



Appeal Decision

Site visit made on 7 February 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2023

Appeal Ref: APP/T0355/W/22/3310141

Station Court, High Road, Cookham, Maidenhead SL6 9JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Sorbon Estates Limited (Mr David Howells) against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/02331/OUT, dated 22 July 2021, was refused by notice dated 21 June 2022.
 - The development proposed is an outline application for the erection of 8 dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for an outline application for the erection of 8 dwellings at Station Court, High Road, Cookham, Maidenhead SL6 9JF in accordance with the terms of the application, Ref 21/02331/OUT, dated 22 July 2021, subject to the schedule of conditions appended to the end of this decision.

Preliminary Matters

2. The appeal relates to an application for outline planning permission with landscaping identified as a reserved matter. As such, where the approved plans show any landscaping, I have treated this as illustrative for the purposes of making my decision.
3. During the course of the appeal, additional evidence was submitted in relation to protected species and designated sites which resulted in consultation with Natural England. In the interests of natural justice, all parties have been given the opportunity to provide comments on this additional evidence and I have considered all responses received.
4. A Sustainability and Energy Statement was produced by Bluesky Unlimited in June 2022 on behalf of the appellant. Having consulted the main parties, I am satisfied that this was prepared to inform the agreed unilateral undertaking. Given that it was not submitted as part of the appeal documentation, and it relates to a matter that is not in dispute between the main parties, I have not taken its contents into account when making my decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is located close to Cookham railway station in a predominantly residential area. The dwellings nearby vary greatly in terms of their size, type, style and age, ranging from a terrace of historic cottages set very close to the road, to modern detached dwellings within relatively spacious plots. Most of the buildings are constructed from red brick which largely defines the character of the area.
7. The proposed development would involve the construction of a terrace of 8 homes. There are existing rows of terraced housing within very close proximity to the appeal site. While the proposed dwellings would be set relatively close to the road, the development as a whole would sit comfortably within its plot, providing sufficient space for parking, and would therefore not appear cramped or represent a form of overdevelopment as the Council has suggested. Furthermore, two of the terraced rows of cottages nearby, No's. 1 to 4 and No's. 1 to 4 Elizabeth Cottages, are set closer to the road than the proposed dwellings would be. Landscaping is a reserved matter, however, I am satisfied that there is sufficient space on the site to introduce a landscaping scheme that would enhance the development and complement the trees and planting that currently exists in the surrounding area.
8. Like most in the vicinity, the proposed development would be two storeys in height. The ridge height of the roofs would be relatively high to enable the provision of liveable rooms within the roof spaces. However, a number of the more modern detached houses nearby have similarly high ridge heights. Furthermore, there are examples of crown roofs on properties on High Street which would appear similar to what is being proposed. The width of the proposed terrace would also not be significant or unusual, thereby meaning that its overall mass would not dominate or appear unduly prominent within the street scene.
9. The appeal site is located immediately adjacent to several single storey bungalows that are located along Peace Lane. While the proposed development would clearly be significantly taller than these bungalows, this in itself would not cause harm given the variety of housing types that already exists in the area. The overall appearance of the proposed development, being constructed of red brick and stone, would also conform with the prevailing local character.
10. Taking account of the above, I conclude that the proposed development would not appear incongruous or out of keeping with its surrounds. Indeed, a well designed residential development of this nature would enhance the area by replacing the existing industrial use of the appeal site which adds very little to local character and appearance.
11. The proposal is therefore in conformity with Policy QP3 of the Borough Local Plan 2013 – 2033 (LP), which supports development that respects and enhances local character and is of a high quality design. It also conforms with Guidance G6.1 of the Cookham Village Design Statement Supplementary Planning Guidance (2013), which sets out that new developments should sit comfortably within their plots and that the design of buildings, including how far they are set back, should be in keeping with local character. Finally, I also find that the proposal would meet the requirements of paragraphs 124(d) and 130(a) of the National Planning Policy Framework (NPPF), which taken

together, seek to ensure that new development adds to the quality of the area and enhances local character.

Other Matters

12. The Council has set out that the appeal site is located within the 5km zone of influence of the Chiltern Beechwood Special Area of Conservation (SAC), and over 5km from the Burnham Beeches SAC. Both of the main parties are in agreement that the proposed development would not have any likely significant adverse effects on the designated sites, either alone or in combination with other plans or projects. In order to take a precautionary approach, I consulted Natural England and they have subsequently confirmed that they are also in agreement with this position. Therefore, based on this, as well as the limited scale of the proposed development and the range of other recreation areas nearby, I am also satisfied that there would not be any likely significant adverse effects, either alone or in combination with other plans or projects. This issue does not therefore need to be considered further. The appeal site is also approximately 1,500m from Cock Marsh Site of Special Scientific Interest (SSSI). For the reasons given above, I am content that there would be no undue harm caused to the SSSI.
13. The appellant has prepared a unilateral undertaking (UU) which has been agreed by the Council. The UU secures financial contributions in relation to buildings emissions and a lifestyle contribution in order to offset carbon emissions arising from the proposed development. The requirement for these contributions is set out within the Position Statement on Sustainability and Energy Efficient Design, March 2021 (PS). While this document does not have the status of a Supplementary Planning Document (SPD), it is a material consideration that sets out how the requirements of LP Policy SP2 can be met, namely that all developments demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. In this instance, based on the evidence before me, I am satisfied that the contributions are necessary to mitigate the effects of the dwelling upon climate change, and to make the development acceptable and compliant with Policy SP2. The UU therefore reflects the requirements of the PS, and meets the tests set out within Paragraph 57 of the NPPF.
14. The Council has identified that it considers the former waiting room, located within the appeal site, to be a non-designated heritage asset. The building would be demolished as part of the proposal. While it has been fitted with modern windows and doors, the building still has the overall appearance of a historic building and its red brick construction and unusual chimney stack contribute towards its significance. In this instance, I am satisfied that the harm caused by the loss of the heritage asset is justified by the public benefits. These include the construction of 8 new homes, and the economic benefits associated with that, as well as the redevelopment of a site that is currently visually unattractive. I have imposed a suitable condition to ensure that a historic record of the heritage asset is produced.
15. The existing terrace of historic cottages on High Street, which were possibly former railways workers accommodation, and the main railway station building itself, are also regarded by the Council to be non-designated heritage assets. Their significance arises from their historic appearance, being constructed of red brick with chimney stacks and sash windows. The proposed development

would be similar in many ways to the railway workers cottages, being a terrace of houses set relatively close to the road and constructed of red brick. The proposed houses at either end of the terrace would have stone facades and red brick detailing around the windows which reflects the design of the station building. Given this, and the fact that the heritage assets are already located in close proximity to modern buildings, I am satisfied that the proposal would not harm the setting or significance of these heritage assets.

16. I have no evidence before me to suggest that the development would lead to an unacceptable level of additional traffic which could cause a safety issue, either during the construction phase or following occupation. The development includes provision for a sufficient number of suitably designed parking spaces to avoid the need for on-street parking. A development of 8 houses would not add significant pressure to existing services and facilities.
17. Being only two storeys in height, and of limited overall mass, the proposed development would not cause undue harm to any existing views of the village or the surrounding area.
18. While landscaping is a reserved matter, I am satisfied that the proposal would not cause harm to existing trees or planting and that measures to reduce surface water flooding can be incorporated. Matters relating to covenants on land are not material planning considerations and I have not taken that into account in reaching my decision.

Conditions

19. In the interests of certainty, I have imposed conditions to identify timescales and the relevant plans. I have also imposed a condition to require the submission of sample materials to ensure that the development respects local character.
20. Further conditions seek to ensure that the site can be suitably accessed with sufficient parking spaces, and that sustainability is encouraged through the provision of cycle parking facilities and electric car charging points.
21. A number of pre-commencement conditions have been imposed to ensure that the development does not impact negatively on the natural environment, including the demonstration of biodiversity net gain and the preparation of a construction environmental management plan prior to development. A further pre-commencement condition is necessary to provide certainty on slab levels.
22. The main parties have provided evidence to demonstrate that the presence of protected species on site is unlikely. While I am therefore satisfied that the omission of an ecological survey as part of the application stage is acceptable, I do find it necessary in this instance to impose a condition to require a survey prior to commencement to ensure that no species would be unexpectedly harmed. Both of the main parties are in agreement with this position.
23. Other pre-commencement conditions seek to ensure that it achieves as close to zero-carbon status as possible, and to ensure that any unexpected contamination issues are suitably dealt with. I have also imposed a condition to require that details of surface water drainage be submitted to, and agreed by, the Council.

24. In the interests of the privacy of future occupiers, conditions have been imposed to ensure that the development cannot be occupied until boundary treatments have been constructed, and to require that a window shown as obscure on the plans is retained.

25. A final condition seeks to ensure that noise and vibration arising from demolition and construction is mitigated as far as possible.

Conclusion

26. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR

Schedule of Conditions.

- 1) Details of the landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved plans listed below:
 - SCC/PLN/200 (location plan)
 - SCC/PLN/201 (existing floor plan and elevations);
 - SCC/PLN/202 Rev C (existing and proposed site plans);
 - SCC/PLN/203 Rev C (proposed block plan);
 - SCC/PLN/204 Rev C (proposed floor plans);
 - SCC/PLN/205 Rev D (proposed elevations);
 - SCC/PLN/206 Rev D (proposed elevations coloured);
 - SCC/PLN/207 Rev B (proposed site sections); and
 - SCC/PLN/208 Rev B (proposed Peace Lane street scene).
- 5) No development above ground floor slab level shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. This shall accord with the details submitted in plan ref SCC/PLN/208 Rev B. Development shall be carried out in accordance with the approved samples.
- 6) The development shall not be occupied until the access has been constructed in accordance with plan ref SCC/PLN/202 Rev C. The access shall be retained thereafter.
- 7) The development shall not be occupied until cycle parking facilities have been provided in accordance with details to be submitted to and approved in writing by the local planning authority. The cycle parking facilities shall be laid out/installed in accordance with the approved details, and thereafter be kept available for the parking of cycles for the lifetime of the development.
- 8) The development shall not be occupied until electric vehicle charging points have been provided in accordance with details to be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed in accordance with the approved details and shall thereafter be maintained for the lifetime of the development.
- 9) The development shall not be occupied until space has been laid out within the site, in accordance with plan ref SCC/PLN/202 Rev C, for 16 cars to be parked and for vehicles to turn so that they may enter and leave the site in

forward gear and that space shall thereafter be kept available at all times for those purposes.

- 10) No development shall commence until an ecological survey and associated report have been submitted to and agreed in writing with the local planning authority. The development, and demolition, shall then be undertaken in accordance with the details agreed.
- 11) No development shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to and implemented throughout the construction period.
- 12) Prior to commencement of the development above ground floor slab level, details of the biodiversity net gain which will be delivered as part of this development (including a clear demonstration through the use of an appropriate biodiversity calculator such as the Defra Metric 3.0 that a net gain would be achieved) shall be submitted to and approved in writing by the council. The agreed net gain measures will thereafter be implemented/installed in full as agreed.
- 13) The development shall not be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - include a timetable for its implementation; and,
 - provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 14) No development shall commence until details of sustainable design and construction measures to be incorporated into the development that would achieve, as far as possible, a net-zero carbon outcome, have been submitted to and approved in writing by the local planning authority.
- 15) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the

Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- a survey of the extent, scale and nature of contamination;
 - the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
- 16) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development, or relevant phase of development, is resumed or continued.
- 17) 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.
- 18) The development shall not be occupied until all walls, fencing or any other means of enclosure (including any retaining walls), have been constructed in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 19) No development shall commence until the making of a detailed record of the onsite non-designated heritage asset, up to Historic England Recording Level 2 has been undertaken in accordance with a written scheme approved by the local planning authority in writing. The final document shall be agreed in writing by the local planning authority, and copies of the document provided for Maidenhead Local History Library, Maidenhead Heritage Centre, Historic England and Berkshire Archaeology.
- 20) The window annotated as 'obscure' on the south elevation on Plot 8 as shown on plan ref: SCC/PLN/204 Rev C shall be installed and retained as such unless otherwise agreed in writing by the local planning authority.
- 21) The proposed development should be built in accordance with the proposed mitigation strategy as set out in the Noise and Vibration Assessment by Mewies Engineering Consultants Ltd, Ref: 25370-04- NA-01 Rev B, dated August 2021.