

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

15 February 2017

Item: 5

Application No.:	16/03553/FULL
Location:	Zaman House And Awan House Church Road Maidenhead
Proposal:	Construction of 16x two bed apartments with access, parking, landscaping and amenity spaces following demolition of existing 2x dwellings
Applicant:	Mr Iqbal
Agent:	Mr Jake Collinge
Parish/Ward:	Maidenhead Unparished/Oldfield Ward
If you have a question about this report, please contact: Antonia Liu on 01628 796697 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The site is located within a built up area of Bray wherein the principle of development is acceptable. However, due to its form, scale, bulk and design of the proposed buildings, and its limited setting, would result in the proposal appearing out of scale and as a purpose built flatted development, which would represent an overly dominant and incongruous development. The proposal would also result in the loss of trees to the detriment of the character of Bray Road and the wider area, and fails to satisfactorily demonstrate that the development would not prejudice the long term future retention of trees.
- 1.2 In terms of flood risk, the proposal fails to demonstrate that the proposal cannot be located in an area with a lower probability of flooding and therefore fails the Sequential Test, which aims to steer new development to areas with the lowest probability of flooding.
- 1.3 The proposal is considered unduly harmful to neighbouring amenity due to actual and perceived loss of privacy to adjacent neighbours at September House, Beeches and Hampton Lodge. There are no undue concerns over loss of light or visual intrusion to these neighbouring properties.
- 1.4 The proposal is considered acceptable in terms of highway safety, flow, parking and impact on local highway infrastructure. Further information has been received on sustainable drainage, which at the time of writing this report is being reviewed by the Lead Local Flood Authority and their comments will be reported in an update.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

1.	The proposal fails to demonstrate that the development cannot be located in an area with a lower probability of flooding and therefore fails the Sequential Test, contrary to the NPPF which aims to steer new development to areas with the lowest probability of flooding.
2.	Due to its form, scale, bulk and design of the buildings together with its limited setting, the proposal would appear out of scale and as a flatted development, representing an overly dominant and incongruous development contrary to the more modest scaled, single-family dwellings prevailing within the locality. Furthermore, the removal of a section of TPO trees along Bray Road would erode the green character of Bray Road and wider locality. The proposal would therefore be unduly harmful to the streetscene, setting of Maidenhead Riverside Conservation Area, character of the area and visual amenity in general.
3.	The proposal fails to satisfactorily demonstrate that the development would not prejudice the long term future retention of trees, including those required to be planted, which contribute to the visual amenities of the area.
4.	Due to the location and number of windows serving habitable rooms, and balconies, the

proposal would introduce perceived and actual overlooking into neighbouring gardens, resulting in an undue loss of privacy.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Wilson due to public interest expressed on this application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises of a rectangular plot measuring approximately 0.34 hectares at the junction of Bray Road and Church Road. It currently accommodates 2 detached houses known as Zaman House and Awan House, fronting onto Church Road with a set back of approximately 18.5m. The existing houses are two storeys in height with a hipped roof. There is a substantial boundary wall on the Church Road frontage with two gated entrances off Church Road; however the dividing fences have been removed to form one large driveway.
- 3.2 The site lies within Flood Zone 2 and 3.
- 3.3 There are several trees within the boundary of Zaman House and Awan House that are subject to Tree Preservation Orders.
- 3.4 The surrounding area is predominately residential comprising of large single family dwelling houses with differing size plots but all sit comfortably within them. The application site lies outside of Maidenhead Riverside Conservation Area, but the boundary runs along the shared boundary of Awan House and Hampton Lodge.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for the construction of 16 x 2 bed apartments with access, parking, landscaping and amenity spaces following the demolition of the existing 2 dwellings.
- 4.2 The 8 flats will be housed in 2 detached 'L-shape' buildings, sited approximately in the same location as the existing dwellings. 3 flats are proposed at both the ground and first floor level and 2 flats within the roof space. The buildings would incorporate a raised floor, and extend to an overall height of approximately 10.5m. A crown roof is proposed on each building with dormer windows on all roof slopes. Communal amenity space is proposed to north east of the site, and parking is proposed to the south adjacent to Church Road and between the 2 proposed buildings. The development will be served by a new access of Bray Road and the existing 2 accesses off Church Road will be stopped up.

Zaman House

Planning Reference	Proposal	Decision
96/30700/FULL	Front entrance porch extension to existing garage and new pitched roof to garage	Approved - 02.04.1997
00/36250/FULL	Demolish existing garage and replace with single storey and two storey side extension, rear dormer window and front boundary wall	Approved – 01.03.2001
02/38988/FULL	Single storey rear and first floor front extension. Conservatory to side and detached double garage	Approved – 22.08.2002
03/40033/FULL	Construction of single storey rear and first floor rear extension and front ground	Approved – 06.05.2003

	floor extension with bay	
03/40209/FULL	New conservatory, breakfast room to rear and two storey extension to side (retrospective)	Approved – 04.03.2004
08/02424/FULL	Erection of replacement boundary wall to Church Road frontage	Approved – 20.11.2008
10/00709/CLU	Certificate of Lawful Use to establish whether the existing use of part of the garage outbuilding as a taxi base incidental to the primary use of the dwelling and curtilage within Class C3 is lawful	Refused – 03.06.2010
10/01336/FULL	Change of use from C3 (residential) to mixed use of C3 and Sui Generis (private hire office)	Refused – 20.09.2010
12/00430/FULL	Two storey front extensions, first floor rear extension and replacement higher roof with loft accommodation and two front dormer windows	Approved – 13.04.2012
14/03355/FULL	Two storey and part first floor front extension, part two storey and part first floor rear extension, loft conversion including raising the height of the main roof with two front dormer windows	Approved - 08.01.2015
15/01887/FULL	Part two storey, part first floor front extension and part two storey, part first floor rear extension with raising of existing roof to facilitate loft conversion with addition of two front dormers and two rear dormers	Approved - 20.07.2015

Awan House

Planning Reference	Proposal	Decision
00/36118/FULL	Single storey rear extension, first floor side extension and new timber cladding to front elevation	Approved – 30.01.2001
07/00573/FULL	Erection of front boundary wall and entrance gates	Approved – 21.05.2007
07/03247/FULL	First floor side extension	Approved – 05.02.2008
11/02492/FULL	First floor side extension over existing flat roof and two storey side extension and a chimney and ancillary works to windows, doors and façade following demolition of existing chimney and garage	Approved – 28.11.2011
12/01596/CPD	Certificate of Lawful Development to determine whether a proposed single	Refused - 03.08.2012

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 6, 7, 10, 11 and 12.

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	Trees
F1, DG1, H10, H11,	P4, T5, T7	N6

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Supplementary planning documents

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

- The Interpretation of Policy F1 (Area Liable to Flooding) (SPG)

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 Parking Strategy
- ▣ Maidenhead Riverside Conservation Area Appraisal

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 Development
- ii Flood Risk
- iii Design and Appearance
- iv Highway Issues
- v Residential Amenity
- vi Trees
- vii Other Material Considerations

Principle of Development

6.2 There is no objection to the loss of the existing dwellings and redevelopment for housing. Concerns have been raised from local residents over the loss of family housing and the provision of solely 2-bed flats, but the Council's Strategic Housing Market Assessment (2014) identified that the highest need is for 2 to 3 bed units, which the proposal would meet. Concerns have also

been raised by local residents over the proposed density which would be significantly higher than the low density of the surrounding area, but in the context of the stated aim to boost the supply of housing, a key element of national planning policy as set out in paragraph 47 of the NPPF, the proposed density would be a clear benefit of the scheme and may be acceptable provided that there is no undue harm to the character and amenity of the area, which is assessed below (paragraphs 6.6 – 6.9, and 6.23 – 6.25).

Flood Risk

- 6.3 The submitted Flood Risk Assessment (FRA) has identified the site as being within Flood Zone 2, but the Environment Agency has advised that based on their current Flood Map, the topography of the site and detailed modelling, the proposal lies within the 1% flood extent (Flood Zone 3).

Sequential Test

- 6.4 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk by applying a Sequential Test. A Sequential Test has been undertaken by the applicant using sites identified as potentially available in the Council's Strategic Housing Land Availability Assessment (SHLAA; 2014) and related to 'small sites' identified in the SHLAA given that the site contained two dwellings each occupying a site that falls within the defined range of a 'small site'. However, it is considered that 'large sites', which is classified as over 0.25ha in size should have been used instead of 'small sites' which is classified as under 0.25ha. Overall the application site measures approximately 0.34ha and guidance on carrying out a Sequential Test advises that comparable sites should be used. As such, the proposal fails to demonstrate that the proposal could not be accommodated on a site with a lower probability of flooding.
- 6.5 As the proposal is not considered to pass the Sequential Test an assessment of whether the proposal passes the Exception Test, including an assessment of the submitted Flood Risk Assessment, is not required in accordance with paragraph 102 of the NPPF and the application should be refused in accordance with paragraph 101 of the NPPF. Additionally, the proposal would be contrary to Local Plan Policy F1, which in accordance with the NPPF, seeks to reduce flood risk.

Design and Appearance

- 6.6 The NPPF attaches great importance to design and paragraph 60 states it is proper to promote or reinforce local distinctiveness, while paragraph 64 states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Local Plan policy DG1 sets out design guidelines to which the Council will have regard in assessing development proposals. Policy H10 requires new residential development to display high standards of design and landscaping, while Policy H11 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. Church Road and the wider locality is characterised by large detached single-family houses with variation of scale, form and design set in large gardens which results in a spacious, low-density character. The presence of trees and other vegetation also gives the area a verdant appearance. The boundary of Maidenhead Riverside Conservation Area runs along the eastern boundary of the site, and paragraph 128 of the NPPF states that the contribution of its setting should be considered in determining a planning application. The Maidenhead Riverside Conservation Area Appraisal identifies that the most significant feature is the River Thames and the built form consists of large, detached dwellings set back from the road in large plots with mature planting.
- 6.7 The existing houses are not considered to be of any particular historic or architectural merit and are unworthy of listing. The houses also lie outside of, although adjacent to, Maidenhead Riverside Conservation Area and therefore not a designated heritage asset. As such, there is no objection on this basis to their loss in principle.
- 6.8 In terms of the replacement buildings, the proposed buildings would be approximately 0.5m higher and the footprint would be approximately 22sqm larger for Block 1 and 167sqm for Block 2

than Zaman and Awan House respectively. This is not considered excessive in itself, however, the stepped heights and elevations of the existing houses are considered to break up their visual bulk and mass while due to the consistent height and consolidated forms of each of the proposed buildings would result in a more solid and dominant appearance. Together with its limited setting due to the amount of associated development (internal access, parking and turning area, and bin/cycle stores) the proposal is considered to appear out of scale in the streetscene and locality, and would represent an overdevelopment of the site. The incongruity with the character of the area is reinforced by its design. The building would contain flats on 3 levels and the amount and placement of fenestration, the front, rear and side dormers, the crown roofs, and the front, rear and side balconies are considered to result in the appearance of a purpose built flatted development rather than a single-family dwelling house which forms the prevailing character of the wider area. This would be compounded by the extensive car parking area to the front of the site and between the proposed buildings, and number of bin/cycle stores along the frontage.

- 6.9 It is noted that there is some large scale flatted development within the wider locality and it is accepted that the proposed development would be a more efficient use of previously developed land, but it is considered that the proposal would not promote or reinforce local distinctiveness and would unduly compromise the visual quality of the streetscene, setting of Maidenhead Riverside Conservation Area and the locality in general. For these reasons it is considered that the proposal would conflict with the paragraphs 60, 64 and 128 of the NPPF and Local Plan policies DG1, H10 and H11.

Highway Issues

- 6.10 The B3028 Bray Road provides an alternative link between the A4 Bridge Road via Oldfield Road and the A308 Windsor Road. There is a footway to the west of Bray Road that varies between 2.10 and 1.50m in width. To the east there is no footway, however, there is a 2.6m verge. Between the Bray Road/Church Road junction and the northern boundary of the application site, the width of the carriageway gradually reduces from 5.10m to 5.7m. In the immediate area Bray Road is also subject to a 30mph speed limit, and parking is prohibited and enforced by double yellow lines. Church Road is a private street where vehicular speeds are subject to an advisory 20mph speed limit and further enforced with speed humps. The highway is some 5.0m wide and operates as a shared pedestrian and vehicular access.

Access

- 6.11 Local Plan policy T5 requires all development proposals to comply with the Council's adopted highway design standards. A new vehicular access off Bray Road, sited approximately 40m to 45m to the north of junction with Church Road, is proposed and following the stopping up of the 2 existing accesses on Church Road the new access will serve between 64 and 128 movements per day. The proposal demonstrates that the new access can achieve visibility splays of 2.4 x 43m in each direction, complying with the Council's standard and there are no defects or deficiency in the surrounding highway network to suggest that the development would pose harm to road safety subject to acceptable visibility splays. This is supported by accident records that reveal that there have been no reported injury accidents in the area during the past 10 years. If there were defects or deficiency in the surrounding highway network then there is likely to be a cluster of incidents to indicate such.
- 6.12 The access is designed in the form of a bell mouth junction with 4.0m radii but the Highway Authority would expect minimum 6m kerb radii to aide manoeuvrability to and from the site, especially for service and small delivery vehicles. Had the application been recommended for approval details of the design of bell mouth could have been secured by condition; it is therefore an insufficient basis to refuse the proposal.
- 6.13 A pedestrian link from Bray Road to the proposed flats is situated south of the access road and runs from the site and into Bray Road, terminating south of the bell mouth. To achieve genuine pedestrian permeability from the site, across Bray Road and to the surrounding areas a pedestrian crossing point on both sides of the road would be necessary. However, securing these works is not considered necessary to make the development acceptable if the proposal had been recommended for approval.

Parking

- 6.14 The development will provide 32 car parking spaces within the site curtilage. This meets the maximum standard outlined in the Council's adopted Parking Strategy (2 parking spaces for each 2-bed flat). The proposal therefore complies with Local Plan policy P4, which requires parking provision to accord with Council adopted parking standards. The turning and manoeuvrability has been provided in front of each car parking space which will allow a vehicle to enter and exit the site in forward gear. Had the application been recommended for approval, a condition would have been recommended to secure the parking layout to ensure adequate parking facilities to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and highway safety.

Cycle Parking and Refuse Provision

- 6.15 The submitted Transport Statement states that cycle and refuse/recycling storage would be provided in a combined storage building. The scheme includes direct pedestrian access from Church Road, and the carry distance between the stores and a refuse vehicle stationed along Church Road complies with guidelines as set out in Manual for Streets. Submission and approval of the size and details of the cycle and refuse/recycling storage could have been secured by condition had the application be recommended for approval.

Impact on Local Highway Infrastructure

- 6.16 While this is an increase, the resultant traffic is not considered to be unduly detrimental to the local highway infrastructure.

Residential Amenity

- 6.17 Core Principle 4 requires new development to secure good amenity for all, Local Plan policy H11 states that planning permission will not be granted for schemes which would cause damage to the amenity of the area. The road separates the site from the houses on the south side of Church Road, Fatimah House and Arcturus, with a separation distance of approximately 32m between the proposed and existing buildings. At this distance the proposal is not considered to result in any undue visual intrusion, loss of light or privacy to these properties.
- 6.18 Windows and balconies are proposed on the north elevation of both blocks which would face September House and Beeches to the north on Glebe Road. While there is a back-to-back minimum distance of approximately 32m between Block 1 and September House and approximately 35m between Block 2 and Beeches, given the approximate minimum 9m to 10m offset from the shared boundary and the large number of windows serving habitable rooms and balconies at elevated heights there are concerns over unreasonable levels of actual and perceived overlooking into their rear gardens to the detriment of neighbouring amenity. There are also concerns over loss of privacy to Hampton Lodge. 4 first floor and above windows, which serve habitable rooms, would overlook the side amenity space at Hampton Lodge at a distance of approximately 6m. It is noted that there is a certain amount of screening provided by existing vegetation, however this cannot be taken as a mitigating factor as there is no mechanism to secure its perpetuity. The proposal is therefore considered to be contrary to Core Principle 4 of the NPPF and Local Plan policy H11.
- 6.19 It is not considered that there would be any undue visual intrusion or visual or loss of light September House, Beeches or Hampton Lodge given the step in the north and east elevation which sufficiently breaks up mass and bulk. In terms of daylight the development would also pass the 25 degree rule for windows at neighbouring properties facing the proposed buildings, which indicates that the proposal is unlikely to result in an unreasonable loss of daylight.

- 6.20 While there would be an increase in intensity and therefore activity of the site, due to the residential use proposed it is not considered that it would result in an unreasonable increase in noise and disturbance that would be materially harmful to neighbouring amenity.
- 6.21 All future residents will have good sized accommodation and will receive adequate levels of light to, and an acceptable outlook from, habitable rooms. It is considered that proposed amenity space would be somewhat of poor quality due to the limited size and sense of enclosure from the proposed building and boundary treatment, but given its proximity with Braywick Park and Bray Green and that 12 of the flats would have access to private balconies this is considered acceptable.

Trees

- 6.22 Paragraph 3.2 of the submitted Arboricultural Report identifies that there is good tree cover on the site as well as adjacent sites with many semi-mature and mature trees of both native and exotic species that characterise the area. Collectively it is considered that these trees are a positive landscape feature in general and to the setting of the adjacent Maidenhead Riverside Conservation Area. The trees growing within the boundary of Zaman House are subject to Tree Preservation Order (TPO) 123/2002. Trees growing within the boundary of Awan House are subject to TPO 039/2001. The TPOs protect trees of all species growing on the site.
- 6.23 The proposal includes the removal of a section of G4 and T13 due to the position in relation to the proposal as they cannot be effectively retained, and T1 due to the presence of decay fungi. There are no objections to the removal of T13 or T1, however, while individually the trees are in a mixed condition it is considered that the removal of a section of G4 to create the new vehicular entrance would create a significant gap in this screening and green corridor along Bray Road unduly harming the streetscene, character of the area and visual amenity, contrary to Local Plan policies DG1, H10 and H11.
- 6.24 In relation to retained trees, it is considered that the proposal fails to demonstrate that the proposal would ensure the health and longevity of retained trees, contrary to Local Plan policy N6, and would result in the potential loss of existing trees to the detriment of the green character of the wider locality including Maidenhead Riverside Conservation Area, contrary to Local Plan policies DG1, H10 and H11. A section of the proposed new driveway will be located within the root protection area (RPA) of T8. If structures (including hard surfacing) are proposed within the RPA of a retained tree it will require an overriding justification in accordance with paragraph 5.3.1 of British Standards 5837:2012 Trees in relation to design, demolition and construction Recommendations (BS5837). It would also need to be demonstrated that the tree can remain viable, the area lost to encroachment can be compensated for elsewhere contiguous with the RPA and mitigation measures to improve the soil environment of the tree can be implemented. In this case while it has been noted that that the existing house encroaches within the RPA of T8, there are concerns that the submitted Arboricultural Report has not sufficiently taken the impact of this on root growth to inform the plotting of the RPA for T8. Therefore the extent of the RPA for T8 is questioned. The report also fails to demonstrate the necessary justification, compensation or mitigating soil improvements contrary to BS5837. With regard to the group of trees G2 and G3 on the eastern boundary of the development, it is considered that these trees would overshadow a large proportion of the eastern building and the amenity area; as such there would be pressure to cut back regularly and/or felling, which is not recommended by BS5837.
- 6.25 The removal of a sycamore tree and horse chestnut from this site were granted, ref: 15/01176/TPO and 16/02550/TPO respectively, but approval of these tree-works were both subject to a condition requiring a replacement tree within 2m of the original to be felled. The replacement trees have not yet been planted and little to no space has been made available in the proposed layout for the planting of these trees in the required location. Furthermore, these trees have not been considered within the submitted arboriculture report for this application in the interest of their future growth and viability, contrary to Local Plan policy N6. Failure to provide a replacement tree or to ensure their longevity would be unduly harmful to the character of the area.

Other Material Considerations

Sustainable Drainage

- 6.26 It is expected that the proposal will meet the standards set out in the 'Non-statutory technical standards for sustainable drainage systems'. The application fails to demonstrate how surface water will be managed. The submitted Flood Risk Assessment refers to using the existing system, but according to Thames Water records there is no surface water system in the surrounding area. Further information has been submitted by the applicant, which at the time of writing this report is being reviewed by the Lead Local Flood Authority. Comments from the Lead Local Flood Authority Officer will be reported in an update. If the further information provides not to be acceptable this would form the basis for a further reason for refusal.

Housing Land Supply

- 6.27 Paragraphs 7 and 14 of the NPPF set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that 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 5 year supply of deliverable housing sites. It is acknowledge that this scheme would make a contribution to the Borough's housing stock. However, it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, contrary to the adopted local and neighbourhood plan policies, all of which are essentially consisted with the NPPF, and to the development plan as a whole.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council's Charging Schedule the proposed development would be CIL liable. The required CIL payment for the proposed development would be £100 per sqm based upon the chargeable residential floor area. 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

7 occupiers were notified directly of the application, the planning officer posted a statutory notice advertising the application at the site on 6 December 2016, and the application was advertised in the Maidenhead Advertiser on 29 December 2016.

45 letters, including 2 from the Fisheries Residents Association, and 1 petition comprising of 81 signatures were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Flatted development is out of character in terms of density, height, scale, appearance, associated development/ paraphernalia and level of activity with single family dwellings of Fishery Estate.	Para. 6.6 – 6.9
2.	Disproportionate development /overdevelopment of the site, over dominant and cramped which is harmful to the character of the locality and street scene	Para. 6.6 – 6.9

3.	Harm to the setting of Maidenhead Riverside Conservation Area, the conservation area should be extended to cover the whole of the Fishery Estate	The site is not currently within a conservation area, although adjacent to Maidenhead Riverside CA, and the application has to be assessed on this basis. Para. 6.6 – 6.9.
4.	Increase in flood risk	Para. 6.3 – 6.5
5.	New access would result in a highway hazard and disrupt highway flow as it would be located at the narrowest part of Bray Road, which is a busy road, and where there is no pavement.	Para. 6.10 – 6.13
6.	Excessive parking provision resulting in over dominance of hardstanding / inadequate parking provision on site parking leading on overspill onto Church Road	Para. 6.8 and 6.14
7.	Refuse collection is proposed from Church Road but Church Road is a private road maintained by Fisheries Resident Association.	Rights of access is not a material planning consideration
8.	Impact to local infrastructure, which is already under pressure / no S106 contributions	Para. 7.1. CIL is used to fund a wide range of infrastructure such as transport schemes, schools and open space.
9.	Loss of neighbouring amenity in terms of overlooking, visual intrusion, light pollution, noise and disturbance as a result of the development; increase in noise and disturbance during construction and obstruction from large construction vehicles	Para. 6.17 – 6.20
10.	Loss of family dwellings which are in demand within the borough	Para. 6.2
11.	The site has not been identified in the draft Borough Local Plan which lists all sites suitable for more than 10 residences	Not all future housing land is allocated in forward planning documents such as local plans. 'Windfall' sites will come forward on an ad hoc basis as unforeseen circumstances arise.
12.	Would contribute to housing supply, but lack of housing does not outweigh harm	Para. 6.27
13.	Precedent for ribbon development along Bray road	Each proposal has to be assessed on its own merits.

Other consultees

Consultee	Comment	Where in the report this is considered
Maidenhead Civic Society	In sustainability terms the demolition of the houses and extensions are a waste of resources. The proposal is over development and blocks of purpose built flats are out of	6.2, 6.3 – 6.5, 6.6 – 6.9, 6.10 - 6.16, 6.17 - 6.21

	keeping which threatens the character and ambience of the area. Due to overdevelopment there would be an increase in flood risk. There is inadequate parking and the new access onto Bray road would result in highway danger. There is poor amenity space provided for the future occupants. The proposal would be unneighbourly.	
Local Highway Authority	The development raises no highway concern. The new site access offers clear views in both directions to allow a driver exiting the development to see and be seen by a vehicle proceeding along Bray Road. If the Planning Authority is minded to approve the application we recommend the inclusion of the following conditions on access in relation to the access, construction management plan, parking layout, visibly splays, cycle parking facilities, refuse bin storage and stopping up of existing accesses.	Para. 6.10 - 6.16
Arboriculture Officer	In the current format the scheme fails to adequately secure the protection and replacement of important protected trees. The loss of these trees would be detrimental to the character and appearance of the area.	Para. 6.22 – 6.25
Bray Parish Council	The development is not compatible with the adjacent buildings or the character of the area in general. The height of the new buildings are out of keeping with the properties in the area. The current properties on the site have been recommended for inclusion in the conservation area. There is an unsatisfactory highway access and the increase in traffic will place an undue burden on the highway.	The site is not currently within a conservation area, although adjacent to Maidenhead Riverside CA, and the application has to be assessed on this basis. Para. 6.6 – 6.9, 6.11 – 6.13, 6.16
Environment Agency	<p>The Sequential Test should be applied to this application. The decision on whether this is passed or failed is for the LPA to make.</p> <p>The Flood Risk Assessment (FRA) does not comply with the requirements set out in paragraph 30 part 7 of the Planning Practice Guidance to the NPPF. It does not therefore provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development. In particular, the submitted FRA has failed to demonstrate that:</p> <ul style="list-style-type: none"> ☐ The correct climate change allowances have been used to assess future flood risk or provide adequate justification for the use of these allowances. ☐ The loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development can be mitigated for. ☐ The proposed development has finished floor levels above the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change. ☐ There has been a sufficient assessment of the impact of the information to demonstrate that the 	Para. 6.3 – 6.5

	proposal will not have an adverse impact on flood flows.	
Lead Local Flood Authority	The application submitted does not contain any details of how the surface water will be managed. The FRA makes reference to using the existing system, there is no surface water system in the surrounding area according to Thames Water records. The applicant is requested to provide a plan showing the existing surface water drainage. The proposal should meet the standards from the Non-statutory technical standards for sustainable drainage systems.	Para. 6.26

9. APPENDICES TO THIS REPORT

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

10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal fails to satisfactorily demonstrate that the development cannot be located in an area with a lower probability of flooding and therefore fails the Sequential Test, contrary to paragraph 101 of the National Planning Policy Framework 2012 and policy F1 of the Royal Borough of Maidenhead and Windsor Local Plan (Incorporating alterations adopted June 2003).
- 2 Due to its form, scale, mass and bulk and design of the buildings together with its limited setting, the proposal would appear out of scale. As a flatted development, representing an overly dominant and incongruous development, contrary to the more modest scaled, single-family dwellings prevailing within the locality. Furthermore, due to the loss of a significant section of TPO trees along Bray Road the proposal would result in a the erosion of the green corridor and verdant character along Bray Road and the wider area. For these reasons the proposal causes significant and demonstrable harm to the visual quality of the streetscene, setting of Maidenhead Riverside Conservation Area and the wider locality in general. This conflicts with paragraphs 60, 64 and 128 of the National Planning Policy Framework 2012, and policies DG1, H10, H11 and N6 of the Royal Borough of Maidenhead and Windsor Local Plan (Incorporating alterations adopted June 2003).
- 3 The proposal fails to satisfactorily demonstrate that the development would not prejudice the long term future retention of trees, including those required to be planted, which contribute to the visual amenities of the area and are covered by an Area Tree Preservation Order. The proposal would therefore be contrary to the provisions of policy N6 of the Royal Borough of Maidenhead and Windsor Local Plan (Incorporating alterations adopted June 2003).
- 4 Due to the location and number of windows serving habitable rooms and balconies on elevations directly facing neighbouring properties at September House, Beeches or Hampton Lodge, the proposal would introduce perceived and actual overlooking into gardens, resulting in an unreasonable loss of privacy. The proposal is therefore unduly harmful to neighbouring amenity, contrary to Core Principle 4 of the National Planning Policy Framework 2012 and policy H11 of the Adopted Royal Borough of Windsor and Maidenhead Local Plan (Incorporating alterations adopted June 2003).