour of external flues and ducts. Such equipment shall be installed and retained as approved and shall be maintained in good working order at all times prior to first use of the cooking area(s).
Reason: To protect the amenities of the development and in the interests of the character and appearance of the Conservation Area. Relevant Policies - Local Plan Policy NAP3, DG1, CA2 and MTCAAP MTC4.
- 18 The ground floor commercial unit/s shall not open to customers between 2300 hours and 0700 hours the following day on any day of the week.
Reason: To minimise noise and disturbance to local residents including the future occupiers of the flats on the upper floors of this building. Relevant policies - Local Plan NAP3, DG1 and MTCAAP MTC4.
- 19 Before any external area is brought into use, details of the provision of amplified music within that area, including any music directed thereto from within any associated building or premises, in cafe/restaurant and/or drinking establishment use shall be submitted to, and approved in writing by, the Local Planning Authority. The provision of amplified music within such area must thereafter take place only in accordance with the approved details.
Reason: In the interests of the amenity of local residents. Relevant Policies - Local Plan NAP3 and MTCAAP MTC4
- 20 Before an external smoking area is brought into use details shall be submitted to, and approved in writing by, the Local Planning Authority. The smoking areas shall be built in accordance with the approved details and retained thereafter.
Reason: In the interests of the amenity of local residents. Relevant Policies - Local Plan NAP3 and MTCAAP MTC4
- 21 The development hereby permitted shall provide not less than 200 sqm (Gross Internal Area) of uses A1, A2, A3 or A4 or a combination of the aforementioned uses of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the windows in the shop front elevation shall be constructed in clear glass and there shall be no obstruction behind the glass that would prevent that restricts views into the ground floor unit(s).
Reason: To ensure a satisfactory level of 'A' uses of the Use Classes Order and the visual amenities of the area in the interests of the vitality and viability of Maidenhead Town Centre.

Relevant Policies - MTCAAP MTC4

- 22 The development shall continue to be carried out in accordance with the structural details as set out in the following drawing no.s:
- 2014 114 01 T
- 2014 114 02 T
2014 114 03 S
2014 114 04 N

Reason: To ensure that the proposed development would not undermine the structural integrity or stability of the building. In the interests of the character and appearance of the Conservation Area. Relevant Policies - Local Plan CA2.

- 23 The development shall continue to be carried out in accordance with the Building Contract by JCT dated 26/01/2016 until it is completed.

Reason: In order to protect the character and appearance of the Maidenhead Town Centre Conservation Area. Relevant policies CA1 and CA2.

- 24 Following installation of the surface water drainage management measures as shown on drawing no. 2013-74-45 F, a management and maintenance plan for the drainage system for the lifetime of the development shall have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be constructed in accordance with the approved details and subsequently maintained. The approved management and maintenance plan for the drainage system shall be implemented for the duration of the development.

Reason: To reduce the rate of surface water run-off in order to minimise the risk from flooding. Relevant Policy - MTCAAP MTC4.

- 25 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.

Appendix A



Appendix B

Front elevation

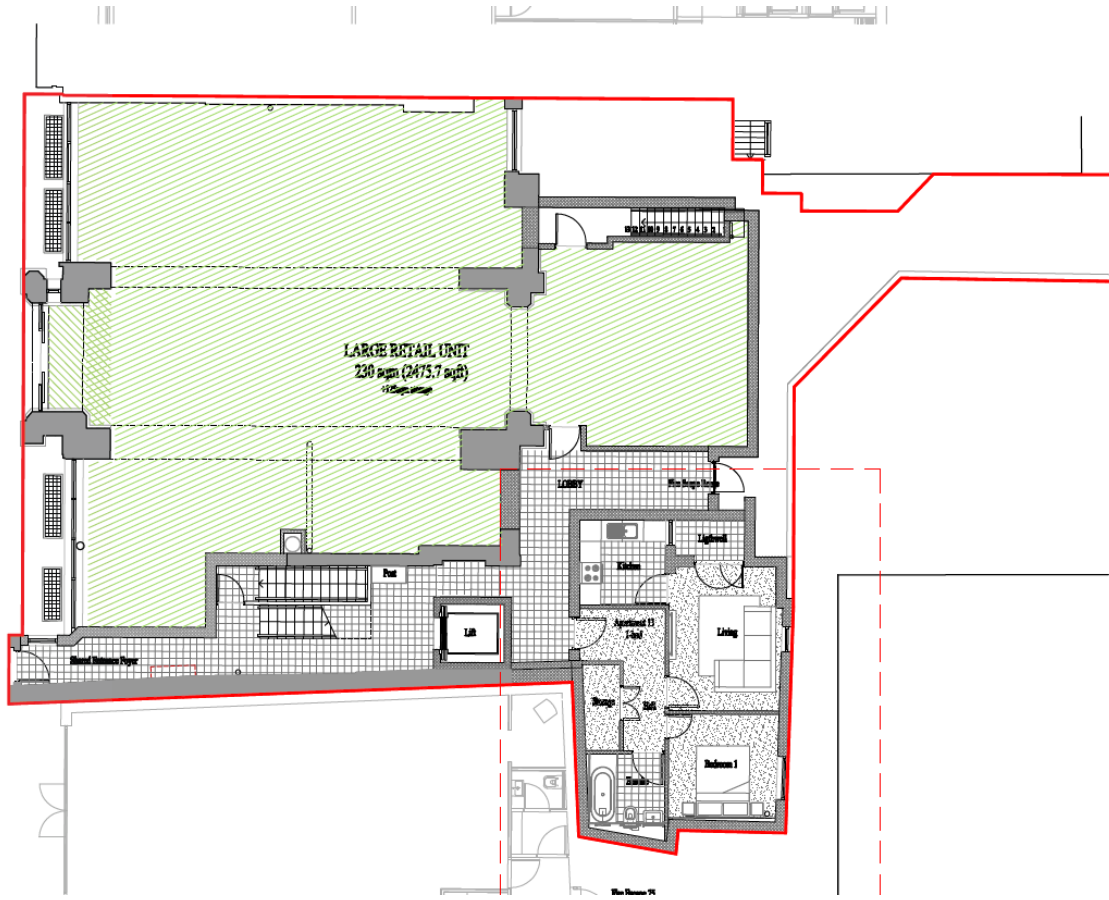


Side and rear elevations

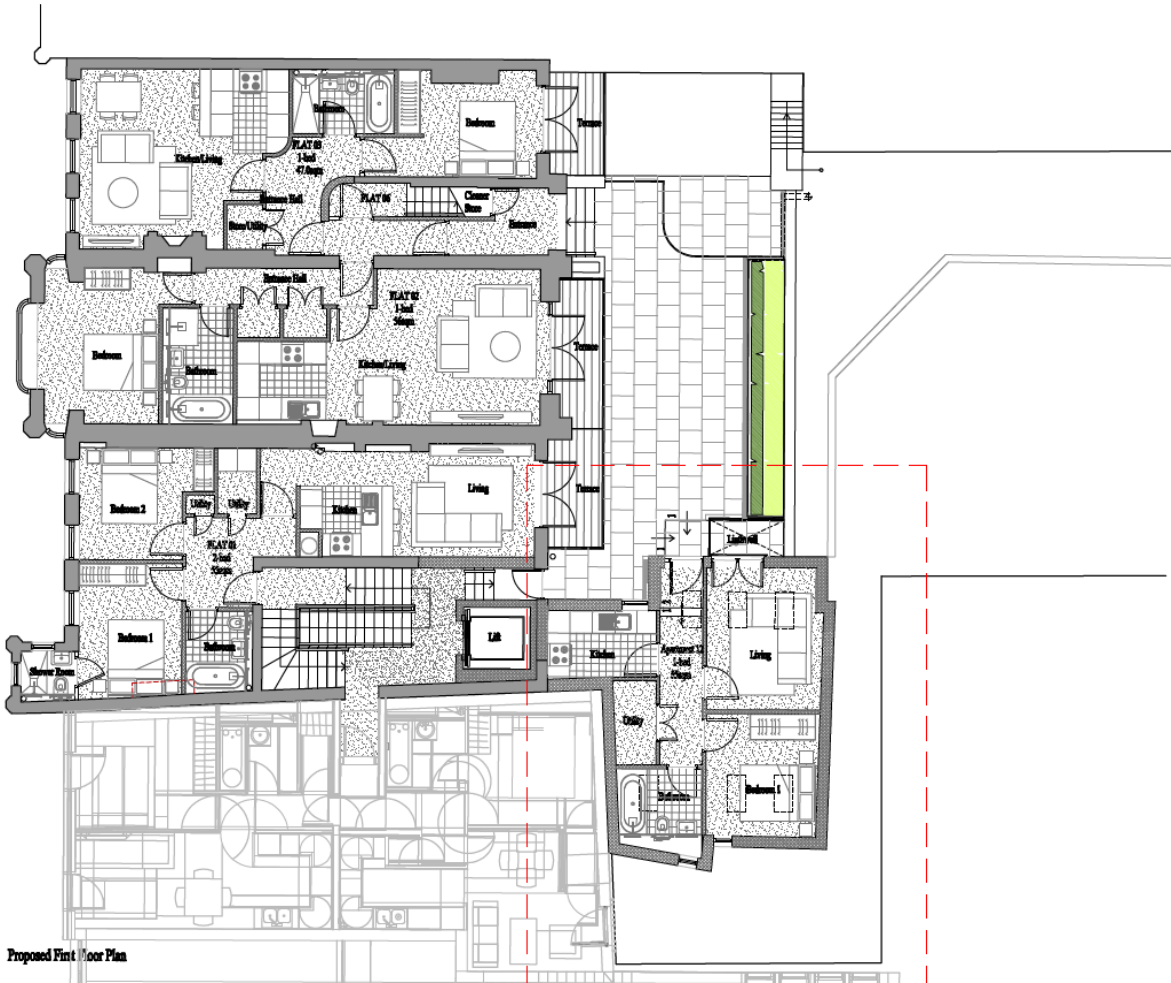


Appendix C

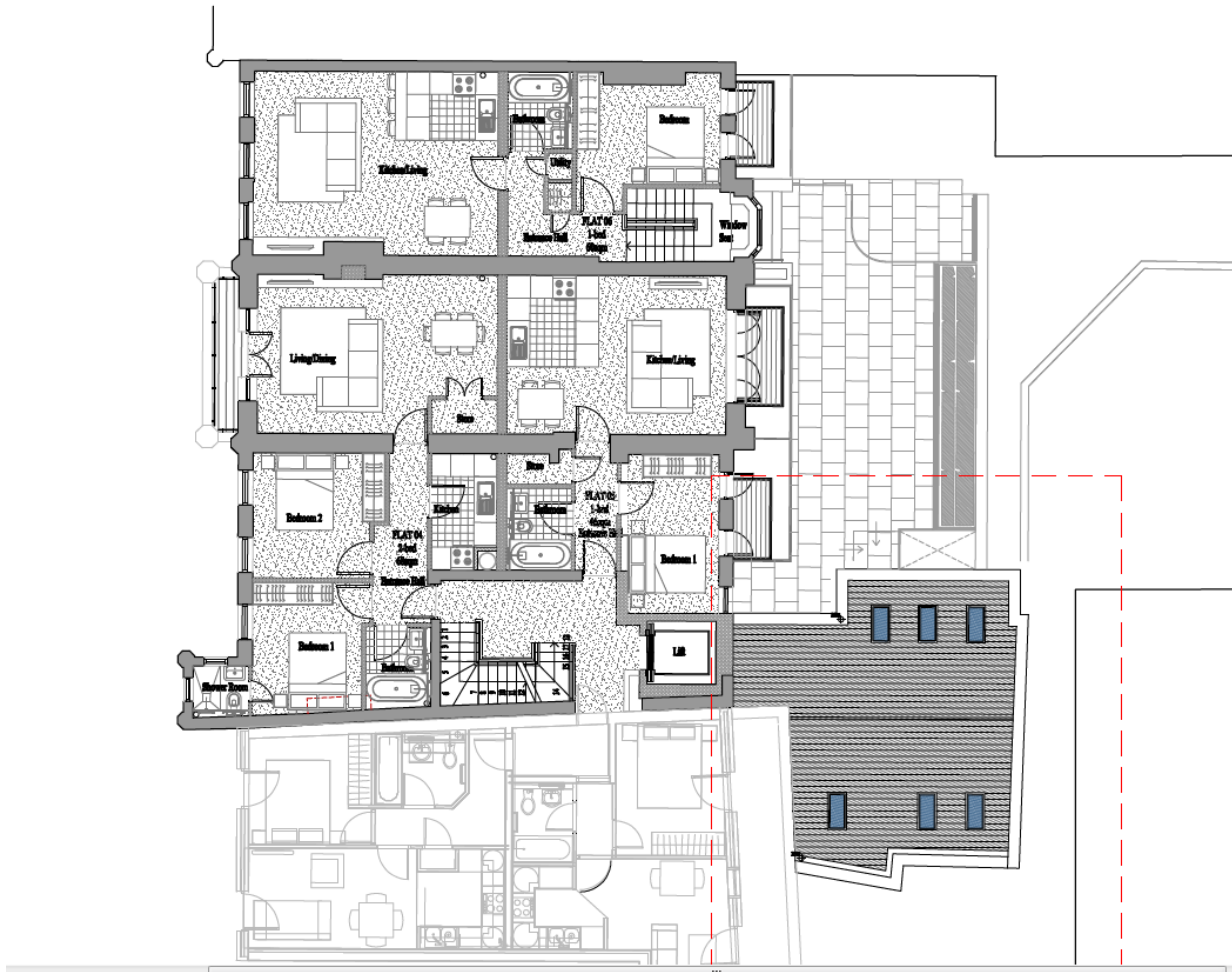
Ground Floor



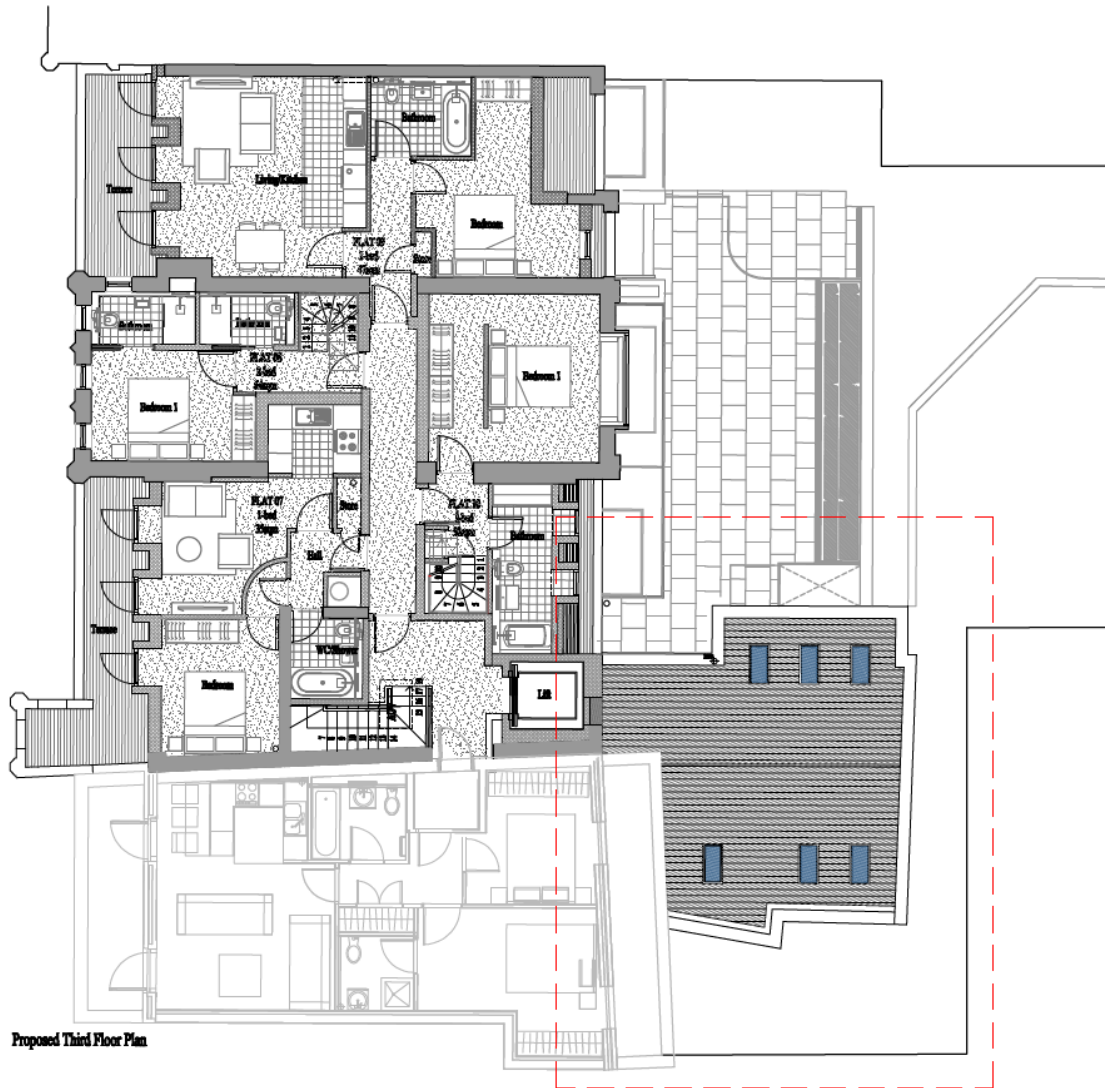
First Floor Plan



Second Floor Plan



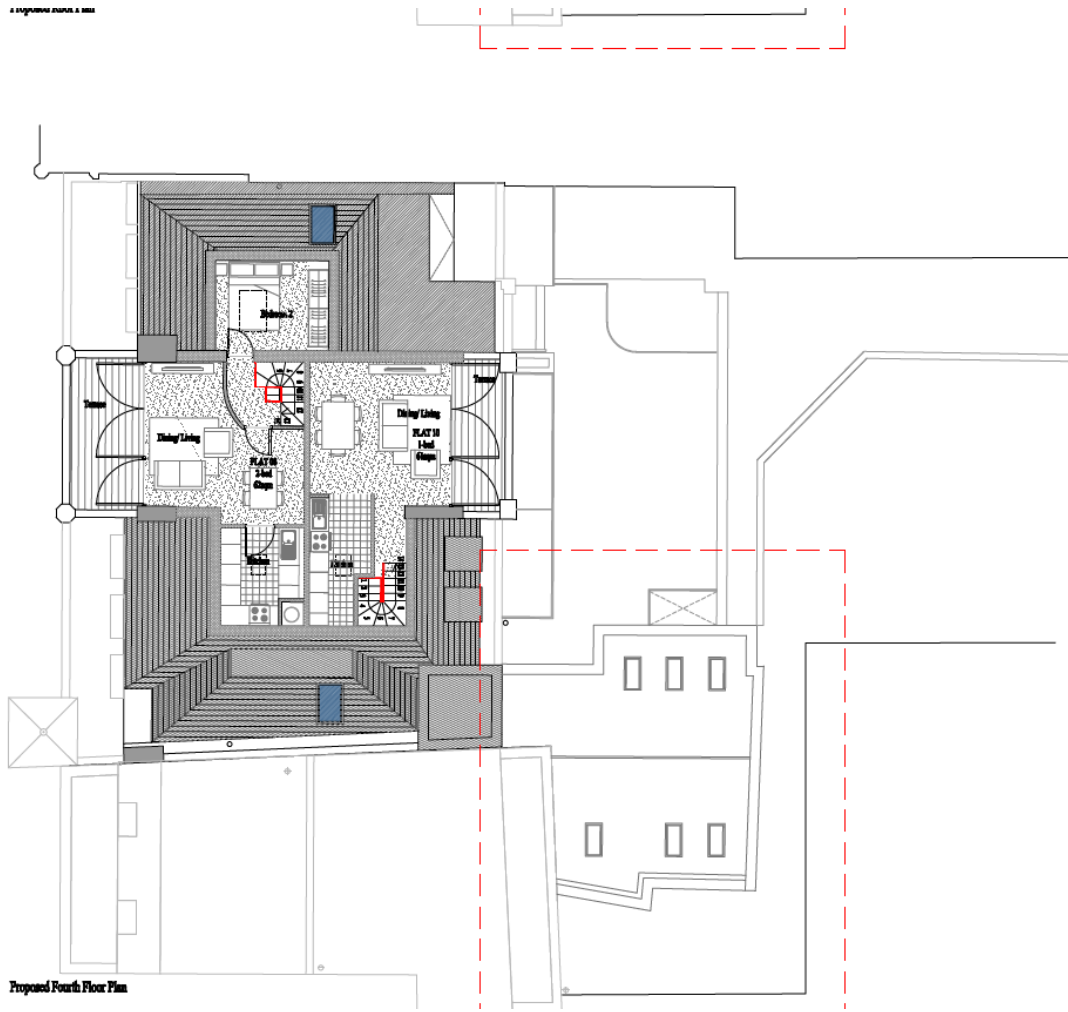
Third Floor Plan



Proposed Third Floor Plan

Fourth Floor Plan

2. PROPOSED FOURTH FLOOR PLAN



Proposed Fourth Floor Plan

MAIDENHEAD DEVELOPMENT CONTROL PANEL

28 September 2016

Item: 3

Application No.:	16/01157/FULL
Location:	Castle House 159 Grenfell Road Maidenhead SL6 1HA
Proposal:	Conversion of existing house and loft into 5 x 1 bed flats
Applicant:	Mr Tassell
Agent:	Not Applicable
Parish/Ward:	/Boyn Hill Ward

If you have a question about this report, please contact: Diane Charlton on 01628 685699 or at diane.charlton@rbwm.gov.uk

1. SUMMARY

- 1.1 Given the scale of development it is considered that it will not be harmful to the character and appearance of the area, nor harm the living conditions of occupiers of neighbouring properties. Sufficient parking would be available on site and the proposal does not give rise to any highway safety issues. The proposal is sustainable development in compliance with national and local planning policies.

It is recommended the Panel grants planning permission subject to the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

- 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 is located within Maidenhead settlement and lawfully comprises a 4 bedroomed house with 2 one bedroomed flats attached.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
07/02227	Roof modification and loft conversion	Approved 01.10.2007

- 4.1 Permission is sought to convert the existing 4 bedroom house into 5 x 1 bedroom flats. This would result in a total of 7 x 1 bed flats on the site.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, Section 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	Highways/Parking issues
Local Plan	DG1, H6, H8, H10, H11	T5, T7, P4

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of Development
- ii Highway Safety and Parking
- iii Impact on Neighbours

Principle of Development

6.2 As this is predominantly a residential area the proposed development is acceptable in principle. Furthermore the NPPF encourages sustainable development and the re use of buildings for residential uses.

Highway Safety and Parking

6.3 The proposal generates a maximum demand for 5 car parking spaces. The applicant provides 8 spaces as illustrated in the attached plan. Therefore, the proposal raises no concerns with regard to parking provision.

Impact on Neighbours

6.4 The only additional windows proposed are in the roof slope of the existing building. As such the proposed change of use will not adversely impact on any of the surrounding properties given the distances between properties and their siting.

Other Material Considerations

Housing Mix

6.5 There are no objections to the provision of one bedroom units. Local Plan policy H8 states that the Council will particularly favour proposals which include dwellings for small households and the location is considered to be sustainable and appropriate for this housing type.

Standard of Accommodation for Future Occupiers

6.6 Internal rooms are considered to be sufficient in size to function for the use they are intended, and habitable rooms benefit from natural light and ventilation. Furthermore, there are no planning policies within the Borough Local Plan which requires minimum room sizes. There is only a small space provided around the building that could be used for amenity space for the occupiers of the flats, however the flats are located within an urban locality in close proximity to open space and the town centre and no objections are raised to this.

Housing Land Supply

6.7 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. The Borough Council cannot demonstrate a 5 year housing land supply.

- 6.8 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.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution however as the building is already in a residential use and there is no additional floorspace no payment is required.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

7 occupiers were notified directly of the application, and the planning officer posted a notice advertising the application at the site on 16th May 2016.

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

Comment	Where in the report this is considered
1. Density of occupation and parking issues.	6.3 and 6.5
2. Overlooking from windows proposed and any changes to existing windows.	6.4

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objection to the proposal.	Noted.
Local Highway Authority	No objection.	6.3
Maidenhead Civic Society	The room sizes are below the RIBA standard. Parking not shown on plan.	6.6

9. APPENDICES TO THIS REPORT

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

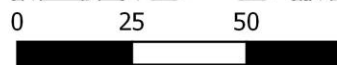
This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental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

In this case the issues have been successfully resolved.

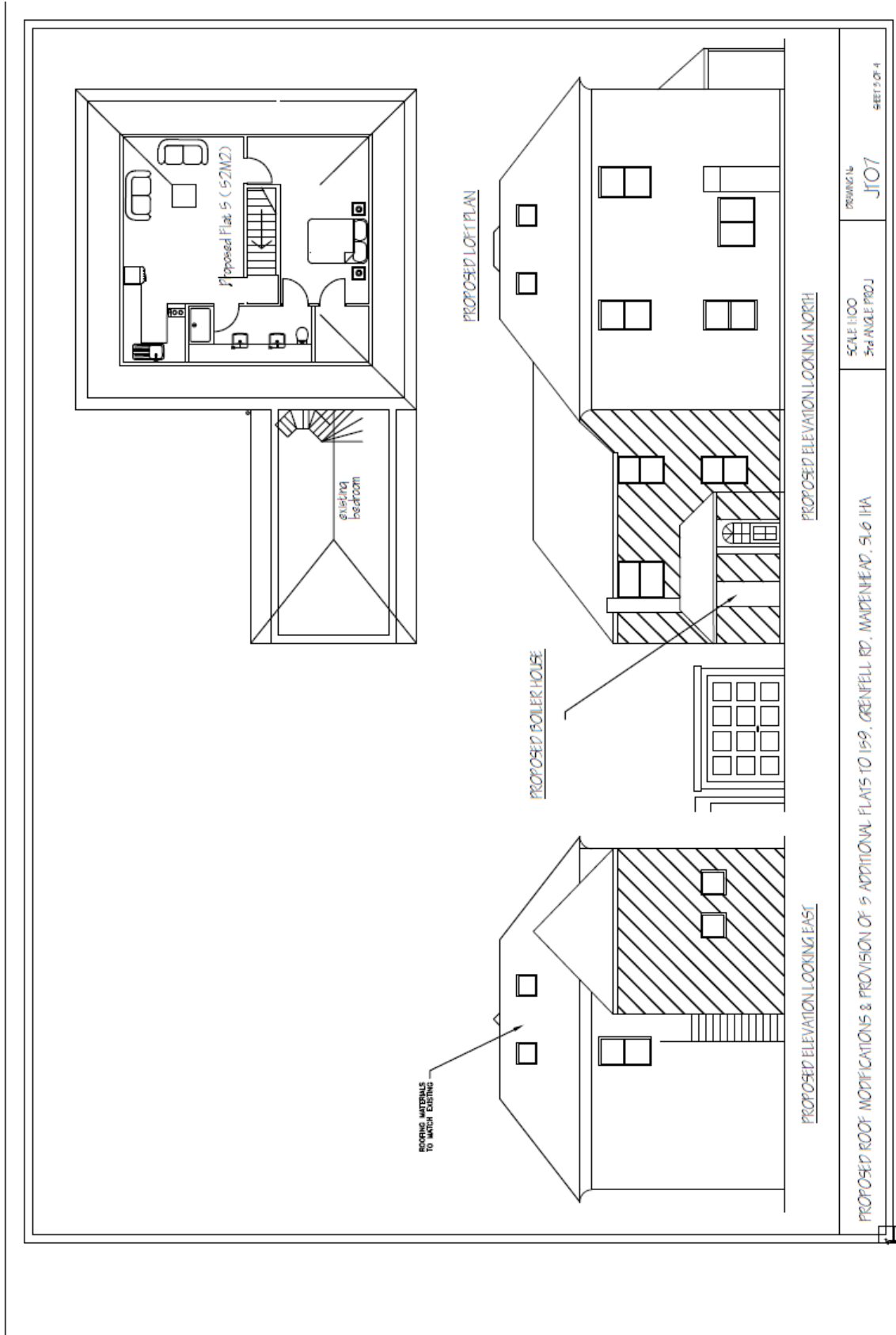
10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

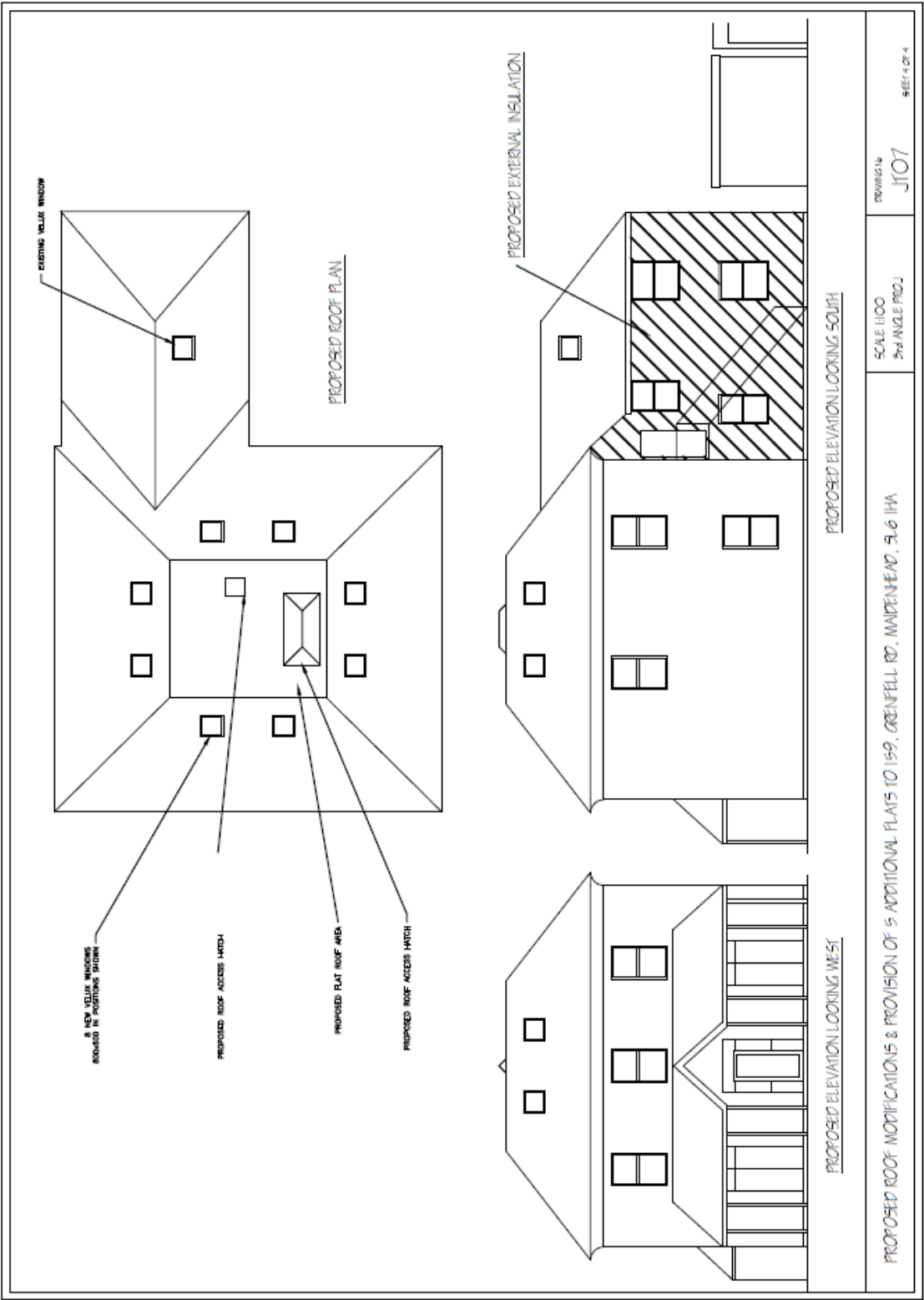
- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No part of the development shall be occupied until vehicle parking space has been 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.
- 3 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
- 4 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.

Appendix A



Appendix B





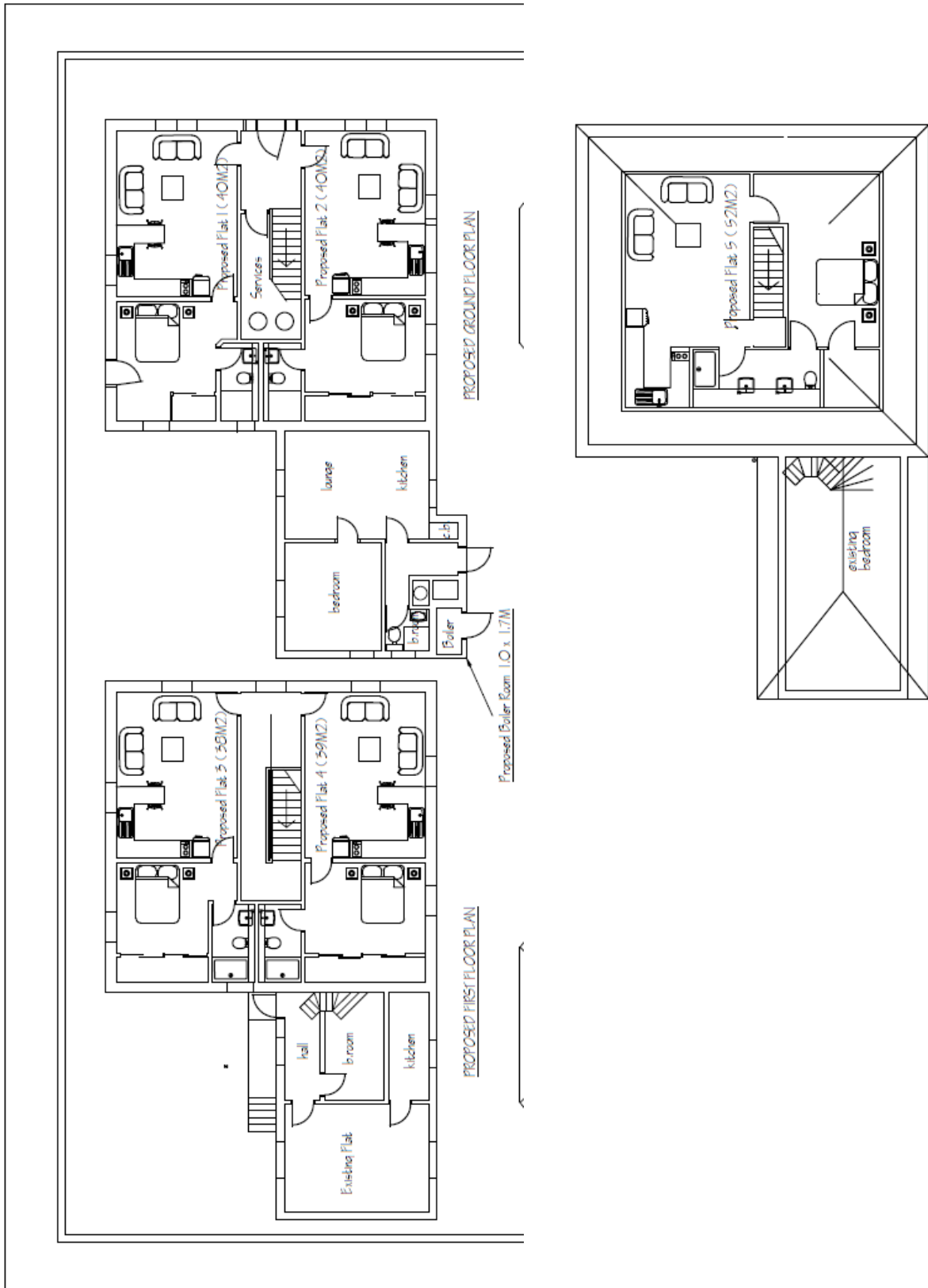
PROPOSED BY
JJO7

SCALE 1:100
5/4 ANGLE PROJ.

PROPOSED ROOF MODIFICATIONS & PROVISION OF 5 ADDITIONAL FLATS TO 159, GREENFELL RD., MAIDENHEAD, SL6 1HA

SHEET 4 OF 4

Appendix C



MAIDENHEAD DEVELOPMENT CONTROL PANEL

28 September 2016

Item: 4

Application No.:	16/01630/FULL
Location:	Middlehurst Ltd 99 - 103 Boyn Valley Road Maidenhead SL6 4EA
Proposal:	Erection of 45 x 1 and 2 bed apartments with basement and ground level car parking, following demolition of all existing buildings
Applicant:	Mr Hans - Staxlink Ltd
Agent:	Mr Paul Butt - Paul Butt Planning Ltd
Parish/Ward:	/Boyn Hill Ward

If you have a question about this report, please contact: Diane Charlton on 01628 685699 or at diane.charlton@rbwm.gov.uk

1. SUMMARY

- 1.1 There is no objection to the loss of this light industrial site as it is not a designated employment site as defined in the Local Plan. Furthermore, the proposed development is a sympathetic scheme that responds well to its context, such that it would not harm the character and appearance of the area.
- 1.2 This proposal is considered to meet the relevant NPPF and Local Plan requirements in respect of impact on the character and appearance of the area, the amenities of neighbours and highway safety.
- 1.3 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 proposal would also provide 13 affordable units in line with this Council's affordable housing policy.

It is recommended the Panel authorises the Borough Planning Manager:

To grant planning permission with the conditions listed in Section 10 of this report and on the completion of a satisfactory legal agreement to secure the necessary affordable housing.
--

To refuse planning permission if a satisfactory legal agreement to secure the necessary affordable housing has not been completed by the 28 th December 2016 unless an extension of time has been agreed between the applicant and the LPA.
--

2. REASON FOR PANEL DETERMINATION

- 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 99-103 Boyn Valley Road is a vacant light industrial site located to the west of Maidenhead town centre. The existing buildings to the front of the site comprise three two-storey blocks interlinked by single storey access point buildings. The buildings to the rear of the site are consolidated into one combined industrial space which extend to the rear boundary of the site and back onto the garden walls of homes to the north of the site along Clare Road. The site is surrounded on three sides by residential properties with a builder's yard opposite.

4. DESCRIPTION OF THE PROPOSAL

4.1 The proposal is for the erection of 45 x 1 and 2 bed apartments (20 x 1 bed and 25 x 2 bed) with basement and ground level car parking, following demolition of all existing buildings. The main part of the building will be 3 storey with a 4th floor over an area to the west side. A small amenity area for the flats is provided to the rear of the building.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 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	Highways and Parking
DG1,H8, H10, H11,H3	P4, T5

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at:
- RBWM Parking Strategy - view at:

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The principle of development;
- ii Impact on the character and appearance of the area;
- iii Impact on highway safety;
- iv Impact on existing neighbouring amenity;
- v Affordable Housing.

The principle of development

6.2 The principle of the redevelopment of this site is acceptable and there is no objection to the loss of the existing light industrial use. The Local Plan Proposals Map shows no designations or allocations for the site. Policy E6 of the Local Plan states that proposals for redevelopment or change of use of premises, not covered by Policy E5, to other uses will be supported in appropriate circumstances. The site is opposite an allocated employment area and it is not considered that an unacceptable adverse impact on local employment opportunities would result. As such, the principle of residential development on the site is considered acceptable, and is supported by the National Planning Policy Framework which aims to boost significantly the supply of housing.

Impact on the character and appearance of the area

6.3 Local Plan Policy H10 requires new residential development schemes to display high standards of design and landscaping in order to create attractive safe and diverse areas and where possible to enhance the existing environment. Policy H11 takes this further and 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.

6.4 The National Planning Policy Framework (NPPF) also confirms the importance of design, in section 7 of particular importance, are the following paras.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

64. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

6.5 This proposed design whilst not in keeping with the style of surrounding housing, does reflect aspects of the existing buildings but in a contemporary way. There is however a large mix of housing styles in the area. The use of flat roofs helps to minimise the height of the building keeping it similar to the buildings on both sides. The height of the 3 storey element is approximately 8.5 metres. The proposed building will be set approximately 13 metres from the front boundary which is similar to the building line of existing buildings. The proposed development will also be at a similar distance from the side boundaries as the existing providing a sufficient separation distance.

6.6 The small area for the 4th floor is considered acceptable and would not be harmful to the street scene, whilst it rises to 11.5 metres it will not have a detrimental impact on the character of the area.

Impact on highway safety

6.7 There is no objection raised to the proposed accesses as there is good visibility and there would be no highway safety issues. The plans have also been amended to achieve acceptable ramps to the basement parking.

6.8 There is a shortfall in on site parking of 10 spaces, 58 are required and only 48 are being proposed and the Highway Officer raises an objection, but agrees that 8 extra can be provided on street in front of building. The shortfall is in reality therefore only 2. There is no shortage of on street parking available in proximity to the site and therefore whilst the proposal does not comply with the Council's maximum parking standards the shortfall is not considered to be harmful to highway safety or the free flow of traffic. Furthermore, adequate cycle and refuse storage facilities are provided.

Impact on neighbouring amenity

6.9 The application site is surrounded by residential properties and the distances involved are considered acceptable. The properties to the rear in Clare Road are at a lower level, however as the existing building is set on the boundary and they all have rear garages and parking it is considered that the impact of the building proposed would be acceptable. The distance between windows would be over 33 metres which prevents undue overlooking.

6.10 Overall the proposed development would not appear dominant or overbearing when viewed from the neighbours. It would not result in a loss of daylight and the degree of over overlooking is considered acceptable in this urban location.

Affordable housing

- 6.11 The proposal requires 30% affordable housing provision in line with Policy H3 of the Local Plan. The applicant has agreed to provide this on site. The mix and type of affordable housing is yet to be agreed and this will be reported in the Panel Update.

Other Material Considerations

Housing Land Supply

- 6.12 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.
- 6.13 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.

Contamination

- 6.14 The site lies over a source protection zone 2, over an aquifer. To ensure that there will not be any pollution of ground waters which provide an important source of drinking water conditions are recommended to cover contamination. The Environment Agency has requested that soakaways shall not be put into contamination ground. However, through remediating the land there will not be any contamination present. Such a condition would therefore not be necessary.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council's Charging Schedule the proposed development would now be CIL liable. The applicant has submitted the required forms including the assumption of liability for payment on the net increase in gross internal floorspace. The required CIL payment for the proposed development would be £441,000 on the basis of a net increase of 4410 sq.m. No further action is required until prior to commencement of the development if the proposal is subsequently approved.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

23 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site 8th June 2016.

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

Comment		Where in the report this is considered
1.	Insufficient parking.	6.7
2.	Too tall and will lead to loss of privacy.	6.9-6.10
3.	Houses would be better.	Noted.

Statutory Consultees

Consultee	Comment	Where in the report this is considered
Highway Officer	Object to shortfall in parking.	6.7 and 6.8
Rights of Way Officer	No Objection.	Noted.
Local Lead Flood	No objection.	Noted.
Environment Agency	No objection subject to conditions.	6.14

Other Consultees

Consultee	Comment	Where in the report this is considered
Maidenhead Civic Society	Over development of the site.	6.5.

9. APPENDICES TO THIS REPORT

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

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

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.

10. CONDITIONS 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
- 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 Following installation of the surface water drainage management measures a management and maintenance plan for the drainage system for the lifetime of the development shall have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be constructed in accordance with the approved details as set out in the Drainage Report and subsequently maintained. The approved management and maintenance plan for the drainage system shall be implemented for the duration of the development.

Reason: To ensure the principles of sustainable drainage are incorporated into the development and risk of flooding is not increased.

- 5 The development shall be carried out and maintained in accordance with the levels as shown in the approved plans.

Reason: In the interest of the visual amenities of the area. Relevant Policy - Local Plan DG1.

- 6 No development shall take place until full details of both hard and soft landscape works, including means of enclosure, 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.

- 7 No further window(s) shall be inserted at first floor level and above in side elevations of the building without the prior written approval of the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Core Planning Principle 4 of the NPPF.

- 8 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.

- 9 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. 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 cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.

- 10 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. 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.

- 11 No part of the development shall be occupied until the accesses have been made available in accordance with the approved drawing. The access shall thereafter be retained.

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

- 12 No development shall commence until a further site investigation is carried out and a detailed remediation scheme is prepared to determine the nature and extent of any contamination present to bring that area to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment and ground water quality has been submitted to, and approved in writing by, the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (or an subsequent amendment or re-enactment of this Act) in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved details prior to the commencement of the relevant part of the development, other than any development required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation carried out must be produced, submitted to, and approved in writing, by the Local Planning Authority.

Reason:To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters particularly ground water as the site is located in source protection zone 2, property and ecological systems, and to ensure that the development can be carried safely without unacceptable risks to workers, neighbours and other off-site receptors. Relevant Policy - Local Plan NAP4; AAP MTC4

- 13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately in writing to the Local Planning Authority. Prior to any further works in the affected area, an investigation and risk assessment, remediation scheme and verification report must be undertaken which will be the subject of the approval in writing by the Local Planning Authority.

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

- 14 Prior to installation of external lighting to the amenity spaces details of the lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be implemented as approved and thereafter the lighting shall be maintained as operational. The scheme shall include the following:

- i) The proposed design level of maintained average horizontal illuminance for the site.
- ii) The proposed vertical illumination that will be caused by lighting when measured at windows of any properties in the vicinity.
- iii) The proposals to minimise or eliminate glare from the use of the lighting installation.
- iv) The proposed hours of operation of the light.

Reason: In the interests of the amenity of the neighbouring occupiers to accord with Core Planning Principle 4 of the National Planning Policy Framework.

- 15 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

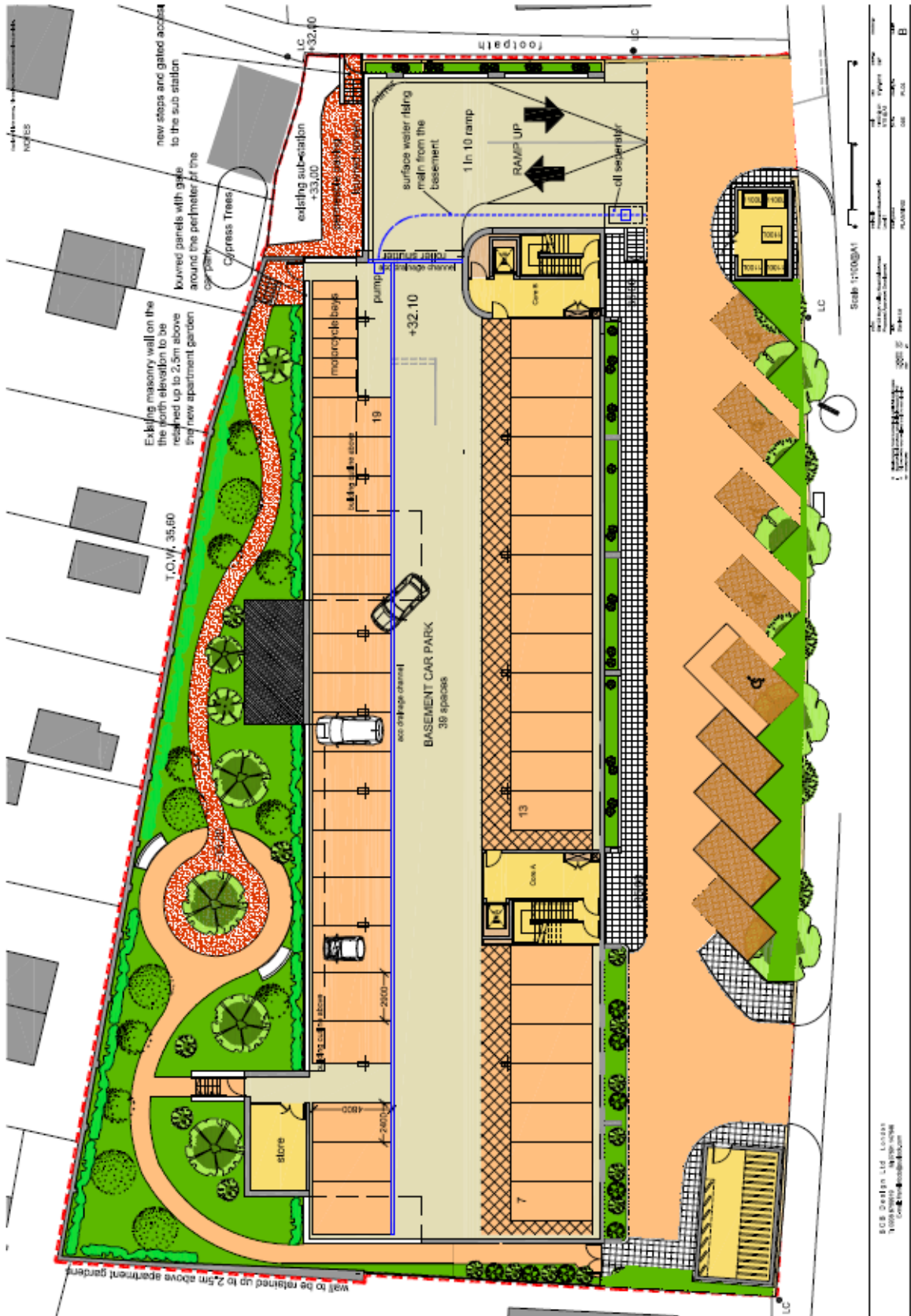
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

APPENDIX A
SITE LOCATION



PROPOSED LAYOUT

BASEMENT PARKING



EGS Design Ltd, London
15/09/2010
18/09/2010
18/09/2010

Scale: 1:1000(A1)

NO.	DATE	BY	CHECKED	REVISION
1	15/09/2010	EGS	EGS	ISSUED FOR PERMIT
2	18/09/2010	EGS	EGS	REVISED
3	18/09/2010	EGS	EGS	REVISED

PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR



PROPOSED SECOND FLOOR



PROPOSED THIRD FLOOR



NOTES

ACCOMMODATION SCHEDULE

Level	Type of Unit	Quantity	Area m ²
Level 3	2 bed	2	23
Core A			

Scale 1:1000/A1

Project Name: [illegible]
 Client: [illegible]
 Date: [illegible]
 Drawing No: [illegible]
 Revision: [illegible]

SCS DESIGN LTD
 1000 KINGSWAY
 LONDON W8 5AH
 Tel: 020 8996 1000
 Email: info@scsdesign.com

REAR ELEVATION

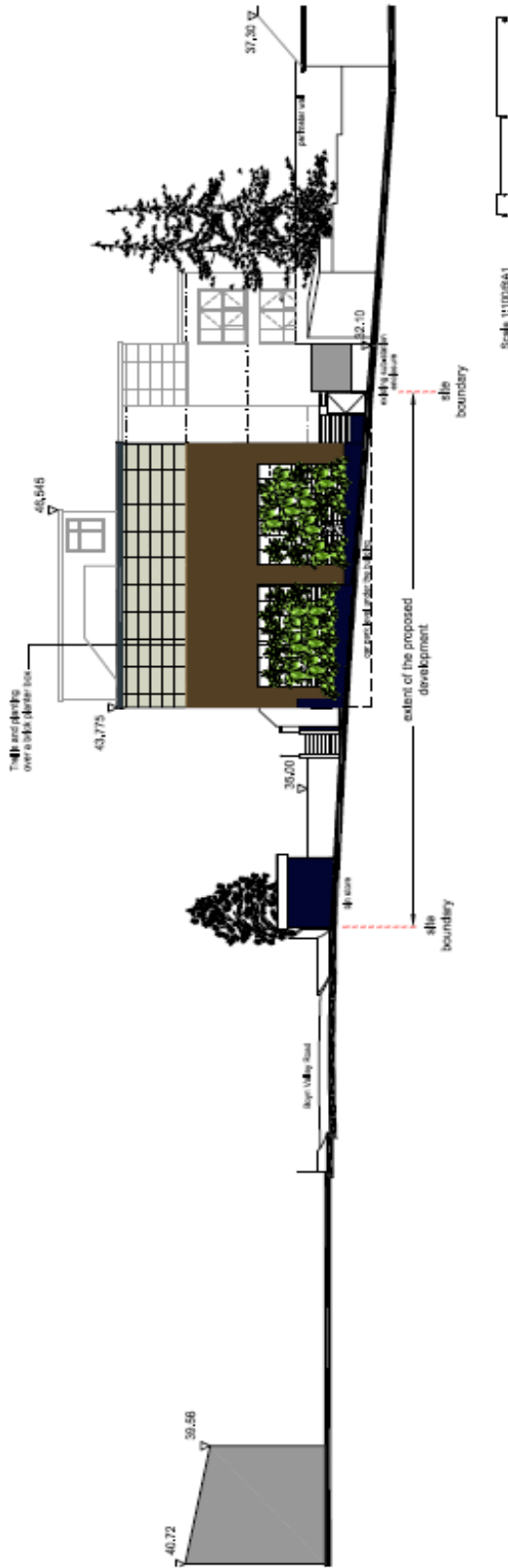
Notes
 1. See Section 4.1.1 for proposed boundary



SCS Design Ltd, London 100 Clive Road, London Tel: 020 7461 1000 Email: info@scsdesign.co.uk		Project Name: [Project Name] Project No: [Project No] Date: [Date]		Scale: 1:200 @ A1 Drawing No: [Drawing No]	
Author: [Author Name] Date: [Date]	Check: [Check Name] Date: [Date]	Approved: [Approved Name] Date: [Date]	Status: [Status]	Sheet: [Sheet No] of [Total Sheets]	Revision: [Revision]

EAST ELEVATION

NOTE:
 1. All elevations are in feet above mean sea level.



Scale 1/100 @ A1



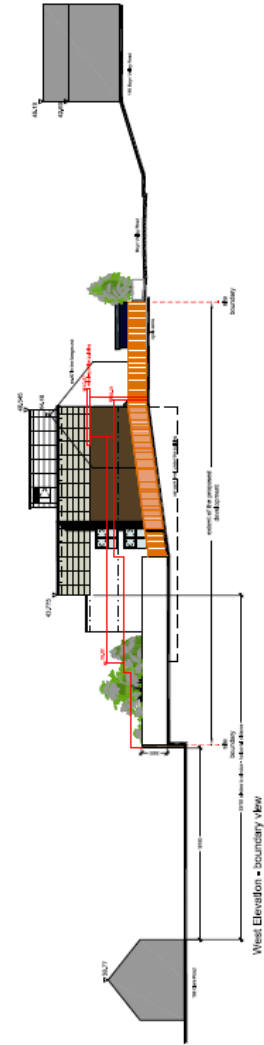
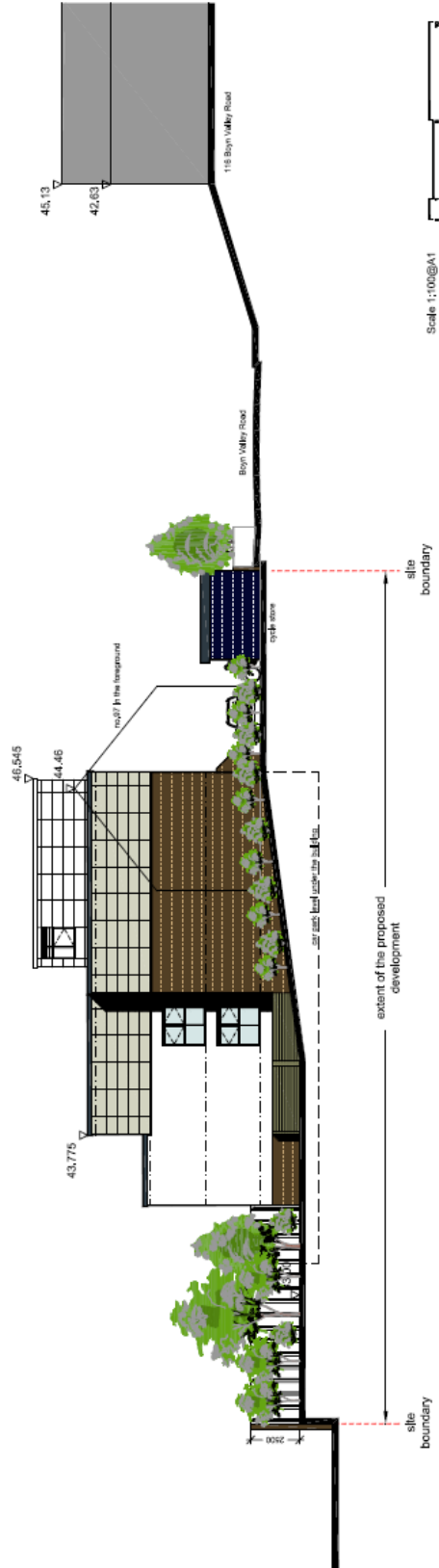
Scale 1/200 @ A1

BOS Building, LLC - London
 York Street
 London EC3A 3DP
 UK

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMIT	15/11/2023	MM	MM
2	REVISION	08/12/2023	MM	MM
3	REVISION	08/12/2023	MM	MM

WEST ELEVATION

NOTES:
 1. All elevations are in meters above sea level (MASL).
 2. All dimensions are in meters unless otherwise stated.
 3. All materials and finishes are to be as specified in the Bill of Materials (BOM).
 4. All work is to be in accordance with the relevant building codes and standards.
 5. All work is to be completed within the specified time frame.



PROJECT NAME	118 Boys Valley Road
CLIENT	Boys Valley Road
DESIGNER	Boys Valley Road
DATE	11/11/2024
SCALE	1:100
PLANNING	PLANNING
NO.	000
REV.	A

MAIDENHEAD DEVELOPMENT CONTROL PANEL

28 September 2016

Item: 5

Application No.:	16/01739/FULL
Location:	20A Castle Hill Maidenhead SL6 4JJ
Proposal:	Alterations to provide 2 x 1 bed flats and 2 x studio flats on ground and first floor with amendments to fenestration
Applicant:	Mr Dowling - Knoll Properties Ltd
Agent:	Mr Neil Boddington - Boddingtons Planning Ltd
Parish/Ward:	/Belmont Ward

If you have a question about this report, please contact: Diane Charlton on 01628 685699 or at diane.charlton@rbwm.gov.uk

1. SUMMARY

- 1.1 Given the scale of development it is considered that it will not be harmful to the character and appearance of the area, nor harm the living conditions of occupiers of neighbouring properties. Sufficient parking would be available on site and the proposal does not give rise to any highway safety issues. The proposal is sustainable development in compliance with national and local planning policies.

It is recommended the Panel grants planning permission subject to the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

- 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 existing building comprises a terraced two storey building that is divided into 2 two bedroomed flats. It is located within Castle Hill Conservation Area and adjacent to a Listed Building.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 There is no relevant planning history.
- 4.2 The proposal is to change the building from 2 two bedroomed flats to 2 one bedroomed flats and 2 studios apartments one on each floor. The only external change would be a new set of patio doors to the rear and the existing rear parking area will be the same as existing.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, Section 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	Conservation and Listed Building	Highways/Parking issues
Local Plan	DG1, H6, H8, H10, H11	CA2 , LB2	T5, T7, P4

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of Development
- ii Impact on Conservation Area and adjacent Listed Building
- iii Highway Safety and Parking
- iv Impact on Neighbours

Principle of Development

6.2 As this is predominantly a residential area within the settlement area of Maidenhead the proposed development in principle would be an acceptable. Furthermore the NPPF encourages sustainable development and the re use of buildings for residential uses.

Impact on Conservation Area and adjacent Listed Building

6.3 The application does not propose any alterations that would impact on the Conservation Area or the adjacent Listed Building and whilst there will be an increase in unit numbers this will not have an adverse impact. The character and appearance of the Conservation area would therefore be preserved.

6.4 In arriving at this conclusion regard has been paid to Section 72(1) and 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as special attention has been paid to seeking a scheme that preserves the Conservation Area. The proposal will also comply with Policy CA2 of the Local Plan and paragraph 131 of the NPPF.

Highway Safety and Parking

6.5 The proposal generates a maximum demand for 4 car parking spaces. The applicant provides 6 spaces as illustrated in the attached plan. Therefore, the proposal raises no concerns with regard to parking provision.

Impact on Neighbours

6.6 The proposed change of use will not adversely impact on the adjacent dwellings and whilst there is an increase in the number of units there is unlikely to be an increase in the number of people at the site.

Other Material Considerations

Housing Mix

- 6.7 There are no objections to the provision of one bedroom units. Local Plan policy H8 states that the Council will particularly favour proposal which include dwellings for small households and the location is considered to be sustainable and appropriate for this housing type.

Standard of Accommodation for Future Occupiers

- 6.8 Internal rooms are considered to be sufficient in size to function for the use they are intended, and habitable rooms benefit from natural light and ventilation. Furthermore, there are no planning policies within the Borough Local Plan which sets out minimum room sizes. There is only a small space provided around the building that could be used for amenity space for the occupiers of the flats, however the flats are located within an urban locality in close proximity to open space and the town centre and no objections are raised to this.

Housing Land Supply

- 6.9 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. The Borough Council cannot demonstrate a 5 year housing land supply.
- 6.10 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.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution however as the building is already in a residential use and there is no additional floorspace no payment is required.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

7 occupiers were notified directly of the application, and the planning officer posted a notice advertising the application at the site on 16th May 2016.

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

Comment		Where in the report this is considered
1.	Concerns over loss of shrubs would lead to loss of privacy.	The loss of shrubs is not a justification to refuse the application. Notwithstanding this the applicant has confirmed the

		shrubs will remain just tidied up. However it would not be reasonable to condition their retention.
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Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objection to the proposal.	Noted.
Local Highway Authority	No objection.	6.5
Maidenhead Civic Society	The room sizes are below the RIBA standard. Parking not shown on plan.	6.8

9. APPENDICES TO THIS REPORT

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

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.

10. 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 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.
- 3 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
- 4 No part of the development shall be occupied until a refuse bin storage area and recycling

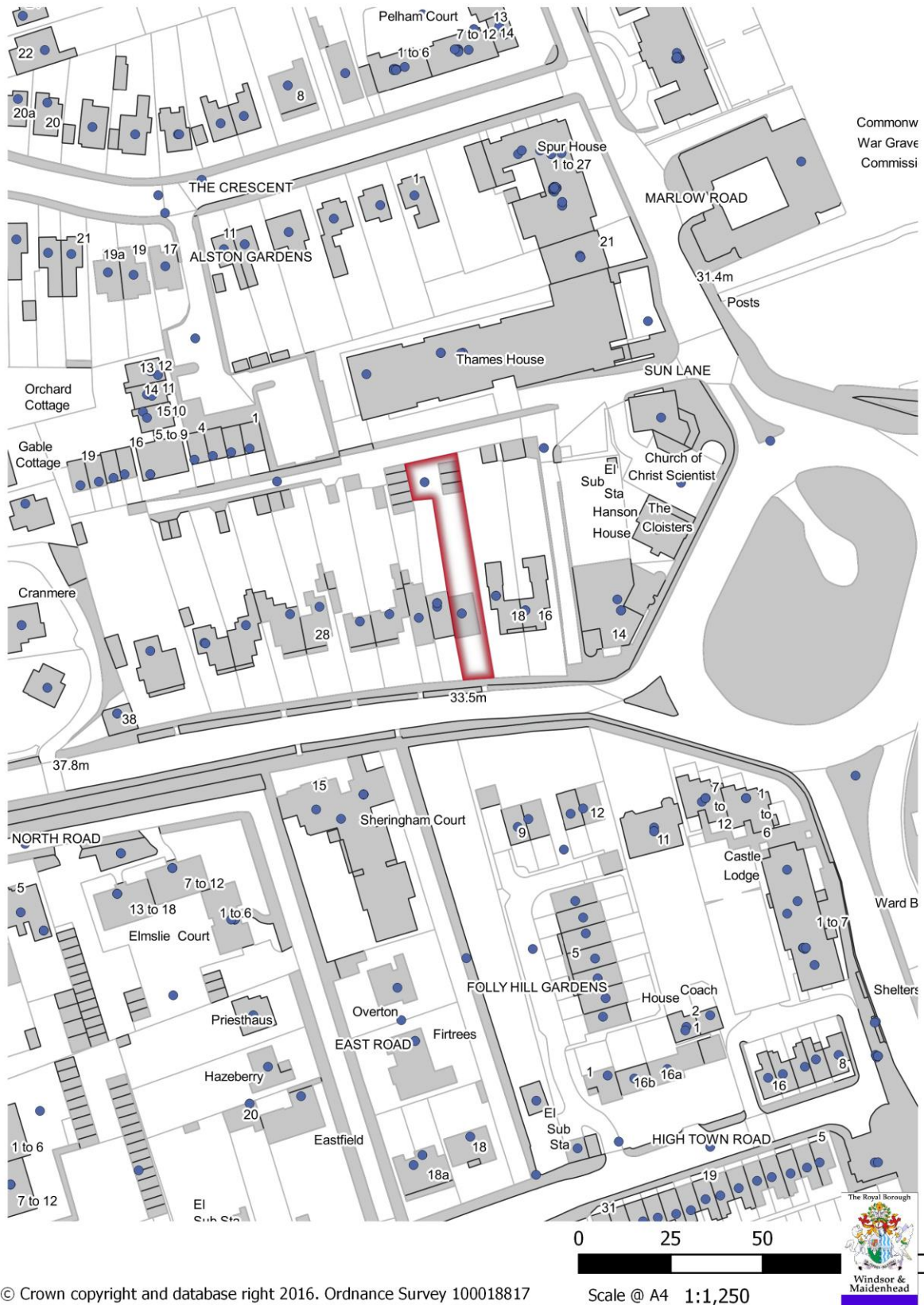
facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.

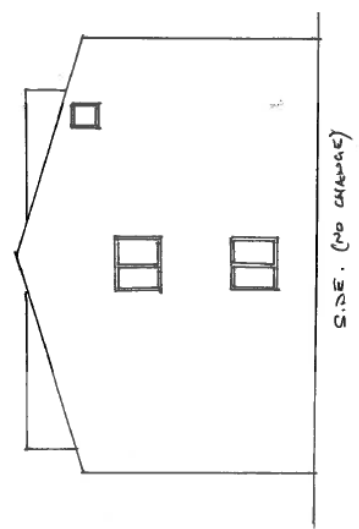
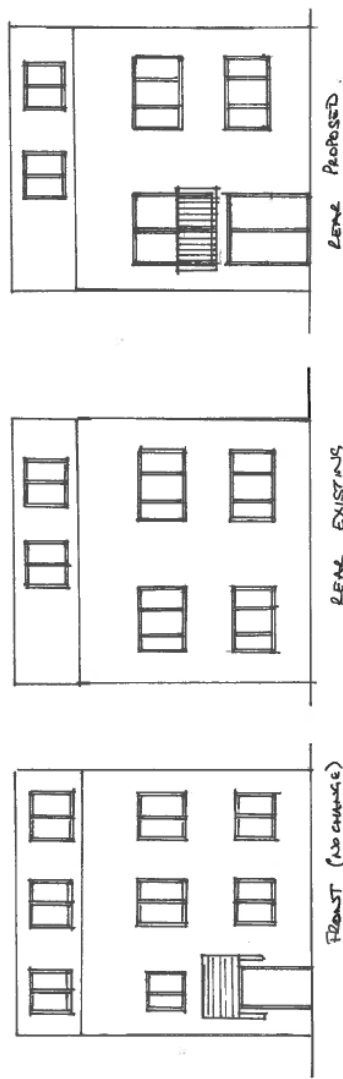
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

5 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.

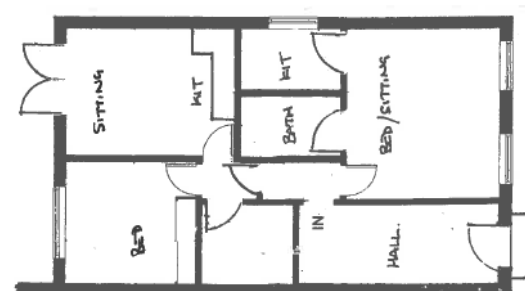
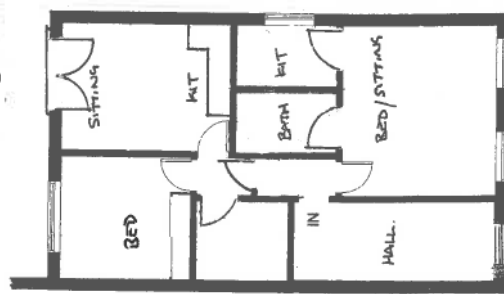
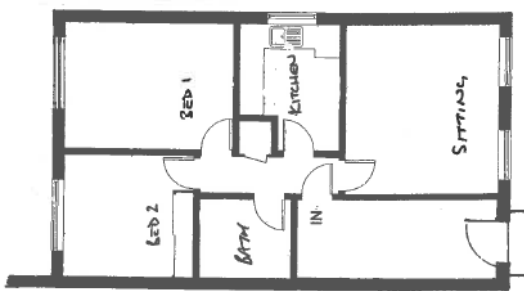
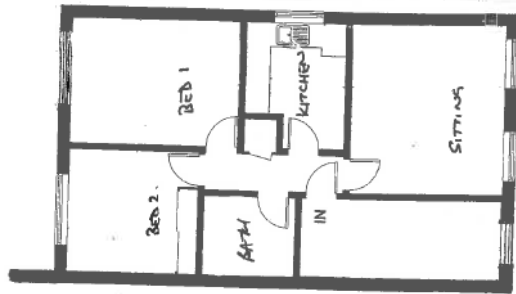
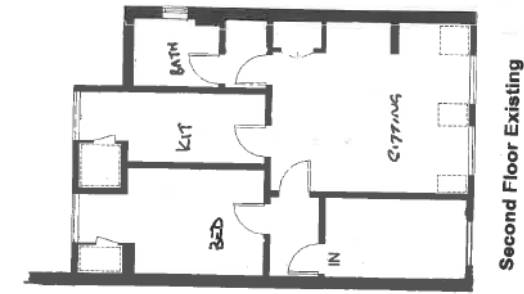
Appendix A





**BODDINGTONS
PLANNING LTD**
Westfield House
31 Shirburn Street
WATLINGTON
Oxon. OX48 5BU
01491 614809
www.boddingtonsplanning.com

Project: Conversion of flats Elevations Existing and Proposed Date: May 2016	Client: Mr C Dowling 20 Castle Hill Maidenhead Scale: 1:100 @ A3 Drawing 161402
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**BODDINGTONS
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Westfield House
31 Shirburn Street
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Oxon. OX49 5BU
01491 814809
www.boddingtonsplanning.com

Project: Conversion of flats Elevations Existing and Proposed Date: May 2016	Client: Mr C Dowling 20 Castle Hill Maidenhead Scale: 1:100 @ A3	Drawing 16/4/01
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MAIDENHEAD DEVELOPMENT CONTROL PANEL

28 September 2016

Item: 6

Application No.: 16/02326/FULL

Location: The Farm Bigrith Church Road Cookham Dean Maidenhead SL6 9PR

Proposal: Part single part two storey front extension

Applicant: Mr And Mrs Zink

Agent: Mr Matt Taylor

Parish/Ward: Cookham Parish/Bisham And Cookham Ward

If you have a question about this report, please contact: Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk

1. SUMMARY

- 1.1 The site is in the Green Belt and the proposed extension would result in a disproportionate addition over and above the size of the original house, in terms of both the floorspace gained, the size of the resulting building within the plot and the mass of resulting roofscape, contrary to saved Policy GB4 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted June 2003). It therefore represents inappropriate development contrary to saved policy GB1 of the Local Plan and Paragraphs 88 and 89 of the National Planning Policy Framework (dated March 2012). Inappropriate development is by definition harmful to the Green Belt and the applicant has failed to demonstrate that any very special circumstances exist that clearly outweighs the harm caused by reason of inappropriateness and the other harm identified in subsequent reasons for refusal.
- 1.2 The proposal would have a greater impact on the openness of the Green Belt than the existing development at the site and harm the character of the countryside as a result of the material increase in the scale of development, by reason of both the size of the resulting building within the plot itself, in addition to the scale of roof mass which would ensue, contrary to saved Policy GB2 (A) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and Paragraphs 88 and 89 of the National Planning Policy Framework (dated March 2012).
- 1.3 The original property, which predates the mid 1800's, was of a subservient semi-rural nature with the footprint of the original barn clearly being detached from the main dwelling. The width of the area between the buildings (albeit only 3.2m wide) is considered to be a crucial feature of the clearly-detached relationship. Introducing built-form which links the two structures together would result in a large, hard frontage some 18m wide which would not sympathetically reflect the design of the original building and relationship this has to the wider streetscene. The proposal causes harm to the character of the original dwelling and wider streetscene in general and is contrary to Policy DG1 and H14 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and Guidance paragraphs G4.6, G6.4, G6.9a of the Cookham Village Design Statement.
- 1.4 The width of the opening in to the garage is around 1.7m and this cannot be counted as a viable parking-space and the depth of the available space between the forward-facing wall of the garage and the edge of the curtilage is of insufficient depth to accommodate a vehicle. The proposal would decrease the limited space available for off-street parking; overall the proposal would lead to an inadequate car parking provision within the curtilage of the property which would be contrary to Policies DG1 (7), H14 (3) and P4 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003). A refusal reason on this is not however recommended as it represents the existing situation.

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

1.	The proposal represents a disproportionate addition to the dwelling contrary to Policy GB4 of the Local Plan, and is therefore inappropriate development contrary to Policy GB1 of the Local Plan and Paragraphs 88 and 89 of the NPPF. It is also harmful to the openness of the Green Belt, contrary to Policy GB2 and the NPPF.
2.	The linking of the two buildings would be harmful to the street scene and would lead to a perception of overdevelopment. It is therefore contrary to Policies DG1 and H14 of the Local Plan, and the Guidance of the Cookham Village Design Statement.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor MJ Saunders irrespective of the recommendation of the Borough Planning Manager. Reasons: Parish Council Planning Committee objections and a request for call-in from the Applicants.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The property is detached and dates to the early/mid 1800s. Its main house was originally of simple, rectangular form orientated in a north-west/south-east direction; the existing barn which is orientated in a north-east/south-west direction and located close to the front curtilage is original but benefits from additions to its rear in the late 1980s. The property has been historically extended with a two-storey addition off the south-east elevation and a replacement extension (now a conservatory) was approved in 2000. The barn exhibits two feature flint panels, a material which has been fairly extensively used in the parish.
- 3.2 The whole of Cookham Dean lies within the Metropolitan Green Belt. The commons of Cookham Dean are collectively major contributors to the open aspect of the built environment and in some instances extend beyond Cookham parish into surrounding areas. Many of the roads in the parish are still essentially country lanes, especially in Cookham Dean, where their size, layout, hedges and greenery are fundamental to the sense of rural charm. There are considerable differences in both plot and dwelling size in the immediate locale.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Application No.	Description	Status
407707	Demolition of existing single storey room and conservatory, addition of 2 storey extension and conservatory	PERM 14.8.1978
416171	Convert existing barn to play room and extension to provide garage and storage area	PERM 10.10.1985
DC 00/36210/FULL	Replacement side conservatory	PERM 6.12.2000
DC 04/41969/FULL	Insertion of part glazed roof and new entrance porch	PERM 16.6.2004
DC 14/01956/CPD	Certificate of lawfulness to determine whether a proposed single storey front extension is lawful	PERMDE 4.7.2014
DC 14/03054/CPD	Proposed part single, part two storey front extension	PERMDE 17.10.2014
15/04118/FULL	Construction of a part single, part two storey front (link) extension	Refused 14.4.2016

- 4.1 The application proposed a part single storey dual-pitched extension which would be sited at the very front of the property and would link the barn to the main houses; this would then 'fall' to a flat roofed element with glazed lantern over before having a two-stage increase in roof pitch up to

form a new gabled addition. Overall the additions would add a new porch, an enlarged kitchen, dining and sitting area at ground floor with an additional bedroom and new en-suite at first floor. The application also proposes two rooflights in the rear (south-east) roofslope of the barn.

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:

	Within settlement area	Green Belt
Local Plan	DG1, H14	GB1, GB2, GB4

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

- Cookham Village Design Statement

More information on this document can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy – view using link at paragraph 5.2

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i whether the proposal amounts to appropriate development in the Green Belt, and if not whether there are any very special circumstances that clearly outweigh the harm caused to the Green belt by reason of its inappropriateness and any other harm caused by the proposal; and
- ii the character and appearance of the original dwelling and the street scene; and
- iii the living conditions of the neighbouring properties; and
- iv the adequacy of parking on the site and the impact on highway safety in the area.

Green Belt

6.2 The property is located in the Green Belt. Policy GB1 of the Local Plan lists the types of new buildings that are appropriate forms of development in the Green Belt; this includes residential extensions that satisfy Policy GB4.

6.3 Policy GB4 allows the extension of dwellings as long as they do not result in a disproportionate addition over and above the size of the original dwelling. As Policy GB4 explains, a disproportionate addition could occur through one large extension or through the cumulative

impact of a series of small ones. The Policy makes it clear that percentage increases in floorspace are not the sole determining factor; the justification of the policy explains each case within the Green Belt will be considered on its merits.

- 6.4 The size of the original dwelling which would be considered small when compared to modern standards and this would typically allow for larger than usual additions and this would be a relevant factor. Limited weight can be attributed to the plot size inasmuch as built form already occupies almost the full, 21m width. The wider area, although entirely residential, has a very rural sense which arises from the narrow, undulating country lane. The property is within/on National Trust 'Common' Land; the Commons also provide welcome green, natural spaces for villagers and visitors to walk, ride and play. Aspects of the proposed extension would be highly visible from public places; particularly the north-west elevation which would entirely in-fill the space between the original dwelling and barn.

Policy GB4 House Extensions in the Green Belt			
			% Increase
Floorspace of original house or at 1/7/1947	90.00	sqm	
Extensions added prior to current application	105.9	sqm	117.67%
Current proposal	72.10	sqm	
Floorspace to be demolished	16.30	sqm	
Total Floorspace added	161.70	sqm	179.67%

- 6.5 The National Planning Policy Framework (NPPF) indicates in paragraph 88 that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 89 continues by stating that extensions or alterations of a building are acceptable provided that they do not result in disproportionate additions over and above the size of the original building. There is no definition of limited or disproportionate in Local Plan policy or the National Planning Policy Framework (NPPF) and it is accepted that a mathematical calculation is not a determining factor. Nonetheless, as a matter of fact and degree the proposal, because of the significant resulting cumulative size, would not be a limited extension, and would therefore be inappropriate development in the Green Belt which is by definition harmful.
- 6.6 Policy GB2 states that permission will not be granted for the redevelopment of existing buildings within the Green Belt if it would (A) have a greater impact on the openness of the Green Belt or the purposes of including land in it than an existing development on the site or (B) harm the character of the countryside because of 3) a material increase in the scale of development on the site. One of the key objectives of Green Belt policy is to safeguard the open and rural character of the Borough's countryside.
- 6.7 The additions would infill the only space which separates the original dwelling from the original barn with a single-storey addition, increasing to two storeys sited 8m back from the frontage. The cumulative effect of the significant floorspace created at ground and first floor which, of itself, is an increase of around 180% would have a greater impact on the openness of the Green Belt than the existing development on the small site. The proposal is also contrary to Policy GB4 of the Local Plan.

The Character and Appearance of the Original Dwelling and the Street Scene

- 6.8 Policies DG1 and H14 of the Local Plan provide detailed design criteria (together with the Guidance Note "House Extensions" at Appendix 12 of the Local Plan and the Council's adopted highway design standards. Policy DG1 (11) states "harm should not be caused to the character of the surrounding area through development which is cramped, or which results in the loss of important features which contribute to that character" and Policy H14 (1) states "extensions should not have any adverse effect upon the character or appearance of the original property or any neighbouring properties, nor adversely affect the street scene in general". The Cookham Village Design Statement requires new buildings, of any kind, to sit comfortably within their surroundings. The permissible size of buildings must relate to their context. The most important criterion is they should not appear to be over-dominant, or to possess too great a mass vis-à-vis their surroundings, whether that may be neighbouring buildings or the open countryside. New development should respect the rural or semi-rural character of Cookham. Extensions should be subordinate in scale, should not result in an overbearing appearance or unneighbourly impact, and should sympathetically reflect the design of the original building.
- 6.9 The original property, which predates the mid 1800's, was of a subservient semi-rural nature with the footprint of the original barn clearly being detached from the main dwelling. The width of the area between the buildings (albeit only 3.2m wide) is considered to be a crucial feature of the retention of this detached relationship. Introducing built-form which links the two structures together would result in a large, hard frontage some 18m wide which would not sympathetically reflect the design of the original building and relationship this has to the wider streetscene. Appendix 12 (Guidance Notes "House Extensions") includes reference to Granny Annexes/Extensions having to be designed to be ancillary to the existing house with internal links to the main accommodation being required. The floor-plans show a window between the existing outer-wall of the proposed annex looking-in towards the proposed kitchen. Although this lack of internal link is not sufficient grounds alone to refuse the application, it does add to the overall unacceptability of the proposal.

The Living Conditions of the Neighbouring Properties

- 6.10 Policy H14 (2) states that "extensions should not cause an unacceptable loss of light or privacy to adjacent properties, or significantly affect their amenities". The Council's guidance on extensions advises that, to avoid an excessive loss of light, first-floor to first-floor extensions should not extend beyond a line drawn at 60 degrees from the centre of the nearest habitable room window to an adjoining property.
- 6.11 The property has two detached neighbours; the neighbour to the north (Heronslea House) is approximately 11m away, with the main dwelling of The Farm intervening between them and the proposed addition. The neighbour to the north-west (Leewind) is over 20m away with Church Road itself intervening between them and the proposed addition. Overall the extension would not cause an unacceptable loss of light or privacy to adjacent properties, or significantly affect their amenities.

The Adequacy of Parking on the Site and the Impact on Highway Safety

- 6.12 Policies DG1 (7), H14 (3) and P4 all require that extensions/development should not impair highway safety or lead to an inadequate car parking provision within the curtilage of the property. The 2004 adopted Parking Strategy details properties with four or more -bedrooms should have three off-street parking spaces and the maximum level of parking is required.
- 6.13 The width of the opening in to the garage is around 1.7m; it is unlikely that a standard car would be able to fit through this opening to the 2.9m-wide internal space beyond. Although the streetscene is such that it appears that the property benefits from two gravelled driveways, this land is in actual fact outside the control of the applicant as it belongs to the National Trust. Whilst the proposal does not generate any need for additional parking, it nonetheless results in the loss of existing parking. Presently there is sufficient space between the main dwelling and the detached outbuilding behind the 5-bar gate where some parking could be achieved; the proposal would prevent any parking in this area. The depth of the available space between the forward-

facing wall of the garage and the edge of the curtilage within the applicant's ownership is around 2.2m (currently delineated by a hedge); this is of insufficient depth to accommodate a vehicle. As it would not be possible to control (by way of a condition) the width of the vehicle owned by the homeowner, overall the proposal would lead to an inadequate car parking provision within the curtilage of the property. The applicant has stated that they have a longstanding arrangement with the National Trust to allow the parking of cars on the driveways across the National Trust land. This cannot be secured as it is outside the red line and might not be available in perpetuity. However, it doesn't alter the existing situation and refusal is not recommended on that basis.

Other Material Considerations

- 6.14 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The law makes a clear distinction between the question of whether something *is* a material consideration and the weight which it is to be given. The former is a question of law and the latter is a question of planning judgement, which is entirely a matter for the Local Planning Authority. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided it has regard to all material considerations, it is for the decision maker to decide what weight is to be give to the material considerations in each case, and (subject to the test of *Wednesbury* reasonableness) the courts will not get involved in the question of weight.
- 6.15 The material considerations in question are Certificate of Lawfulness reference numbers 14/01956/CPD (proposed single storey front extension) and 14/03054/CPD (proposed part single, part two storey front extension). The applicants have put forward a case that the existence of the commenced permitted development extensions amount to very special circumstances to justify the development in the Green Belt.
- 6.16 The weight which should be attributed to these comprises the following considerations. The footings for the permitted development extensions have been excavated around 14 April 2015, with the cement being poured on 16 April 2015. It is therefore concluded that the extensions have been commenced and can be completed at any time. The proposed extension and link under consideration now would have a larger floor area and would be more bulky than the extensions which were commenced, and would link the house with the former barn, so it is considered that because of this difference, very special circumstances do not exist to justify the development in the Green Belt.
- 6.17 Officers have attempted to negotiate a reduction in the size and bulk of the proposed link extension with a view to it being directly comparable with the commenced permitted development extension, but the applicants have declined this offer, and wish it to be considered as it stands.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

3 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 2.8.2016.

One letter was received supporting the application, summarised as:

Comment	Where in the report this is considered
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1.	We like the design, it is in keeping with the character and it is not overdevelopment	6.2-6.9
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Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Objection, overdevelopment in the Green Belt	6.2-6.7

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Existing ground floor plan
- Appendix C – Existing first floor plan
- Appendix D – Proposed ground floor plan
- Appendix E – Proposed first floor plan
- Appendix F – Proposed front elevation
- Appendix G -Proposed left elevation
- Appendix H – Proposed right elevation
- Appendix I – Proposed rear elevation

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

This recommendation is made following careful consideration of all the issues raised through the application. 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 unsuccessfully resolved.

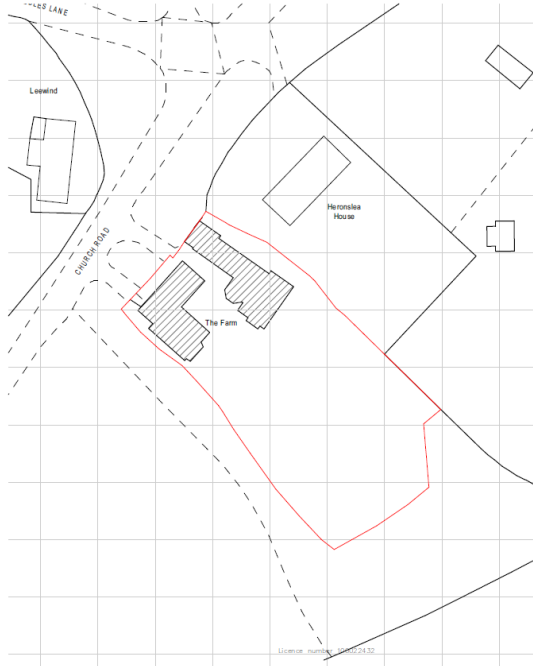
9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The site is in the Green Belt and the proposed extension would, in conjunction with previously approved and constructed extensions, result in a disproportionate addition over and above the size of the original house, contrary to saved Policy GB4 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted June 2003). It therefore represents inappropriate development contrary to saved policy GB1 of the Local Plan and Paragraphs 88 and 89 of the National Planning Policy Framework (dated March 2012). Inappropriate development is by definition harmful to the Green Belt and the applicant has failed to demonstrate that any very special circumstances exist that clearly outweighs the harm caused by reason of inappropriateness and the other harm identified in subsequent reasons for refusal. Further, the proposal would have a greater impact on the openness of the Green Belt than the existing development at the site contrary to saved Policy GB2 (A) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and Paragraphs 88 and 89 of the National Planning Policy Framework (dated March 2012).
- 2 The proposal would link the detached barn to the main dwelling; this gap is considered to be an

important feature in terms of the character of both the street scene and original property where a perceived closing of this gap would further exacerbate the perception of overdevelopment. Overall the proposal does not sympathetically reflect the design of the original building or the relationship this has to the wider streetscene and is contrary to Policy DG1 and H14 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and Guidance paragraphs G4.6, G6.4, G6.9a of the Cookham Village Design Statement.



LOCATION PLAN
1:1250 SCALE



BLOCK PLAN
1:500 SCALE



PRELIMINARY - SUBJECT TO PLANNING APPROVAL

HOLLAND AND GREEN™

Mr & Mrs Zink
The Farm, Bigfith
Cockham Dean
SL6 9PR

**SITE LOCATION PLAN
EXISTING**

Date: 03/12/2015

Scale at A3: As Indicated

Project: Zinc-TheFams-PD
Drawing Number: 1 - DP

Rev	Date	Details

Drawn By: SR

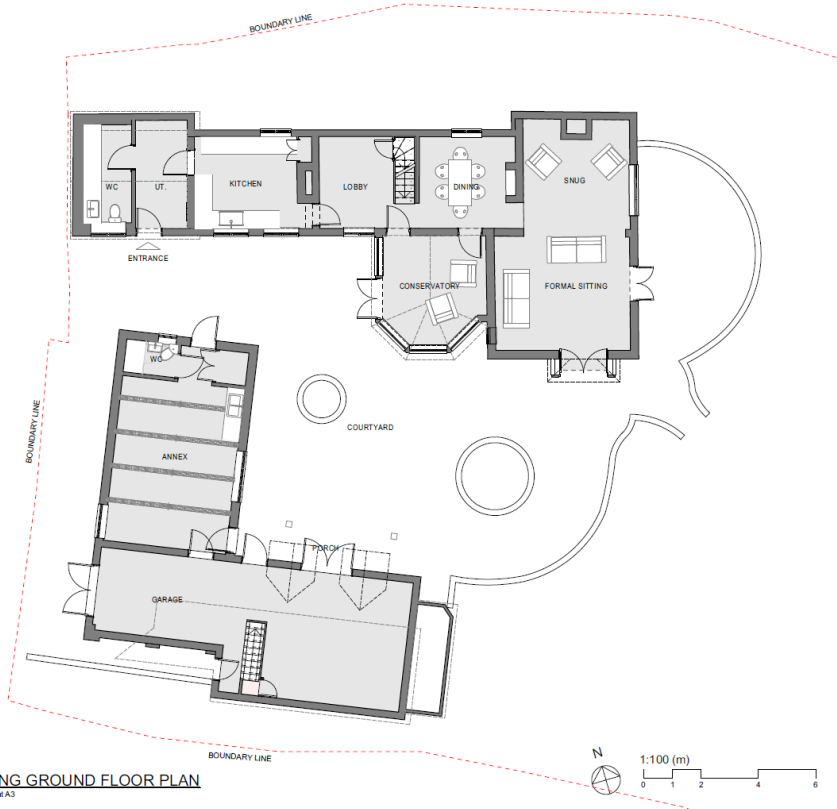
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The Victoria Surfhouse Cockham Dean 5 & 7 Thames Street Reading RG2 2JW 0118 933 3112	Holland and Green Ltd TheFarms Horton Wickhampton Reading RG2 2JW 0118 933 3112
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info@hollandandgreen.co.uk
www.hollandandgreen.co.uk



EXISTING GROUND FLOOR PLAN
Scale - 1:100 @ A3

PRELIMINARY - SUBJECT TO PLANNING APPROVAL

HOLLAND AND GREEN™

Mr & Mrs Zink
The Farm, Biglith
Cockham Dean
SL6 9PR

EXISTING GROUND FLOOR PLAN

Date: 03/12/2015

Scale at A3: As Indicated

Project: Zink-TheFarm-PD
Drawing Number: 1 - D2

Rev	Date	Details

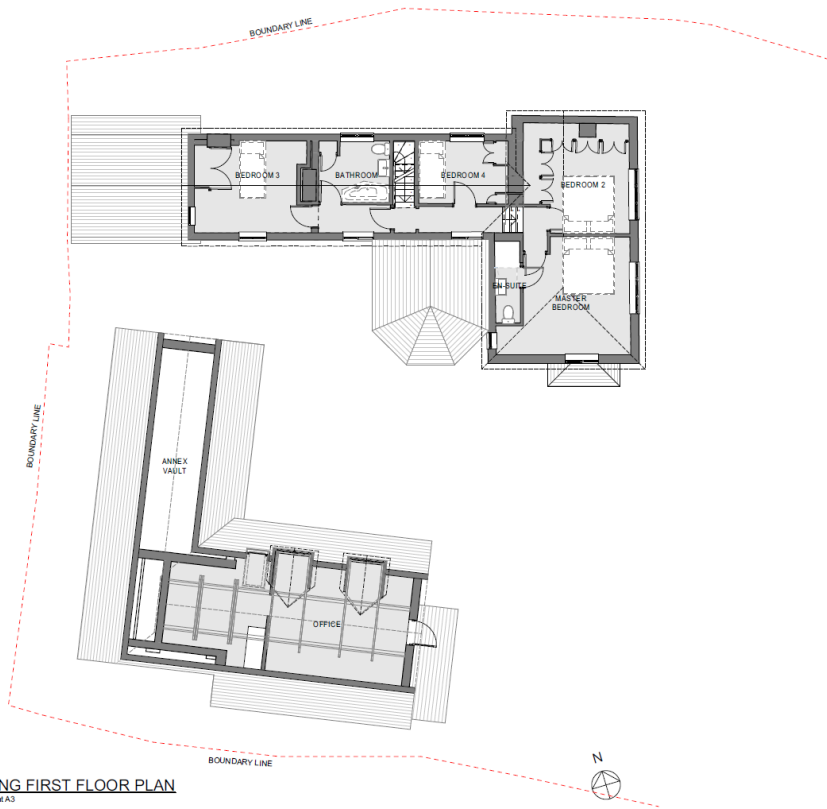
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<p>The Victoria Buildings Cromwell Buildings 51, Trenchard TWO D2W 605 9BH 9112</p>	<p>Holland and Green Hub Bucknell Farm Buckley Brook Farm WYKE D25 11555 222 222</p>
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H&G@hollandandgreen.co.uk
www.hollandandgreen.co.uk



EXISTING FIRST FLOOR PLAN
Scale - 1:100 @ A3

PRELIMINARY - SUBJECT TO PLANNING APPROVAL

HOLLAND AND GREEN™

Mr & Mrs Zink
The Farm, Bigfifth
Cockham Dean
SL6 9PR

EXISTING FIRST FLOOR PLAN

Date: 03/12/2015

Scale: as Indicated

Project: ZINC-TheFarms-PD
Drawing Number: 2 - D2

Rev	Date	Details

Drawn By: SR

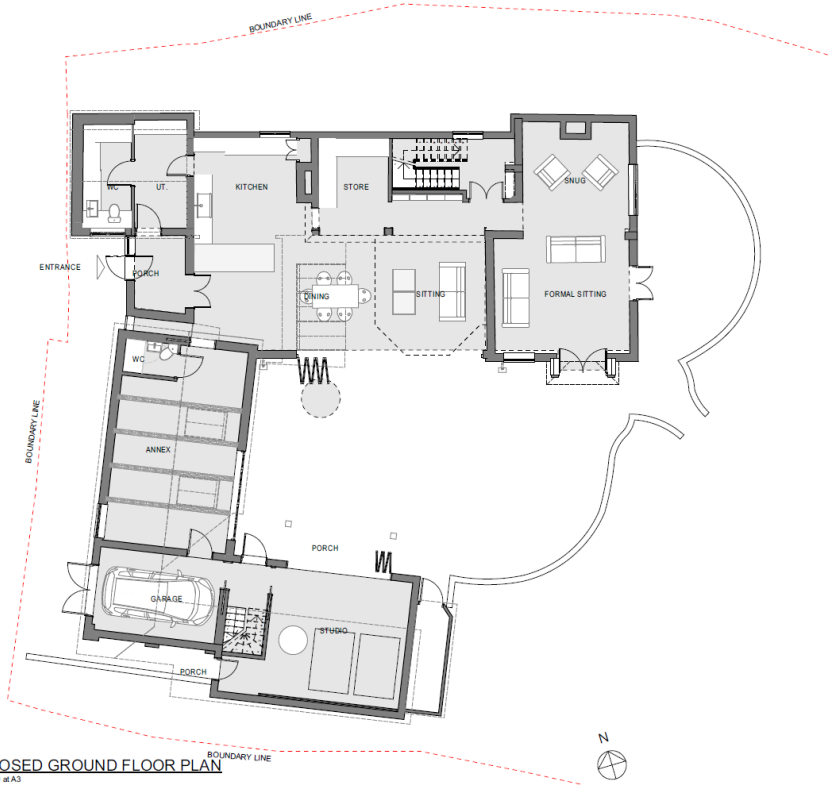
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info@hollandandgreen.co.uk
www.hollandandgreen.co.uk



PROPOSED GROUND FLOOR PLAN
Scale - 1:150 @A3

PRELIMINARY - SUBJECT TO PLANNING APPROVAL

HOLLAND AND GREEN™

Mr & Mrs Zink
The Farm, Bigliffth
Cockham Dean
SL6 9PR

PROPOSED GROUND FLOOR PLAN

Date: 03/12/2015

Scale at A3: As Indicated

Project: Zink-TheFarm-PD
Drawing Number: 8 - D2

Rev	Date	Details

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PROPOSED FIRST FLOOR PLAN
Scale - 1:100 @A3

PRELIMINARY - SUBJECT TO PLANNING APPROVAL

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Mr & Mrs Zink
The Farm, Biglith
Cockham Dean
SL6 9PR

PROPOSED FIRST FLOOR PLAN

Date: 03/12/2015

Scale at A3: As Indicated

Project: ZINC-TheFam-PD
Drawing Number: 9 - D2

Rev	Date	Details

Drawn By: SR

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www.hollandandgreen.co.uk



Existing House - Front (South-West Facing) Elevation



Existing Barn - Rear (South-West Facing) Elevation

PROPOSED FRONT (SOUTH-WEST FACING) ELEVATION
Scale - 1:100 @ A3

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PROPOSED FRONT ELEVATION

Date: 03/12/2015

Scale at A3: As Indicated

Project: Zink-TheFam-PD
Drawing Number: 11 - D2

Rev	Date	Details

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PROPOSED LEFT (NORTH-WEST FACING) ELEVATION
 Scale - 1:100 @A3

PRELIMINARY - SUBJECT TO PLANNING APPROVAL

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 SL6 9PR

PROPOSED LEFT ELEVATION

Date: 03/12/2015

Scale at A3: As Indicated

Project: Zinc-TheFam-PO
 Drawing Number: 12 - D2

Rev	Date	Details

Drawn By: SR

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PROPOSED RIGHT (SOUTH-EAST FACING) ELEVATION
Scale - 1:150 @ A3

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PROPOSED RIGHT ELEVATION

Date: 03/12/2015

Scale at A3: As Indicated

Project: Zink-TheFarm-PD
Drawing Number: 13 - D2

Rev	Date	Details

Drawn By: SR -

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PRELIMINARY - SUBJECT TO PLANNING APPROVAL



PROPOSED REAR (NORTH-EAST FACING) ELEVATION
Scale - 1:100 @A3

PRELIMINARY - SUBJECT TO PLANNING APPROVAL

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PROPOSED REAR ELEVATION

Date: 03/12/2015

Scale at A3: As Indicated

Project: Zink-TheFam-PD
 Drawing Number: 14 - D2

Rev	Date	Details

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MAIDENHEAD DEVELOPMENT CONTROL PANEL

28 September 2016

Item: 7

Application No.:	16/02659/FULL
Location:	Unit 5 The Quadrant Howarth Road Maidenhead SL6 1AP
Proposal:	Temporary change of use from Class B1 and B8 (office) to a mixed use of C2, D1 and B8 (emergency shelter, furniture repair workshop and food bank storage)
Applicant:	Mrs Brett - The Brett Foundation
Agent:	Mr Kevin Mist
Parish/Ward:	/Oldfield Ward

If you have a question about this report, please contact: Victoria Gibson on 01628 685693 or at victoria.gibson@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposed unit is currently vacant and the change of use would only be for a temporary 5 year period. The proposed shelter/training centre would provide a much needed local facility which would provide social and economic benefits. These considerations all weigh in favour of the development and overcome the policy objection to the change of use of the site to a non office/industrial/warehousing use.
- 1.2 There are no external changes proposed to the building and the proposal would not alter the character or appearance of the industrial estate. The proposal would not harm the amenities of neighbouring business users nor would the industrial nature of the area harm the amenities of future occupiers of this facility given the temporary nature of their stay.
- 1.3 There are 10 on site car parking spaces and comments from the Highway Authority are awaited. These will be reported in the Panel Update report. The site lies within flood zone 2 (medium risk) and the applicant has been requested to submit a flood risk assessment. However the proposal does comply with local plan flood policy and there would be no loss of flood storage capacity neither would the proposal impede the flow of flood water.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

- 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 building is located in a group of light industrial units on the edge of an industrial/retail area and residential area approximately 1 mile south of Maidenhead town centre. It benefits from close proximity to main roads and public transport links, retail and leisure facilities. The unit has allocated parking spaces within a larger car parking facility for the area known as The Quadrant.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 There is no relevant history for this site.
- 4.2 The facility will help address a clear and present issue in the borough and facilitates a local charity to provide practical help and training to homeless people in the borough. The unit will be used:

- To provide emergency night shelter sleeping accommodation for up to 9 people from the Royal Borough of Windsor & Maidenhead area, with ancillary areas for showering and a meal from 7.30pm until 8am, Monday to Sunday during the months of October, November, December, January, February, March only.
- To provide storage for food and other comestibles for the food bank project operated by the Brett Foundation.
- To provide training facilities for the homeless to enable them to develop personal skills leading to eventual employment.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 8 (Promoting Healthy Communities.)

Development Plan

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

	Within settlement area	Highways and Parking	Employment
Borough Local Plan	DG1	P4, T5	E5
Maidenhead Area Action Plan	MTC4	MTC14	-

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Loss of employment land and the need for this facility;
- ii Impact on the character and appearance of the area;
- iii Impact on the amenities of neighbouring occupiers and future residents;
- iv Highway Considerations; and
- v Flooding Risk Implications.

Loss of employment land and the need for this facility

- 6.2 The proposed site lies within an employment area and Local Plan policy E5 states that the Borough Council will not permit the change of use of such premises for retail or any other purpose other than a business, industrial or warehousing use. In assessing this proposal however account also needs to be taken of the fact that the unit is currently vacant and the proposed change of use would only be for a temporary 5 year period. Furthermore, the need for such a facility in the locality is considerable.
- 6.3 This need is highlighted by the Shelter website which contains an up to date database that allows comparisons across the number of households on a housing waiting list, the average private rent costs and number of residents in receipt of housing benefit. Whilst the numbers of those classified as 'homeless' are small, the numbers requiring temporary accommodation, hostel and emergency housing across the borough are increasing. The most common reasons include: domestic abuse, mortgage concerns, parental eviction and private landlords preferring those on high incomes (compared to those on low incomes who require local authority assistance) as well as changes to welfare reform.
- 6.4 Additionally housing and homelessness can cover many different elements of accommodation needs and a person does not have to be sleeping rough on the streets to be considered homeless as there other scenarios where legislation and support can apply. The term homeless includes: rough sleepers, hostel and night shelter residents, bed-and breakfast residents, squatters, people staying temporarily with friends and relatives. As well as housing and homelessness, there is a housing enabling role for the Royal Borough which involves assisting with access to appropriate housing through strategic planning.
- 6.5 Not only would this facility provide temporary accommodation but would also provide a training facility. This is important because in combating homelessness local authorities not only have a duty to provide shelter but also to offer training in life skills to assist in rehabilitation once re-housing has taken place.
- 6.6 The temporary loss of part of this building for employment purposes weighs against the development; however the fact that the site is vacant, that the loss would only be temporary as well as the social and economic benefits of assisting these vulnerable people results in a set of material considerations which clearly outweigh the policy objection.

Impact on the character and appearance of the area

- 6.7 There will be no changes to the external appearance of the building and as such the proposal would not harm the character and appearance of the area. As such there is no policy objection on this account.

Impact on the amenities of neighbouring occupiers and future residents

- 6.8 The proposed change of use would not result in a use which would cause an unacceptable level of noise or disturbance that would harm the amenities of the neighbouring occupiers. Whilst an industrial estate is not normally appropriate for residential development, given the temporary nature of people staying here no objection is raised. The Environmental Protection Officer has requested several conditions regarding deliveries and noise levels however given the industrial nature of the area and the temporary nature of the proposals these conditions are not considered reasonable, and would not meet the requested tests set out in Planning Practice Guidance.

Highway Considerations

- 6.9 There are 10 on site car parking spaces. There would be one member of staff on site. There would be no more than 8 people attending each training session. Furthermore the foodbank part of this proposal is only for the storage of food and not to be distributed to the members of the public from this site.
- 6.10 Concerns have been raised regarding the safety of the users of the facility as there are no provisions for pedestrians. However given the low levels of people visiting the site and the slow speeds of vehicles in this area no objections are raised on this ground.
- 6.11 On this basis the proposal is considered acceptable, however it is noted that the comments of the Highway Authority are yet to be received. These will be reported in the Panel Update sheet.

Flooding Risk Implications

- 6.12 The site lies within flood zone 2 (Medium probability of flooding). The proposal will not impact flood storage capacity or impede the flow of flood waters. Furthermore as the proposed development is for a change of use it does not have to demonstrate compliance with the sequential test. The NPPG also advises that the use of the site is classified for flooding purposes as a 'more vulnerable use' and confirms such uses are appropriate in flood zone 2. Notwithstanding all of this the NPPF still requires that all development proposals in the flood plain should be accompanied by a flood risk assessment. The applicant has been asked to provide a flood risk assessment and progress on this will be reported in the Panel Update.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposal is CIL liable but the site proposal is in Maidenhead Town Centre where there is zero charging.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

5 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 24th August 2016.

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

Comment	Where in the report this is considered
1. Concerned over safety of people visiting the facility as this is a busy industrial estate with no proper provision for pedestrians. Neighbouring businesses are frequently loading and unloading vehicles from recovery lorries. This is of particular concern if the food bank distribution will draw crowds of people to the site.	6.10
2. There are also concerns for security and the impact on our neighbouring business if there are numerous people in the vicinity out of usual business hours.	6.9

Other Consultees

Consultee	Comment	Where in the report this is considered
Highways	No comments received.	6.9-6.11
Environmental Protect	No objection subject to conditions.	6.8

9. APPENDICES TO THIS REPORT

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

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

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.

10. CONDITIONS IF PERMISSION IS GRANTED

- 1 The use shall be discontinued, and building restored to its former condition on or before 28th September 2021.
Reason: As it has not be adequately demonstrated that there is no longer a requirement for this industrial unit. Relevant Policies - Local Plan EN5.
- 2 The seasonal emergency night shelter element of the proposal shall provide accommodation for no more than 9 individuals at any time and shall operate only from 7.30pm until 8am, Monday to Sunday during the months of October, November, December, January, February and March only.
Reason: To ensure that the development is carried out in accordance with the proposed details.
- 3 The site shall at no time be used as an open kitchen or food bank available to the general public. The kitchen facilities shall only be used in connection with the people residing at the shelter, by staff or those taking part in a training session.
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 There shall be no more than 8 people attending any training session at one time and the training facilities shall only operate between the hours of 8.00 hrs to 18.00 hrs Monday to Sunday.
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.
- 6 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.

Appendix A



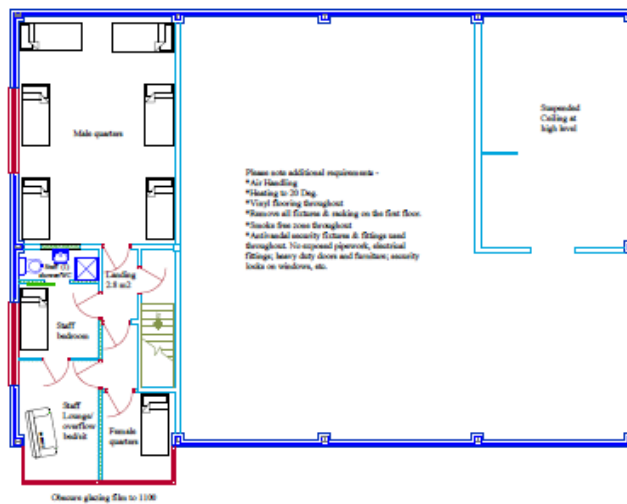
TITLE: Unit 5, The Quadrant, Howarth Road, Maidenhead SL6 1AP

Date: 08/08/2016
Scale: 1:1,000
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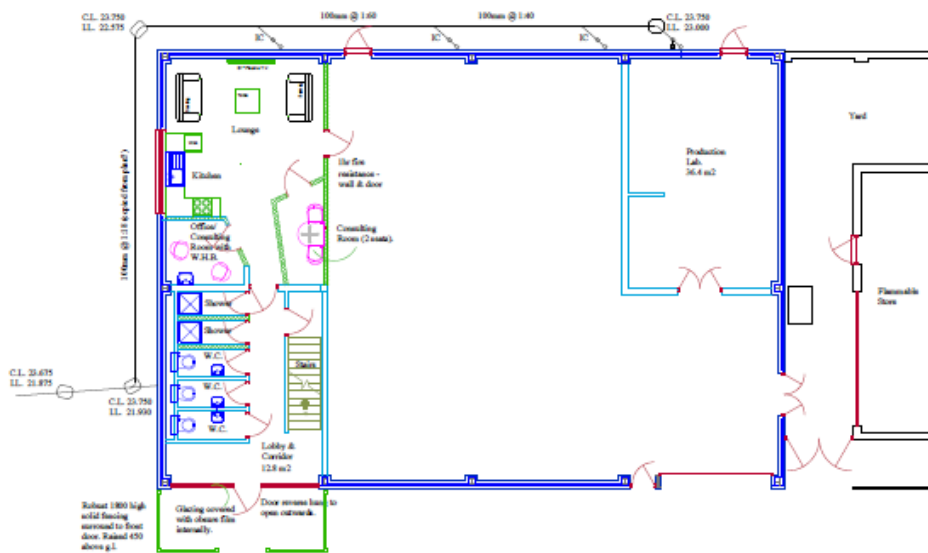


Unit 5, The Quadrant, Howarth Road, Maidenhead. Berks.

Scale 1:100 @ A2



First Floor



Ground Floor