

# BISHAM PARISH COUNCIL

Clerk: Barry Malki  
Email: clerk@bishamparishcouncil.org.uk  
Tel: 07751141223

**Minutes of the Meeting of the Parish Council held on 20<sup>th</sup> December 2021 at 7:30pm at Bisham Abbey.**

## **Attendees**

Councillors: Cllr Jim Cooke (JC) (Chair), Cllr Mary Cooper (MC), Cllr Alan Keene (AK), Cllr Derek Oliver (DO), Cllr Mandy Robson Brown (MRB), Cllr Ged Wylie (GW).

District Councillors: Cllr Mandy Brar.

## **Public Forum**

One member of the public gave an overview of their planning applications (21/) and 21/) to the Cllrs, highlighting that they had been trying to engage with RBWM but receiving little feedback.

MRB asked for clarification over the differences between the two applications, and the implications of both applications combined.

GW that RBWM arbitrarily stipulate a 50% maximum footprint enlargement, although this isn't stated within the National Planning Policy Framework (NPPF).

DO felt that the outhouse should be included in the footprint of the building.

## **Part One**

### **94. Apologies for absence**

None

### **95. Declarations of interest**

MC declared a non-prejudicial interest in 21/03243).

### **96. Minutes of Meeting Held on 15<sup>th</sup> November 2021**

The Council RESOLVED to approve the minutes as an accurate record of the meeting of the Council held on 15<sup>th</sup> November 2021.

### **97. Matters Arising**

BM gave an update on the status of the signage that had appeared on the Public Rights of Way footpaths

BM gave an update on the restitution of the Slipway, and reported a site meeting in January.

JC highlighted the need to address the traffic issues at the school during the meeting.

MRB reported that there is often a clash on a Sunday between football parking and Church parking, noting that issues could be mitigated if the rear gates were to be unlocked before 9am.

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DO reported that there were significant parking and consequent traffic issues during drop-off and pick-up time at the school.

DO asked BM to gather more information regarding the Marlow Bridge works.

GW gave an update on the playground, and was speaking to a new supplier regarding the removal of the climbing frame.

BM to find out if any of the "central" Community Infrastructure Levy pot would be available to replace the climbing frame.

GW reported that the large bags outside Crossroads Cottage had finally been removed, but there was still a tarpaulin on the ground.

## 98. Ongoing Actions

BM to report Ongoing Actions under agenda items

## 99. Planning matters

Appn. Date: 22nd November 2021 Appn No.: 21/03258

Type: Cert of Lawfulness of Proposed Dev

Proposal: Certificate of lawfulness to determine whether the proposed single storey annexe, following demolition of the existing garage and outbuilding is lawful.

Location: 42 Bisham Village Marlow Road Bisham Marlow SL7 1RR

Determination Date: 17 January 2022

**Cllrs Comments: The Cllrs were NEUTRAL about this application and had NO COMMENTS**

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Appn. Date: 22nd November 2021 Appn No.: 21/03259

Type: Full

Proposal: Extension of farm worker's cottage to provide habitable accommodation in line with current standards including new front entrance canopy, two storey side extension and alterations to fenestration, following demolition of existing single storey side/rear element.

Location: 42 Bisham Village Marlow Road Bisham Marlow SL7 1RR

Determination Date: 17 January 2022

**Cllrs Comments: Bisham Parish Council notes that this application has been submitted by the owners of 42 Bisham Village following the refusal of planning permission by RBWM in relation to their earlier Application No. 21/00100.**

**Bisham Parish Council supported the development requested under Application No. 21/00100 and is concerned that the RBWM misdirected itself in accepting the recommendation of the Borough Planning Officer that the proposed extension under that application would have been inappropriate development on the grounds that it was disproportionate to the size of the original dwelling on the basis reliance on an informal formula that means that any increase in area that was greater than 50% would be deemed to be disproportionate.**

**The reliance on this mathematical formula which Bisham Parish Council understands has been repeated by the Borough Planning Officer during the pre-application discussions regarding the**

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present application appears to ignore the principle set out by Lindblom J. in his judgment in East Staffordshire B.C. v. SSCLG (2017) that planning decision-making should not be regarded as a mechanical or quasi-mathematical activity that was rigid or formulaic in nature but should rather be regarded as a flexible process that requires the exercise of planning judgment within the wide discretion afforded to the decision-maker by the statutory planning scheme.

This rejection of a quasi-mathematical approach in favour of the requirement for the decision-maker to exercise judgment was endorsed in Sefton Metropolitan Borough Council v. Secretary of State for Housing, Communities and Local Government and Jerry Doherty.

In addition to its concerns about the mathematical and formulaic approach taken by the Borough Planning Officer in reaching his determination that the earlier proposal would be disproportionate, Bisham Parish Council also considers that the Borough Planning Officer compounded this flawed approach by errors in the manner in which the comparison of the original size of the dwelling at 42 Bisham Village with the size of the proposed development was carried out. As was common practice in buildings constructed in the 19th century, the bath and toilet facilities were housed in an outbuilding. In determining the size of the original dwelling, the Borough Planning Officer took no account of the area of this outbuilding. This is a fundamental error. Where facilities and services that would today be required to be part of the internal fabric of the dwelling were at the time of the original construction provided in an outbuilding, the failure to regard the area of that outbuilding as forming part of the original dwelling leads to an arbitrary and absurd result as it means that any modernisation of the services at such a property would either lead to the existing habitable space needing to be reduced or, alternatively, a significant portion of the area of any extension that would be regarded by the local authority as being proportionate being used up to incorporate such facilities. This unfairly discriminates against the owners of older properties built before modern building standards and regulations were applied and, further, within that set of properties, unfairly discriminates against smaller properties. This represents a serious failure of planning policy.

For the reasons set out above, Bisham Parish Council considers that the proposed development at 42 Bisham Village is proportionate to the existing building and considered on its merits should be permitted. In considering this matter, Bisham Parish Council has taken full account of the position of the site within the Bisham Conservation Area and the Green Belt and is satisfied that the proposed development would be appropriate and proportionate in that context.

If, however, the RBWM differs on this point, Bisham Parish Council is satisfied that there are very special circumstances in this case as disclosed in the Application that would require permission to be granted. These very special circumstances are:

The social benefit to the community of enabling a building that falls short of modern standards and expectations to be brought up to the required level in an affordable manner that provides family accommodation in Bisham at a reasonable price level;

The benefit of ensuring that the owner and his family can remain in the village and in close proximity to the farm on which he works for much of the time;

The benefit of allowing a family with strong roots and connections to the community to remain in Bisham rather than being forced to move away from the village to find housing that is suitable for a young family;

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**The fact that the proposed development is sympathetic to its setting and will not have any negative impact on the openness or attractiveness of the Green Belt or the Bisham Conservation Area in which it is situated; and**

**The proposed development would add to the relatively scarce supply of a form of housing that is required in the area to meet the needs of the population.**

**For the reasons set out above, Bisham Parish Council supports this Application and in view of the important issues involved requests that this matter is called-in for determination by the Panel.**

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Appn. Date: 24th November 2021 Appn No.: 21/03302

Type: Full

Proposal: Widen a 95m length of roadway by 1m, removing existing brick-mounted external lights and installing new wooden bollard LED lights.

Location: Bisham Abbey Bisham Village Marlow Road Bisham Marlow SL7 1RR

Determination Date: 19 January 2022

**CLLrs Comments: The CLLrs were supportive of this application.**

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Appn. Date: 25th November 2021 Appn No.: 21/03307

Type: Full

Proposal: Two storey side extension and associated works.

Location: 3 Stubbings Farm Cottages Burchetts Green Road Burchetts Green Maidenhead

Determination Date: 20 January 2022

**CLLrs Comments: Bisham Parish Council notes that the statement submitted in connection with this Application indicates that carrying out the proposed development would result in the footprint of 3 Stubbings Farm Cottages being increased by 92% and considers that this increase would be disproportionate to the scale of the original dwelling.**

**If the Borough Planning Officer is minded to recommend approval of this Application, Bisham Parish Council requests that a clear statement of the reasons on which the conclusion that the development is proportionate is based is set out in the Planning Officer's report.**

**Bisham Parish Council also notes that 3 Stubbings Farm Cottages formerly formed part of a property known as 2 and 3 Stubbings Farm Cottages which was granted permission on 1 October 2021 to be divided into two separate dwellings (Application 21/02186 refers).**

**Bisham Parish Council requests that if permission is granted for the development proposed under the present Application, any such permission is subject to the condition that no work is commenced in furtherance of such permission:**

**1. until such time as the Borough Planning Officer has confirmed in writing that each of the conditions set out in the Decision Notice dated 1 October 2021 issued under Application 21/02186 that apply to 3 Stubbings Farm Cottages have been complied with; and**

**2. until the Applicant has provided evidence that demonstrates that the legal requirements and structural works that are required to give effect to the sub-division of the property formerly known as 2 and 3 Stubbings Farm Cottages to form two separate dwellings in accordance with the Decision Notice dated 1 October 2021 under Application 21/02186 have been completed.**

**Bisham Parish Council requests that this matter be called-in for determination by the Panel.**

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Appn. Date: 8th November 2021 Appn No.: 21/03313

Type: Works To Trees In Conservation Area

Proposal: Ash - crown reduce by 10m to leave a height of 15m with removal of large branches hanging over parish boundary and Fruit trees - prune to previous reduction points.

Location: 5 The Green Bisham Marlow SL7 1RY

Determination Date: 20 December 2021

**Cllrs Comments: The Cllrs were NEUTRAL about this application and had NO OBJECTIONS subject to Tree Officer approval**

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Appn. Date: 25th November 2021 Appn No.: 21/03334

Type: Full

Proposal: Proposed raised deck to include a pergola structure.

Location: Temple Golf Club Henley Road Hurley Maidenhead SL6 5LH

Determination Date: 20 January 2022

**Cllrs Comments: The Cllrs were NEUTRAL about this application and had NO COMMENTS**

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Appn. Date: 29th November 2021 Appn No.: 21/03356

Type: Full

Proposal: Erection of a detached replacement dwelling with associated parking, access and landscaping, following the demolition of the existing dwelling, garage and cottage.

Location: White Walls Quarry Wood Road Marlow SL7 1RE

Determination Date: 24 January 2022

**Cllrs Comments: The Cllrs were POSITIVE about this application, noting that it would improve the flooding situation and the street scene.**

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Appn. Date: 17th November 2021 Appn No.: 21/03406

Type: Full

Proposal: x1 new detached dwelling with associated parking and landscaping.

Location: Land To The North of Stubbings Farm Cottages Burchetts Green Road Burchetts Green Maidenhead

Determination Date: 12 January 2022

**Cllrs Comments: Bisham Parish Council notes that no reference is made in this Application to the planning status of the site on which the proposed development would be carried out and requests that the consideration of this Application is deferred until the Borough Planning Officer has provided definitive evidence that establishes whether the land in question is within the Green Belt or whether it is within the Recognised Settlement of Burchetts Green. If it were established that the site is within the Green Belt, Bisham Parish Council would object to the Application on the grounds that it constituted inappropriate development.**

**Bisham Parish Council also notes that no reference is made in this Application to the status of the access road which is intended to serve the proposed development and requests that the consideration of this Application is deferred until the Borough Planning Officer has secured from the Applicant confirmation that it has a legal right of access to the development site and, if so, the nature and basis of such right and that it will be in a position to grant unrestricted rights of access to any future owner of the property.**

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**Bisham Parish Council objects to the proposed development on the grounds that the scale of the proposed building would constitute over-development on the site.**

**If it were established that the site is within the Green Belt, Bisham Parish Council would object to the Application on the grounds that it constituted inappropriate development.**

**Bisham Parish Council requests that if the Borough Planning Officer is minded to recommend approval of this Application, this matter be called-in for determination by the Panel.**

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Appn. Date: 23rd November 2021 Appn No.: 21/03478

Type: Works To Trees Covered by TPO

Proposal: (T1 and T2) Ash - fell.

Location: 2 The Boathouse Temple Lane Bisham Marlow SL7 1RS

Determination Date: 18 January 2022

**ClIrs Comments: The ClIrs were supportive of the Tree Officer's views on this application.**

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Appn. Date: 1st December 2021 Appn No.: 21/03500

Type: Full

Proposal: Construction of x40 new parking spaces and associated access road.

Location: Bisham Abbey Bisham Village Marlow Road Bisham Marlow SL7 1RR

Determination Date: 26 January 2022

**ClIrs Comments: The ClIrs were supportive of this application subject to the approval of Historic England. The ClIrs asked that a stipulation be made that the new parking facilities supersede the use of off-site parking for events.**

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Appn. Date: 1st December 2021 Appn No.: 21/03538

Type: Cert of Lawfulness of Proposed Dev

Proposal: Certificate of lawfulness to determine whether the proposed single storey side and rear extensions, new rear dormer roof window, 2 No velux roof windows to front elevation and single storey outbuilding is lawful.

Location: Temple Weir House Temple Lane Temple Marlow SL7 1SA

Claremont Lane Esher KT10 9DA

Determination Date: 26 January 2022

**ClIrs Comments: The ClIrs were NEUTRAL about this application but were concern that there was no mention of flood risk or mitigation.**

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Appn. Date: 3rd December 2021 Appn No.: 21/03578

Type: Works To Trees In Conservation Area

Proposal: (T1) Horse Chestnut - remove three lowest limbs over drive and house on South side of tree and (T2) Lime - remove lowest limb over drive.

Location: Orchard House Bisham Road Bisham Marlow SL7 1RP

Determination Date: 14 January 2022

**ClIrs Comments: The ClIrs were NEUTRAL about this application and had NO OBJECTIONS subject to the Tree Officer being satisfied with the drawings.**

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Appn. Date: 3rd December 2021 Appn No.: 21/03115

Type: Full

Proposal: Alterations to fenestration, following removal of the existing coal bunker and lean-to/utility shed.

Location: 4 The Green Bisham Marlow SL7 1RY

**Cllrs Comments: The Cllrs were NEUTRAL about this application but commented that there was a lack of information regarding the materials to be used. Cllrs asked that a stipulation on materials such as reclaimed red roof tiles, and reclaimed red bricks to be used, and that the Conservation Officer approves of all materials.**

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Appn. Date: 3rd December 2021 Appn No.: 21/03143

Type: Listed Building Consent

Proposal: Alterations to fenestration, following removal of the existing coal bunker and lean-to/utility shed.

Location: 4 The Green Bisham Marlow SL7 1RY

**Cllrs Comments: The Cllrs were NEUTRAL about this application but commented that there was a lack of information regarding the materials to be used. Cllrs asked that a stipulation on materials such as reclaimed red roof tiles, and reclaimed red bricks be used, and that the Conservation Officer approves of all materials.**

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Appn. Date: 3rd December 2021 Appn No.: 21/03243

Type: Cert of Lawfulness of Proposed Dev

Proposal: Certificate of lawfulness to determine whether the proposed single storey rear extension is lawful

Location: Greetwell Burchetts Green Road Burchetts Green Maidenhead SL6 6QS

**Cllrs Comments: The Cllrs were NEUTRAL about this application and had NO COMMENTS.**

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Appn. Date: 3rd December 2021 Appn No.: 21/03423

Type: Works To Trees In Conservation Area

Proposal: (T1) Tulip Tree - reduce back to previous reduction points (approx. 3m regrowth) and remove deadwood throughout (T3) Manor Ash - fell to ground level and treat stump (T5) Apple - remove broken limb and remove ivy from remainder of tree and (T7) Cedar - check secondary main stem for decay and it's overall condition.

Location: Old Manor Cottage Burchetts Green Lane Burchetts Green Maidenhead SL6 3QP

**Cllrs Comments: The Cllrs were NEUTRAL about this application and had NO OBJECTIONS subject to the Tree Officer's approval.**

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## 100. Highways Matters

MC thanked Cllr Brar for getting the Stubbings sign replaced.

Cllr Brar agreed to chase up the issue regarding the lights outside Henley House.

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MC reported flooding on Lee Lane. Cllr Brar to report to Highways.

MRB noted that the surface of Quarry Hill is deteriorating.

## **101. Parish Land**

BM gave an update on the works to the fence including options for reduction in price with the addition of advertising signage.

AK proposed offering £1400 initially and paying the balance on satisfactory agreement with the contractor regarding the signs size, position and duration.

GW seconded

DO and JC voted for

MC and MRB voted against

Motion was carried in favour.

BM gave an update on the new contract manager and was due to meet with the MD of the company to discuss the future arrangements.

MC thanked AK for putting up the Christmas lights in the Orchard.

## **102. Flooding**

Colin Lemmings (CL) reported that the chargeable torches, which were being stored with the Emergency Equipment in Bisham Abbey, had gone missing. The management of the Abbey were investigating and had offered to replace the items.

CL also reported that the sand and bags had been delivered to the Abbey for storage.

CL reported that he was still awaiting feedback from the Environment Agency on the Emergency Plan

BM highlighted that the council needed clarification on insurance/liability relationships with Flood Marshalls and would look into it ahead of the January meeting.

## **103. Finance**

BM presented the draft budget for 22-23. AK asked for an additional column that highlighted actual spend from the previous year.

BM to draft an updated expense policy based on NALC guidelines.

## **104. Correspondence**

None

## **105. Information Reports**

AK reported on attendance of the Rural Forum and the Local Access Forum.

JC reported that he had not been able to meet with Abbey Management to look at the storage of the Coffin Bier.

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AK suggested that, in light of new covid measures, January's meeting should take place outside to formally adopt the budget and set the precept for 22-23 as the legislation does not allow for this to take place remotely. BM to monitor guidance from NALC.

**Part 1 of the meeting closed at 21:55**

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**Date Agreed:**

**Signed:**

**Position:** – Chair/Vice Chair/Councillor