

NOTICE  
OF  
MEETING

**MAIDENHEAD DEVELOPMENT  
MANAGEMENT COMMITTEE**

will meet on

**WEDNESDAY, 18TH AUGUST, 2021**

**At 7.00 pm**

by

**COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD, ON [RBWM YOUTUBE](#)**

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT MANAGEMENT COMMITTEE

COUNCILLORS PHIL HASELER (CHAIRMAN), ROSS MCWILLIAMS (VICE-CHAIRMAN), JOHN BALDWIN, GURPREET BHANGRA, MANDY BRAR, GERRY CLARK, GEOFF HILL, GREG JONES AND JOSHUA REYNOLDS

SUBSTITUTE MEMBERS

COUNCILLORS DEL CAMPO, CLIVE BASKERVILLE, GURCH SINGH, HELEN TAYLOR, STUART CARROLL, MAUREEN HUNT, DONNA STIMSON, CHRIS TARGOWSKI AND LEO WALTERS

Karen Shepherd – Head of Governance - Issued: 10 August 2021

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) or contact the Panel Administrator **Shilpa Manek** 01628 796310

**Recording of Meetings** – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain. If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.

## AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u>  To receive any apologies for absence.	-----
2.	<u>DECLARATIONS OF INTEREST</u>  To receive any declarations of interest.	5 - 6
3.	<u>MINUTES OF THE MEETING HELD ON 21 JULY 2021</u>  To note the minutes of the meeting held on 21 July 2021.	7 - 10
4.	<u>20/02484/FULL - LAND ADJ 33A THE CRESCENT - MAIDENHEAD - SL6 6AG</u>  <i>PROPOSAL: Construction of x3 dwellings with associated landscaping, parking and access.</i>  <b>RECOMMENDATION: PERMIT</b>  <b>APPLICANT: Mr Taylor</b>  <b>MEMBER CALL-IN: N/A</b>  <b>EXPIRY DATE: 23 November 2020</b>	11 - 32
5.	<u>20/03450/FULL - LAND TO THE SOUTH OF 18 TO 20 AND OPEN SPACE TO THE SOUTH OF RAY MILL ROAD EAST - MAIDENHEAD</u>  <i>PROPOSAL: Construction of 16 x one bedroom dwellings; 19 x two bedroom dwellings; 17 x three bedroom dwellings; 28 x four bedroom dwellings, bin storage, associated landscaping and parking, new access from Ray Mill Road East and public open space.</i>  <b>RECOMMENDATION: REFUSED</b>  <b>APPLICANT: T Bingham</b>  <b>MEMBER CALL-IN: N/A</b>  <b>EXPIRY DATE: 23 March 2021</b>	33 - 74
6.	<u>20/03497/OUT - POUNDSTRETCHER - 31-33 HIGH STREET - MAIDENHEAD - SL6 1JG</u>  <i>PROPOSAL: Outline application for access, appearance, layout and scale to be considered at this stage with all other matters to be</i>	75 - 98

*reserved for the conversion of first floor and new second and third floors to create 10 No. flats with associated works to ground floor.*

**RECOMMENDATION: PERMIT**

**APPLICANT: David Howells**

**MEMBER CALL-IN: N/A**

**EXPIRY DATE: 24 March 2021**

7. 21/01684/FULL - 4 MAIDENHEAD COURT PARK - MAIDENHEAD - SL6 8HN 99 - 108

*PROPOSAL: Two storey front/side extensions, part single/part two storey front extension, single and first floor rear extensions, first floor side extension, 1 No. front dormer and 2 No. rear rooflights to facilitate a loft conversion, 1 No. first floor rear window, side fence and access gate and rear gate.*

**RECOMMENDATION: PERMIT**

**APPLICANT: Mr Fazal**

**MEMBER CALL-IN: Councillor Targowski**

**EXPIRY DATE: 23 July 2021**

8. PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT 109 - 112

To note the contents of the report.

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## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

In accordance with the requirements of the Local Government (Access to Information) Act

1985, each item on this report includes a list of Background Papers that have been relied

on to a material extent in the formulation of the report and recommendation.

The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper,

although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as

“Comments Awaited”.

The list will not include published documents such as the Town and Country Planning Acts

and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance,

as the instructions, advice and policies contained within these documents are common to

the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading “Remarks”.

## **STATEMENT OF THE HUMAN RIGHTS ACT 1998**

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect

for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

## MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

### Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
  - a) that body has a piece of business or land in the area of the relevant authority, and
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

*Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'*

### Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

*Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'*

### Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

# Agenda Item 3

## ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 21 JULY 2021

PRESENT: Councillors Phil Haseler (Chairman), David Cannon (Vice-Chairman), Julian Sharpe, Geoff Hill, David Hilton, Neil Knowles, John Baldwin, Amy Tisi and Leo Walters

Also in attendance: Councillors Clive Baskerville, John Bowden (as non-Panel member), Lynne Jones and Donna Stimson

Officers: Mary Severin, Andy Carswell, Jo Richards, Helena Stevenson and Sian Saadeh

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bowden and Reynolds. Councillors Sharpe and Baldwin were attending as substitutes.

### DECLARATIONS OF INTEREST

Councillor Knowles declared a personal interest in Item 4 as a member of Old Windsor Parish Council.

### MINUTES OF THE MEETING HELD ON 16 JUNE 2021

**RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 16 June 2021 be approved as a true and accurate record.**

The motion was proposed by Councillor Hilton and seconded by Councillor Walters.

### 21/00477/FULL - MANOR LODGE PROBATION HOSTEL - 8 STRAIGHT ROAD - OLD WINDSOR - SL4 2RL

A motion was put forward by Councillor Knowles to refuse the application, contrary to the Officer recommendation, as the public benefits of the application were not considered to outweigh the social impact on local residents' quality of life in terms of crime and disorder and fear of crime, and safety and security of the area, contrary to paragraphs 92 and 130 of the NPPF. Additionally the tilted balance was not considered to be applicable as it was not considered that the application would take pressure off existing housing stock in the Royal Borough and did not conform to the requirements of the Development Plan. The motion was seconded by Councillor Hill.

A named vote was taken.

<b>21/00477/FULL – MANOR LODGE PROBATION HOSTEL – 8 STRAIGHT ROAD – OLD WINDSOR – SL4 2RL (Motion)</b>	
Councillor John Baldwin	For
Councillor David Cannon	Against
Councillor Phil Haseler	Against
Councillor Geoffrey Hill	For
Councillor David Hilton	Against
Councillor Neil Knowles	For
Councillor Julian Sharpe	For
Councillor Amy Tisi	For

Councillor Leo Walters	Against
<b>Carried</b>	

**RESOLVED: That the application be refused, contrary to the Officer recommendation.**

21/00686/FULL - LAND NORTH OF CAMPERDOWN HOUSE - ALMA ROAD - WINDSOR

A motion was put forward by Councillor Cannon to approve the application, as per the Officer recommendation, subject to the conditions listed in Section 13 of the main report and subject to the amended Condition 3 as per the update report. The motion was seconded by Councillor Hill.

A named vote was taken.

<b>21/00686/FULL – LAND NORTH OF CAMPERDOWN HOUSE – ALMA ROAD - WINDSOR (Motion)</b>	
Councillor John Baldwin	For
Councillor David Cannon	For
Councillor Phil Haseler	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Neil Knowles	Against
Councillor Julian Sharpe	For
Councillor Amy Tisi	Against
Councillor Leo Walters	For
<b>Carried</b>	

**RESOLVED: That the application be approved, as per the Officer recommendation.**

21/00940/FULL - CHARNWOOD 12 AND LAND AT CHARNWOOD 12 - LIME WALK - MAIDENHEAD

A motion was put forward by Councillor Walters to refuse the application, contrary to the Officer recommendation, as the proposals would be of a poor design which would be harmful to the character of the area and would cause less than substantial harm to the setting of adjacent heritage assets, contrary to policies DG1, H11, CA2 and LB2 of the Borough Wide Design Guide of the Borough Local Plan and paragraphs 198 and 202 of the NPPF. It was considered that the public benefit would not outweigh the less than substantial harm to the conservation area, and would increase suburban density in a conservation area. The motion was seconded by Councillor Hilton.

A named vote was taken.

<b>21/00940/FULL – CHARNWOOD 12 AND LAND AT CHARNWOOD 12 – LIME WALK – MAIDENHEAD (Motion)</b>	
Councillor John Baldwin	For
Councillor David Cannon	Against
Councillor Phil Haseler	Against
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Neil Knowles	Against
Councillor Julian Sharpe	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
<b>Carried</b>	



**RESOLVED: That the application be refused, contrary to the Officer recommendation**

21/01419/FULL - STAR HOUSE - GRENFELL ROAD - MAIDENHEAD - SL6 1EH

A motion was put forward by Councillor Baldwin to approve the application subject to the conditions listed in Section 11 of the main report, as per the Officer recommendation. The motion was seconded by Councillor Tisi.

A named vote was taken.

<b>21/01419/FULL – STAR HOUSE – GRENFELL ROAD – MAIDENHEAD – SL6 1EH (Motion)</b>	
Councillor John Baldwin	For
Councillor David Cannon	For
Councillor Phil Haseler	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Julian Sharpe	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
<b>Carried</b>	

**RESOLVED UNANIMOUSLY: That the application be approved, as per the Officer recommendation**

PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT

Members noted the contents of the report. Councillor Knowles expressed disappointment at the outcome of the appeal relating to planning application 19/01513/FULL.

The meeting, which began at 7.00 pm, finished at 9.19 pm

CHAIRMAN.....

DATE.....

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Agenda Item 4

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

**MAIDENHEAD DEVELOPMENT MANAGEMENT COMMITTEE**

18 August 2021

Item: 1

<b>Application No.:</b>	20/02484/FULL
<b>Location:</b>	Land Adj 33A The Crescent Maidenhead SL6 6AG
<b>Proposal:</b>	Construction of x3 dwellings with associated landscaping, parking and access.
<b>Applicant:</b>	Mr Taylor
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Maidenhead Unparished/St Marys

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

**1. SUMMARY**

- 1.1 The application site has been the subject of a number of planning applications in recent years for residential development. In the main, these have previously been refused by the Council and in one case dismissed at appeal. However, although dismissed, the appeal decision effectively set the parameters in terms of layout and scale of development that would be acceptable on the site. As a material consideration, this guided the assessment of a recent application for two dwellings (21/00347), which was approved and is also material to the consideration of this application.
- 1.2 The application site is located within the built-up area of Maidenhead close to the town centre. The principle of residential development on the site is acceptable. The design, scale and density of the development is sympathetic to the area in which it would be located, and the proposal would not harm the living conditions of any neighbours. Furthermore, the application submissions have demonstrated that the proposal would not harm any of the protected trees on site, nor any protected species or their habitats.
- 1.3 The proposal does not comply with the Council's parking standards with only 1 on-site parking space being provided for the proposed four-bedroom house, when 2 spaces are required. The private amenity space for plot 2 is also below the Council's required standard and the reduced rear garden space for the development as a whole is out of character with the area. However, the shortfall in parking is unlikely to lead to on-street parking that would cause significant highway safety problems in the area, and the shortfall in amenity space is minimal compared to the required standard. The fact that the pattern of development resulting from the smaller rear gardens would be out of character with the general area, would not be immediately perceptible on the ground. Accordingly, these issues, which are included in the planning balance, would have limited adverse impacts.
- 1.4 When having regard to the proposal's contribution to the housing supply within the Borough, to which great weight is given in accordance with paragraph 69 of the NPPF, and its effective use of land in a sustainable location, the harm arising from the proposal would not significantly and demonstrably outweigh these benefits, and therefore on balance the proposal should be approved.

**It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.**

**2. REASON FOR PANEL DETERMINATION**

- Called in at the request of Cllr. Stimson if the recommendation of the Head of Planning is to grant the application on the grounds that 3 dwellings is an overdevelopment of the site, no ecological survey therefore fails to assess impact on protected species and, 3 parking spaces insufficient for 3 houses; would increase pressure on local parking.

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

- 3.1 The site is located on the west side of The Crescent, Maidenhead and comprises a corner plot of open, undeveloped land of approximately 0.08 hectares. Historically, it would appear that this land formed part of the garden of No. 33 The Crescent. However, following the conversion of this property to separate residential units, it is understood that the land became separated and was left unkempt for a number of years. The site is occupied by three mature trees positioned close to its boundaries and remains as a generally overgrown area of land surrounded by a wrought iron fence.
- 3.2 The surrounding area is predominantly residential in character. The railway line and footpath/bridge over bounds the site to the south and west. To the north the site adjoins No. 33a The Crescent.
- 3.3 The buildings within the vicinity of the site are predominantly detached and semi-detached dwellings, largely two storey with accommodation in their roofs. There is a mix of architectural styles and finishes within the road, however strong traditional features are prevalent, such as bay and sash windows, gables and chimneys. The Councils Townscape Assessment identifies the application site as being within a 'Victorian and Edwardian Suburb' character area.

### 4. KEY CONSTRAINTS

- 4.1 The application site is located within the built-up area of Maidenhead, outside the Green Belt. The site is not within a Conservation Area or an area where there is a high risk of flooding. Accordingly, there are no in-principle policy constraints to the proposal.
- 4.2 The main planning constraint to the proposal relates to the existing trees on site being covered by a Tree Protection Order (TPO 043/1998)

### 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 This application seeks consent for the erection of 3 dwellings, comprising a pair of semi-detached, three-bedroom houses and one, four bedroom detached house, together with associated parking and landscaping.
- 5.2 The proposed plots are shown to be positioned roughly within the centre of the site, set back from the edge of the footpath to the east by approximately 12m. Plot 1 is for a detached, L-shaped house, approximately 9m wide, 10m deep with a maximum ridge height of approximately 8.8m. The dwelling would be approximately 4m from the south boundary and have a rear garden depth ranging from between 6m to 10m, totalling an approximate area of 103sqm.
- 5.3 The proposed houses on plots 2 and 3 would each be approximately 6.5m wide and 10m deep with a maximum ridge height of approximately 7.7m. Plot 2 would have a garden depth of around 7m, with an approximate garden area of 52sqm. The garden depth of plot 3 is approximately 8m with an area of approximately 63sqm.
- 5.4 The development would be served by 3 off-road parking spaces positioned towards the south-east corner of the site and accessed off The Crescent. Each property would be provided with a garden shed with bike store to the rear and a bin store to the front.
- 5.5 Relevant Planning History

Reference	Description	Decision
21/01811/CONDIT	Details required by conditions 3 (reptile strategy), 4 (CEMP biodiversity), 5 (external lighting), 6 (biodiversity enhancements), 8 (landscaping), 14 (construction management plan), 15	Pending

	(contaminated land) and 16 (CEMP environmental protection) of approved 21/00347.	
21/00347/FULL	Construction of x2 dwelling with landscaping, parking and access.	Approved 11.05.2021.
20/03261/FULL	Construction of x9 apartments and new boundary treatment with associated parking and amenity space.	Refused 01.04.2021.
19/03191/FULL	Two new detached dwellings with associated landscaping, parking and access.	Refused 17.07.2020.
19/02030/FULL	Proposed development comprising nine apartments with associated landscaping, parking and access.	Refused 23.09.2019. Appeal dismissed 31.07.2020.

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough of Windsor and Maidenhead Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4, T5
Trees	N6

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2021)

- 7.1 Section 2 – Achieving sustainable development  
 Section 4 – Decision making  
 Section 5 – Delivering a sufficient supply of homes  
 Section 9 – Promoting sustainable transport  
 Section 11 – Making effective use of land  
 Section 12 – Achieving well-designed places  
 Section 15 – Conserving and enhancing the natural environment

### Borough Local Plan: Submission Version (2018) and Proposed Changes (2019)

Issue	Submission version policy	Proposed changes policy
Sustainability and place making	SP2	QP1
Character and design of new development	SP3	QP3
Housing mix and type	HO2	HO2
Nature conservation and biodiversity	NR3	NR2
Trees, woodlands and hedgerows	NR2	NR3
Sustainable transport	IF2	IF2

7.2 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

*“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);  
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and  
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

7.3 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The Plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector’s post hearings advice letter was received in March 2021. Public consultation on the Main Modifications to the BLP is currently running until 5<sup>th</sup> September 2021.

7.4 The BLPSV together with the Proposed Changes are material considerations for decision-making, and consultation of the Main Modifications represents a latter stage in the preparation of the emerging plan. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 7.2 above.

These documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

#### 7.5. **Adopted Supplementary Planning Documents**

- Borough Wide Design Guide

#### **Other Local Strategies or Publications**

7.6 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Interim Sustainability Position Statement

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

### **8. CONSULTATIONS CARRIED OUT**

#### **8.1 Comments from interested parties**

26 occupiers were notified directly of the application.

29 letters were received objecting to the application, together with a petition with 115 signatures, points summarised as:

Comment	Where in the report this is considered
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1.	<p><u>Harm to the character and appearance of the area:</u>          Proposal constitutes overdevelopment of the site;          The proposed density would be higher than the existing density in The Crescent;          Incorrect density given, should be 37 dph, this is too high;          The proposal is not good design, does not add to the development quality of the area and would appear cramped;          The bulk and mass of the buildings would dominate their surroundings;          The proposal is not in-keeping or to the same standard as existing properties in The Crescent;          The site is at the top of a steep hill and the buildings would dominate the landscape;          The site is only large enough for 2 dwellings;          Poor design with no sustainability or environmental features.</p>	Paragraphs 9.2 – 9.8
2.	<p><u>Impact on trees:</u>          Site trees have been felled prior to the application, including one protected by a TPO;          There are no guarantees to secure the protected trees on site and to restore a Yew tree that was removed during clearance works;          The Yew tree has not yet been replaced;          Loss of valuable trees;          Contradicts the Council's own tree officer;          The oak tree is a lovely focal point and adds to the amenity of the area;          Loss of TPO oak.</p>	9.14 – 9.23
3.	<p><u>Ecology:</u>          No ecological surveys have been submitted;          The ecological surveys were not carried out properly;          The application fails to assess the impact on protected species – wildlife that is much valued by local residents;          Concerns for the local wildlife particularly protected species;          The site was cleared in August causing harm to protected species (slow worms)</p>	9.29 – 9.32

4.	<p><u>Parking and highway safety:</u></p> <p>The three parking spaces proposed are insufficient for three houses and will likely lead to on-street parking;</p> <p>The proposed access/egress is close to a corner, a danger to footbridge pedestrians and vehicles using Elm Grove, due to insufficient visibility splays;</p> <p>Visibility would be further obstructed by the proposed tree planting;</p> <p>The parking layout is not in-keeping with The Crescent;</p> <p>Vehicular movements to and from the site would be in conflict with pedestrians using the footbridge;</p> <p>The Crescent is a busy road as it is close to the town centre and spaces are free for 2 hours. With more people working from home, the proposal would lead to more on-street parking;</p> <p>Electric charging points for cars should be included;</p> <p>The application contradicts the Council's own suitably qualified and experienced highways officer;</p> <p>This is not a town centre location and therefore needs adequate parking;</p> <p>Parking is more important now than ever.</p>	9.24 – 9.28
5.	The development would make a limited contribution to the Borough's housing targets.	11.1 – 11.5
6.	The site has a history of previously refused applications for residential development and an appeal that has been dismissed.	The planning history has been set out above.
7.	A 200mm diameter, cast iron water main runs across the site.	This would not be material to the consideration of this application.
8.	The site has an amenity value to local residents. The site was a pleasant little woodland which was enjoyed for its greenery and wildlife.	There is no policy requiring the site to be maintained in this way.
9.	The site is not a "drugs den". There is no evidence of crimes being carried out on or near the site.	
10.	Extra cars in the area will erode the current peacefulness.	9.24 – 9.28 11.1 – 11.6
11.	The appeal Inspector had concerns that rooms in the first floor flats overlooking the railway would be dark, due to trees and vegetation along the trackside. This proposal would have the same problems.	9.9 – 9.13
12.	Should remain as green space and be left for wildlife.	9.2
13.	Cramped with limited garden space.	9.11 – 9.12
14.	<p>RBWM has previously turned down a single detached dwelling, two detached dwellings, a detached dwelling and pair of semi-detached houses and 9 flats. Even the last scheme for two dwellings was considered to be overdevelopment.</p> <p>95/01187 – Council stated the site should only be developed for 2 houses</p>	The planning history has been set out above.



15.	The street light and telegraph pole would need to be relocated.	This would not be material to the consideration of this application.
16.	The site is a garden to No.33 and not brownfield, but previously an attractive wildlife sanctuary.	9.29-9.32
17.	Living space is small and poorly lit.	9.9 – 9.13
18.	Residents have provided well-reasoned objections which should be given significant weight.	Points raised in objection have been considered in the assessment of the application.

8.2 **Consultees:** Points summarised as

Consultee	Comment	Where in the report this is considered
Highways	<p>Vehicles would reverse onto the highway and drivers will not be able to see pedestrians passing the site. The first parking space should be at least 10m from the junction with 2m x 2m visibility splays.</p> <p>The site is 840m from Maidenhead station and 380m from the town centre. It is therefore just outside the area of good accessibility.</p> <p>The Crescent is an area of controlled parking and parking permits will not be available to any residents of the proposed development. The four-bedroom dwelling requires 2 spaces and the 3 bed units each require 1 space.</p> <p>Cycle and refuse storage are required to be provided on site.</p>	9.24 – 9.28
Environmental Protection	No objections subject to conditions in relation to a site-specific construction environmental management plan, vehicle deliveries and collection times and contaminated land.	Noted.
Ecology	<p>The submitted ecology report states three protected trees have been removed from the site. As a result, the site no longer supports habitat suitable for breeding birds. Opportunities for roosting, foraging and commuting bats have also been reduced through the clearance of vegetation and trees. Site clearance works undertaken could have harmed slow worms and nesting birds on the site.</p> <p>The submitted updated reptile surveys (which were undertaken to an appropriate standard in line with best practice guidelines) recorded a good population of slow worms. The submitted report provides a mitigation and compensation plan but gives no indication of how the onsite compensatory reptile habitat will be managed and secured</p>	9.29 – 9.32

	<p>in-perpetuity. The applicant needs to submit a Landscape Environmental Management Plan (LEMP) to address this. Without this information there is insufficient evidence to adequately demonstrate that the proposal will not adversely affect reptiles (protected species).</p> <p>In addition, the adjacent railway track is likely to be an important ecological corridor for protected and priority species including bats and new lighting from the development could adversely affect these. The applicant needs to demonstrate that lighting associated with the proposed development will not adversely affect bats and other wildlife.</p> <p>The applicant has not demonstrated that there would not be a net loss of biodiversity on the site as a result of the proposal. The applicant needs to demonstrate that the proposal would result in a measurable net gain for biodiversity on the site.</p> <p>Recommends refusal in the absence of the required information.</p>	
Trees	<p>Trees growing on the site are subject to a TPO.</p> <p>Notes the Planning Inspector was satisfied that the proposed planting on the frontage of the site would compensate for the loss of the yew tree. It should be demonstrated that tree planting along the frontage can be planted and can grow to a mature size.</p> <p>The submitted plans fail to accurately plot the crown spreads of the retained trees, in particular the oak tree on the southern boundary. Branches from this tree will grow close to the proposed building and overhang the proposed parking bays.</p> <p>From the information available it appears that the retained trees would have a poor spatial relationship with the proposed new buildings and could create significant concerns to future occupiers with the oak tree overshadowing plot 1 and the Acacia overshadowing the frontage of plots 2 and 3. This would result in a poor standard of amenity for future occupiers of the development. Due to the proximity of the trees there will be pressure to prune or fell the trees.</p> <p>The root protection areas submitted have not been adjusted to take account of the constraints posed by the existing hard surfaced areas. Allowing for the highway and boundary wall, the RPAs need to be adjusted to extend further into the site.</p> <p>The Inspector for application 19/02030 mistakenly identified that the canopy spread would suggest root coverage.</p> <p>The proposed development will occupy 27% of the unsurfaced RPA of T3 (Acacia) and 23% of T4 (Oak). Additional incursions could occur as a result of cycle and in storage, boundary treatments, footpaths to rear, drainage and soakaways etc.</p> <p>The proposed incursions are considered excessive and it</p>	9.14 – 9.23

	<p>has not been demonstrated that the trees can remain viable. No overriding justification, compensation or soil improvements have been proposed. The suggested no dig construction would provide limited mitigation and no proposals have been made to provide the required compensation or measures to improve the soil environment. The scheme fails to adequately secure the protection of important amenity trees which contribute to the character and appearance of the area.</p> <p>The Tree Officer therefore recommends refusal of the application under policies N6 and DG1.</p>	
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## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of development;
- ii The impact on the character and appearance of the area;
- iii The impact on the amenities of future occupiers of the development and neighbours;
- iv The impact on important trees;
- v Parking provision and highway safety;
- vi Ecological issues; and
- vii Other material considerations

### **The principle of development**

9.2 The application site is located within the built-up area of Maidenhead, outside the Green Belt. The site is not within a Conservation Area or an area where there is a high risk of flooding. Accordingly, there are no in-principle policy constraints to the proposal. The principle of development has also been established through the grant of planning permission under application 21/00347/FULL.

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

#### Scale and design

9.3 The application site is located within a 'Victorian and Edwardian Suburb' as identified in the Council's Townscape Assessment. Dwellings within such areas are predominantly two-storeys high and feature uniform and repetitive facades, with hung sash windows and simple doorways in recessed porches, contributing to a rhythm along a street, and articulation provided by bay windows. Variety is provided by dressed stone façade details, mouldings and stucco work. Roofs are pitched and typically tiled in natural slate – chimneys contribute to a visually stimulating roofscape.

9.4 All three proposed dwellings would be two-storeys high, have pitched roofs and incorporate a front bay window, chimney, sash windows and stone detailing around windows and the front, recessed door. Subject to further details in respect of materials, (condition 2), the design and scale of the proposed development would be sympathetic to the character and appearance of the area.

#### Density and layout

- 9.5 The Townscape Assessment states that 'Victorian and Edwardian Suburbs' are characterised by medium to high density residential development. The proposal has a density of 37 dwellings per hectare, which is within the medium range and therefore in keeping with the character of the area.
- 9.6 The front elevations of the dwellings would be set back from the edge of the public highway/footpath by approximately 12m and slightly behind the front elevation of the immediate neighbouring property to the north, No.33a The Crescent. A gap of approximately 2m would be retained between the proposed dwelling on plot 3 and No.33a, while a 4m gap would be retained between the southern elevation of the dwelling on plot 1 and the side boundary. The separation distances proposed would be similar to other closely-knit properties when viewed along The Crescent and so the appearance of the proposed dwellings would not be harmful to the street scene.
- 9.7 However, the pattern of development within the area in which the application site is located is much looser than the proposal, resulting from the fact that the proposed rear gardens are notably smaller than neighbouring properties. This would result in a layout that is out of character with the area.
- 9.8 Overall, while the density, scale and design would be in-keeping with the character and appearance of the area, the proposed layout of the development would be more cramped, resulting in a pattern of development that is out of character. This is considered further in the planning balance.

#### **The impact on the amenities of future occupiers of the development and neighbours**

- 9.9 The proposed dwellings would back on to a railway line, beyond which lie buildings associated with a water treatment works facility, enclosed and screened by mature vegetation and trees. Accordingly, there would be no loss of privacy to future occupiers of the development from properties at the rear. In addition, no loss of privacy would arise from any of the other neighbouring properties due to the oblique angles and separation distances involved.
- 9.10 None of the windows to habitable rooms face north or directly towards overbearing buildings, structures or trees. The living room to plot 1 has a bay window facing east and the property would also benefit from a west facing family room. The living rooms in plots 2 and 3 also have bay windows and will be open plan into the kitchen areas, so effectively dual aspect. Accordingly, the outlook from, and levels of daylight and sunlight to, the proposed dwellings is acceptable.
- 9.11 Principle 8.4 of the Borough Wide Design Guide sets out the minimum outdoor amenity space standards for new houses. For a 4-bedroom dwelling that is predominantly south-facing, a rear garden of a minimum of 70sqm should be provided. In this case, approximately half of the 103sqm rear garden for Plot 1 would be south-facing, while the rest would face west. As a north-facing garden for a 4-bedroom dwelling requires a minimum of 85sqm, the size of the rear garden proposed for plot 1 is acceptable.
- 9.12 The minimum standard for outdoor amenity spaces facing predominantly south serving 3 bedroom dwellings is 55sqm and for spaces facing predominantly north this is increased to 65sqm. At approximately 52sqm and west facing, the amenity space for plot 2 is below the Council's required standard. At 63sqm, the west-facing amenity space for plot 3 is acceptable.
- 9.13 Due to their siting and the separation distances, none of the proposed dwellings would harm the living conditions of any neighbours in terms of loss of privacy, loss of sunlight or daylight or from appearing overbearing.

#### **The impact on important trees**

- 9.14 The application site is occupied by three protected trees; A Monkey Puzzle (Chilean Pine) positioned in the north-east corner of the site; an Acacia tree positioned adjacent to the east/front boundary and; an Oak tree positioned adjacent to the south boundary of the site. The assessment of the impact of the proposed development on the site in respect to these trees has been a key matter for consideration under previous applications and in the recent appeal in respect of application 19/02030/FULL.
- 9.15 The application is supported by an Arboricultural Impact Assessment report and Tree Protection Plan, with consideration and references given to the previous planning applications for the site and the appeal decision. The assessment of application 21/00347, (which granted planning permission for 2 dwellings and is a material consideration to this application), also took into account the findings of the Planning Inspector in respect of the appeal for application 19/02030, who considered that, subject to appropriate conditions, a much larger flatted development would have no adverse impact on the protected trees within the site.
- 9.16 In this case, the Council's tree officer has advised that it appears that the submitted plans fail to accurately plot the crown spreads of the retained trees and that these trees would have a poor spatial relationship with the proposed new buildings. However, no specific harm is identified with regard to the impact of the proposal on the Monkey Puzzle (T2) tree, which is shown in the submitted information for this current application as being in the exact position, with the same Root Protection Area (RPA) and crown spread, as submitted under application 21/00347. In this case, the proposed development, specifically plot 3, would be positioned further away from the tree than the closest dwelling approved under application 21/00347. Accordingly, the development will not harm the Monkey Puzzle tree nor be adversely impacted by it.
- 9.17 With regard to the potential impact on and from the Acacia (T3), the tree officer has advised that this could overshadow the frontages of plots 2 and 3, leading to potential concerns from future residents of the properties resulting in pressure to prune or fell the tree. In addition, the tree officer has advised that the RPA identified for the Acacia tree does not take account of the constraints posed by the existing hard surfaced areas and so the RPA would extend further into the site. The tree officer has advised that the proposed development would occupy 27% of the unsurfaced RPA of the Acacia, and that additional incursions could occur as a result of cycle and bin storage, boundary treatments, footpaths to the rear, drainage and soakaways etc.
- 9.18 The protected trees and their associated RPA's and canopy spreads plotted on the submitted tree protection plan is consistent with the information approved under the extant permission (21/00347) for two houses. Under the current proposal, plots 2 and 3 would be positioned further away from the Acacia than the extant permission (plot 2). At its closest point, the proposed house on plot 2 would be 7.7m from the canopy of the Acacia, compared with plot 2 on the extant permission which would be approximately 6.7m. The proposal therefore represents greater separation and therefore reduced impact in this regard.
- 9.19 The extant permission allowed for an approximate 12.5% incursion into the RPA of the Acacia tree for the vehicle parking/turning area, while the current proposal would involve an approximate 3% incursion for the vehicle parking, (part of the north-most bay). All other incursions would relate to pedestrian walkways which, as set out in the submitted Tree Protection Plan and Arboricultural report, would be of 'no dig' construction and would have significantly less of an impact on ground compaction than the hardstanding for vehicles approved under application 21/00347. Overall, the current proposal will have less of an impact on the Acacia tree and be less adversely impacted by it than the extant permission for 2 dwellings on the site.
- 9.20 With regard to the Oak tree (T4), the tree officer has advised that this could overshadow the house on plot 1 and overhang the proposed parking bays, leading to pressure to prune or fell the tree in the future. In addition, the tree officer has advised that the proposed development would occupy 23% of the unsurfaced RPA of the Oak tree, which is considered excessive and may make the tree unviable.
- 9.21 As with the other protected trees, the submitted information shows the Oak tree together with its RPA and canopy spread in the same position as previously approved. The dwelling on plot 1 would have a similar separation distance to the closest dwelling approved under application

21/00347 and result in a reduced RPA incursion. The submitted plans shows that the oak tree would only slightly overhang the southern-most parking bay.

- 9.22 It should be noted that the site had previously been occupied by a Yew tree which the tree officer had advised should be replaced. However, the Planning Inspector was satisfied that proposed planting along the frontage of the site would compensate for its loss and this can be covered by an appropriate landscaping condition (condition 8).
- 9.23 Notwithstanding the tree officer's advice, application 21/00347 and the appeal decision letter in respect of 19/02030 have effectively established that, subject to conditions in respect of tree protection measures, (as set out in the submitted Tree Protection Measures plan; condition 7) and landscaping, the proposed development will not adversely affect the protected trees, nor be harmed, (in terms of the impact on the living conditions of future occupiers), by them.

### **Parking provision and highway safety**

- 9.24 The Highway Authority has advised that the new access will be approximately 4.5m from the informal junction with Elm Grove and The Crescent. The Highway Authority previously accepted an access being 6.5m from the informal junction given a turning facility was provided on site to facilitate vehicles entering and leaving in a forward gear. Additionally, lawn was provided on the south eastern corner of the site to provide clear and unobstructed views over the south eastern boundary to ensure drivers could see and be seen by pedestrians. The proposed access now just leads to 3 car parking spaces. This will result in vehicles either reversing to or from The Crescent. The design of the parking area will mean drivers will not be able to see or be seen by pedestrians passing the site or over the south boundary. The Highway Authority has advised that if the applicant seeks to retain this type of design, then the first parking bay should be a minimum of 10m from the informal junction and vehicle and pedestrian visibility splays of 2.0m x 2.0m should be provided at each parking bay.
- 9.25 In response to the Highway Authority advice, it should be noted that the informal junction with Elm Grove is approximately 14m from the proposed access and planting to the front of the site could be controlled by a landscaping condition. The applicant has submitted a boundary treatment plan which shows that 1.2m high open metal railings would enclose the southern boundary of the site from the front of the proposed dwelling up to the edge of the southern-most parking bay, and a low wall and hedge along the east boundary. Pedestrian and vehicle visibility to and from the access and parking is acceptable and highway safety would not be materially compromised as a result of the proposed access and parking.
- 9.26 The site is located 840m walk away from Maidenhead train station and 380m walk away from Maidenhead town centre. According to the Local Authority's current standards the site is deemed to be located just outside the area of good accessibility. Parking is prohibited on the A308 Marlow Road and The Crescent is controlled by single (Mon-Sat 8am to 6:30pm) and double yellow lines to prevent commuter parking. College Avenue is restricted to permit holders only. The Highway Authority has advised that the new development will not be entitled to obtain a parking permit. On street parking bays (Mon - Sat 10am - 4pm 2hrs, no return within 2hrs) for approximately 16 vehicles are provided along The Crescent.
- 9.27 The Highway Authority has advised that given the planning decisions nearby, the proposed 4-bedroom dwelling will require 2 car parking spaces and each 3-bedroom dwelling will require 1 car parking space. While one parking space is provided for each 3-bedroom dwelling only 1 car parking space is provided for the 4-bedroom dwelling.
- 9.28 A cycle store for each of the proposed properties would be provided to the rear of the dwellings and bin store for each to the front. The Highway Authority has advised that a construction management plan will be required if planning permission is granted.

### **Ecological issues**

- 9.29 Since receiving the Council's ecologist comments, an updated ecology report has been submitted that confirms that the three protected trees on the site have not been removed, and indeed these trees can be seen on site at present. Therefore, concerns raised in relation to breeding birds and bats are not relevant. In addition, the applicant's ecologist has confirmed that the application site has not been cleared, but that routine maintenance has taken place involving cutting high level weed growth and self-seeded saplings of about 2m high. No ground scrub has been removed as can be witnessed on site at present and therefore no slow worms would have been affected.
- 9.30 With regard to the protection of any reptiles on site, the Council's ecologist advised under application 21/00347, (and after the consultation response was received for this current application), that in order to ensure that any reptiles that exist in and around the site are not adversely impacted by the proposed development, a mitigation area for reptiles is required similar to that proposed on application 20/02361/FULL. A reptile mitigation strategy should also be submitted prior to works at the site (condition 3). These requirements are equally relevant and applicable to this current application.
- 9.31 A biodiversity metric calculation report has been submitted with the application, which uses the pre-clearance site as a baseline in support of the application. The calculation has identified that there would be a net loss of -0.03 habitat units overall as a result of the development. This represents a decrease of 6.39% of habitat units. Given the current proposal and the nature of development, it will not be possible to achieve a net gain for biodiversity on the site. However, this is not a significant loss and will be partially off-set by the provision of bird and bat boxes on the site.
- 9.32 Subject to conditions in respect of a Construction Environmental Management Plan (CEMP) for biodiversity, details of external lighting and details of biodiversity enhancements, the proposal would have an acceptable ecological impact (conditions 4, 5 and 6).

### **Other Material Considerations**

#### Housing Land Supply

- 9.33 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:
- For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 9.34 Footnote 8 of the NPPF (2021) clarifies that:
- 'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).'*
- 9.35 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hyr hls) is the 'standard method' as set out in the NPPF (2021).
- 9.36 At the time of writing, the Council is unable to demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.37 Therefore, for the purpose of this application and in the context of paragraph 11 of the NPPF (2021), including footnote 8, the so-called 'tilted balance' is engaged. It is further acknowledged that there are no 'restrictive' policies relevant to the consideration of this

planning application which would engage section d(i) of paragraph 11 of the NPPF (2021). The assessment of this and the wider balancing exercise is set out below in the conclusion.

## **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

10.1 The development is CIL liable. The total chargeable floorspace of the dwellings is approximately 349sqm and therefore the CIL fee would be in the region of £34,900.

## **11. PLANNING BALANCE AND CONCLUSION**

11.1 Paragraph 11 of the NPPF explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.37 of this report it is considered that in this instance the so-called 'tilted balance' should be applied.

11.2 In terms of adverse impacts and in respect of the 4 bedroom dwelling (plot 1), the proposal would be 1 car parking space short of the Council's standards. As a result, the proposal could lead to on-street parking which may be detrimental to highway convenience and safety. However, having regard to the fact that The Crescent and surrounding roads have restricted on-street parking limits, which would equally apply to residents of the proposed development, and that this relates to only one space, the shortfall represents limited harm.

11.3 With regard to the amenity space for plot 2, this would be below the Council's required standards for a three –bedroom dwelling. The minimum standard for outdoor amenity spaces facing predominantly south is 55sqm and for spaces facing predominantly north this is increased to 65sqm. In addition, this deficiency in the proposed extent of rear garden space results in a tighter form of development on site that is out of character with the area.

11.4 However, at approximately 52sqm and west facing, the amenity space for plot 2 is only about 8sqm below the Council's required standard and the lack of garden space would not be immediately apparent in terms of harm to the character of the area. Accordingly, this level of harm can only each be given limited weight.

11.5 In favour of the proposal is that it would contribute to the housing supply within the Borough to which great weight is given in accordance with paragraph 69 of the NPPF. The proposal would also make effective and efficient use of the land which is located within a sustainable location.

11.6 Overall and for the reasons set out above the adverse impacts of allowing this planning application would not significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF (2021) taken as a whole. On balance, the application should therefore be approved.

## **12. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – Proposed site layout plan
- Appendix C – Plot 1 proposed elevations and plans
- Appendix D – Plots 2 and 3 proposed elevations and plans
- Appendix E – Proposed street elevation

## **13. 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 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 DG1.



- 3 No development hereby permitted, including any site clearance, shall commence until a reptile mitigation strategy has been submitted to and approved in writing by the council. The reptile mitigation strategy shall include the following:a) Methods to be followed during site clearance and construction works, and the procedures to follow should reptiles be encountered on the site;b) Timings of works and when an ecologist will be present;c) The roles and responsibilities of the suitably qualified ecologist;d) Details of the location and habitat specifications of a new reptile mitigation strip including measures to separate the strip from residential gardens. The reptile mitigation strategy will thereafter be implemented in full as agreed, and on completion, a closing-out report from the ecologist, providing details of the mitigation works undertaken and any reptiles which were found during works, shall be submitted to the local planning authority.  
Reason: To ensure that priority species are not adversely affected by the proposals, as per the requirements of paragraphs 174 - 180 of the NPPF.
- 4 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:a) Risk assessment of potentially damaging construction activities.b) Identification of "biodiversity protection zones".c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements, including for invasive species, if relevant).d) The location and timing of sensitive works to avoid harm to biodiversity features.e) The times during construction when specialist ecologists need to be present on site to oversee works.f) Responsible persons and lines of communication.g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To minimise impacts on biodiversity in accordance with Paragraphs 174 and 180 of the NPPF.
- 5 No development above slab level shall commence until a report detailing any new external lighting scheme, and how this will not adversely impact upon wildlife, has been submitted to and approved in writing by the LPA. The report (if external lighting is proposed) shall include the following figures and appendices:- A layout plan with beam orientation- A schedule of equipment-Measures to avoid glare- An isolux contour map showing light spillage to 1 lux both vertically and horizontally, areas identified as being of importance for commuting and foraging bats, and locations of bird and bat boxes. The approved lighting plan shall thereafter be implemented and maintained as agreed.  
Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with para 180 of the NPPF.
- 6 Prior to the construction of the dwellings hereby approved, details of biodiversity enhancements, to include integral bird and bat boxes, tiles or bricks on the new buildings, gaps at the bases of fences to allow hedgehogs to traverse through the gardens, log piles/hibernacula for reptiles and stag beetle, and native and wildlife friendly landscaping (including mixed native hedgerow incorporating pollen-rich and fruit-bearing species), shall be submitted to and approved in writing by the council. The biodiversity enhancements shall thereafter be installed and maintained as approved and a brief letter report from the applicant's ecologist confirming that the agreed biodiversity enhancements have been installed, including a simple plan showing their location and photographs of the enhancements in situ, shall be submitted to and approved in writing by the Council.  
Reason: To incorporate biodiversity in and around developments in accordance with paragraph 180 of the NPPF.
- 7 The tree protection and management details shown on Plan No.Barrell Plan Ref: 19090-11 and document 'Manual for managing trees on site', created by Barrel , shall be adhered to throughout the construction phase of the proposed development.  
Reason: to protect trees which are important to the character and appearance of the area, relevant policies DG1 and N6 of the Local Plan.
- 8 Notwithstanding any landscaping details shown on the plans hereby approved and prior to the commencement of the development hereby approved, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all hard and soft landscape works shall be carried out in accordance with the approved details. Following completion of the development they shall be retained in accordance

with the approved details. Hard landscaping - These details shall include a hard landscape specification and supporting plan(s) to a recognised scale illustrating the proposed positions, dimensions, materials and finished levels of means of enclosures (e.g. embankments, fences, walls and gate piers); vehicular and pedestrian accesses; hard surfaces (e.g. driveways, car parking, footpaths, patios, decking) and minor structures (e.g. sheds, refuse and storage areas, cycle storage). Where hard surfaces/structures/ground levels are to be altered within the root protection areas of retained on/off-site trees, scaled cross-section construction drawings and a supporting method statement will be required to support the hard landscape plan/specifications. B) Soft landscaping - These details shall include; A) a detailed soft landscaping plan to a recognised scale clearly illustrating the location of all trees/shrubs/hedges/plants to be planted and areas of turf to be laid; B) a detailed written soft landscape specification detailing the quantity, density, size, species, position and the proposed time or programme of the planting of all trees/shrubs/hedges/plants. This specification shall include details of ground preparation/cultivation within and adjacent to root protection areas of retained on/off-site trees, and other operations associated with, tree/shrub/ hedge/plant establishment; C) details of the location, size and habitat specifications for a parcel of land to be dedicated to reptiles (reptile mitigation strip), throughout the lifetime of the development. If within a period of five years from the date of the planting of any tree/shrub/hedge/plant shown on the approved plan(s), or any tree/shrub/hedge/plant in replacement for it is removed, uprooted, destroyed, dies, or becomes seriously damaged or defective, another tree/shrub/hedge/plant of the same species and size as that originally planted, shall be planted in the immediate vicinity, unless the Local Planning Authority gives its 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

9 No other part of the development shall commence until the access has been constructed 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

10 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.

11 No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.

12 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.

13 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.

14 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.

15 No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The

plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to: - Procedures for maintaining good public relations including complaint management, public consultation and liaison - Arrangements for liaison with the Environmental Protection Team - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays. - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above. - Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works. - Procedures for emergency deviation of the agreed working hours. - Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants. - Measures for controlling the use of site lighting whether required for safe working or for security purposes. Reason: In the interests of the amenities of all surrounding occupiers during the construction of the development.

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

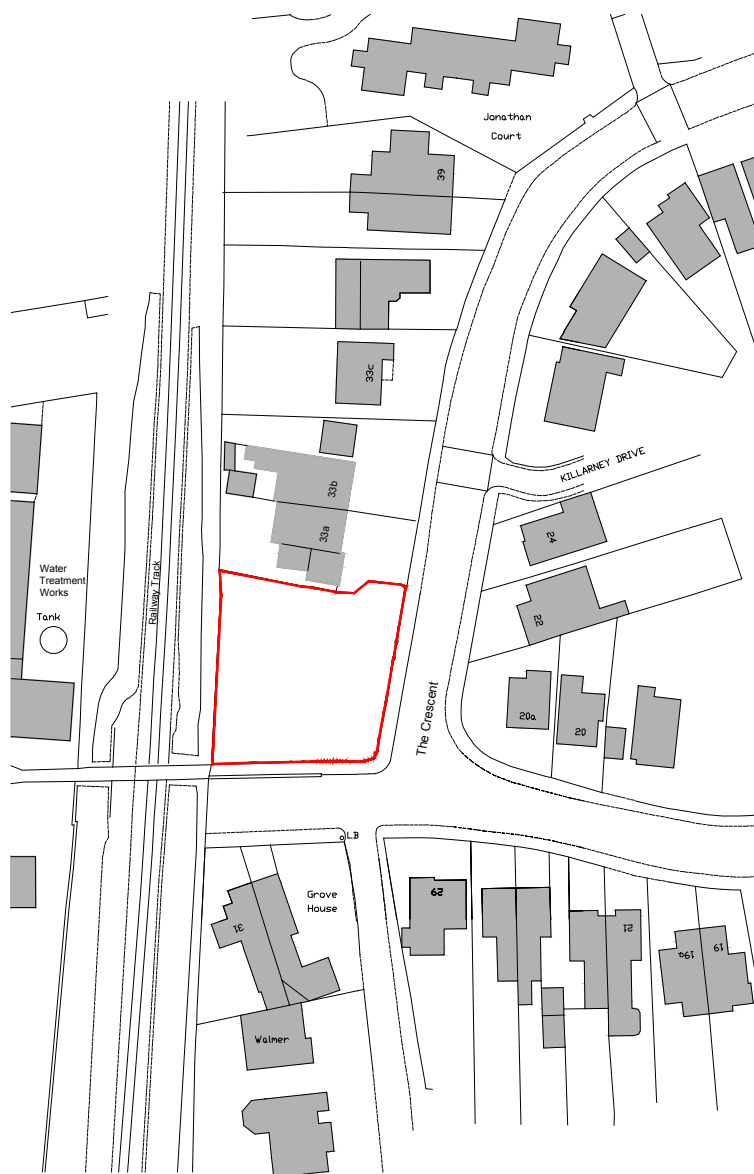
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

### **Informatives**

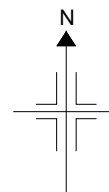
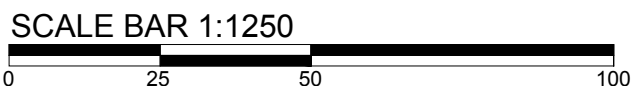
- 1 The applicant will need to seek permission from the council to relocate the existing street lighting column to facilitate access to the proposed development at Land adjacent to 33A, The Crescent, Maidenhead.
- 2 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.
- 3 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 4 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 5 Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
- 6 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.

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**St Edwards**  
Design & Planning

Project  
Land Adjacent to  
33a The Crescent  
Maidenhead, SL6 6AG

Status  
Planning Submission

Date  
September 2020

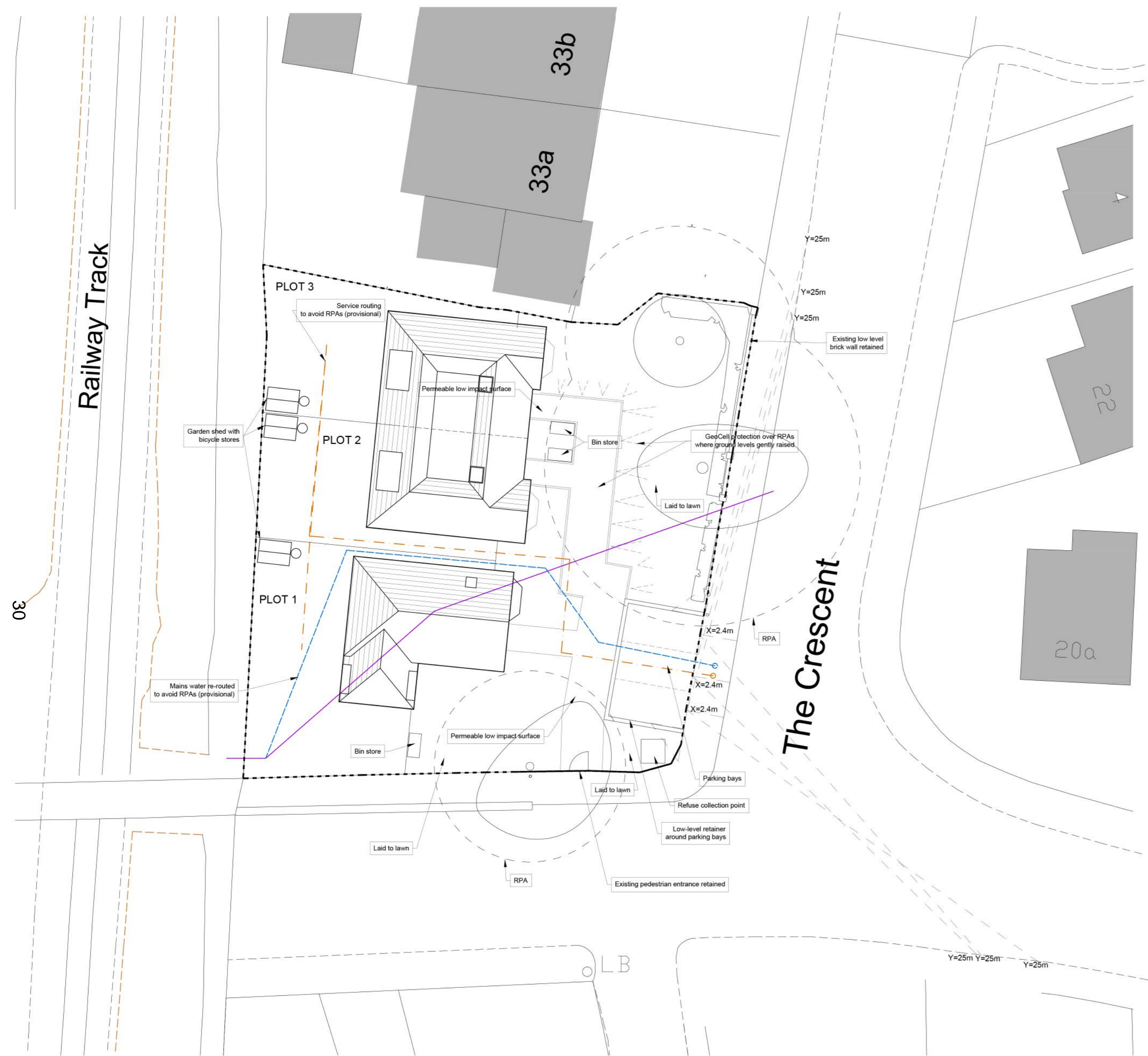
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Drawing  
Location Plan

Scale  
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Number  
20.008.01

Revision



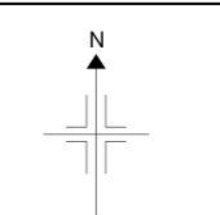
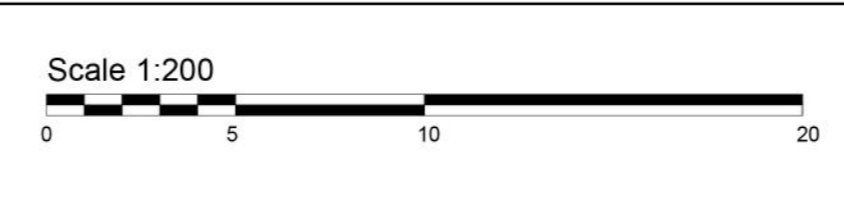
PROPOSED SITE PLAN  
IN CONTEXT



PROPOSED SITE PLAN  
IN COLOUR

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Revisions:		No.	Date	Drawn	Details



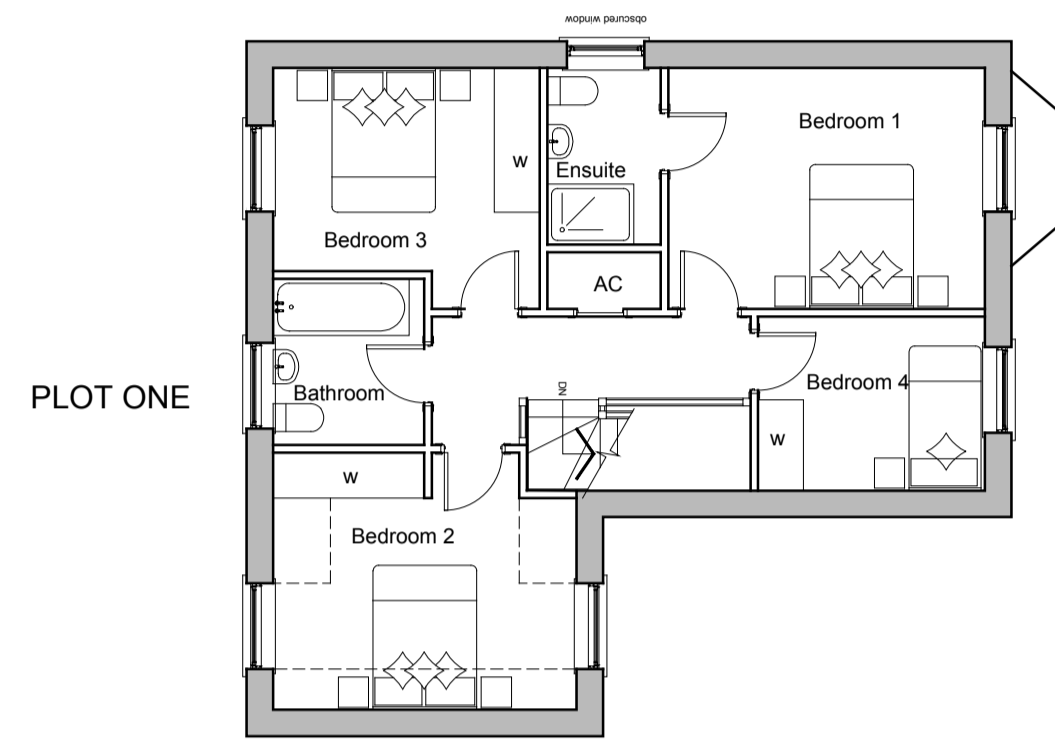
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Vanwall Business Park  
Maidenhead, Berkshire  
SL6 4UB  
01628 622311  
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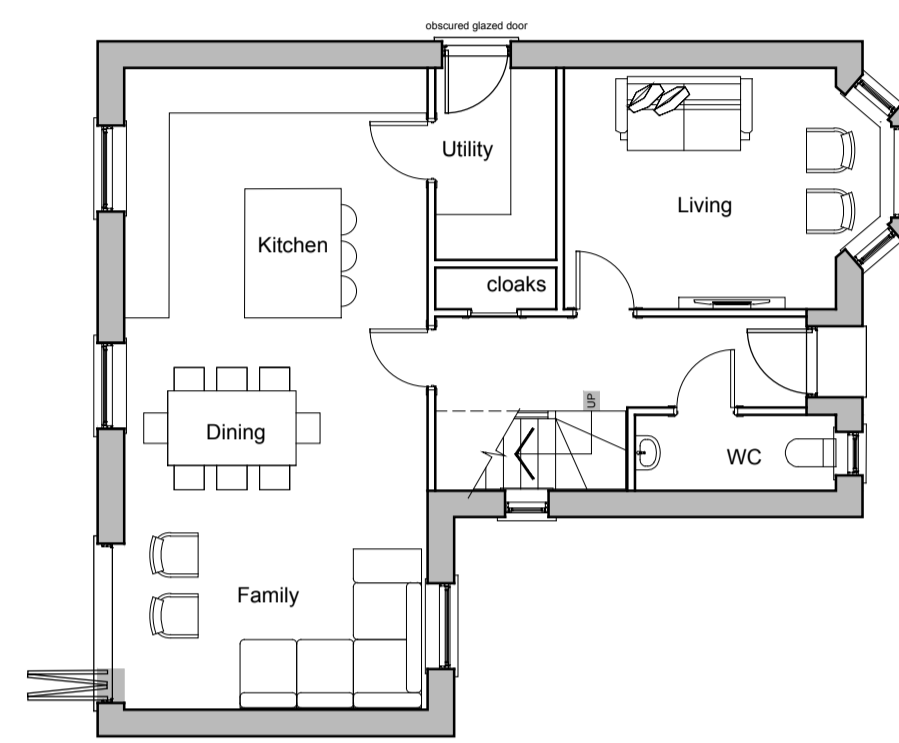
St Edwards  
Design & Planning

Project  
Land Adjacent to  
33a The Crescent  
Maidenhead, SL6 6AG  
Status  
Planning Submission  
Date  
September 2020 JS

Drawing  
Proposed Site Plan  
Scale  
1:200/50 @A1  
Number  
20.008.03  
Revision  
B



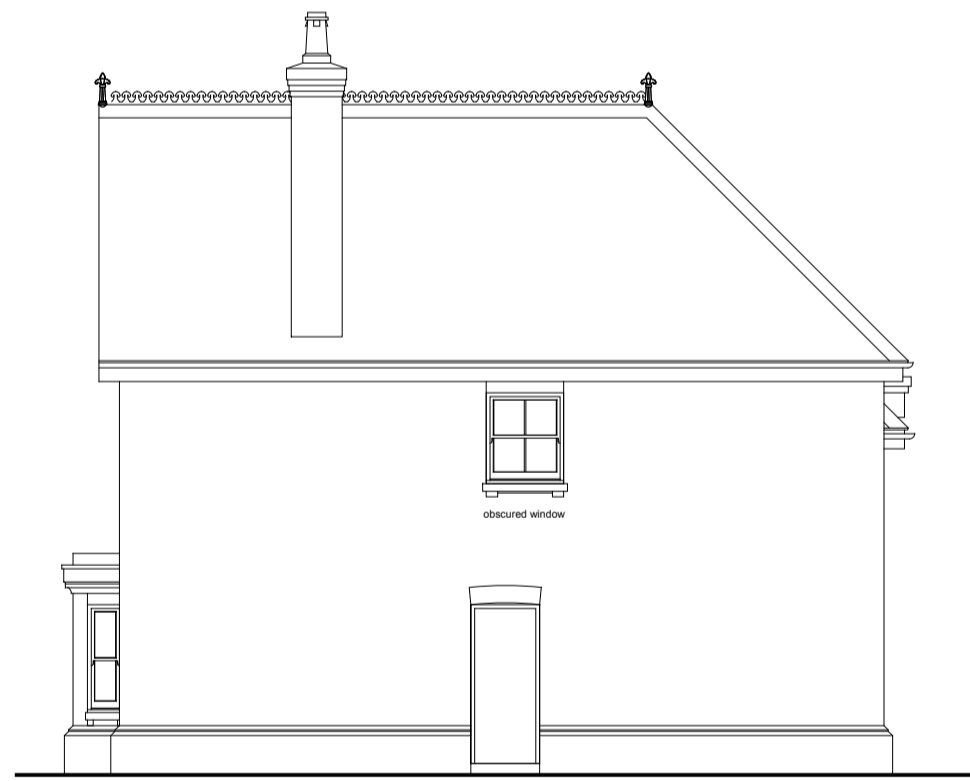
PROPOSED FIRST FLOOR  
64sqm (690sqft) GIA



PROPOSED GROUND FLOOR  
65sqm (700sqft) GIA  
Total - 129sqm (1,390sqft) GIA



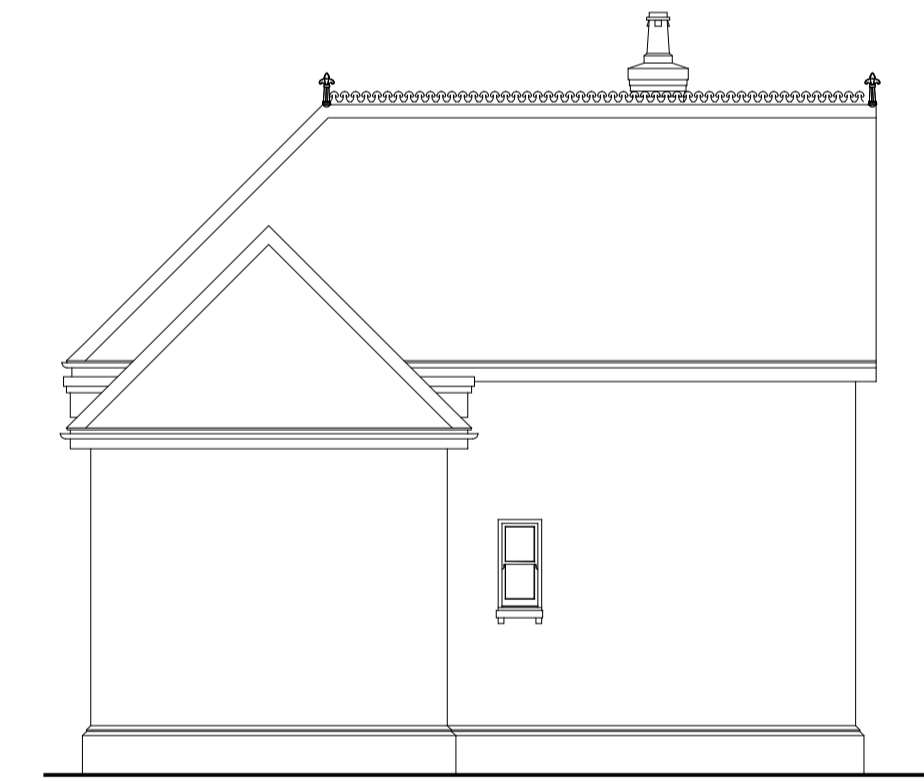
PROPOSED FRONT ELEVATION  
PLOT 1



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION

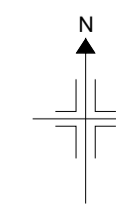
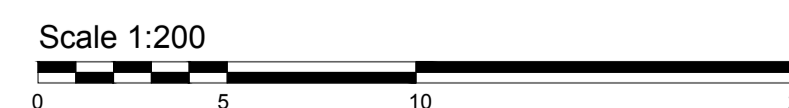


PROPOSED SIDE ELEVATION

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No.	Date

Drawn:	
No.	Date



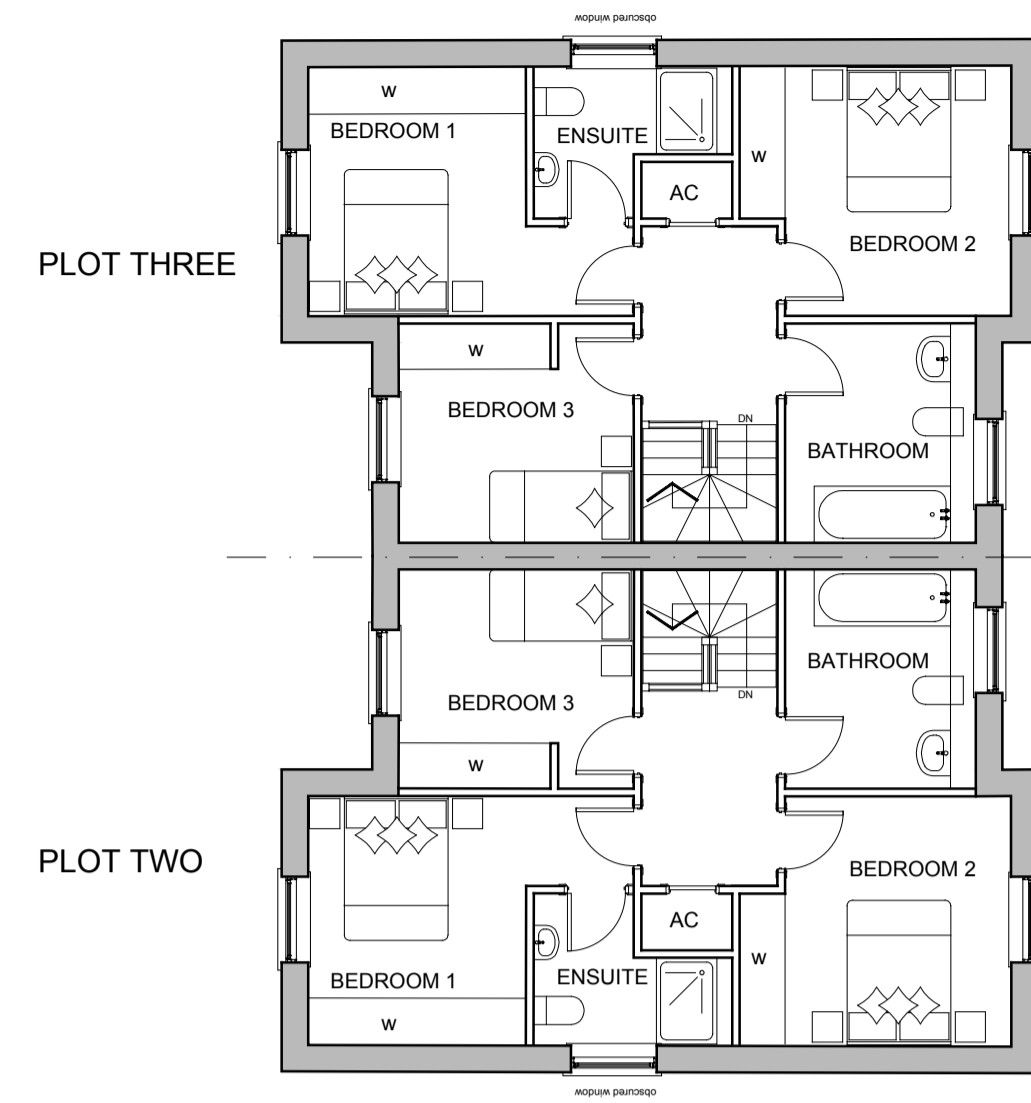
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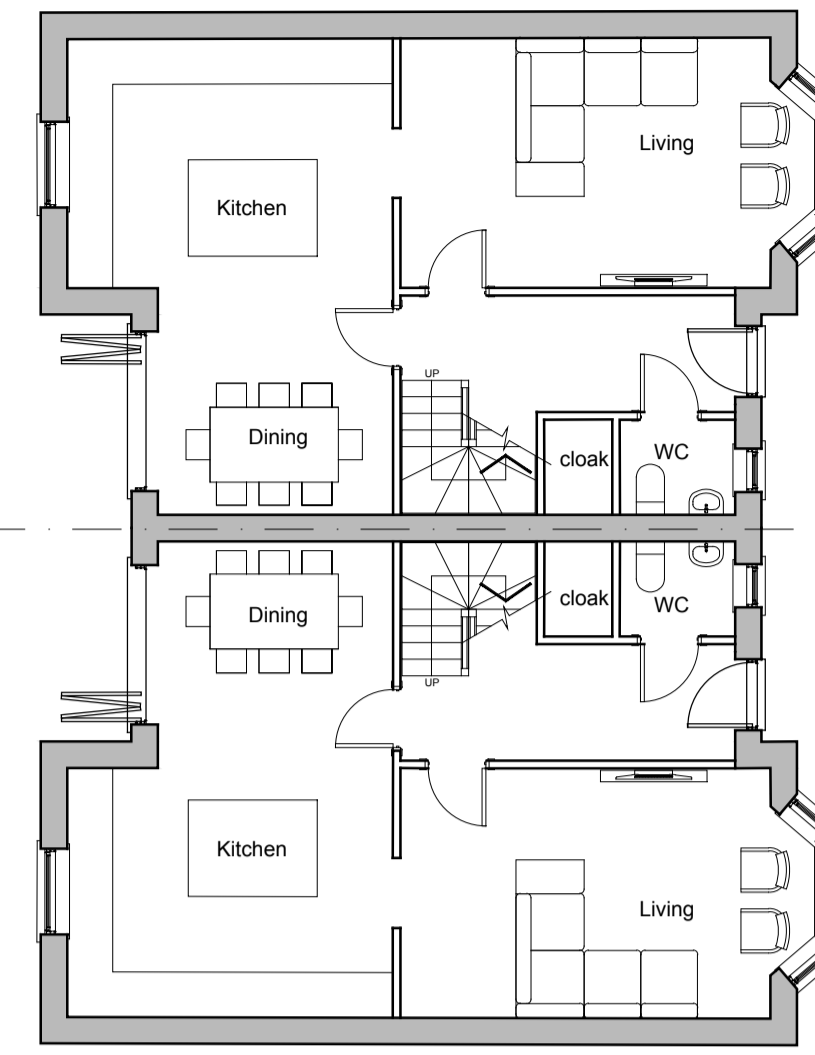
**St Edwards**  
Design & Planning

Project:  
Land Adjacent to  
33a The Crescent  
Maidenhead, SL6 6AG  
Status:  
Planning Submission  
Date:  
September 2020 JS

Drawing:  
Proposed Plans and  
Elevations (Plot 1)  
Scale:  
1:100 @A1  
Number:  
20.008.04  
Revision:  
A



PROPOSED FIRST FLOOR  
55sqm (590sqft) GIA



PROPOSED GROUND FLOOR  
55sqm (590sqft) GIA  
Total - 110sqm (1,180sqft) GIA



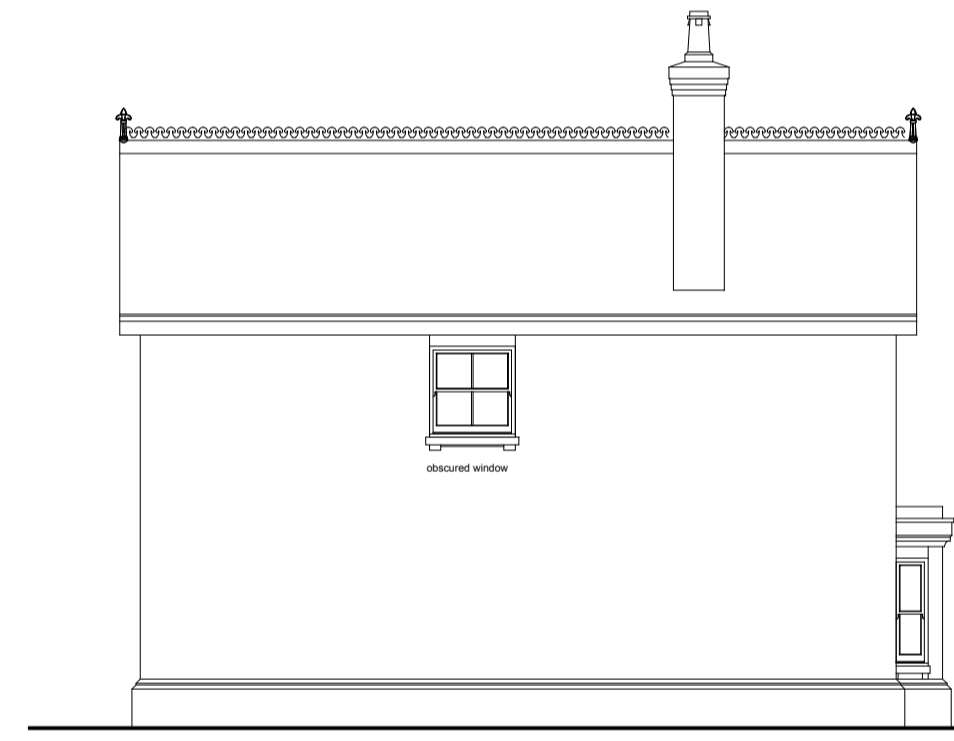
PROPOSED FRONT ELEVATION  
PLOTS 2 & 3



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

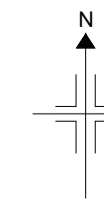
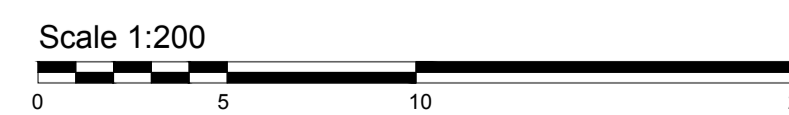


PROPOSED STREETSCENE

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No.	Date:	Drawn:	Details:



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St Edwards  
Design & Planning

Project:  
Land Adjacent to  
33a The Crescent  
Maidenhead, SL6 6AG  
Status:  
Planning Submission  
Date:  
September 2020 JS

Drawing:  
Proposed Plans, Elevations  
(Plot 2 & 3) & Streetscene  
Scale:  
1:100 @A1  
Number:  
20.008.05  
Revision:  
-



Agenda Item 5

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

18 August 2021

Item: 2

<b>Application No.:</b>	20/03450/FULL
<b>Location:</b>	Land To The South of 18 To 20 And Open Space To The South of Ray Mill Road East Maidenhead
<b>Proposal:</b>	Construction of 16 x one bedroom dwellings; 19 x two bedroom dwellings; 17 x three bedroom dwellings; 28 x four bedroom dwellings, bin storage, associated landscaping and parking, new access from Ray Mill Road East and public open space.
<b>Applicant:</b>	T Bingham
<b>Agent:</b>	Mr Douglas Bond
<b>Parish/Ward:</b>	Maidenhead Unparished/Riverside
<b>If you have a question about this report, please contact:</b> Claire Pugh on 01628 685739 or at <a href="mailto:claire.pugh@rbwm.gov.uk">claire.pugh@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The scheme proposes 80 residential units on land that is allocated as an important urban open space within the Adopted Local Plan. The site is located within the settlement of Maidenhead, and is located within a reasonably sustainable location.
- 1.2 The reduction in open space as a result of the proposed development is considered to be acceptable, provided that the proposed enhancements to the open space are secured; this would need to be achieved through the signing of a legal agreement. The site had a slow worm and toad population, but these were re-located from the site in 2016. Subject to the Ecological Mitigation and Management Plan, the impacts on ecology are considered to be acceptable.
- 1.3 The site is located within flood zone 3 (high risk flooding). Whilst the scheme is considered to pass the Sequential Test, it is not considered that the Exceptions Test or paragraph 167 of the NPPF (which relates to flood risk) is passed. The scheme also conflicts with Policy F1 of the Adopted Local Plan.
- 1.4 The scheme has several benefits including the contribution it would make to the Council's 5 year housing land supply, the provision of affordable homes (in excess of the Local Plan Policy requirement) which is much needed in the Borough, and the economic benefits that would arise from the scheme. However, it is not considered that these benefits would outweigh the serious concerns over flood risk.
- 1.5 The site is within 5.6km of the Burnham Beeches Special Area of Conservation (SAC). 20 of the proposed dwellings come within 5.6km of the SAC. An Appropriate Assessment has been undertaken, and it is considered that without mitigation the proposal would likely have impact upon the integrity of the Burnham Beeches SAC as a result of additional recreational pressure. However, it is considered that improvements to local green spaces within Maidenhead, close to the application site (Maidenhead Town Moor and North Town moor) would be adequate mitigation to divert recreational pressures (from the increase in housing) away from the Burnham Beeches SAC. The applicant is willing to enter into a legal agreement to secure this mitigation, however, at the time of writing a legal agreement has not been signed, and so the impact of the proposed development on the Burnham Beeches SAC is added as a reason for refusal.
- 1.6 A legal agreement has not been entered into to secure the affordable units, or the retention, enhancement and management of the resultant open space; however, the applicant has indicated their willingness to enter into an agreement to secure these matters. Irrespective of this, in the absence of a signed legal agreement, the failure to provide affordable housing and the open space also constitute reasons for refusal.

<b>It is recommended the Panel REFUSES planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):</b>	
<b>1.</b>	<b>The scheme conflicts with Policy F1 of the Adopted Local Plan. It also fails to comply with Paragraph 164 (Exceptions Test) and 167 of the NPPF which relates to flood risk.</b>
<b>2</b>	<b>In the absence of a signed legal agreement to secure the provision of on-site affordable housing, the scheme fails to comply with Policy H3 of the Adopted Local Plan.</b>
<b>3</b>	<b>In the absence of a signed legal agreement, the scheme fails to secure open space as required by paragraph 99 of the NPPF.</b>
<b>4</b>	<b>In the absence of a signed legal agreement, the scheme without mitigation would likely impact upon the integrity of the Burnham Beeches SAC.</b>

## **2. REASON FOR PANEL DETERMINATION**

- The Council's Constitution does not give the Head of Planning 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 designated as a protected urban open space in the Adopted Local Plan. The site is square in shape and measures circa 2.3 hectares. It comprises overgrown grassland, scrub and scattered trees. Informal paths (created through the cutting of grass) have been created in the eastern half of the site. A Public Right of Way runs to the south (along the southern boundary) and partially along the eastern boundary of the site. The Public Right of Way connects Blackamoor Lane to the Deerswood.
- 3.2 The site is situated to the south of Ray Mill Road East, and to the east of Blackamoor Lane. It is approximately 1 km from Maidenhead town centre. The site is surrounded by residential development on all sides, which comprises predominantly detached and semi-detached dwellings, but also includes flatted development.
- 3.3 The character of the area is mixed, and the site is located next to the Townscapes of late 20th Century suburbs (1960s onwards), Interwar suburbs, and Edwardian and Victorian suburbs according to the Council's townscape assessment
- 3.4 To the north, east and west of the application site, the dwellings are predominantly two storeys in height. To the south of the application site, the scale of the buildings tends to be larger; there are two storey buildings, but also large buildings which accommodate flats that are up to 4 to 5 storeys in height.
- 3.5 According to the Environment Agency Flood map for Planning the site is situated within flood zone 3 (high risk of flooding)

## **4. KEY CONSTRAINTS**

- 4.1 -Flood Zone
- Important Urban Open Space
- Ecology
- Public Right of Way

## **5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 5.1 The application site measures circa 2.3 hectares. Approximately 1.3 hectares of the site is proposed to be developed for housing, with the remaining 1 hectare shown to be public open space.

5.2 The western part of the site is shown to be developed. Within this part of the site, residential units would vary in type and scale. Generally, buildings of a smaller scale are shown to be located to the northern part of the application site, and the scale of the buildings increases across the central and southern part of the application site. A breakdown of the housing proposed is set out in the table below.

Reference	House type	Number of bedrooms	Maximum height in metres (approximate)	Number of units within scheme
A.1	Detached	4-5	10.2	3
A.2	Detached	4-5	9.8	1
A.3	Detached	4-5	10	1
A.4	Detached	4-5	9.7	1
A.5	Detached	4-5	9.6	1
B.1	Semi-detached	4	12	2
B.2	Semi-detached	4	12	2
B.3	Semi-detached	4	11.7	2
B.4	Semi-detached	4	11.6	2
B.5	Semi-detached	4	11.6	2
B.6	Semi-detached	4	11.8	2
C.1	Semi-detached	4	11	2
C.2	Semi-detached	4	11	2
C.3	Semi-detached	4	10.3	2
C.4	Semi-detached	4	10.7	2
C.5	Detached	4	11.3	1
D.1	Semi-detached	3	10.8	2
D.2	Semi-detached	3	10.5	2
D.3	Semi-detached	3	10.8	2
D.4	Semi-detached	3	10.7	4
D.5	Terrace	3	11.2	3
E.1	Terrace	3	10.8	4
F.1	Semi-detached	2	8.5	2
F.2	Detached	2	8.4	1
	Apartment Block	16x 2 bed 16x 1bed	15	32

5.3 Based on the area of the application site to be developed, the scheme would have a density of around 62 dwellings per hectare.

5.4 The eastern part of the application site would be used to provide Public Open Space. The submitted Design and Access Statement sets out that the open space area would comprise:

- Existing grassland
- Meadow Area
- Scrub Habitats
- Existing and newly planted trees
- SuDS provision
- Hedgerow planting

5.5 The plans show that the existing ground levels on site (where the housing is proposed) would be raised and lowered across the site. The amount by which the land is to be lowered and raised varies across the site, with the maximum change to ground levels being up to 1 metre. Ground levels are proposed to be altered, as they form part of the proposed flood compensation scheme.

- 5.6 This proposed development would not impact on the Public Right of Way that runs along the southern, and part of the eastern boundary of the site.
- 5.7 The proposed vehicular access would be taken from the existing access off Ray Mill Road East.

#### Planning History

- 5.8 Planning application 19/01140/FULL which was for the ' *Construction of 17 x one bedroom dwellings; 18 x two bedroom dwellings; 17 x three bedroom dwellings; 28 x four bedroom dwellings, bin storage associated landscaping and parking, new access from Ray Mill Road East and public open space.* ' was refused on the 20<sup>th</sup> February 2020 for the following reasons:
- The application site is located in Flood Zone 3 where there is a high risk of flooding and the proposal is for a more vulnerable type of use, as identified in the National Planning Policy Guidance. The application has failed to demonstrate that safe escape from the site and safe access to the site could be achieved in the event of a flood, resulting in lives and properties being put at risk. In addition, the application has failed to demonstrate that it would not reduce the capacity of the site to store water in the event of a flood and not displace that flood water outside the site further increasing risk to lives and properties. Accordingly, the application has failed to demonstrate that the proposal would be safe over its lifetime and that it would not increase flood risk elsewhere. The proposal is contrary to Policy F1 of the Adopted Local Plan. The scheme also fails to pass the Exceptions Test as required by the National Planning Policy Framework. The scheme therefore fails to comply with paragraphs 155, 160 and 163 of the National Planning Policy Framework (2019).
  - In the absence of a legal agreement the proposed development fails to secure a satisfactory level of affordable housing. The proposal is therefore contrary to policy H3 of the Windsor and Maidenhead Local Plan, 1999 (including Adopted Alterations 2003), and paragraph 64 of the National Planning Policy Framework (2019).
  - In the absence of a legal agreement, the scheme fails to provide a sufficient open space as required by paragraph 97(b) of the National Planning Policy Framework 2019. Without a parking survey of the existing car park associated with the family centre on Ray Mill Road East, it is not known what impact the loss of this car parking area would have on parking or the safe free flow of traffic in the area. The scheme therefore fails to accord with Policies P4 and T5 of the Adopted Local Plan, and with paragraph 108 of the NPPF.
- 5.9 Adjacent to the application site (numbers 18-20 Ray Mill Road East), planning permission was granted on the 19th May 2021 to change the use from D1 (family centre) to C3 (residential) to form 2 dwellings (planning reference 21/00544). The approved plans for this scheme did not include the former car park associated with the family centre within the application site.

## **6. DEVELOPMENT PLAN**

### **Adopted Royal Borough Local Plan (2003)**

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design	DG1, H10, H11
Highways	P4 and T5
Trees	N6
Flood Risk	F1
Affordable Housing	H3
Public Right of Way	R14
Making housing Accessible	H9
Protection of Urban Open space	R1
Provision of public open space in new developments	R3, R4, R5
Pollution	NAP3
Archaeology	ARCH4

## 7. **MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2021)**

Section 2- Achieving sustainable development

Section 4- Decision-making

Section 5- Delivering a sufficient supply of homes

Section 8- Promoting healthy and safe communities

Section 9- Promoting Sustainable Transport

Section 11- Making effective use of land

Section 12- Achieving well-designed places

Section 14- Meeting the challenge of climate change, flooding and coastal change

Section 15- Conserving and enhancing the Natural Environment

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Housing Density	HO5
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Housing Development Site	HO1
Nature Conservation and Biodiversity	NR3
Trees, Woodlands and Hedgerows	NR2

### **Borough Local Plan: Submission Version Proposed Changes (2019)**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Climate Change	SP2
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Open Space	IF4
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Archaeology	HE1

7.1 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

*“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);  
 b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and  
 c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

7.2 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector’s post hearings advice letter was received in March 2021. Consultation on the proposed Main Modifications to the BLPSV is currently running until 5<sup>th</sup> September.

7.3 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

**Supplementary Planning Documents**

- RBWM Interpretation of Policy F1
- Interpretation of Policies R2, R3, R4, R5 and R6.
- Borough Design Guide (Adopted)

**Other Local Strategies or Publications**

7.4 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance
- Interim Sustainability Position Statement

**8. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

125 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 6<sup>th</sup> January 2021 and the application was advertised in the Local Press on the 7<sup>th</sup> January 2021.

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

Comment		Where in the report this is considered
1.	Concerns over the impact on flood risk, and the impact to surrounding dwellings.	i

3.	Concerns over ground water flooding; comments that incidents of ground water flooding have not been reported correctly, and queries over the monitoring of ground water flooding have been raised.	i
4.	How can the Sequential Test be concluded, until the 2019 data is released.	The 2019 data supports the EA flood map for planning. The Sequential Test has considered the EA flood map for planning.
5.	Low hazard escape route for future occupiers of the units in a flood event cannot be provided.	i
6	Concerns over the impact of the development on traffic, and that not enough parking would be provided, resulting in overspill car parking onto the surrounding roads which experience on-street car parking pressures.	ix
8	Concerns over the width of the access road, and likely collisions between vehicles.	ix
9	Is this scheme going to provide adequate sustainable drainage to control surface water run-off.?	i
10	Who would be responsible for ensuring the SUDs features are maintained?	i
11	It is understood that if the Environment Agency objects to an application, the Council have never gone against the advice of the EA. As such, if the EA objects to an application, the Council will knowingly put additional properties and lives at risk.	i
12	Neighbouring properties have already experienced flooding, building 80 dwellings will add to this.	i
14	Queries over the proposed boundary treatment with properties, which currently all vary.	Boundary treatments could be the subject of a condition if planning permission were granted.
15	The development will cause harm to the toads.	vii
16	How will immediate neighbours to the site be protected from noise and dust, and how long will the build take?	Environmental Protection Legislation covers the impacts of construction sites on nearby properties. The length of the construction process is not a material planning consideration.
17	If the site is open plan, how will boundaries be designated?	Details would be secured by planning condition in the event of planning permission being granted.
18	This space plays an important role in the biodiversity of the area.	vii
19	Surface water flooding maps show flooding to east of site, with proposed flood mitigation to the east of the development how do we know this will not exacerbate surface water flooding thus increasing the risk of flooding to neighbouring properties?	i

20	The site provides valuable recreation space for local residents. It is used by dog walkers and children play in it; the built development will significantly diminish this space.	ii
21	Concerns over damage caused to neighbouring properties during the construction process, and questions how construction traffic would be managed.	Damage to neighbouring properties during the construction process is a private matter. Highway matters would be resolved by the Highway Authority or Police as appropriate.
22	Scheme breaches Human Rights Act with regard to the right to peaceful enjoyment of all their possessions, and that persons have a substantive right to respect for their private and family life.	The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest.
23	Concerns over loss of privacy.	iv
24	Believe there will be additional stress on infrastructure- schools, health care	The development is liable to the Community Infrastructure Levy. The money raised from this would go towards the provision of infrastructure.
25	Concerns over the proposed sewerage pumping station, and the odour that would come from that, which is in close proximity to residential properties, and also there are concerns over the risk of sewer flooding from this (as the site is within the flood zone).	iv



27	Concerns over the maintenance of the culverts etc by the management company, as developers sell on the land and there is a strong risk that the maintenance regime will not be adhered to.	i
28	The site is in flood zone 3 and was removed from the emerging BLP as a site for housing in the latest version.	i
29	Harm to ecology would arise, as toads will lose their habitat.	vii
30	Increased traffic will result in additional air pollution.	Ix and xii
31	Three other planning applications in the area have recently been refused, flooding being cited as a reason in each case	Each application is determined on its merits.
32	The EA has released new flood data which changes the flood zones in the area.	i
33	The scheme would increase surface water flooding in the area.	i
34	The Sequential Test process is flawed.	i
35	Concerns that flood evacuation plan would not be effective.	i
36	Road Safety Audit identified concerns over the width of the proposed road. Ray Mill Road East already has a lot of traffic, this scheme would add to the problems.	ix
37	This building development falls within an area which is part of one of the largest populations of Common Toad in the south of England. ask for the amphibian transit prevention fencing in the field, put up several years ago, to be assessed for failed sections. If any sections are found not to have been properly in place, the area should be thoroughly and systematically surveyed again by ecologists prior to any clearance, as significant numbers of amphibians and slow worms were found and translocated previously. emphasise again the value of the 'untidy' aspects of the adjacent wilder area as being highly beneficial to wildlife. PLEASE resist the 20th century notion of making it neat and tidy. The more we tidy, the more we impact biodiversity and it is vital that we all understand that. We are in a time of biodiversity crisis and these small points can make a big difference.	vii
38	Ray Mill Road East is a narrow road and a built up area. Access to the site is difficult. Additional housing will increase road congestion, pollution and noise for residents.	ix
39	Already congestion and parking problems on the road.	ix
40	The increase in traffic will increase the risk of accidents and add to congestion on the A4 in both directions, particularly at Maidenhead Bridge.	ix
41	The proposed evacuation not only evacuates directly in to flood zone 3, but also across the water course. The allotments in Ray Mill Road West have suffered extensive flooding in recent times, as has the road at the top of Ray Mill Road East, Blackamoor lane and The Fallows, does not provide a safe evacuation route with the combined knowledge that there is only one proposed access/egress to the proposed development.	i
42	Planning permissions for several other properties in the area have been refused, and flooding being cited as the reason for each of these rejections.	Noted.
43	In relation to the proposed culvert understanding that this is to be maintained by a management company to reduce the flood risk. there is an increasingly strong risk that this will not be adhered to.	Noted.

44	Note the proposal to position the Foul sewerage pumping station at the entrance to the development and directly next to 20B, Sutherland House. This will have a huge detrimental impact to neighbouring properties, especially during the summer months, when windows are open. The odour of Raw human sewerage so close to other properties will cause great distress to the neighbouring residents. Understand from the previous application that if the pumping station were to be adopted by Thames Water it would need to be positioned a minimum of 15 meters from the nearest habitable building and also not located where it might be susceptible to flooding. Understand this pumping station is not to be adopted, it will stand less than a meter from the nearest new property, and less than 10 meters from the nearest existing property. Do not believe it acceptable to allow people to suffer constant odour of human waste/raw sewerage at their homes.	See iv
45	Previous reasons for refusal have not been overcome.	i.
46	In the period since application 19/01140/FULL was refused numerous office blocks have become vacant in the Maidenhead area – these have not been assessed in the sequential test as possible alternative development sites. Re-development of brown field sites would be much preferable for the environment since the current application will result in the destruction of a green space along with the toad population that currently reside there.	i
47	The modelling used within the flood risk assessment contained in the supporting documents is now outdated in as much as it takes no account of the UK Climate Change Committee (IPPC) and the UK Met Office data which shows the inevitable amount of future change due to the changing heavy rainfall patterns. The heavy rainfall figures under most global emission pathways show that a 20% rise is inevitable by the end of the century. It is even now commonplace to have as much as a month's rainfall over a period of just 24 -48 hours. These new levels of heavy rain render the SUD's design solutions totally inadequate to prevent heavy flooding events in this area. The notion that developments on any designated flood plain at this point in time is anything but foolhardy fails to reflect current science.	i
48	The road safety audit by Gateway TSP refers to potential for road traffic accidents in regard to the junction of Ray Mill Road East and with the new on-site access road. The report was unable to determine the status of a nearby nursery school and stated if this were active then they would have real concerns and anticipated localised gridlock and accidents. The report also states that the width of the new on site road is inadequate for two HGV's to pass and anticipates issues with traffic backing back and blocking Ray Mill Road East with resultant chaos. We believe that the proposed off and on site road infrastructure has not been designed with safety considerations as a first priority as the comments in the Gateway report infer.	This safety audit was submitted with the previously refused application. Highways raised no objections to the previous scheme on that basis, and do not object to this scheme.
49	Request that any current or future applications should now be put on hold or rejected pending a full review of the overall sustainability of the site in the light of current Climate Change data but also the feedback from residents to the two submissions already made.	The application cannot be put on hold.
50	Reduced health for surrounding residents. The small green area that remains is vital for air quality in the area not to mention the mental well being of the neighbourhood give the already built up area of the newly built Shanly development.	Loss of open space is considered in assessment.

51	Please fix the access issues so that we are given the right to review, otherwise this consultation period is illegal, and extend the deadline to reply so to provide enough time to review documentation.	All documents submitted with the application were made publicly available on the 6 <sup>th</sup> January 2021.
52	We are concerned that it appears that every available space is being built on in the Riverside area leading not only to further 'urban sprawl' but also increasing the risk of flooding as every natural drainage space is being built over.	Noted.
53	Maidenhead is continually being developed with numerous housing and flats being built, however the additional infrastructure required to sustain the increased population has not been met, i.e. insufficient school places, over-subscribed doctors surgeries etc	Money from CIL Payments is used to fund additional infrastructure.
54	In 2019 the RBWM Housing paper rejected the site as a proposed development site they stated "loss of urban open space and former playing field. Site also has significant ecological value"...as nothing has changed in the last 12/14 months since this document was released then see no reason to reverse on this decision.	ii
55	There are ongoing issues with the Jubilee River and erosion. This is not a single occurrence but since the Jubilee River was built there has been erosion of banks and weirs requiring the river to run at reduced capacity. The Jubilee River cannot be relied upon to alleviate flooding as, if any erosion requires immediate remedy, it may not be possible to divert water down the channel.	i
56	Concerns about the planning process and am not sure of the correct way to raise these. Attended the planning meeting for the previous application made by Cala Homes for this site (19/01140). It was disheartening to see councillors who had not read (any) documentation related to the application or read but apparently seemed happy to ignore the recommendations of statutory consultees based on ill informed hearsay.	The previous application was refused and correct process has been followed in the assessment of the current application.
57	This site has been removed as a housing allocation in the BLP Proposed modifications.	The relevant emerging policies are set out above.
58	Most people who park around this part of RMRE park half on/half off the road and this impacts both traffic flow as the road is too narrow to maintain two way circulation and impacts pedestrians also. Any spill over parking to RMRE from the Development will make the situation worse.	See ix
59	Please could you make the supporting documents available for review. All Documents are inaccessible and thus do not allow for more a scientific objection.	All documents submitted with the application were made publicly available on the 6 <sup>th</sup> January 2021.
60	Resubmitting the plans for consultation during a global pandemic is in poor taste. While families are worrying day to day about health, catching a 'deadly virus,' their relatives, job security or lack of jobs, home schooling etc their priority is not the land behind their houses, it's day to day survival. Many families would have thrown the letter away without reading them thinking they were junk or they are sat on sides as 'contaminated post'.	The Council has to consider applications when they are submitted and is unable to refuse to accept them on the basis of timing.

61	The current road leading to the site is not wide enough for two cars. How are cars going to access this site if there are cars leaving? Do not feel this is clear from the planning documents that I have looked at. Further supporting the issues with traffic, congestion and pavement parking in Ray Mill Road East. Also if the car park is taken away from the current buildings of 18-20 Ray Mill Road East, where are the cars going to park that visit that site? They do not have parking at the front of the buildings.	See ix
62	It will be detrimental to the toads and biodiversity net gain will not alleviate this. This is in conflict with the Council's Environment and Climate Strategy.	See vii
63	Increase the likelihood of flooding from sewers.	See i
64	Concerns over highway safety from increased traffic.	See ix
65	Member of the Toad Patrol and every spring this group helps the toads (a priority species) access their breeding lake across Ray Mill Road East. For the rest of the year the toads live in the undeveloped grassland in Deerswood open space and surrounding gardens and land. Over the years their habitat has been degraded and more development here is likely to hinder any recovery. In particular drains should be covered and boundary fences left with gaps so they can still migrate and find green space. I am very concerned that the "voids" under the houses to mitigate flooding risk will become amphibian (and other animal) death traps.	See vii
66	Understand that the objective need for housing in RBWM has been reduced.	The Council is unable to demonstrate a five year housing land supply.
67	The development mentions a drainage area being built within the retained wildlife area. Concerned that there has been no ecological survey of this area. There will be slowworms which are a protected species and this additional disturbance will impact birds and mature trees will be lost which will not achieve a net gain in biodiversity contrary to planning policy.	See vii
68	Can see online that there have been requests to see the historical documentation regarding the neighbouring Boulters Meadow development and to validate the extent to which Deerswood Meadow was considered flood risk mitigation. This would be useful clarification.	With regard to this neighbouring development (former Badnells Meadow), the application site area did not include this site, and this site was not in the ownership of that applicant, as such the scheme allowed on the neighbouring site would not have been dependent on this site for flood mitigation.
69	How will the whole build be separated from existing residencies?	Details of boundary treatment could be secured by planning condition/legal agreement.
70	Object to the loss of trees on site .	See vi

## Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	<p>Object, on the following grounds:</p> <ul style="list-style-type: none"> <li>- The 2019 Thames 'Hurley to Teddington' model was published in January 2020, and it is this data that the FRA and flood compensation should be based upon. The applicant will need to update the proposed floodplain compensation scheme, including level for level compensation, voids, and the proposed culvert design.</li> </ul> <p>If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2009.</p>	<p>i</p> <p>It should be noted that given the objection of the Environment Agency, a resolution to approve would have to be referred to the Secretary of State.</p>
Lead Local Flood Authority	<p>No objection, subject to a planning condition being imposed.</p>	<p>i</p>
Highway Authority	<p>Offers no objection, provided that a travel plan and S106 contributions are secured. They also recommend planning conditions for:</p> <ul style="list-style-type: none"> <li>• Access</li> <li>• CMP</li> <li>• Parking layout to be approved</li> <li>• Cycle parking to be approved.</li> <li>• Travel plan</li> </ul>	<p>See ix. If planning permission was being granted then a travel plan could be secured by planning condition.</p> <p>It is not considered necessary to secure S106 contributions on highways grounds.</p>
Council's Ecologist	<p>No Objections, subject to conditions.</p>	<p>vii</p>
Tree Officer	<p>Raises concerns over the level of tree planting/landscaping proposed.</p>	<p>vi</p>
Environmental Protection	<p>The findings and conclusion of the air quality assessment that the development construction and operational impact on air quality is considered to be not significant is acceptable.</p> <p>To control the potential dust impacts during the construction phase the following condition is recommended:</p> <p>Condition - Dust Management Plan</p> <p>Prior to the commencement of the development a dust management plan detailing mitigation measures to control dust emission arising from site remediation, construction, and demolition work shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in full and in accordance with the approved</p>	<p>xii</p>

	<p>dust management plan.</p> <p>Vehicle Deliveries/Collections including building sites CEMP.</p> <p><b>Proposed pumping station:</b> There are concerns raised about odour from the proposed pumping station and I can't find any additional information regarding the pumping station in this application.</p> <p>In the previous application (19/01140/FULL) the developer advised us the pumping station will not be adopted by (transferred to) Thames Water, in part because there is inadequate space for the parking of vehicles to meet Thames Water's standard. The pumping station will remain the responsibility of the residents. Historically this has been a problematic arrangement. Maintenance has not always been adequate causing the pumping stations to fail leading to flooding with sewage and odours. Environmental Protection strongly recommends that the pumping station is built to Thames Water's standard and is adopted by them. We still have a query about where the residents' contractor vehicle will park to service the pumping station.</p> <p>However, the foul drainage including the pumping station will have to meet building control requirements so we feel cannot pursue this as a reason to refuse the application.</p>	
Natural England	<p>Having considered the Shadow HRA prepared by Hankinson Duckett Associates (June 2021) and subsequent Appropriate Assessment prepared by RBWM (received 15<sup>th</sup> June 2021).</p> <p>Are in agreement with the conclusions reached within both assessments.</p> <p>Provided that the applicant is prepared to make the discussed financial contribution towards the costs of SAC avoidance and mitigation measures at the local greenspaces of Maidenhead Town Moor and North Town Moor, and that this is secured via an appropriate legal agreement, the application will comply with the Habitats Regulations and Likely Significant Effect on Burnham Beeches SAC can be ruled out.</p>	See vii
Housing Enabling officer	<p><u>Issues to be Clarified</u></p> <ol style="list-style-type: none"> <li>1. For a social rent tenure, there will be many households in priority housing need who are not key workers.</li> <li>2. Build to Rent – it is not clear what this entails and how it is delivered.</li> <li>3. Nominating suitable households should be via the Housing Options Team and the Council's Housing Register.</li> </ol>	xi

Council's Emergency Planner	Objects to the lack of a low hazard escape route in a flood event and has concerns over the proposed flood evacuation plan.	See i
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## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Development within the flood zone;
- ii Important Urban Open Space;
- iii Design;
- iv Residential Amenity;
- v Provision of open space for new residential development
- vi Trees;
- vii Ecology;
- ix Transport
- x Archaeology
- xi Provision of Affordable Housing
- xii Air Quality
- xiii Sustainability measures
- xiv Planning Balance and Conclusion.

### **i Development within the flood zone**

9.2 According to the Environment Agency flood map for planning, the application site is situated within flood zone 3 (high risk flooding). It should be noted that the Council's Strategic Flood Risk Assessment which was published in 2018 shows the site to be located within flood zones 2 (medium risk flooding) and 3. The Environment Agency Flood Map for planning is more up to date than the Council's Strategic Flood Risk Assessment and should be used for the purposes of determining this application.

9.3 Within the submitted Planning Statement, it is stated that the previous officers report referred to the use of the Lower Thames Flood Model as more up-to-date than the Council's strategic flood risk assessment and should be used for the purposes of determining the previous planning application. The Planning Statement sets out that since then, the Council's response to the emerging local plan Examination in Public has questioned the model's robustness and reliability, and that this clearly raises doubts over any reliance upon the Lower Thames Flood Model for determining the current application.

9.4 It should be noted that as part of the Stage 2 Examination Hearings of the BLP, an action agreed was that the Council would consider the latest flood modelling and mapping information published by the Environment Agency and its implications for the Plan, to ascertain whether: (a) the sites proposed to be allocated in the proposed changes version remain deliverable from a flood risk perspective, both in terms of the approximate dwelling capacity, and the long term safety of development proposed, with no increase of flood risk elsewhere; (b) the BLPSV housing site allocations proposed to be removed from the Plan on flood risk grounds were now not sequentially preferable to those proposed to be allocated in the proposed changes version. This demonstrates that the emerging BLP has taken into account the most recent flood data in

considering allocations. It is considered that the 2019 Lower Thames Flood Model should be used to assess flood risk issues for this planning application.

- 9.5 Policy F1 of the Adopted Local Plan relates to flood risk. The key objectives of Policy F1 do not conflict with those of the National Planning Policy Framework on flood risk, although the policy criteria do not fully reflect the Sequential and Exception Tests or acknowledge the impacts of climate change. As such, Policy F1 is given weight, but not full weight.
- 9.6 The NPPF and PPG are material considerations of significant weight in the determination of this application. This National guidance requires the application of both the Sequential Test (this aims to steer new development to areas with the lowest risk of flooding) and, for residential development in flood zone 3a, the Exceptions Test also needs to be passed.
- 9.7 Paragraph 167 of the NPPF explains that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, and that development should only be allowed in areas at risk of flooding where, in the light of a Flood Risk Assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient, such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

#### Sequential Test

- 9.8 As the proposed development is located within the flood zone, it is a requirement of the NPPF (paragraph 162) for the Sequential Test to be applied. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. The NPPF explains that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. According to the Environment Agency Flood Maps for planning, the entire site is located within flood zone 3, as such, alternative sites located in flood zones 1 and 2 (as shown on the Environment Agency Flood Maps for Planning) would be sequentially preferable to this application site.
- 9.9 The NPPG provides further information on how to undertake the Sequential Test, but it is for the applicant to undertake the assessment, and then it lies with the LPA to assess whether there are reasonably available sites at a lower risk of flooding that could accommodate the development. The applicant has submitted a flood risk sequential test with the application.
- 9.10 Sites at a lower risk of flooding that are situated within the Green Belt (where the land had no development on) were discounted, as a development scheme such as this would be inappropriate within the Green Belt.
- 9.11 A site in Windsor (Shirley Avenue) has been discounted as being sequentially preferable for the reason of *'the lack of availability and alongside the position that the addition of the 87 dwellings envisaged through application 19/01657 would be unable to address the very significant shortfall in the Borough's housing land supply confirms that this site is not sequentially preferable to the application site.'* It is not agreed that an alternative site should be discounted even if with its development it would not meet the shortfall in the 5 year housing land supply. This is not the purpose of the flood risk sequential test. Notwithstanding this, the density of development is higher at this site in Windsor (the scheme consists of multi-storey flats) and is not comparable to the type and density of housing proposed in this scheme. As such it is agreed that this site can be discounted. There is also another alternative site (Grove Park, White Waltham). This site is not situated in the flood zone and was granted outline planning permission for up to 79 dwellings and a nursery. The agent makes several points as to why this site is not sequentially preferable.



Whilst officer's do not agree with all of the points made, the one point that they do agree on is that for the scheme granted outline planning permission at Grove Park, four affordable units would be provided on-site (this was what was considered to be viable at this site), whereas this scheme would deliver 38 affordable units, which is a significant amount more. As such, it is not considered that this scheme could be provided at the Grove Park site.

- 9.12 Sites have been considered that are proposed for housing development within the emerging Borough Local Plan, however, some of the larger sites allocated within the housing allocations are within the Green Belt at the current time. It is not until the Borough Local Plan is adopted that these sites will be removed from the Green Belt.
- 9.13 It is considered that at the time of writing, there are no other reasonably available sites at a lower risk of flooding that could accommodate the proposed development.
- 9.14 Some objectors have questioned why vacant office spaces within Maidenhead Town centre cannot be redeveloped to provide the housing. However, it is not known if a residential development would be acceptable on such sites, and within the town centre a higher density of development would likely be provided. As such, offices within the town centre would not be considered as appropriate alternative sites that are reasonably available.

#### Exceptions Test

- 9.15 As it is considered that the Sequential Test is passed, it is then necessary to consider whether the Exceptions Test is passed as the scheme is for more vulnerable development in flood zone 3. For the Exceptions Test to be passed, it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; **and**
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

*Whether the development would provide wider sustainability benefits to the community that outweigh the flood risk*

- 9.16 With regard to the first part of the Exceptions Test, the applicant has set these out at pages 94-96 of the Housing Need and Flood Sequential and Exception Test Statement, and these are summarised below.
- The scheme is located on an under-utilised site in a highly sustainable location; the scheme is inherently sustainable and therefore contributes towards the desire for sustainable development enshrined in the NPPF.
  - The scheme would generate a net increase of 80 residential dwellings on a site inside the settlement boundary. The scheme will make a material contribution towards to the local housing need.
  - The scheme will contribute to the Council's lack of a 5 year housing land supply.
  - The proposal will provide much needed affordable homes. This will exceed the 30% requirement and will target local needs.
  - It will provide significant growth within Maidenhead, which is an objective within the emerging Local Plan.
  - The existing site makes no contribution towards the area. The opportunity exists to make a high-quality open space on the eastern part of the site which will provide significant benefits to the local community.
  - The scheme will provide economic benefits during the construction phase, and when the new residents move in.
- 9.17 It is considered that the development of 80 residential units would make a reasonable contribution to the Council's 5 year housing land supply. The scheme (subject to the signing of a legal agreement) would provide affordable housing in excess of the Council's Local Plan policy requirements, and the scheme would provide economic benefits during the construction phase, and when future occupiers move into the properties.

- 9.18 It is not agreed that the existing site makes no contribution towards the area. The other benefits listed are considered to be wider sustainability benefits. However, part b of the Exceptions Test must also be passed.
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 9.19 The NPPG explains that for the second part of the Exceptions Test to be met, the proposed development must show that the development will be safe, and that any residual risk can be overcome. It sets out that the site specific FRA should cover the following:
- the design of any flood defence infrastructure;
  - access and egress;
  - operation and maintenance;
  - design of development to manage and reduce flood risk wherever possible;
  - resident awareness;
  - flood warning and evacuation procedures; and
  - any funding arrangements necessary for implementing the measures
- 9.20 The Flood Risk Assessment refers to 2007 modelled flood data.
- 9.21 In January 2020, the 2019 Thames 'Hurley to Teddington' model was published, and the Environment Agency advises that it is this flood model that should be used to inform the flood risk assessment. The 2019 Thames flood model is a 1D/ 2D flood model, that has a range of flood levels across the site from 24.74m AOD to 24.91m AOD. The applicant questions why there is a range of flood levels across the site and have stated they propose to use the lower range of flood levels between 24.74mAOD and 24.76mAOD for the entire site.
- 9.22 As such, the application fails to demonstrate that adequate flood compensation (based on the 2019 flood model) with appropriate allowance for climate change can be provided.
- 9.23 Correspondence from the applicant to the Environment Agency explains that the voids will be constructed with the opening up to the 1% AEP 'plus additional relevant climate change allowance' and be 1 metre wide with an opening every five metres. The plan referenced in Appendix C of the addendum letter (drawing number ZZ-SE-DR-A-XX-003, revision P1, dated 29 August 2019) shows the typical section through the void and references the 1% AEP plus a 35% allowance for climate change flood level to be 24.56 m AOD. This is not the correct 1% AEP with a 35% allowance for climate change flood level/s. As the correct climate change flood level/s is higher than 24.56 m AOD, the voids would not provide sufficient mitigation and there would be a loss of floodplain storage as a result of the proposed development. Further, the voids would not be providing direct mitigation for the loss of floodplain storage in the higher order flood events not mitigated for through level for level compensation.
- 9.24 Notwithstanding the fact that the proposed flood compensation scheme fails to take account of the 2019 flood model, and so is inadequate on this ground, officers are also concerned about the measures that form part of the proposed flood compensation scheme. The proposed compensation scheme comprises:
- Changes to ground levels across the part of the site proposed for development, including land that would be within the private garden areas of the proposed dwellings.
  - The use of voids in the construction of the dwellings.
- 9.25 The FRA, and response from the applicant to the EA comments are set out below:

- They would expect a planning condition/legal agreement/maintenance plan to ensure the voids remain open for the lifetime of the development.
- They would suggest a planning condition and Article 4 direction was used to ensure ground levels in private gardens are not altered. They also state rights of access would be reserved in favour of the management company within each plot transfer, and that regular inspections of the garden levels would be carried out by the management company to ensure that homeowners are complying with the terms of the transfer.
- Permeable fencing will be installed across the site. Rights of access would be reserved in favour of the management company within each plot transfer. It is asserted that regular inspections of the permeable fencing would be carried out by the management company to ensure homeowners were complying with the terms of their plot transfer.

9.26 Any future changes to ground levels within private gardens is likely to affect the flood storage capacity. The applicant states that the management company would be responsible for checking ground levels are not altered within the gardens, however, ensuring the management company would undertake sufficient checks on this for the lifetime of the development is considered to be very difficult to secure, and difficult for the LPA to monitor and enforce.

9.27 The applicant proposes that any solid fencing erected on the boundaries of future gardens would not be permitted, as this could impact on the operation of the flood compensation scheme. The applicant has indicated that all fencing could be designed to be permeable, and this could be secured through a legal undertaking, with the appointed management company charged with ensuring appropriate checks are made. Similar to checking ground levels in private gardens, officers consider that it would be difficult for the LPA to ensure that these checks were being undertaken (and enforced upon if necessary) for the lifetime of the development, particularly in relation to fencing located within private residential gardens.

9.28 The applicant has proposed to include a culvert through the road for hydraulic connectivity to the compensation area on the other side of the access road. The Environment Agency advises that the updated Thames model should be used to assess whether the structure would increase the risk of off-site flooding up to the 1% AEP with a 35% allowance for a climate change flood event. It has not been demonstrated that the proposed raised road would allow for the free flow of flood water through the raised road, which is required to prevent an increase in flood risk elsewhere.

9.29 Dwellings within the development are designed with voids which form part of the proposed flood compensation scheme. The supporting text for Local Plan policy F1 indicates that flood compensation schemes must be carried out on a level for level basis (paragraph 2.4.10). Level for level compensation is the matching of volumes lost by lowering of ground levels on land connected to the floodplain and above the 1% annual probability flood level plus an appropriate allowance for climate change, whereas voids are considered to be mitigation of risk by design rather than a direct replacement for the loss of storage volume and there is no guarantee that the floodplain will be retained in the same way as the effectiveness of voids would depend on keeping the voids open and on proper maintenance for the lifetime of the development.

9.30 To summarise, the proposed flood compensation is not based upon the most up to date flood data. As more recent flood data held by the Environment Agency is now publicly available, it is considered the Flood Risk Assessment and flood compensation should be based on this data. The more recent flood data increases the predicted flood levels across the site compared to the previous flood data, and as such the compensation proposed would not adequately compensate for the loss of the floodplain storage as a result of this development based on the 2019 flood model. Notwithstanding the foregoing there remain the concerns expressed above regarding the likelihood of the various measures of flood compensation and mitigation being properly managed and maintained in the future.

#### Access and Egress

9.31 Based on the 2007 flood model, the application fails to demonstrate that future occupiers would have a low hazard escape route.

- 9.32 In the event that there is a 1 in 100 year flood event, the FRA acknowledges that in such a flood event, there is **not** a low hazard escape route from the site to an area wholly outside the flood zone.
- 9.33 The FRA sets out that the route for future occupiers to leave the site and travel to an area outside of the floodplain would be:
- users would need to travel for approximately 500m along the following route to the west of the site:
  - Turn left (west) out of the site entrance, following Ray Mill Road East for 130m;
  - Turn left (south) along Blackamoor Lane for 100m; and
  - Turn right (west) along Ray Mill Road West for 270m (crossing the Strand Water).
- 9.34 The guidance document 'FD2320 Flood Risk Assessment Guidance for New Developments' which is used to assess the safety of escape routes, sets out that generally, assuming a very low velocity of floodwater, floodwater depths need to be 250mm or less to demonstrate that they can be regarded as '**safe**' to all users.
- 9.35 The applicant submitted a route, and what the flood depths would be during a 1 in 100 year flood event (with 20% climate change allowance added). For the most part, the flood depths along the route on Ray Mill Road East and Blackamoor Lane would vary between 0.05-0.49 metres. Along Ray Mill Road West, the flood depths would vary between 0.45- 1.14 metres. It is considered reasonable to assume the flood flow velocities would be 0.00m/s, and so for the most part of Ray Mill Road East and Blackamoor Lane, according to the guidance document, there would be a danger to some (danger to some presents a danger to children, the elderly and the infirm). The danger would increase as occupiers walked along Ray Mill Road West, the velocity of the flood waters would probably be at 0.00m/s, but by the Strande Water, the velocity may be higher at 0.25 m/s. Taking into account the predicted flood depths and velocities, this part of the route would present a danger for some and a danger for most (danger for most presents a danger to the general public).
- 9.36 The Environment Agency advise that they have compared the deepest level along the access route shown on the Off Site Safe Access drawing (deepest flood depth is shown to be 1.14 metres) to the flood level from the 2019 Thames model in the same location, which increases the flood depths. The deepest floodwater along the route when considering the 2019 Thames flood data is 1.58 metres. Depths of 1.58m with a zero or low velocity would be considered 'danger for most' or 'danger for all' according to Defra document FD2320. There is no plan showing flood depths across the escape route using the 2019 flood model, and so the flood depths along this route are likely to be higher than indicated in the Flood Risk Assessment.
- 9.37 Future occupiers of the proposed dwellings would not have a low hazard escape route in a serious flood event from the site to an area outside of the floodplain. As such, occupiers would either remain on site within their homes, or as the application proposes, a flood evacuation plan would be used to manage how future occupiers respond to flood events. Flood evacuation plans are normally secured by a legal agreement if found to be an acceptable way to manage the safety of future occupiers on the site.
- 9.38 The aim of the Flood Evacuation Plan is to provide a site-wide system for monitoring and disseminating flood warnings, and to subsequently identify safe route(s) into and out of the site to an appropriate safe refuge area in the event of an extreme flood event. The Flood Evacuation plan sets out that the plan would become a 'live' document, to provide advice and guidance to occupants in the event of an extreme flood. However, there are serious concerns over how effective this flood evacuation plan would be when used in practice.
- 9.39 The dwellings would be occupied by independent households, and so managing what residents do in a serious flood event would be more difficult to control compared to a managed facility.
- 9.40 The applicant sets out that the Management Company will take an active role in the flood management of this site, ensuring that residents are aware of the measures that are in place to

protect them. CALA Homes can covenant that all new residents sign up to alerts through the management company to ensure that there a clear and transparent line of communication. They explain that the management company will take on an active role within the site and with new and neighbouring residents. The role will be an educating and informing role to ensure people understand how/when they should respond to the unlikely event of a flood warning. Part of the role would be to give residents the necessary warnings of a flood event and the literature to ensure they know how to understand. This active role with residents and the local community should result in less pressure on emergency services in the unlikely occurrence of a flood event. The proposition that the management company takes an active role in educating neighbouring properties about flood risk, is not something that could be enforced by the LPA, also there would be no obligation for occupiers to engage with the management company about flood risk and evacuation. Whilst the management plan could set up measures for when future occupiers of the development should leave their homes in a flood event, there is no way to enforce future occupiers to leave their homes, the management company could only strongly advise.

- 9.41 The NPPG states that the emergency services are unlikely to regard developments that increase the burden and risk to emergency staff as being safe. Therefore, it is considered that due to the failure to provide a safe route of access and egress and reliance on a Flood Emergency Plan that the proposed development would not be considered safe for its lifetime.

### **Sustainable Drainage**

- 9.42 The Lead Local Flood Authority comment on Sustainable Drainage and raise no objection to the Sustainable Drainage Scheme proposed, provided a condition is imposed to get the further detailed design.

### **Residual Risk**

- 9.43 Residual risk is defined in the NPPG as those risks remaining after applying the sequential approach to the location of development and taking mitigating actions.
- 9.44 There is no substantive assessment of residual risk submitted with the application or information on how residual risk would be safely managed. However, as the proposal fails to demonstrate that flood risk can be safety managed during a 1 in 100 flood event plus climate change then it follows that the proposal would not be safe when considering any additional residual risk.
- 9.45 Therefore it is not considered that the scheme passes the Exceptions Test, as it has not been demonstrated that the development would be safe for future residents, and that it would not increase flood risk elsewhere. The scheme also fails to comply with paragraph 167 of the NPPF.

### **ii Important Urban Open Space**

- 9.46 The site is designated as an Important Urban Open Space within the Adopted Local Plan. Policy R1 of the Adopted Local Plan sets out that the Council will not approve proposals that would result in the loss of existing areas of important urban open land, unless it is replaced by new provision which is at least comparable in terms of facilities, amenity and location, or they can be retained and enhanced through redevelopment of a small part of the site. This policy has different tests on open space from the NPPF. The policy also affects housing land supply matters and as such it is given reduced weight in the determination of this application.
- 9.47 Policy IF4 of the Borough Local Plan Proposed Modifications identifies this land as open space, and allocates it as a green infrastructure site providing a local 'pocket park', a habitat area, and for flood attenuation.
- 9.48 Policy IF4 of the BLP (proposed modifications) sets out that development involving the loss of open space will only be granted permission where:

- *There is clear evidence, for example from the latest published Open Space Study, that the existing facility is no longer required to meet current or projected needs, including for biodiversity improvements/off-setting; or*
- *The existing facility would be replaced by equivalent or improved provision in terms of quality and quantity in a suitable location within walking distance of the existing facility, or*
- *The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

9.49 Policy IF4 if the Borough Local Plan (PC) is given significant weight. The criteria of this policy for assessing the loss of open space is broadly in line with that of Paragraph 99 of the NPPF, and as such the assessment and conclusion of the loss of open space remains the same as in the previously refused application. Policy IF4 also designates this site as open space. The site was not designated in the Borough Local Plan as upgraded open space to address any identified open space/biodiversity deficits in the area but was designated to provide positive planning.

9.50 The NPPF at paragraph 99 sets out that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

9.51 In this case, the proposed development would reduce the amount of open space. 1.3 hectares of the site is proposed for housing development, with the remainder of the site being retained for public open space. The planning statement sets out what is proposed for the public open space and this is summarised below:

- Softening of existing boundary fencing with mixed hedgerows;
- Existing hoggin path retained and extended around the site to improve public access;
- Retention and enhancement of existing woodland copse;
- Existing varied grassland to be retained and enhanced to create a diverse sward;
- Perennial and annual wildflower areas to be provided to act as a buffer to the built development;
- Provision of interpretation boards with site information;
- Retention and tidying up of habitat piles, including brush and fallen logs; and Specimen hazel retained with scrub understorey to provide cover for nesting birds and invertebrates.

9.52 It is important to consider how the existing open space is currently used. Although the site was historically a playing field, this is clearly not the case anymore. The site now comprises overgrown grassland, scrub and scattered trees, with pathways. Part of the site is currently fenced off (for wildlife/ecology reasons).

9.53 It has been established through case law, that the interpretation of the NPPF does not necessarily mean that all open space should be retained in a development scheme. In this case. The applicant provided a copy of this judgement within their planning statement. The judgement relates to a case where a redevelopment scheme would have resulted in less open space than existed. At Paragraph 37 of the judgement, it is set out that:

*'The claimant submits that the natural and so correct meaning of paragraph 74 requires any development to provide open space which is at least equivalent to that lost both in quantity and quality. It is not a correct interpretation to allow a smaller quantity because of enhanced quality. The claimant has referred to observations of a MP who was making particular reference to allotments saying that it meant that open spaces were not to be lost. However, I think that that is an over mechanistic approach. No doubt when spaces are fully used such as allotments or playing fields or entirely accessible recreation areas it will be difficult if not impossible to justify a loss of quantity. But it is in my view appropriate in a case such as this to consider the reality which is that the existing spaces were largely unused by the general public. The requirement in*

*such circumstances for equivalent quantity is too restrictive and would, if applied to the letter, prevent sensible development when in reality there has been no overall loss. Accordingly, I do not think the inspector erred in dealing with open space.'*

- 9.54 The proposed development does not seek to remove all of the public open space, and so it should be assessed against paragraph 99 of the NPPF (paragraph b). The amount of open space will be reduced, however, the size of the space to be retained largely matches the area of the open space that is currently accessible to the public. With regard to the quality of the public open space, the proposal is to enhance the retained area of open space, through making ecological enhancements and managing the space for the public and also providing visitor information. Taking into account the current use of the site, and considering the enhancements proposed to the open space, it is considered that the scheme would meet the requirements of paragraph 99 (b) of the NPPF.
- 9.55 Given the comments above, the scheme would only be in compliance with paragraph 99 (b) of the NPPF, on the basis that the quality of the open space would be enhanced. A legal undertaking to secure the provision, enhancement and maintenance of the open space would need to be entered into if planning permission was being recommended.

### **iii Design**

- 9.56 As set out within section 3 of this report, the built character of the area is varied and there are a range of densities and scale of buildings surrounding the application site. As such, it is considered that there is some scope to consider a varied scale and density of the development at this site. It is also considered that the application site is quite self-contained, and so rather than the scheme being read within the streetscene of properties on surrounding roads, the scheme would create its own character.
- 9.57 Adopted Local Plan policies DG1 (Design), H10 (housing layout and design) and H11 (Housing design) are large largely consistent with the aims of the NPPF.
- 9.58 The NPPF at Section 11 sets out that the effective use of land should be encouraged. Based on the area proposed to be developed for housing, this would provide a density of circa 62 dwellings per hectare, which is a relatively high density of development, in comparison to the dwellings to the east, west and north of the application site which ranges from 14-21 dwellings per hectare. However, the land to the south, which gained planning permission in 2007, has a density of circa 71 dwellings per hectare (based on the number of dwellings and site area permitted under application 07/01239).
- 9.59 The proposed dwellings are relatively tall, as they have been designed to incorporate flood resilience and resistance measures. Even the smaller scale dwellings in this scheme are taller than a typical two storey dwelling with accommodation in the roof.
- 9.60 However, there is no objection to the dwellings being taller, given that this scheme would create its own character. The larger scale buildings in the south of the site would respond to the larger scale buildings situated beyond the southern boundary of the application site.
- 9.61 Looking at the relationship of the dwellings between plots 4 and 5, the rear elevation of the dwelling on plot 4 would face the side elevation of the dwelling on plot 5, with a gap of around 1 metre between these two elevations, which is very limited spacing, and creates a cramped and poor relationship between these two dwellings. In addition, owing to this poor relationship, the rear elevation on plot 4 has been designed to have limited fenestration with only two windows proposed which would serve non-habitable spaces in this dwelling, and this is a symptom of the cramped relationship, as a rear elevation is a primary elevation where main windows should be located. Plots 10 and 11 have a similarly poor arrangement.
- 9.62 With regard to the car parking, policy DG1 (6) sets out that landscaping proposals should form an integral part of a development's overall layout, and criterion 7 of DG1 sets out that developments should provide adequate car parking, and such provision should be well landscaped and lend itself to a reasonable degree of surveillance. In this scheme, plots 22 through to plot 30 would be

dominated by hardstanding to accommodate car parking, as would plots 12 through to 20. In these areas, it is not considered that meaningful landscaping would be provided in some parts of the site.

- 9.63 Although in principle, a higher density of development is accepted on this site, because of the density of development on the land to the south, for the reasons set out above, which include close and awkward relationships between several of the dwellings, a dominance of hardstanding in parts of the site, and a lack of meaningful landscaping across certain parts of the site, this proposal is considered to represent poor design. Although it this is not considered to be harmful to the surrounding street scenes, this site will have its own character, and it is important that the scheme exhibits good design.
- 9.64 The dwellings would have pitched roofs, which is a common roof form within the locality. All of the dwellings would be in brick, but some will be partly finished in cladding and tile hanging, which adds variation to the appearance of the dwellings, and avoids a monotonous appearance.
- 9.65 The scheme has positives in that it creates active frontages, and corner buildings are designed to create interest. Parking areas generally have good natural surveillance from residential properties.
- 9.66 It is considered that there would be a limited level of harm from the scheme being cramped. This harm would be contained within the site, and not impact on the wider character of the area or adjacent street scenes. This weighs against the scheme and is considered in the planning balance.

#### **iv Residential Amenity**

- 9.67 It must be considered whether the proposed development would provide an adequate standard of amenity for future occupiers of the residential units, and also for neighbouring properties to the site, this is required by paragraph 130 (f) of the NPPF. The Borough Design Guide SPD (adopted) also provides guidance on residential amenity.

#### Daylight and Sunlight.

##### **Neighbouring properties**

- 9.68 A Daylight & Sunlight Report has been submitted with this planning application. The assessment was conducted in accordance with the guidelines set out in the 2011 Building Research Establishment report 'Site layout planning for daylight and sunlight - A guide to good practice'. This report concludes that the proposed development will have no material impact on the daylight or sunlight amenity to any property surrounding the site and is fully compliant with the BRE guidelines. The impact on daylight and sunlight to neighbouring properties is considered to be acceptable.

##### **Future occupiers of the proposed dwellings**

- 9.69 The report sets out that in relation to sunlight, the BRE guidelines state that sunlight to kitchens and bedrooms is less important. The results show that the living rooms served by windows with a southerly aspect will have access to very good sunlight levels. As would be expected, those with a northerly aspect will experience lower levels of sunlight, however, for the houses that have north-facing living rooms at first floor level, they also have large south-facing ground floor kitchen/dining rooms that will have access to very good sunlight levels, compliant with the BRE guidelines.
- 9.70 The Assessment shows the sunlighting to the garden areas for the proposed dwellings. The BRE guidelines set out that it is recommended that gardens (this usually includes the main back garden of a house) at least half of the amenity area (i.e. the garden) should receive at least 2 hours of sunlight on the 21<sup>st</sup> March. The following plots do not comply with this recommendation:



Plot number	% of the garden area that would receive more than 2 hours of sunlight on the 21 <sup>st</sup> March 2019.	Recommended % of the garden area that would receive more than 2 hours of sunlight on the 21 <sup>st</sup> March 2019.
5	22.4	50
8	0.2	
9	5.9	
10	25	
11	9.1	
31	25.7	
32	25.5	
33	17.6	
34	13.2	
35	23.2	
37	7.6	
39	29.3	
41	9	

9.71 It is accepted that in June the gardens will receive more sunlight, however, the BRE guidelines set out that the assessment should be based on March 21<sup>st</sup> and a number of these plots would fail to meet this test within the BRE guidelines. In particular plots 8, 9, 11, 33, 34, 37 and 41 would have a low level of sunlighting to their rear garden areas. This does not create a very good standard of amenity for future occupiers of these plots. This weighs against the scheme and is considered in the planning balance.

Impact on privacy of existing neighbouring properties

9.72 Given the relatively deep gardens that neighbouring properties have to the north, east and west of the application site, and the distance that the proposed dwellings would be sited off these boundaries, it is not considered that unacceptable overlooking to these neighbouring properties would arise.

9.73 The proposed flats in the southern part of the application site would overlook a car parking area to the south, and beyond the car parking area are rear gardens. There would be a distance of circa 18 metres from the rear elevation of the proposed flats to the boundaries of these rear gardens (numbers 11-29 Kingfisher Drive). Owing to the scale of the proposed flats, there would be some views towards the rear gardens of these properties, but it is not considered to constitute a level of overlooking that would warrant the refusal of this application.

Standard of amenity for future occupiers

9.74 House type B are proposed town houses. They are 3 storeys high, with heights ranging from 11.5-12 metres. Some of these house types are situated within the centre of the site (plots 32, 33, 34, 35, 42, 43, 44, and 45) would have a back-to-back relationship, with a distance of 25 metres between the rear elevations, which is just short of the 26 metres recommended in the Borough Design Guide.

9.75 The scheme proposes a relatively high density of housing on this part of the site.

9.76 The proposed flats over garages (labelled 47 and 48) would not have any form of outdoor amenity space for future occupiers.

9.77 The proposed apartment block to the south of the site, labelled 49-80 would have extremely limited outdoor amenity space around it, and no balcony areas. The amenity space for the proposed flats in this block would fail to accord with principles 8.5 and 8.6 of the Borough Design Guide SPD, as it provides no balconies for the flats, and the outdoor communal space around this block measures circa 197 square metres, which falls short of the standard required by principle 8.6 of the SPD, which requires 329 square metres for the 32 flats in this block.

- 9.78 The lack of outdoor amenity space for a number of the future occupiers, particularly those who would occupy the flats is not a positive aspect of the scheme. The provision of outdoor amenity space is considered in the planning balance.

#### Location of the proposed pumping station and impact on residential amenity

- 9.79 In the previous application (19/01140/FULL) the applicant advised that the pumping station will not be adopted by (transferred to) Thames Water, in part because there is inadequate space for the parking of vehicles to meet Thames Water's standard. The pumping station will remain the responsibility of the residents. Environmental Protection advise that historically this has been a problematic arrangement. Maintenance has not always been adequate causing the pumping stations to fail leading to flooding with sewage and odours. Environmental Protection strongly recommends that the pumping station is built to Thames Water's standard and is adopted by them. There is still a query about where the residents' contractor vehicle will park to service the pumping station. The applicant has confirmed that there isn't a specific parking space for the contractor due to the limited maintenance required for the pumping station. Small pumping stations similar to that proposed serving small/medium sized developments are not particularly complex, and require only routine maintenance, generally on an annual basis, modern pumping stations are controlled by telemetry whereby the pump station manufacturer/installer is made aware immediately upon a fault developing, which in some cases can be reset remotely without attendance being required. In the event that the contractor needs to come to site, they pull into the area around the FOG.
- 9.80 However, the foul drainage including the pumping station will have to meet building control requirements and as such it is not considered that this could constitute a reason to refuse the planning application.

#### **V Provision of open space (required for new residential development)**

- 9.81 Policy R4 of the Adopted Local Plan sets out that for new housing developments on sites over 1 hectare in size, 15% of the site should be in the form of open space. This scheme complies, as the amount of the site allocated for public open space exceeds this percentage.
- 9.82 Under Policy R5, new developments for a site of this size should provide a Local Equipped Area of Play. However, as the Public Open Space needs to be designed to be sensitive to the ecological constraints of this site, a Local Equipped Area of Play is not proposed in this case.

#### **Vi Trees**

- 9.83 Policy N6 of the Adopted Local Plan provides guidance on development and trees. The Policy is considered to be broadly in compliance with the aims of the NPPF.
- 9.84 The trees within G2 (labelled on the tree survey) are located on the southern part of the application site and comprise a scattered group of young trees, predominately Common Ash with a few Pedunculate Oak which are shown to be removed to make way for the proposed flats and car parking area.
- 9.85 Tree groups G4 (Common Ash), and G1 (Aspen) are shown for retention. Tree group G3 (Common Ash) would need to be removed because of the proximity to the proposed SUDS basin. The tree officer advises that part of G4 will also be lost due to the SUDS drainage feature.
- 9.86 None of the trees on site are protected by a Tree Preservation Order, and there is no objection to their loss.
- 9.87 Replacement tree planting is shown to be provided within the application site, although there are concerns that the soft landscaping in the proposed developed part of the site would not be successful. The Council's tree officer advises that the soil volumes within the proposed developed area would be insufficient, and that the soil volumes are likely to be reduced further due to haunching for kerbs and utilities/drainage runs.

9.88 It is considered that the soft landscaping within the proposed developed part of the site would be limited. This is connected to the concerns over the cramped form of development. This is discussed in the planning balance.

### **Vii Ecology**

9.89 Paragraph 180 of the NPPF sets out that when determining planning applications, local planning authorities should apply the following principles:

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*
- b) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

Paragraphs 181 and 182 of the NPPF sets out that:

*The following should be given the same protection as habitats sites:*

- a) *potential Special Protection Areas and possible Special Areas of Conservation;*
- b) *listed or proposed Ramsar sites; and*
- c) *sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

*The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.*

### Chiltern Beechwoods SAC

9.90 The site lies within 5km and within the zone of influence of the Chiltern Beechwoods Special Area of Conservation (SAC), which is a European Designated site. The primary reason for designation is the Semi-natural dry grasslands and scrubland facies: on calcareous substrates (Festuco-Brometalia); Dry grasslands and scrublands on chalk or limestone Asperulo-Fagetum beech forests; Beech forests on neutral to rich soils *Lucanus cervus*; Stag beetle beetle) . The Natura 2000 data form for the SAC reports that the main threats relate to Forest and Plantation management & use, invasive non-native species, problematic native species, Interspecific floral relations and modification of cultivation practices. Where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 (as amended) requires an appropriate assessment to be made in view of that site's conservation objectives. Paragraphs 180 and 181 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In this case the proposed development, along and in combination with the linked proposals, is not considered to have a significant effect on the Chiltern Beechwood SAC, due to the main threats to the SAC, and the distance of the proposal from the SAC and therefore an Appropriate Assessment is not required.

## Burnham Beeches SAC

- 9.91 The proposed development is located approximately 5.5 km to the south-west of the site at its closest point to the Burnham Beeches SAC, which is a European Designated site. The SAC is designated for supporting an extensive area of former Beech wood-pasture and is one of the richest sites for saproxylic invertebrates in the UK, including 14 Red Data Book species. It also supports nationally important epiphytic communities.
- 9.92 The main threats to this area are problematic native species, other ecosystem modifications, changes in biotic conditions, Outdoor sports and leisure activities, recreational activities, and Air pollution, air-borne pollutants.
- 9.93 The impacts of recreational and urban growth at Burnham Beeches SAC carried out by Footprint Ecology in 2019 as part of the evidence base for the Chiltern and South Bucks' Local Development Plan recognises that new housing within 5.6km of the Burnham Beeches SAC can be expected to result in an increase in recreational pressure.

These impacts, which have the potential to adversely affects its interest features, include:

- Increased fire risk
  - Contamination (from dog fouling and litter)
  - Trampling/wear (e.g. loss of vegetation, soil compaction, erosion, damage to trees from climbing); Harvesting (e.g. fungi, wood);
  - Difficulties in managing the site (e.g. maintaining the grazing regime);
  - Disturbance (e.g. affecting the distribution of livestock and deer).
- 9.94 In light of this evidence relating to the recreation impact zone of influence, the competent authority (the LPA) must apply the requirements of Regulation 61 of The Conservation of Habitats and Species Regulations 2017 (as amended), to this proposed development. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.
- 9.95 The screening exercise undertaken means that the Council cannot rule out likely significant effects on the SAC, and as such an Appropriate Assessment was undertaken. It is concluded that without appropriate avoidance and mitigation that the development would adversely affect the integrity of the SAC. However, with mitigation (in the form of financial contributions to make enhancements to Maidenhead Town Moor and North Town Moor), it is considered that this would divert recreational pressure from arising from the proposal, and as such with mitigation in place the scheme would not have an adverse impact on the integrity of the SAC. The applicant has agreed to providing this mitigation, but this would need to be secured by a legal agreement if planning permission was to be forthcoming. Natural England have advised that they are satisfied with the proposed mitigation.
- 9.96 The site does not contain any "priority habitats" as defined in the NPPF, and other than slowworms and toads is unlikely to support any protected or priority species.
- 9.97 All native species of reptile and most amphibians are protected from killing or injury under the Wildlife and Countryside Act (1981) as amended. In addition, all common native species of reptile, and common toads (which are in large-scale decline across the UK), are Species of Principal Importance under Section 41 of the NERC Act 2006, i.e. they are "Priority Species" as per the NPPF, and receive further protection through national planning policy.
- 9.98 The site hosts a population of toads which are known to breed in Summerhill Lake approximately 100m to the north and is likely to be of importance for this species during its terrestrial life stages.
- 9.99 The site prior to a translocation exercise contained a low population of slow worms and a population of toads. In 2016, a translocation of the slow worms and toads was undertaken at the site. The slow worms and toads were translocated to the eastern section of the site following the enhancement of this area for slow worms (construction of log piles and hibernacula, planting of

scrub and appropriate management of the grassland). This receptor area will not be built on and will remain open space managed for wildlife.

- 9.100 A translocation of slow worms and toads from the development area to the adjacent open space was undertaken in 2016 and since then a reptile proof fencing has been installed and maintained around the development site. The open space area was enhanced prior to the translocation and included scrub planting, incorporation of log piles and hibernacula and grassland management in order to enhance the area for these species. Since then, the toad population has been monitored (using data from the Deerswood toad patrol) and the applicant's ecologist has concluded that the population of toads at the site has remained relatively consistent following the exclusion from a proportion of the site.
- 9.101 As well as the ecology reports submitted with the previous application, the applicant has submitted an updated Phase 1 Ecology Survey technical note (Austin Foot Ecology, December 2020), updated reptile survey report (Austin Foot Ecology, October 2020), and, an ecology technical note regarding the proposed SUDS ponds (Austin Foot Ecology, February 2021).
- 9.102 The updated ecology and reptile reports state that during walkover surveys of the site in 2020, a single slow worm and several common toads were found within the fenced off area. It is thought these may be remnants of the original population which eluded capture during the 2016 translocation. It is considered that adopting precautionary methods during site clearance works should be sufficient to protect any remaining individuals, and these should be included as part of a Construction Environmental Management Plan (CEMP).
- 9.103 An Ecological Mitigation and Management Plan (EMMP) outlines the further mitigation with regards to slow worms and toads during the construction and operational phases of the development and includes a precautionary working method in order to avoid killing or injuring slow worms and toads, sensitive timing of works, gaps under new fencing to allow wildlife movement across the site, permeable paving, wildlife friendly curbs, incorporation of amphibian ladders into all drains (which will be monitored on an annual basis) and monitoring of the population of slow worms every 2-3 years. In addition, details of the management of the open space area for wildlife is detailed within the EMMP and includes the creation of a wildflower area, continued grassland management, newly planted trees, creation of a swale/ drainage basin and hedgerow planting. It is considered that with the proposed enhancements to the open space with the measures detailed in the EMMP that adequate compensation can be provided. A condition would need to be imposed to secure the EMMP. The number and species of trees proposed would need to be sensitive to the ecological sensitivities of the site. A final scheme for the open space would need to be submitted for approval by the LPA.
- 9.104 The technical note regarding the SUDS features states these will be created to enhance biodiversity on the site. In accordance with paragraph 180 of the NPPF, which states that "*opportunities to improve biodiversity in and around developments should be integrated as part of their design*", other biodiversity enhancements, including integral bird and bat boxes on the new houses, and native and wildlife friendly landscaping, should also be incorporated into the scheme design. The recommendations given in the EMMP and updated ecology documents, and further biodiversity enhancements (including their ongoing management), should be incorporated into a Landscape Ecological Management Plan (LEMP) which could be secured by planning condition, if planning permission was to be given.
- 9.105 The site did not have the potential to support roosting bats. However, there was some foraging and commuting habitat on site, particularly around the boundaries of the site. Lighting, without appropriate mitigation could have a detrimental effect on bat species by disturbing foraging and commuting lines and discouraging bats from roost sites. It is considered that a condition could be imposed to secure a sensitive external lighting strategy to avoid any adverse impact.

## **Viii Transport**

- 9.106 Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 of the NPPF sets out

that for specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance including the National Design Guide and the National Model Design Code.

### Traffic movements

9.107 The Transport Assessment sets out that during the morning peak hour a total of 80 two-way trips are expected to be made by all modes and for all journey purposes. During the evening peak hour this reduces to 70 two-way trips. During the 07:00-19:00 period, a total of 653 trips by all modes would be expected to arise from the proposed development.

Junction Assessments were undertaken on the following:

- Ray Mill Road West / Blackamoor Lane;
- Ray Mill Road East / Blackamoor Lane; and
- Ray Mill Road East / Ray Park Avenue.

Junctions have been assessed during the following time periods:

- AM weekday peak (08:00 to 09:00 hours); and
- PM weekday peak (17:00 to 18:00 hours).

9.108 In considering the impact of development on junction operation, the ratio of flow to capacity (RFC) value has been used as the basis for assessing junction performance and determining which junctions should be considered for mitigation works. In considering junction performance, the following tests have been applied as a starting point:

- Where appropriate, the RFC or DoS value on approaches is maintained below 0.90, although it is acknowledged that values of up to 1.00 are considered acceptable in certain circumstances where, for example, queues can be safely stored within the highway; or
- Where baseline RFC or DoS values are already greater than 0.90, development does not result in a material worsening of the existing performance of the junction.

9.109 The following scenarios were assessed:

- 2024 assessment year traffic flows (“2024 Assessment Year”).
- 2024 assessment year plus Proposed Development traffic forecasts (“Assessment Year plus Proposed Development”).

9.110 The junction capacity assessments indicate that the assessed junctions (with the proposed development) would not reach beyond a Ratio to Flow Capacity (RFC) of 0.66, which is below the limit of 0.90.

9.111 The Transport Assessment sets out that the existing highway network currently operates within capacity during the observed peak hours, with minimal queuing noted on the highway network, and that this situation is predicted to continue with the proposed development traffic added to the network. The Highway Authority therefore raises no objection on this ground.

9.112 A swept path analysis has been submitted with the Transport Assessment which shows that a refuse vehicle can manoeuvre within the site, and can enter and leave Ray Mill Road East in a forward gear.

### Car Parking

9.113 Policy P4 of the Adopted Local Plan requires developments to provide car parking in accordance with the Council’s Adopted Standards. The parking standards are set out in the Council’s Parking Strategy 2004. However, the Council’s parking standards include maximum parking standards, which the NPPF sets out should only be imposed if there is clear and compelling justification that

they are necessary for managing the local road network. Policy P4 of the Adopted Local Plan is therefore not given full weight.

- 9.114 The application site is located within a reasonably sustainable location, within a 15 minute walking distance to Maidenhead Town centre. The site is also around a 3-4 minute walk to bus stops. However, when assessed against the Council's Parking Strategy 2004, the site is not considered to be in an area of good accessibility, as it is not within 800 metres of a train station with a regular train service. As such, according to the Parking Strategy 2004, assessed against the maximum parking standards a total of 172 car parking spaces are required. The scheme provides for a total of 161 car parking spaces. Although there would be a shortfall of 11 car parking spaces, when assessed against the Council's Parking Strategy, the NPPF is clear that maximum standards should only be imposed when there is compelling justification to do so. In this case, it is not considered to be a compelling justification to impose the maximum parking standards. It is not considered that the parking provision proposed, would result in an overspill of car parking onto the road network that would subsequently result in a danger to highway safety.
- 9.115 The proposed scheme would also result in the loss of an existing parking area which was used in association with the family centre on Ray Mill Road East. As set out in section 5, planning permission was recently granted for the change of use of the family centre to the 2 dwellings. The former parking area to the family centre was not included within the application site for this scheme, and does not rely on this area for car parking for the dwellings. As such, the loss of this parking area is considered to be acceptable.

#### Cycle parking

- 9.116 The Transport Assessment sets out that cycle parking will be provided as part of the proposed development. For houses and flats above garage (FOG), space will be provided within the curtilage. For apartments, 1 space will be provided per apartment resulting in a total of 32 cycle parking spaces. Cycle parking for apartments will be provided in covered and secure locations. It should be noted that any structures in the gardens of private dwellings would not be acceptable within the flood zone. Final details of the external cycle storage have not been agreed for the apartments. Depending on the final design, the external cycle stores may further increase the built footprint within the flood zone. In terms of the number of cycle stores, the Council's Sustainable Design and Construction SPD requires 1 cycle space per residential unit. Whether the number of cycle parking spaces could be provided in accordance with the requirements of this SPD is questionable, however, given the SPD is not part of the development plan, it is not considered that the scheme could be refused on this ground. Certainly, a proportion of secure cycle storage could be provided, and this final design would need to be secured by planning condition.

#### **Ix Archaeology**

- 9.117 The site lies within the Thames valley. It therefore lies over the floodplain and gravel terraces which have been a focus of settlement, agriculture and burial from the earlier prehistoric period to the present day. If planning permission was to be granted, a condition would need to be imposed to secure a written scheme of investigation.

#### **X Provision of Affordable Housing**

- 9.118 Local Plan policy H3 requires the provision of 30% of the total units provided on site as Affordable Housing. As a material consideration, paragraph 64 of the NPPF states that where major development involving housing is proposed, at least 10% of the homes are expected to be available for affordable home ownership, as part of the overall affordable housing contribution from the site unless this would exceed the level of affordable housing required in the area or prejudice the ability to meet the identified affordable housing need within the Borough.

- 9.119 The NPPF 2021 provides a definition of affordable housing in the glossary. The application proposes that there would be 18 shared ownership units and 20 affordable rented properties (this would meet the definition of Affordable rent in the NPPF). The number of affordable units proposed would exceed the 30% required by Policy H3 of the Adopted Local Plan. The scheme would provide 47% on site affordable units. The provision of affordable housing would need to be secured by a suitably worded legal agreement. It is acknowledged that the Council has undelivered on affordable units within the Borough.
- 9.120 The Council's housing enabling officer advises if the proposed social rented housing is to be restricted to occupation by 'key workers', as is suggested in the planning statement, then there needs to be clarity on the definition and the nominations process to identify suitable households, and that local housing demand via the Housing register and rent levels will also need to be assessed.
- 9.121 The provision of affordable housing is considered to be a significant benefit of the scheme. It is considered further in the planning balance.

## **Xii Air Quality**

- 9.122 Local air quality conditions and the impacts from vehicle exhaust emissions were assessed and the results indicated that predicted annual mean nitrogen dioxide, PM10 and PM2.5 concentrations at receptor points were below the relevant air quality objectives in both the base year 2019 and 2024 scenario. The findings and conclusion of the air quality assessment that the development construction and operational impact on air quality is considered to be not significant is accepted. A condition would need to be imposed to secure a dust management plan for the construction period should permission be forthcoming.

## **Other considerations**

### **Sustainability**

- 9.123 The Council has published an interim sustainability position statement. This is a material consideration, however, this application was submitted prior to this position statement being published, and so the position statement is given limited weight in the determination of this application.
- 9.124 The NPPF advises that Local Planning Authorities should expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. The Borough Wide Design Guide includes advice on Solar Design and Climate Change and minimising energy consumption through the promotion of dual aspect living accommodation.
- 9.125 The Sustainable Design and Construction SPD, Requirement 3 - On-Site Renewable Energy Generation sets out that all developments involving 10 or more dwellings or 1,000m<sup>2</sup> or more gross non-residential floorspace will be expected to secure at least 10% of their expected energy demand from on-site renewable or low carbon sources.
- 9.126 The applicant has submitted an energy statement. It sets out that in order to meet the 10% Energy from renewables requirement, a further 57856 kWh will need to be offset. A full assessment of appropriate technologies has been undertaken, concluding Solar PV, Showersave Waste Water Heat Recovery (WWHR) the most suitable for this development, providing a 58631.2kWh energy and 13938 kgCO<sub>2</sub> carbon reduction. If planning permission was being recommended for approval, the details of the renewable energy technologies to be used would need to be secured by planning condition.

### Local Financial Considerations

- 9.127 The planning statement sets out that the New Homes Bonus is a material consideration to the application that should be afforded moderate weight. It is stated that £810,000 would be generated. The New Homes Bonus qualifies as a local finance consideration, but it has to be



considered if it is material to the determination of this application. No information has been provided by the applicant which sets out how the money would be spent in the area subject to this application and it is not considered that the money is necessary to make the development acceptable in planning terms. It is therefore not considered that the New Homes Bonus is a material consideration to the determination of this application.

## 10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable. The proposed floorspace of the dwellings is circa 8,446 square metres. The applicant sets out the development would generate CIL contributions, and this should be afforded moderate weight as a material consideration. It is recognised that this is a Local Finance Consideration for the purposes of Section 70 of the Town and Country Planning Act 1990. However, the planning statement does not set out how much CIL would be generated from the proposal, or what local infrastructure improvements the money would go towards. This is not given weight as a material consideration.

## Xi Planning Balance and Conclusion

### 11. Housing Land Supply

- 11.1 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

*For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 11.2 Footnote 8 of the NPPF (2021) clarifies that:

*'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).'*

- 11.3 The BLPPC is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hyr hls) is the 'standard method' as set out in the NPPF (2021). The Council is unable to demonstrate a five year housing land supply.
- 11.4 However footnote 7 of the NPPF further clarifies that section d(i) of paragraph 11 of the NPPF (2021) is not applied where 'policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'. This includes areas at risk of flooding, and habitats sites (the SAC).
- 11.5 Where there are such restrictive policies in play, and their requirements are not satisfied by the development proposal, the "tilted balance" does not apply, and the planning balance is to be carried out having regard to the statutory test in section 38(6) of the 2004 Act. In this instance, subsection d(i) of paragraph 11 is engaged as flood risk policies in the NPPF provide a clear reason for refusing the development proposed. In addition, without a legal agreement securing the mitigation to off-set the impact of the development on the Burnham Beeches SAC, this also means paragraph 11 d(i) is engaged.
- 11.6 It is considered that the proposed scheme causes some level of harm to the character of the area, through being cramped, however, given the site is well contained and would create its own character, and given the density of development to the south, it is not considered that the scheme would be of such a poor design to warrant refusal on this ground.

- 11.7 The scheme also does not provide a high standard of amenity for all future occupiers of the site, which is mainly because of the lack of amenity space for future occupiers of the proposed flats; this conflicts with guidance contained in the Adopted Borough Design Guide SPD. In this instance the harm to residential amenity to some of the future occupiers is not considered to constitute a reason for refusal, as there are open spaces within walking distance of the site.
- 11.8 There are benefits that weigh in favour of supporting the scheme, which include:
- the contribution the new dwellings would make to the supply of housing within the Royal Borough, which would make a reasonable contribution to the Council's 5 year housing land supply, this is afforded significant weight;
  - the provision of affordable homes (which exceeds the percentage required by the Local Plan Policy) and which is needed within this Borough this is given significant weight as a benefit;
  - the economic benefits that would arise from the scheme, which is given moderate weight, as it is not considered 80 households would make a significant contribution to the economy, and the construction jobs associated with the development would only be temporary.
  - Providing a range of housing types, sizes and mix in response to identified local needs. This scheme would provide a mix of affordable and market housing, and would provide a range of 1, 2, 3 and 4 bedrooms dwellings. With regard to the market housing, the largest proportion of this type of housing would be 4 bedroom dwellings. The Local Housing Needs Assessment (2019) sets out that based on the evidence it is expected that the focus of market housing provision will be on 2 and 3 bedroom properties. With regard to the mix of affordable housing, most would be 1 and 2 bed units that would be affordable, with only 4 dwellings (3 bed) to be affordable. This would not meet the recommended mix set within the Local Housing Needs Assessment. Whilst a range of housing types and mix would be provided, it is given moderate weight as a benefit.
- 11.9 It is not considered that these benefits would outweigh the significant flood risk concerns, which is that the development would not be safe for its lifetime and would increase flood risk elsewhere. This is given greatest weight. The scheme fails to accord with Policy F1 of the Adopted Local Plan, and there are not considered to be material considerations which would indicate planning permission should be approved.
- 11.10 Overall, taking account of the Framework and the above considerations, including the benefits of the development, it is considered that material considerations do not indicate that planning permission should be granted for the development, which conflicts with the development plan. It is therefore recommended that planning permission is refused for the reasons set out in Section 13 of this report.

## **12. APPENDICES TO THIS REPORT**

- Appendix A - Site location
- Appendix B – Proposed Block Plan
- Appendix C – Elevations

## **13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 The application site is located in Flood Zone 3 where there is a high risk of flooding and the proposal is for a more vulnerable type of use. The application has failed to demonstrate that safe escape from the site and safe access to the site could be achieved in the event of a flood, resulting in lives and properties being put at risk. In addition, the application has failed to demonstrate that it would not reduce the capacity of the site to store water in the event of a flood and not displace that flood water outside the site further increasing risk to lives and properties. Accordingly, the application has failed to demonstrate that the proposal would be safe over its

lifetime and that it would not increase flood risk elsewhere. The proposal is contrary to Policy F1 of the Adopted Local Plan. The scheme also fails to pass the Exceptions Test as required by the National Planning Policy Framework. The scheme therefore fails to comply with paragraphs 163, 164, 165 and 167 of the National Planning Policy Framework (2021).

2 In the absence of a legal agreement the proposed development fails to secure a satisfactory level of affordable housing. The proposal is therefore contrary to policy H3 of the Windsor and Maidenhead Local Plan, 1999 (including Adopted Alterations 2003), and paragraph 65 of the National Planning Policy Framework (2021).

3 In the absence of a legal agreement, the scheme fails to provide a sufficient open space as required by paragraph 99(b) of the National Planning Policy Framework 2021.

4 In the absence of a signed legal agreement, the scheme without mitigation would likely impact upon the integrity of the Burnham Beeches Special Area of Conservation Area (SAC).

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Appendix A- site location plan



**Appendix B- Proposed site layout**



## Appendix C- Proposed elevations

### Proposed apartment block



Front Elevation  
1:100



Right Side Elevation  
1:100



Rear Elevation  
1:100



Left Side Elevation  
1:100

### Example of House type A.



Front Elevation  
1:100



Left Side Elevation  
1:100



Rear Elevation  
1:100



Right Side Elevation  
1:100

Example of house type B



Example of house type C



Example of house type D





Example of house type E



Front Elevation  
1: 100



Left Side Elevation  
1: 100



Rear Elevation  
1: 100

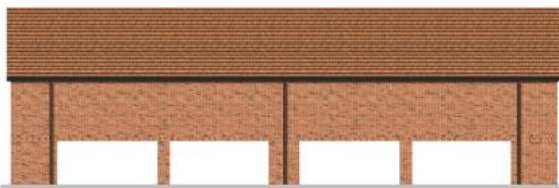


Right Side Elevation  
1: 100

Example of house type F



Front Elevation  
1: 100



Rear Elevation  
1: 100



Left Side Elevation  
1: 100



Right Side Elevation  
1: 100



Agenda Item 6

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

18 August 2021

Item: 3

<b>Application No.:</b>	20/03497/OUT
<b>Location:</b>	Poundstretcher 31 - 33 High Street Maidenhead SL6 1JG
<b>Proposal:</b>	Outline application for access, appearance, layout and scale to be considered at this stage with all other matters to be reserved for the conversion of first floor and new second and third floors to create 10 No. flats with associated works to ground floor.
<b>Applicant:</b>	David Howells
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Maidenhead Unparished/St Marys
<b>If you have a question about this report, please contact:</b> Antonia Liu on 01628 796034 or at <a href="mailto:antonia.liu@rbwm.gov.uk">antonia.liu@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The application is for outline consent for the conversion of the first floor and new second and third floor to create 10 flats, with associated works to the ground floor. Matters to be considered are access, appearance, layout and scale with landscaping to be considered as a reserved matter.
- 1.2 The proposal is not considered to prejudice the operation of the existing retail unit, and as a sustainable, town centre location residential development is encouraged.
- 1.3 Conservation comments on amended plans are pending and will be reported in an update, but the proposal is not considered to harm the character or setting of the host building, nearby important non-listed buildings or Maidenhead Town Centre Conservation Area.
- 1.4 The proposal is considered to have an acceptable impact on neighbouring amenity in terms of loss of light, visual intrusion and overlooking. Furthermore, the proposal would not result in harm to air quality during the construction or operational phase subject to conditions.
- 1.5 No on-site parking is proposed but given the town centre sustainable location and existing on-street parking restrictions within the locality, it is considered a car free development is acceptable. Given the car free nature of the proposed development it is considered that the vehicle trip generation would be limited and so would not unduly impact the local highway infrastructure network. The proposed accesses are acceptable in respect of highway safety. Details of cycle and refuse / recycling storage can be secured by condition.
- 1.6 It is considered that there would be no unacceptable impact on trees subject to a condition to secure full details of services and utilities to ensure the root protection areas of nearby street trees are not transgressed. The sustainable drainage proposal is acceptable.

<b>It is recommended the Panel GRANTS planning permission with the conditions listed in Section 13 of this report.</b>
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**2. REASON FOR PANEL DETERMINATION**

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as it is for major development; such decisions can only be made by the Panel.

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

- 3.1 The site measures approximately 0.05ha and is located within Maidenhead Town Centre. It comprises a flat roof, 2-storey, 6-bay building at no. 31-33 which fronts onto the High Street. The building measures a maximum 7.7m in height and 16.2m in width with the ground floor measuring a maximum 29.6m in depth while the first floor is set back by approximately 3m from the ground floor front elevation. It is a 20th century insert between Jasmine Peaking restaurant at no. 29 High Street to the east which was built c.1908, and HSBC at no. 35 High Street to the west which was built c.1922. This row of 3 forms a short parade within the High Street sited between Park Street and Old Post Office Lane. The building is currently vacant, but no. 31-33 High Street comprises of Class E (retail) use on the ground floor with ancillary uses on the first floor. To the rear of the site is a small service area with access from Park Street and beyond is no. 1 Park Street, which comprise of offices.

#### **4. KEY CONSTRAINTS**

- 4.1 The site lies within the Maidenhead Town Centre Conservation area, and as part of the High Street forms part of a secondary shopping frontage. The site also lies within Maidenhead Air Quality Monitoring Area. The adjoining neighbours at no. 29 and 35 High Street, and 1 Park Street are important non-designated buildings.

#### **5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 5.1 The proposal is for outline planning permission for 10 flats following conversion of the first floor and the erection of a new second and third floor, and associated works to the ground floor. Matters to be considered are access, layout, scale and appearance with landscaping being a reserved matter.
- 5.2 Amended floorplans and elevations, and parapet detail, were received on the 30 June 2021 to address design issues, and these are the plans being assessed.
- 5.3 Application ref: 19/03444/OUT, for the part conversion of first floor and new second and third floors to create 10 No. flats with associated works to ground floor was refused by the council on 20 February 2020 on the grounds of undue impact on neighbouring amenity for no. 29 High Street.
- 5.3 Outline permission for 12 flats following conversion of the first floor and erection of a new second and third floor, and associated works to the ground floor, was granted on the 20 July 2020 (ref: 20/00973/OUT). The grounds for refusal of 19/03444/OUT had been satisfactorily overcome. Matters considered were access, layout, scale and appearance. The associated Reserved Matters application for landscaping was approved on 5 November 2020 (ref: 20/02034/REM). The main differences between the subject application and the previously approved scheme are as follows:

##### Roof and Third Floor

Reduction in footprint of the third floor which is accommodated in the proposed roof space by approximately 155sqm, resulting in a reduction of 2 units. Towards the frontage, the flat roof would be screened using a faux façade. To the rear there would be a tile hung truncated mansard.

##### Second Floor

Changes to the stepped east elevation and corresponding decrease in footprint by approximately 7sqm. Changes in the layout for flat 7.

- 5.4 Access to the flats would be from the ground floor from a pedestrian access on Park Street. The retail unit would have two separate accesses from the High Street serving the main shop floor, and an access from Park Street for deliveries of goods. No off-street parking is proposed. This remains the same as the approved scheme under 20/00973/OUT.

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Character and Appearance	DG1, H10, H11
Impact on Conservation Area	CA2
Housing Provision	H6, H8, H9
Highways	P4, T5, T7
Trees	N6

6.2 **Adopted Maidenhead Town Centre Area Action Plan (MTCAAP) (2011)**

Issue	Policy
Character and Appearance	MTC4,
Retail Use	MTC7
Housing Provision	MTC12
Highways	MTC14
Infrastructure	IMP2

## 7. MATERIAL PLANNING CONSIDERATIONS

7.1 **National Planning Policy Framework Sections (NPPF) (2021)**

Section 2 – Achieving Sustainable Development  
 Section 4 – Decision-Making  
 Section 5 – Delivering a Sufficient Supply of Homes  
 Section 7 – Ensuring the vitality of Town Centres  
 Section 11 – Making Effective Use of Land  
 Section 12 – Achieving Well-Designed Places  
 Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change  
 Section 15 – Conserving and Enhancing the Natural Environment  
 Section 16 – Conserving and Enhancing the Historic Environment

7.2 **National Design Guide**

This document was published in October 2019 and seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The focus of the design guide is on layout, form, scale, appearance, landscape, materials and detailing. It further highlights ten characteristics which work together to create its physical character, these are context, identity, built forms, movement, nature, public spaces, uses, homes and buildings, resources and life span.

7.3 **Borough Local Plan: Submission Version (2017) and Proposed Changes (2019)**

Issue	BLPSV Policy	BLPSVPC Policy
Character and Appearance	SP2, SP3	QP1, QP1a, QP3
Housing Provision	HO2, HO5	HO2
Town centre	TR3	TR3
Historic Environment	HE1	HE1
Trees	NR2	NR3
Environmental Protection	EP1, EP2, EP4, EP5	EP1, EP2, EP4, EP5
Highways	IF2	IF2
Infrastructure	IF1	IF1

Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector's post hearings advice letter was received in March 2021. Consultation is currently on-going on the proposed Main Modifications.

The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

#### 7.4 Supplementary Planning Documents

- Planning Obligations and Development Contributions
- Borough Wide Design Guide

#### 7.5 Other Local Strategies or Publications

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Maidenhead Town Centre Conservation Area Appraisal
- Interim Sustainability Position Statement

### 8. CONSULTATIONS CARRIED OUT

#### Comments from interested parties

8 occupiers were notified directly of the application, a planning officer posted a notice advertising the application at the site and the application was advertised in the Local Press.

1 letter has been received supporting the application:

Comment	Where in the report this is considered
The development is attractive and is an improvement to what currently stands at this site.	Section 9(ii)

2 letters has been received objecting to the application:

Comment	Where in the report this is considered
Previously refused on impact on neighbouring amenity (no. 29 High Street) and there is limited	Application No. 19/03444/OUT was refused on these grounds; however, application No.

<p>differences to the scheme. No daylight or sunlight report has been prepared to support the proposal, and it is considered that habitable rooms would suffer a material loss of oblique and direct light. Furthermore, it is considered that the proposal would result in visual intrusion due to its scale, and loss of privacy due to windows facing their property to the detriment of their amenity.</p>	<p>20/00973/OUT was subsequently approved as it was considered to have overcome the previous reason for refusal. Section 9(iii)</p>
<p>HSBC (no. 35 High Street) shares a boundary wall with the application site and have not been notified in accordance with Part 13, Schedule 2 of the Town and Country Planning (Development Management Procedure) Order 2015 (ownership certificate B). If the application were determined without the correct Certificate in place, then this could result in a ground for judicial review.</p> <p>The red-line transects HSBC's access to their service yard and an area of their legal ownership, and HSBC requires daily access to the service yard for essential servicing and the service yard is an essential fire exit route, and access to the roof (to service air-conditioning units, pigeon netting etc). No information has been provided on impact on their access to the service yard or rooftop servicing.</p> <p>Limited consideration has been given to the impact on HSBC premises which are a non-designated heritage asset. HSBC have not been involved in any design correspondence relating to the impact of the proposals on their premises, nor had the opportunity to input into the impact of the upwards extension to the existing connecting wall.</p> <p>The presence of windows at the development which will overlook the service yard would result in inappropriate conflict and security risk to HSBC's back of house servicing operations. If the proposals are to be approved. HSBC will be required to implement additional security measures such as anti-climb equipment, replacement windows and additional window protection to ensure the safe continued operation of the bank as an essential service.</p> <p>Acknowledges that details of construction will likely be conditioned, but expects a robust construction methodology to be prepared as part of the application and requests the following concerns be addressed:</p> <ul style="list-style-type: none"> <li>• Any construction hording should not interfere with visibility of HSBC's premises and services</li> <li>• The proposed construction and associated hoardings, increased in vehicular traffic and other construction related activities should not impact on</li> </ul>	<p>The applicant has confirmed development lies entirely within the site under their ownership. Therefore, there would be no requirement on them to serve notice on HSBC as part of Certificate.</p> <p>The applicant has re-submitted the red-line plan with a thinner red-line. This clarifies that the red-line does not transect HSBC's access to their service yard.</p> <p>Section 9(ii)</p> <p>Section 9(iii)</p> <p>Conditions to secure submission, approval and implementation of a construction management plan and construction environmental management plan have been recommended.</p>

<p>HSBC's ability to impact daily business</p> <ul style="list-style-type: none"> <li>• Debris / detritus in public highway has the potential to constitute danger to the public and there should be appropriate mitigation measures.</li> </ul>	
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## Consultees

Consultee	Comment	Where in the report this is considered
Arboricultural Officer	<p>The 'Drainage and Utilities Statement' shows that foul water, gas, electric, telecommunications and potable water will connect into the development site outside the root protection area of the 3 highway trees in Park Street. The applicant will need to provide confirmation from the relevant utility companies that they support these connection points, and whether any upgrading of the utilities will be required further back from the connection points which could potentially compromise the three highway trees. Should the above be adequately addressed, full utility details will be required on submission of reserved matters. These subsequent details will need to continue to ensure the root protection area of the trees are not transgressed.</p> <p>A construction management plan will also need to be submitted to show the trees will not be affected by or within any working area etc. required for the development. Landscaping details will need to be conditioned.</p>	Section 9 (v)
Conservation Officer	<p>The proposed works are similar to those approved under application ref 20/000973. The main difference being the third floor. Towards the frontage the open space would be screened using a faux roof form, however, towards the east, the space this would be open. It would, therefore, be visible from Post Office Lane and possibly in oblique views from Park Street. Given the sensitivity of the site within the Maidenhead Town Centre Conservation Area, the terrace should ideally be enclosed in a similar manner to the front, i.e. within a false roof form. If the applicant is unwilling to include a faux roof form to enclose the flat roof, a traditional raised brick parapet with a stone coping and with simple modern railings positioned behind the parapet is suggested. It is also suggested that the truncated mansard is tile hung.</p>	<p>The comments relate to the proposal as originally submitted.</p> <p>Following receipt of these comments and subsequent submission of amended plans, the Conservation Officer has been re-consulted and their comments will be reported in an update.</p>
Environmental Protection	<p>No objection subject to conditions relating to a Site Specific Construction Environmental Management Plan (CEMP); restricted hours for vehicle delivery/collections; and measures to reduce dust during construction and demolition in accordance with the methodology in the submitted Air Quality Assessment; and informatives relating to dust and smoke</p>	<p>Air quality: Section 9 (iii). CEMP condition agreed. Restricted hours for vehicle delivery and collections during operations is not considered necessary as there are no restrictions for the existing shop, and there</p>



	control.	is no material change to the retail unit to warrant such a condition.
Highways Officer	No objection, subject to details being submitted in relation to Cycle Provision and Refuse Provision. Conditions recommended relating to details of cycle parking; details of refuse, bin and recycling provision; and construction management plan; and informatives relating to damage to footways and verges, damage to highways, no equipment or materials on the public highway.	Section 9 (iv)
Lead Local Flood Authority	No objection as the proposed development is unlikely to lead to an increase in surface water drainage.	Section 9 (vi)
Thames Valley Police	No objection, but postal service is an issue which can have a significant effect on privacy, safety and security of future residents. The preferred management of mail delivery is either external wall mounted letterboxes or via postal boxes within a secured entrance lobby with secondary internal access controlled communal entrance door. Details of mailboxes should be submitted and approved prior to determination of the application. If minded to approve, requests a condition to secure details and implementation of an access control system prior to occupation.	Outside the remit of planning, but advice on mailboxes added as an informative.

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Impact on Character, Including Maidenhead Town Centre Conservation Area
- iii Residential Amenity
- iv Highway Safety and Parking
- v Trees
- vi Sustainable Drainage
- vii Sustainability
- viii Housing Land Supply

### i Principle of Development

#### Residential Development

9.2 Maidenhead town centre represents a sustainable location to live, and in addition to contributing towards meeting local housing need an increase in residential units within Maidenhead town centre would bring more life into the area and help support local shops, services and facilities. Local Plan policy H6 states that the Council will grant planning permission for the provision of additional residential accommodation within town centres, while MTCAAP policy MTC12 states

that new housing development will be supported throughout the town centre. As a material consideration of significant weight, paragraph 86 of the NPPF states that planning decisions should support the role of town centres at the heart of local communities and should recognise that residential development plays an important role in ensuring the vitality of town centres. Paragraph 120(d) of the NPPF goes on to state that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help meet the identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops and building on or above service yards). As a further material consideration of significant weight, BLPSVPC policy QP1a states that within the town centre core increased levels of residential accommodation, principally at upper floor levels, will be provided to help support other town centre functions.

- 9.3 In this context, there is policy support in principle for residential development on the upper floors of the property.

#### Retail Use

- 9.4 Maidenhead town centre is a focal point for shopping facilities which serves the local community and contributes to the wider vitality and viability of the area. As such, MTCAAP policy MTC7 seeks to maintain and enhance the town centre's role by supporting and enhancing retail activity. As a material consideration of significant weight, BLPSVPC policy TR3 shares the same aims and objectives as MTCAAP policy MTC7.
- 9.5 While the proposal seeks to retain the existing retail use on the ground floor, approximately 319sqm of ancillary retail use would be lost on the first-floor. However, it is considered that the remaining retail unit would still be viable in terms of operations. The Council's Retail and Town Centre Study (2015) reports that retailers are moving towards a more efficient use of space in response to the growth of internet / click and collect shopping, which is generally distributed from a warehouse, and decline in 'bulk' shopping. Together with advances in technology to better manage stock it is reported that in-town retail units do not necessarily need the same space traditionally required for storage; much of which is now surplus to requirements. In this context it is considered that a proposed storage area of approximately 50sqm would be acceptable. Adjacent to the storage area, the proposed layout shows staff welfare facilities on the ground floor which are also acceptable. In relation to servicing, refuse collection arrangements would remain the same with access to a service area from Park Street.

#### **ii Impact on Character, Including Maidenhead Town Centre Conservation Area**

##### Density

- 9.6 The proposal will result in approximately 192 dwellings per hectare (dhp), which represents a high-density development. MTCAAP policy MTC12 states that higher density housing will be appropriate in suitable locations. As a material consideration of significant weight, paragraph 120 of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. In this case, the site is located in Maidenhead Town Centre which is a sustainable location and has been identified as an area for strategic growth. This quantum of development is therefore acceptable in principle.
- 9.7 Balanced against this, Local Plan policy H11 states that schemes that introduce a scale or density of new development which would be incompatible and cause damage to the character of the area would be resisted, while paragraph 124 of the NPPF states that making efficient use of land should take into account the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed places.

##### Design Policies

- 9.8 Local Plan policy H10 and MTCAAP policy MTC4 require new development to display a high standard of design and where possible to enhance the existing environment, while policy DG1 states that harm should not be caused to the character of the surrounding area. As a material consideration of significant weight, paragraphs 126 and 134 of the NPPF advises that high quality

buildings and places is fundamental to what planning should achieve and permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of the area and the way it functions, while BLPSVPC policy QP1 states that all new development should positively contribute to the places in which they are located and policy QP1a states that development should contribute towards the creation of a high quality, sustainable place and therefore will need to deliver high quality architectural design.

- 9.9 The Council is also required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Local Plan policy CA2 requires development to preserve or enhance the character or appearance of the conservation area by ensuring development is of a high standard of design and sympathetic to local character. As a material consideration of significant weight, paragraph 199 of the NPPF states that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of the level of harm, while paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 201 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. As a further material consideration, BLPSVPC policy HE1 states that the historic environment will be conserved and enhanced in a manner appropriate to its significance, but this policy is currently given limited weight.

#### Identified Character of the Area

- 9.10 The site lies within the historic core of Maidenhead, as identified in the Council's Townscape Assessment, which forms part of the Maidenhead Town Centre Conservation Area. The Council's Townscape Assessment identifies the historic core as having a clear hierarchy of roads comprising of a main through-route (the High Street) with subsidiary roads leading off the principal streets (Park Street, Old Post Office Lane). Key characteristics include irregular building plots; buildings of human scale, typically 2 to 4 storeys in height and irregular building frontages and rooflines which create a varied streetscape.
- 9.11 In relation to the special interest of Maidenhead Town Centre Conservation Area, the significance differs from one street to the next as the town centre has developed piecemeal through the passage of time. However, aesthetically the character of the High Street consists predominantly of Victorian and Edwardian façades and some modern 20th century insertions. Variations in appearance from building to building can be attributed to the organic construction of buildings along the commercial main street of the town. The Maidenhead Town Centre Conservation Area Appraisal notes that the varied building heights and complex roofscape particularly create visual interest and reflects the historic development of the town centre. However, in terms of commonality much of the built form within the conservation area is on narrow plots that face onto the street and is 2 to 3 storeys in height.
- 9.12 The application includes a heritage statement, which is considered satisfactory to assess the potential impact on the significance of the conservation area and the adjacent non designated heritage assets; and whether the proposals would be considered to preserve or enhance the character or appearance of the conservation area.

#### Siting, Form, Height, Scale and Architectural Detailing

- 9.13 The existing building at no. 31-33 High Street is not considered to be of architectural or historic interest. In relation to the conservation area and setting of the neighbouring important non-designated heritage assets (no. 29 and 35 High Street and no. 1 Park Street), as a modern development the existing building is larger than the historic scale identified as a special character of the conservation area which the neighbouring properties conform to. However, although the

scale is apparent from Old Post Office Lane, the setback first floor, flat roof and plain design minimises its visual presence from the High Street and Park Street. Overall, it is considered that the existing building makes a neutral contribution to the Maidenhead Town Centre Conservation Area and setting of the neighbouring important non-designated heritage assets.

- 9.14 With the false facade the appearance of the north elevation fronting the High Street would be similar to the approved scheme granted under 20/00973/OUT. While both its eaves and ridge height would be above those of adjacent neighbours, the height would reflect some of the heights of other buildings in the area and variation in height is identified as a special characteristic of the conservation area. It is considered that this local variation allows a higher roof to integrate into the streetscene without it appearing overly dominant when seen in context with the neighbouring important non-designated heritage assets. Furthermore, given the character and appearance of the existing building it is considered that the extra floor and mansard type roof, which are architectural features more in keeping with the conservation area, would enhance the character and appearance of the conservation area to a degree.
- 9.15 The height and depth of the proposal would increase the building's scale and mass to the rear. The appearance of the proposed development from Park Street would be similar to the approved scheme granted under 20/00973/OUT. Side/rear views from Park Street would also be limited to views through an existing gap and consequently would not unduly draw the eye from the road. The height, scale and mass to the rear would be more apparent from Old Post Office Lane, but the extension would be set back by a minimum of 6.5m and, due to the extent of development to the rear of the application site and no. 29 High Street, it is considered that the setting of no. 29 High Street as a non-designated heritage asset is already compromised. That would remain the same with the new development in place. In relation to views from the south, as originally proposed there were concerns that the roofline would appear unfinished. To overcome this concern, the proposal has been amended to include a tile-hung truncated mansard and parapet.
- 9.16 On balance, it is considered that the character and appearance of the streetscene, conservation area, and setting of the neighbouring non-designated heritage assets would be preserved.

### **iii Residential Amenity**

- 9.17 Local Plan policy H11 states that in established residential areas development which introduces a scale or density that would cause damage to the amenity of the area would be resisted. As a material consideration of significant weight, paragraph 130 of the NPPF states that planning decisions should ensure that development will achieve a high standard of amenity for existing and future users while BLPSVPC policy QP3 states that development should have no unacceptable effect on the amenities enjoyed by occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.

#### **No. 29 High Street (Jasmin Peaking)**

- 9.18 To the east of the site is no. 29 High Street with a restaurant on the ground floor and residential on the upper floors. Based on information provided by the occupant / owner of no. 29, on the west elevation which faces the application site there are two first floor flank windows which serve a kitchen and lounge, and a second-floor flank window that serves a kitchen. The new second floor and roof (accommodating a third floor within) would be sited in front of these windows, and objections have been raised over this proposed increase in height and resultant loss of light. In this case it is considered that in the existing situation the kitchen and lounge served by the first floor windows already experience limited light given that they face the existing first floor flank wall at no. 31-33 High Street. The kitchen, served by the second floor window, is not considered to be a habitable room but, in any case, the impact of the proposal on the kitchen window would be less as it is a storey higher and, as an improvement to the proposal granted under 20/00973/OUT, the roof is set back by a minimum of 6.5m from the east elevation. Paragraph 125(c) of the NPPF also states that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). On balance, it is considered that the proposal would not warrant refusal in this context.

- 9.19 In relation to visual intrusion, given that the existing first floor flank windows at no. 29 High Street face the existing first floor flank wall at no. 31-33 High Street, the existing outlook is limited. The second floor flank window at 29 High Street would face the proposed second floor whereas before it would overlook the flat roof at no. 31-33 High Street. However, a kitchen is not considered to be a habitable room and, as an improvement to the proposal granted under 20/00973/OUT, the roof is set back by a minimum of 6.5m from the east elevation. As such, the proposal is not considered to result in undue harm in this respect to warrant refusal.
- 9.20 There are no first-floor windows on the south (rear) elevation at no. 29 High Street, only a solid door leading to the flat roof of the ground floor. However, on the second floor there are two windows. At a site visit the occupants confirmed that the smaller window to the east serves a bathroom (a non-habitable room) but the larger window to the west, adjacent to the shared boundary with the application site, serves a bedroom. The previously refused proposal (19/03444/OUT) comprised of a second floor with a crown roof which extended approximately 9.9m along the shared boundary. When viewed from this window, it was considered that the height and depth of the second floor and roof extension would appear unduly visually overbearing and intrusive, to the detriment of the amenities of the occupants of No. 29. In terms of daylight, taking a diagonal downward 45-degree angle from the nearest top corner of the extension, the centre of the subject window would lie within the 45-degree angle. The extension would also intrude through a 45-degree line taken from the mid-point of the window. As such, together with the south facing orientation, it was considered that the proposal would result in an unreasonable loss of daylight to this room.
- 9.21 Due to the chamfered south-east corner the proposed second floor and crown roof would extend along the shared boundary at a depth of approximately 3m before angling away from the shared boundary at a 45 degree angle for a further 5m in depth to the rear building line. This is considered to reduce the bulk and mass along the shared boundary when viewed from the no. 29 High Street to an acceptable level. In relation to light, due to the chamfered south-east corner, the centre of the window lies outside of the downward 45-degree angle taken from the nearest top corner of the extension, and the extension would not intrude through a 45-degree line taken from the window at no. 29 High Street. As such, the British Research Establishment (BRE) Sunlight and Daylight guidance advises that daylight to the subject window is unlikely to be significantly affected.
- 9.22 It is considered that there are no undue concerns on overlooking. There are windows proposed to the east elevation facing no. 29 High Street, but these are high level windows while windows on the chamfered south-east corner would be angled away, and the rear terraces would overlook the existing flat roof of no. 29 High Street. The applicant has confirmed that the access onto the flat roof to the east is for maintenance and emergency access only, and the flat roof is not proposed as amenity space. This can be conditioned.

#### No. 35 High Street (HSBC)

- 9.23 Local concern has been raised over loss of privacy to the service yard to the rear of no. 35 High Street. From the proposed floor plans, adjacent to the shared boundary there would be a first floor terrace and balconies on the second and third floor. However, a privacy screen along the shared boundary can be conditioned to ensure no undue overlooking (condition 14).

#### Air Quality

- 9.24 The site lies in an Air Quality Management Area (AQMA) due to the exceedance of the air quality objectives with regard to the annual mean nitrogen dioxide particulate matter. As a material consideration of significant weight, paragraph 186 of the NPPF requires planning decisions to sustain and contribute to compliance with relevant limits and take opportunities to improve air quality or mitigate potential impacts from both the construction and operational phases. As a further consideration of significant weight, BLPSVPC policy EP2 states that development

proposals will need to demonstrate that they not significantly affect residents within an AQMA or to residents being introduced by the development itself.

- 9.25 The Air Quality Assessment submitted with the application reports that the potential air quality impacts from construction activities would not be significant assuming good practice. Details of measures to reduce the risk of dust complaints and exposure to elevated PM10 concentrations during construction and demolition work have been included in the assessment. If minded to approve it is recommended that these measures are secured by condition (condition 11). During the operational phase, it is considered that the main air pollutant would be from road traffic. The development of 10 flats is predicted to generate less than 44 daily vehicle movements, and the resultant impact on air quality is not considered to be significant.

#### **iv Highway Safety and Parking**

- 9.26 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to accord with adopted car parking standards, and policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking. MAAP policy MTC14 states that where appropriate development should provide adequate parking facilities. As a material consideration of significant weight, BLPSVPC policy IF2 states that development should be located close to employment, services and facilities and sustainable modes of transport; minimise the distance people travel and the number of vehicle trips generated; optimise traffic flows and circulation to minimise negative environmental impacts of travel; and provide vehicle and cycle parking in accordance with the current Parking Strategy.
- 9.27 The retail use currently benefits from pedestrian access from the High Street and access to the servicing area off Park Street. There are no proposed changes to this arrangement and therefore the proposal is not considered to result in any undue harm to highway safety over and above the existing situation in this respect. In relation to the flats, a new separate pedestrian access is proposed from Park Street which is acceptable.
- 9.28 No on-site parking is proposed but, given that Maidenhead Town Centre is a sustainable location with good access to local services and public transport, it is considered that this location could support a car-free development. Furthermore, there are parking restrictions within the vicinity such as double yellow lines, time limited parking bays and disabled parking bays to prevent any potential indiscriminate on-street parking to the detriment of highway safety.
- 9.29 The Council's adopted Parking Strategy states that cycle parking in town centres is encouraged by the Council and it should generally be provided at a ratio of at least 1 cycle parking space per residential unit. Further details on cycle storage, including demonstrating manoeuvrability with a bicycle, the width of the entrance and whether the storage rack can accommodate children's bicycles are required but can be secured by condition (condition 8). It is considered that details of refuse and recycling storage could also be secured by condition (condition 7).
- 9.30 Given the car free nature of the proposed development it is considered that the vehicle trip generation would be limited and therefore would not impact on the local highway infrastructure network and so is acceptable in this respect.

#### **v Trees**

- 9.31 Local Plan policy N6 states that an application for new development should, wherever practical, allow for the retention of existing trees and where the amenity value of trees outweighs the justification for development, planning permission may be refused. As a material consideration of significant weight, paragraph 174 of the NPPF states that planning decisions should recognise the benefits from natural capital such as trees. As a further material consideration of significant weight, BLPSVPC policy QP3 states that new development should protect trees and vegetation worthy of retention. BLPSVPC policies NR2 and NR3 also require development proposals to demonstrate how they maintain, protect and enhance features of conservation value such as trees, but these BLPSCPC policies are currently given limited weight.

- 9.32 There are no trees on site, but there are 3 trees on the adopted highway to the west on Park Street. The 'Drainage and Utilities Statement' shows that foul water, gas, electric, telecommunications and potable water will connect into the development site outside the root protection area of these trees. The acceptability of the connections from relevant utility companies has not been confirmed, but it is considered that full details of services and utilities can be secured by condition to ensure the root protection areas of the trees are not transgressed (condition 12).
- 9.33 The Council's Tree Officer has commented on the lack of greenery other than a narrow planter opposite the bin store and raises the possibility of greening the area behind the facade if the area is flat. However, landscaping is a reserved matter, and if outline permission is granted for the proposed development then landscaping details would be submitted under a subsequent reserved matters application.

#### **vi Sustainable Drainage**

- 9.34 As a material consideration of significant weight, paragraph 167 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate while BLPSVPC policy SP2 states that all development should minimise the impact of surface water runoff from the development in the design of the drainage system. No sustainable drainage strategy is proposed. However, the submitted Drainage and Utilities Statement indicates that the existing site is 100% impermeable and as the proposed development would not alter the footprint there is unlikely to be an increase in surface water runoff. Furthermore, given the constraints of the site, it is accepted there would be limited scope for the inclusion of sustainable drainage measures. As such, the lack of a sustainable drainage strategy is considered acceptable in this particular instance.

#### **vii Sustainability**

- 9.35 The Council declared a climate change emergency in June 2019 and committed to achieving a target of net zero carbon across the Borough by 2050. Following adoption of the Council's Environment and Climate Strategy (December 2020) and prior to the production of a Sustainability Supplementary Planning Document, an interim Sustainability Position Statement was published in March 2021 which sets out the Council's approach to these matters and is a material consideration in determining planning applications.
- 9.36 However, as the application was submitted in the transition period, it is considered that compliance with Part L of the Building Regulations, which refers to the conservation of fuel and power and exists to guarantee the eco-efficiency of properties built under UK law, is acceptable in this instance.

#### **viii Housing Land Supply**

- 9.37 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

*For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.38 Footnote 7 clarifies that 'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer).'

9.39 For the purpose of this planning application the LPA currently cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer), and section d(i) of paragraph 11 of the NPPF is not engaged as there is no clear reason for refusing the development proposed against 'restrictive' policies which includes designated heritage assets (conservation areas) for the reasons set out in Section 9 (ii). Therefore, for the purposes of this application and in the context of paragraph 11 of the NPPF the 'tilted balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

## **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

10.1 In accordance with the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, the development is CIL liable, but the required CIL payment for the proposed development is set at £0 per square metre.

## **11. CONCLUSION**

11.1 As set out in Section 9 viii it is considered that in this instance the tilted balance should be applied.

11.2 In relation to benefits that weigh in favour of the development, it is acknowledged that the proposal for 10 units would make a small contribution towards the Local Planning Authority in meeting their 5-year housing land supply. Although unquantified, there is also considered to be some environmental benefits as the proposal would involve the redevelopment of a brownfield site and the provision of additional housing in a sustainable, town centre location. It is also likely that there would be some economic benefits through employment during construction and increase in local spends with additional residents.

- o It is considered that the proposal is policy compliant in relation to retention of retail use at the site, residential amenity, highway safety and parking, trees and sustainable drainage, which is given neutral weight in the planning balance.
- o On the basis of the above, the benefits of the proposal would demonstrably outweigh the limited harm of the proposal.

## **12. APPENDICES TO THIS REPORT**

- Appendix A – Site Location Plan
- Appendix B Proposed Plans and Elevations

## **13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

1 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).

2 Details of the landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.

Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) Order 1995.

3 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).

4 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first 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 DG1, CA2, H10,



- 5 Prior to their installation details of the design, materials and finish of external doors, windows, dormer windows, balconies and Juliet balconies, and shopfront at a scale of 1:5, 1:10, 1:20 or to full size as appropriate shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.  
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - DG1, CA2, H10, MTC4
- 6 Prior to their installation the location, external appearance and manufacturers details of any vents, flues and associated plant shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.  
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - DG1, CA2, H10, MTC4
- 7 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details including design 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, to ensure the sustainability of the development, and in the interests of the appearance of the Maidenhead Town Centre Conservation Area. Relevant Policies - Local Plan T5, DG1, CA2.
- 8 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
- 9 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.
- 10 No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan has been submitted to and approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to: a) Procedures for maintaining good public relations including complaint management, public consultation and liaison; b) Arrangements for liaison with the Environmental Protection Team; c) All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays; d) Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above; e) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works; f) Procedures for emergency deviation of the agreed working hours; g) Control measures for dust and other air-borne pollutants; and h) Measures for controlling the use of site lighting whether required for safe working or for security purposes. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.  
Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.
- 11 The development shall be undertaken and maintained in accordance with the approved Air Quality Assessment ref: 2935-1r2, dated 20 April 2020.  
Reason: In the interest of air quality.
- 12 The installation of underground services and utilities including foul water, gas, electric, telecommunications and potable water shall be carried out in accordance with drawing ref: 8190747-SK02 Rev. P1, titled 'Utilities Strategy' at Appendix H in the Drainage and Utilities

Statement by Glanville, issue 5, dated 20 April 2020.

Reason: To ensure that the root protection area of existing trees are not transgressed. Relevant Policies - N6

- 13 Other than the terraces on the first floor and balconies as shown on drawings ref: HSMD31-33/PLN/302 and HSMD31-33/PLN/303 Rev. D, the flat roof areas of the development hereby approved shall not be used as a balcony, roof garden or similar amenity area.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11

- 14 Prior to occupation, privacy screen shall be installed along the west side of the second floor serving flat no. 5 and the third floor balcony serving flat no. 9, and along the west side of the terrace serving flat no. 1 which will project at least 2.5m in depth from the rear elevation. The privacy screens shall be 1.7m high, measured from the base of the balcony and terrace. Prior to its installation, details of the materials/glazing of the proposed privacy screen shall be submitted to and approved in writing by the Local Planning Authority. The screen shall thereafter only be installed and maintained in accordance with these approved details.

Reason: To prevent overlooking and loss of privacy to neighbouring properties. Relevant Policies - Local Plan H11.

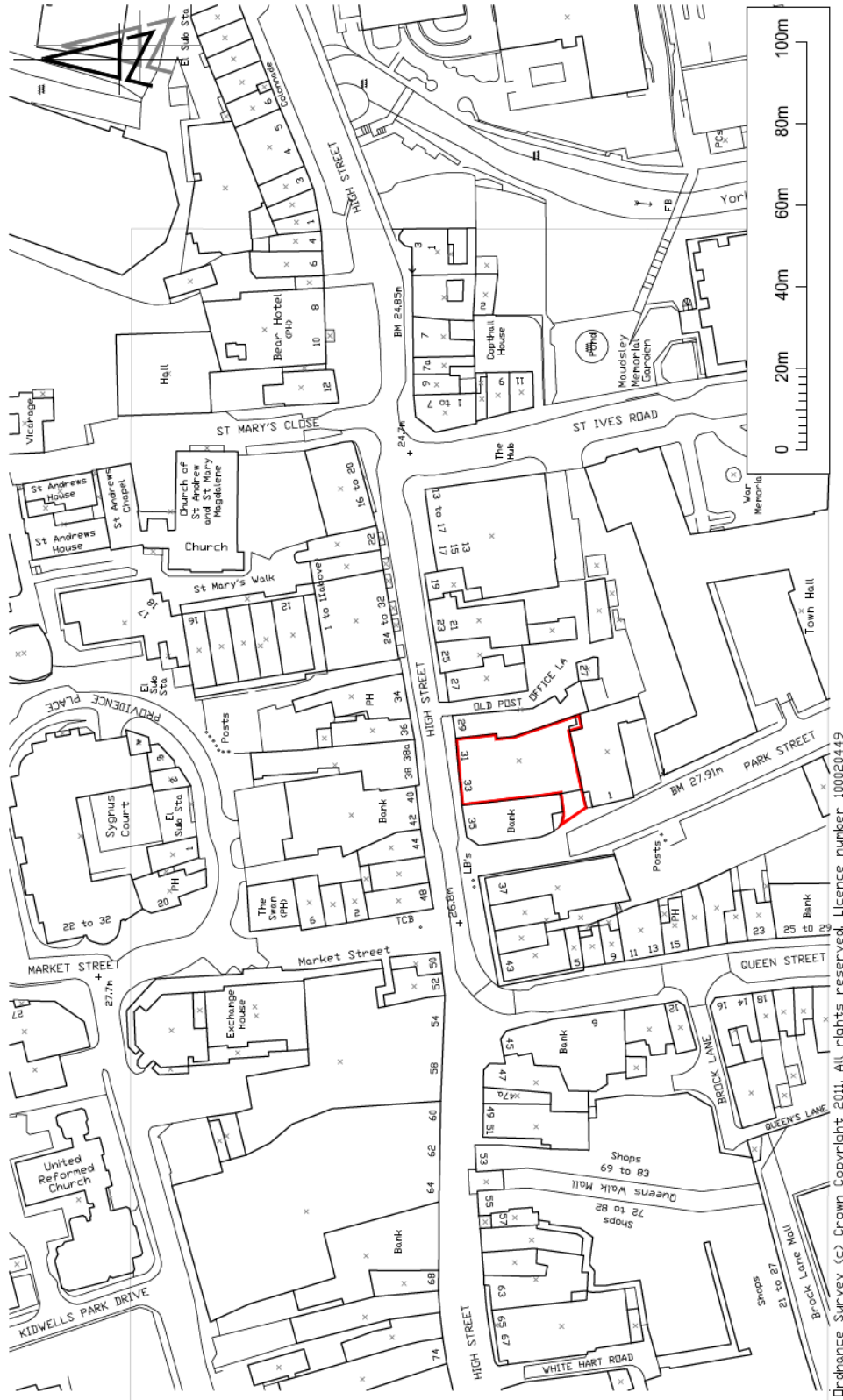
- 15 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

### **Informatives**

- 1 applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities. Applicant should be aware the permitted hours of construction working in the Authority are as follows:
  - Friday 08.00 - 18.00
  - 08.00 - 13.00working on Sundays or Bank Holidays.
- 2 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 68 3830 and follow good practice.
- 3 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 4 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 5 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
- 6 Postal service is an issue which can have a significant effect on privacy, safety and security of future residents. Thames Valley Police advises that the preferred management of mail delivery is either an external wall mounted letterboxes or via postal boxes within a secured entrance lobby with secondary internal access controlled communal entrance door.

# Appendix A – Site Location Plan



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**Enhancement of 31-33 High Street, Maidenhead and Addition of Flats Above**  
 Location plan  
 Scale: 1/1250 @ A4  
 HSMD31-33/PLN/300\_REV A

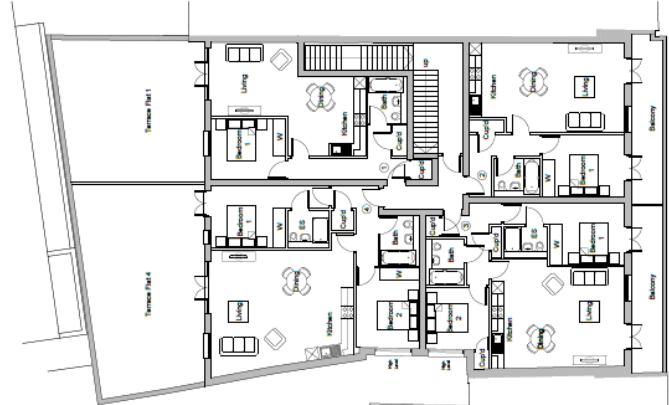
18.12.20

# Appendix B – Proposed Plans and Elevations

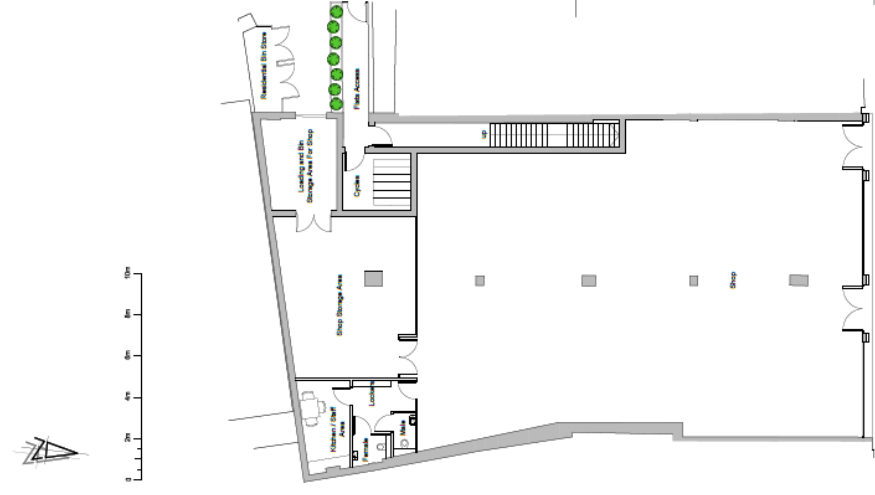
<p>City of Austin</p>	<p>© This document is the property of SORBON ESTATES and shall not be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of SORBON ESTATES.</p>	<p>Notes</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Date</td> <td style="width: 50%;">Drawn By</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	Date	Drawn By			<p>11/1/20</p> <p>Enhancement of 31-33 High Street, Midlandhead and Addition of Flats Above</p>	<p>11/1/20</p> <p>Proposed Ground, First and Second Floor Plans</p>	<p><b>SORBON</b> ESTATES</p> <p>Sorbon, Anthony Ltd, Broomfield, Dunelm, The, 01462 871331 100, High Street, York, YO1 1AA, 03 24657 8600000000</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Title By</td> <td style="width: 50%;">Date</td> </tr> <tr> <td>AJT</td> <td>18/12/20</td> </tr> <tr> <td>Scale</td> <td>1:100</td> </tr> <tr> <td>Drawn No.</td> <td>HSM031-33PLN/302</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	Title By	Date	AJT	18/12/20	Scale	1:100	Drawn No.	HSM031-33PLN/302		
Date	Drawn By																				
Title By	Date																				
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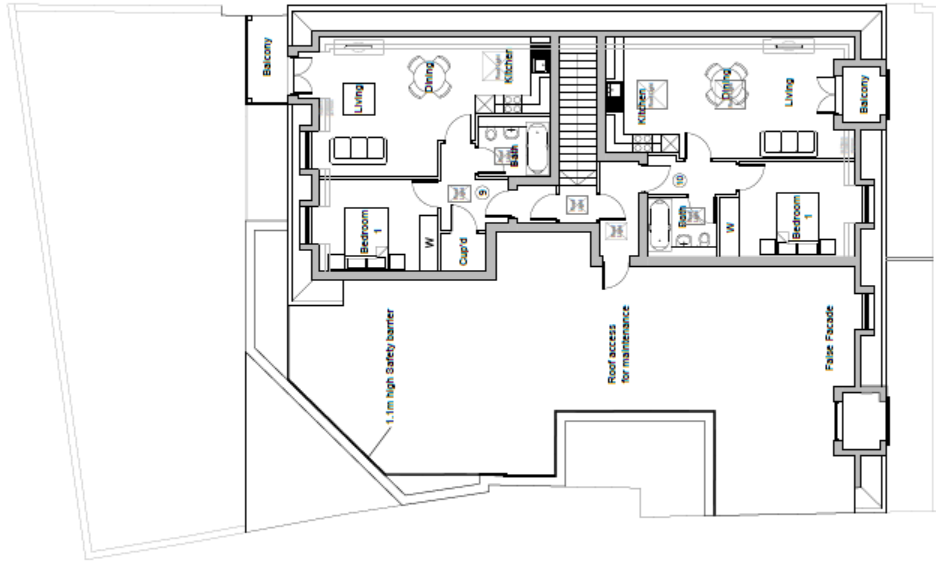
Proposed Second Floor Plan



Proposed First Floor Plan  
Approved under Planning Application  
Ref: 20/00973/OUT



Proposed Ground Floor Plan  
Approved under Planning Application  
Ref: 20/00973/OUT



Proposed Third Floor Plan

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Notes	
F	Safety barrier added 03.08.21
E	Railings added 03.08.21
D	Amendments 24.08.21
C	Amendments 15.04.21
B	Amendments 01.04.21
A	Amendments 24.02.21
REV.	Describe Date

Project  
**Enhancement of  
 31-33 High Street, Maidenhead  
 and Addition of Flats Above**

Drawing Title  
**Proposed Third Floor Plan**

**SORBON**  
 ESTATES

Sorbon', Aylesbury End, Beaconsfield,  
 Buckinghamshire, HP9 1LW  
 Tel: 01494 673331  
 Fax: 01494 676417  
 DX 34507 Beaconsfield

Drawn By	AJT	Date:	18.12.20
Scale:	1:100	Sheet:	A2
Drawing No.	HSMID31-33/PLN/303		
Revision	F		



DATE: 11/11/11

1. This drawing is the property of SORBOB CONSULTANTS, INC. and shall remain the property of SORBOB CONSULTANTS, INC. at all times.

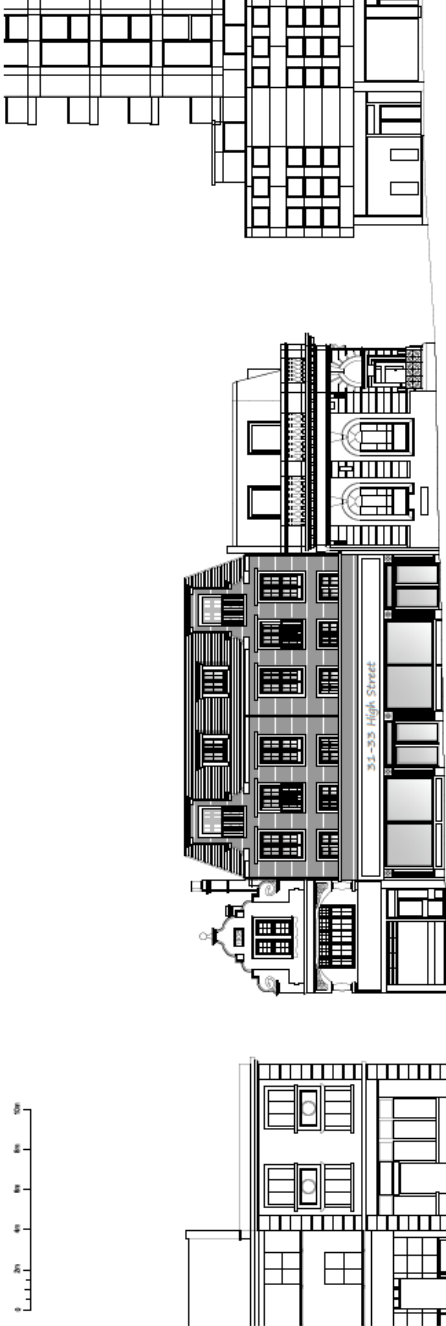
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DATE:	11/11/11
BY:	
CHK:	
APP:	

TITLE: Enhancement of 31-53 High Street, Neighbourhood and Addition of Hills Above

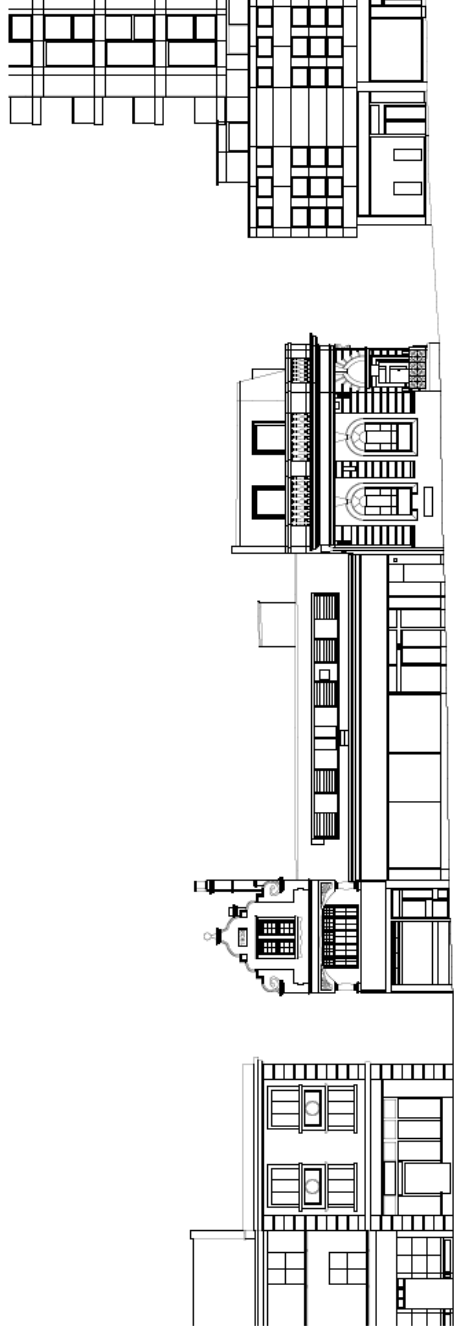
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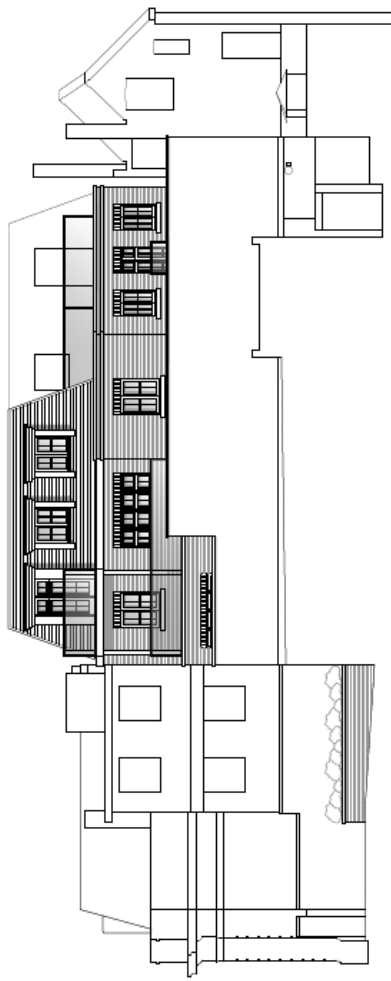
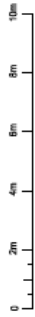
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SCALE:	1/100	DATE:	11/11
PROJECT NO.:	HSMD03-03PLN004	SCALE:	1/100



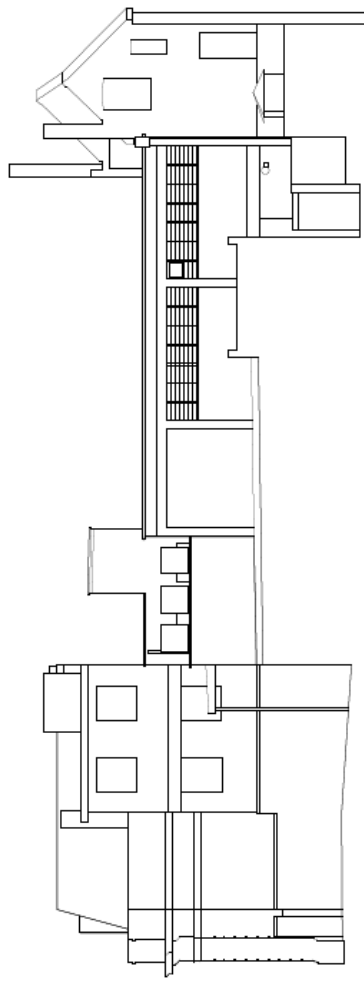
Proposed North Elevation (High Street)  
Approved under Planning Application  
Ref. 20/00973/OUT



Existing North Elevation (High Street)



Proposed South Elevation



Existing South Elevation

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Notes	Date
G Safety cover added	03.08.21
F Railings added	03.08.21
E Amendments	26.06.21
D Amendments	24.06.21
C Amendments	18.04.21
B Amendments	01.04.21
A Amendments	24.02.21
Rev.	Description

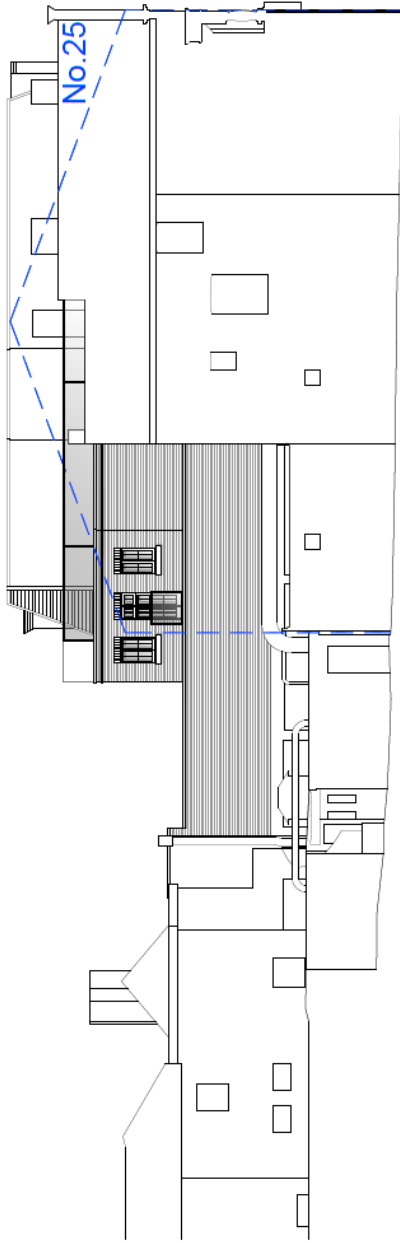
Project  
**Enhancement of  
 31-33 High Street, Maidenhead  
 and Addition of Flats Above**

Drawing Title  
**Existing and Proposed  
 South Elevations**

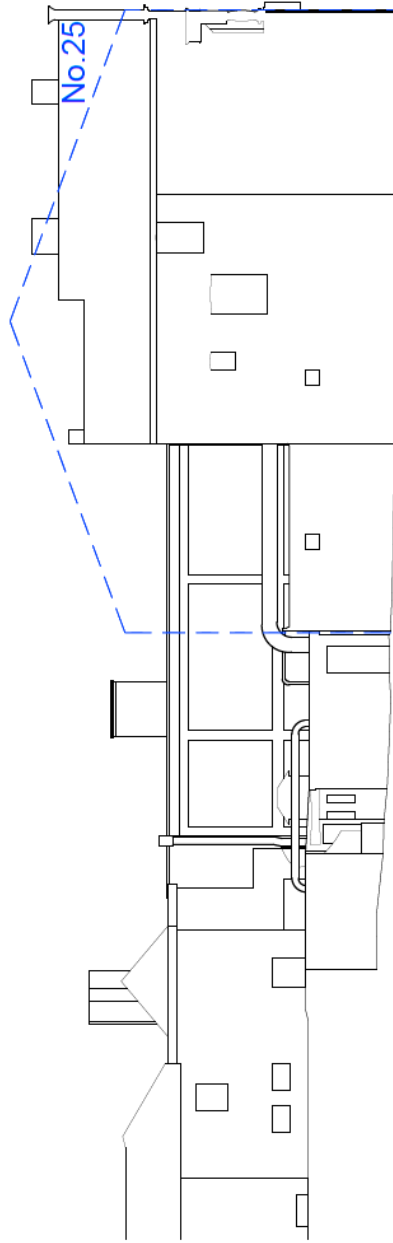
**SORBON**  
 ESTATES

Sorbon, Aylesbury Encl, Beaconsfield,  
 Buckinghamshire, HP9 1LW  
 Tel: 01494 671331  
 Fax: 01494 671332  
 DX 34507 Beaconsfield

Drawn By: AJT	Date: 18.12.20
Scale: 1:100	A2
Drawing No: HSMDS1-33/PLN/305	Revision: G



Proposed East Elevation (Old Post Office Lane)



Existing East Elevation (Old Post Office Lane)

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All dimensions and levels must be checked on site and verified  
prior to construction.

Notes

Rev.	Description	Date
G	Safety barrier added	03.08.21
F	Railings added	03.08.21
E	Amendments	28.06.21
D	Amendments	24.06.21
C	Amendments	18.04.21
B	Amendments	01.04.21
A	Amendments	24.02.21

Project

Enhancement of  
31-33 High Street, Maidenhead  
and Addition of Flats Above

Drawing Title

Existing and Proposed  
East Elevations

**SORBON**  
ESTATES

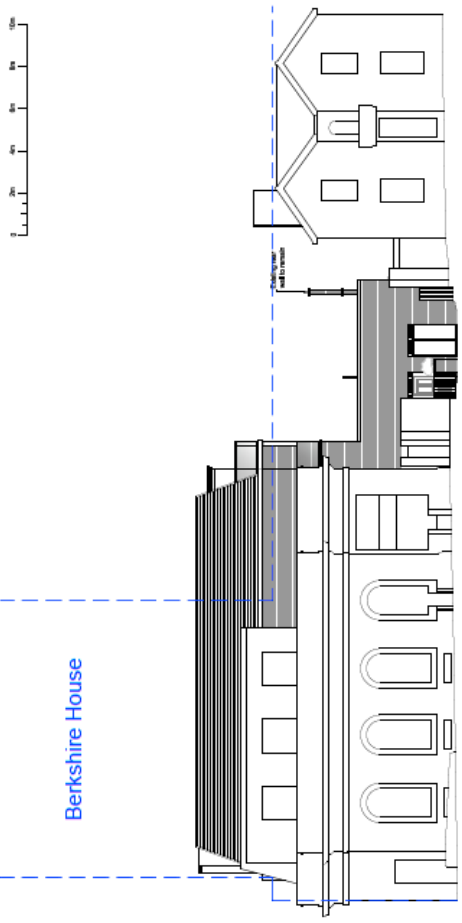
'Sorbon', Aylesbury End, Beaconsfield,  
Buckinghamshire, HP9 1LW  
Tel: 01494 071331  
Fax: 01494 070417  
DX: 34507 Beaconsfield

Drawn By: AJT Date: 18.12.20

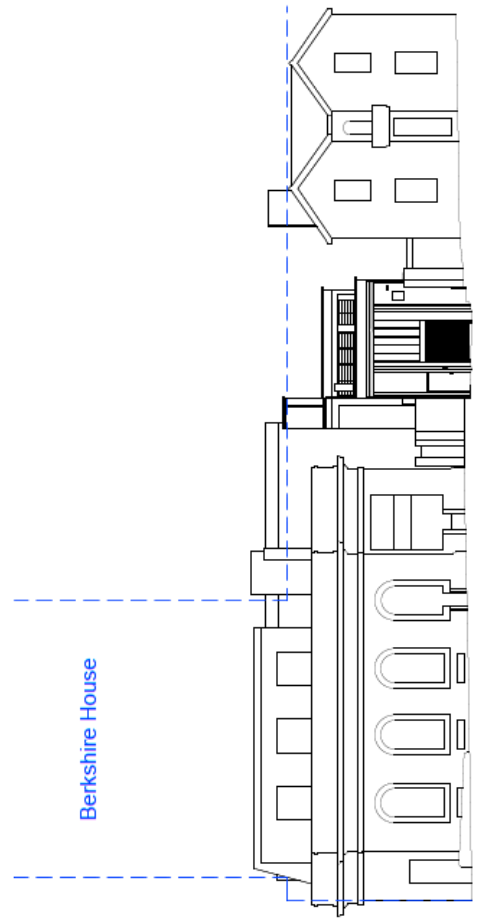
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Drawing No. HSM31-33/PLN/307  
Revision G





Proposed West Elevation (Park Street)  
Approved under Planning Application  
Ref. 20/00973/OUT



Existing West Elevation (Park Street)

DATE: 18/12/20

Scale: 1:100

Author	Drawn	Check	Scale

Project: Enhancement of 31-33 High Street, Maidenhead and Addition of Flats Above

Drawn: JH  
Existing and Proposed West Elevations

**SORBON**  
— ESCALLES —  
Studio: Architects East, Newcastle,  
Tel: 01464 811131  
Background: 1979 LUW  
CIS: 34057 Registered

DATE: 18/12/20	SCALE: 1:100	PROJECT: H5MD03-33PJ-INC006

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Agenda Item 7

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

**MAIDENHEAD DEVELOPMENT MANAGEMENT COMMITTEE**

18 August 2021

Item: 4

<b>Application No.:</b>	21/01684/FULL
<b>Location:</b>	4 Maidenhead Court Park Maidenhead SL6 8HN
<b>Proposal:</b>	Two storey front/side extensions, part single/part two storey front extension, single and first floor rear extensions, first floor side extension, 1 No. front dormer and 2 No. rear rooflights to facilitate a loft conversion, 1 No. first floor rear window, side fence and access gate and rear gate.
<b>Applicant:</b>	Mr Fazal
<b>Agent:</b>	Miss Katie Flower
<b>Parish/Ward:</b>	Maidenhead Unparished/Riverside
<b>If you have a question about this report, please contact:</b> Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk	

**1. SUMMARY**

- 1.1 This proposal seeks permission for substantial additions to a house in Maidenhead Court Park. The proposed works are considered to be acceptable given the large size of the plot and the character of the area, established through the form and type of dwellinghouses in the immediate locality, including a similar development that has recently been completed at a neighbouring property. The proposed works are not considered to be harmful to the amenities of neighbouring properties, or to the character and appearance of the street scene.

**It is recommended the Panel grants planning permission with the conditions listed in Section 11 of this report.**

**2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor Targowski. The scheme proposed conflicts with the NPPF and adopted Local Plan policies DG1 and H14 and SPD advice, in that it will cause harm to the character of the area and neighbour amenity by reason of scale and design of the building and unacceptable enclosure of valued open plan amenity space.

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

- 3.1 The site is set on the edge of a spacious estate of dwellinghouses and bungalows to the north of Maidenhead. The estate has open plan front gardens and many mature trees which are the subject of an Area Tree Preservation Order. However, this dwelling is one of a pair of dwellinghouses, flanked by bungalows, which front on to Maidenhead Court Park which, together with the properties opposite, comprise an eclectic mix of contemporary and Edwardian detached dwellinghouses, set within large plots with frontage walls and hedgerows. Consequently, these four dwellinghouses and bungalows are viewed predominantly within the context of this part of the Maidenhead Court Park street scene, rather than the larger estate as a whole.
- 3.2 The site lies on a dry island and is not in Flood Zone 3.

**4. KEY CONSTRAINTS**

- 4.1 The site is covered by an area Tree Preservation Order.

## 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposals comprise of extensive ground, first and two-storey extensions, together with works to the roof, including the construction of 1 front dormer and 2 rear rooflights to facilitate a loft conversion. A side fence and access gate and a rear gate are also proposed.
- 5.2 No relevant planning history exists for the application site; however, pertinent to the consideration of this application is the following planning permission at the neighbouring site to the south, which has been implemented.

14/02236/FULL – Raised ridge to create first floor habitable accommodation. Two storey front and single storey rear with balcony above. 2 Maidenhead Court Park, adjacent property to the south-east of the application site.

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H14
Trees	N6

These policies can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2021)

Section 4 – Decision-making

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Trees, Woodland and Hedgerows	NR2

### Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Trees, Woodland and Hedgerows	NR3

- 7.1 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

*“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

- 7.2 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector's post hearings advice letter was received in March 2021. Consultation is currently on-going on the proposed Main Modifications.
- 7.3 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF.
- 7.4 These documents can be found at:  
<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

### Supplementary Planning Documents

- Borough Wide Design Guide

More information on this document can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

7 occupiers were notified directly of the application.

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

Comment		Where in the report this is considered
1	Massive enlargement – overdevelopment of the site. Size conflicts with local character. Disproportionate to the size of the plot. Would create an eyesore.	9.2-9.7
2	Crowded appearance – very near adjacent plot.	9.2-9.7
3	Would block light for much of the day for some of the neighbours.	9.8
4	Overlooking rear gardens of neighbours.	9.8
5	The design of the estate layout was co-ordinated to give a consistent appearance and uncluttered spaciousness.	9.2-9.7
6	High hedges and fences along the front boundary are contrary to a restrictive covenant.	Not a material planning consideration.
7	All other extensions on the estate apart from no. 2 have been in proportion.	9.2-9.7
8	The house will move forward by 4m and is virtually being rebuilt.	9.2-9.7

9	Not in keeping with the spacious open-fronted street scene.	9.2-9.7
10	Style and design of the building not in keeping with the rest of the road. Will destroy the sense of proportion and would spoil the rest of the estate.	9.2-9.7
11	The 2m boundary wall would give an industrial feel to a domestic street.	9.2-9.7
12	Large open-fronted gardens are the essence of the character of the road and the application would destroy this.	9.2-9.7
13	The scheme ignores the generous airspace separation of buildings at first floor level.	9.2-9.7
14	Introduction of a 3 <sup>rd</sup> floor in a massive new slate tiled roof-space.	9.2-9.7
15	Lifts ridge height by 2m – large flat topped hipped and gabled roof and doubling the width at first floor level.	9.2-9.7
16	15m long north facing wall would be oppressive to the neighbour.	9.8
17	White rendering, dark aluminium framed windows and new slate roof will emphasize the alien nature of the property.	9.2-9.7
18	Tantamount to a replacement house.	9.12
19	Could increase parking in the road.	9.10

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i impact on the character of the area;
- ii impact on neighbouring amenities;
- iii impact on trees; and
- iv parking

### Impact on the character of the area

9.2 No 4 is located in proximity to the junction of Maidenhead Court Park and Sheepphouse Road, occupying the second plot on the eastern side of the road. The plot is generous in size compared with the majority of houses on this side of the road (approx. 28 metres x 32 metres) and is on the fringe of the 1970's estate development, being read more in the context of the dwellinghouses on both sides of this stretch of Maidenhead Court Park, which comprise of an eclectic mix of contemporary and Edwardian detached dwellinghouses, set within large plots with frontage walls and hedgerows. The plot is capable of accommodating a house of the size that would result from the proposed extensions and the ridge height would only be marginally higher than that of No 6 to the north. The depth of the house would not be apparent in the street scene. There would be a gap of 1m at first floor level to the side boundary of the house to the north with No. 6, so there would be no terracing effect resulting from the proposed development.

9.3 Immediately to the south of the site, No 2 Maidenhead Court Park has been extensively redeveloped without detriment to the street scene. This development, referenced at paragraph 5.2 of this report above, has resulted in the provision of a two-storey house in replacement of a previously existing bungalow, greater in height than the resultant dwellinghouse proposed under this application at No 4. This house sits at the entrance to Maidenhead Court Park and makes a further contribution to the variety of house designs found in the immediate locality of the application site. The detailed drawings submitted in support of the application illustrate that the proposed enlarged house at No 4 would similarly sit comfortably within this street scene.

- 9.4 In terms of the building line, the proposals would bring the front of the dwelling closer to the highway (circa 9m from the road edge). However, the house would be set back behind the building line of No 6, but forward of No.2, a logical placement for the dwelling, retaining a generous front and side garden.
- 9.5 The current house at No 4 Maidenhead Court Park is typical of 1970's architecture and, whilst not unattractive, does not have any features of particular merit. It is considered, on balance, that the scale of the development on this generous plot would be commensurate with other properties in the immediate neighbourhood. The proposed design is of a high quality and well suited to this site. It is accepted that the proposals would result in a dwellinghouse of a different design to the existing building; however, in this case it is considered that this would result in a positive contribution to the character of the street scene and the wider neighbourhood.
- 9.6 The proposals unashamedly represent a re-modelling of the dwellinghouse and when viewed in light of the Borough Wide Design Guide, the extensions would maintain privacy, not appear overbearing or overshadow adjoining properties and as described below, would ensure that neighbour amenities are protected. The proposals would also maintain a good quality and size of amenity space that would continue to function well and maintain adequate space around the dwellinghouse. In regard to the foregoing, the proposals can be considered to accord with the principles of the Design Guide.
- 9.7 The open plan nature of the frontages will be maintained by having no wall or fence along the frontage. A 1.2m high hedge is proposed to be planted and set back from the frontage. Planting a hedge does not comprise development and could be undertaken in the absence of this proposed development. In any case it would not unduly affect openness.

#### **Impact on neighbouring amenities**

- 9.8 Habitable room windows in the altered dwelling would look to the front and rear. The substantial tree screen in the rear garden would prevent any overlooking into neighbouring gardens and a suitable gap of circa. 11m would be maintained from the two-storey element of the extensions to the rear boundary of the site. The first-floor side windows would be obscure glazed to prevent overlooking of the neighbouring properties to the sides and this can be secured via an appropriate condition (condition 4). Although the first floor of the house would be closer to the neighbour to the north than the existing property, it is considered that as that property presents a largely blank wall to the site with high-level windows, there would be no impact on the amenities of its occupants. The rear extensions would not cross lines drawn at 45 and 60 degrees from the centre points of the nearest neighbouring rear windows, so there would be no material loss of light to those windows.

#### **Trees**

- 9.9 No significant trees would be lost as a result of the development, and a Tree Protection Plan has been submitted to ensure that no trees which are the subject of an Area Tree Preservation Order would be harmed. The implementation of this plan can be secured via a condition (condition 3).

#### **Parking**

- 9.10 Sufficient parking space is shown on site to comply with the Council's Parking Strategy.

#### **Other Material Considerations**

- 9.11 The site lies on a dry island and is not in Flood Zone 3, so Policy F1 of the Local Plan is not relevant to the proposal.

#### **Conclusion**

- 9.12 It is accepted that the extensions proposed under this application would result in the re-modelling of the existing dwellinghouse such that it would effectively appear as a replacement dwelling; however, this need not be unacceptable in principle. As described above, it is considered that

the application site should properly be viewed within the context of the immediate Maidenhead Court Park street scene of eclectic, sizeable detached dwellinghouses, and that the resultant proposed dwelling would accord with this characterization and would not appear out of character in this locality. It would maintain an appropriate degree of spaciousness both within the site and in relation to its neighbours and would not impact on the amenities of the occupants of the surrounding dwellinghouses.

## 10. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and existing plans and elevations
- Appendix B – Proposed plans and elevations
- Appendix C – Proposed site layout and street elevation

## 11. 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 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.

3 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars set out in Tree Protection Plan by GHA trees before any equipment, machinery or materials are brought on to 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. 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 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.

4 The first floor windows in the flank elevations of the extensions shall be fitted with obscure glass and the windows shall not be altered.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.

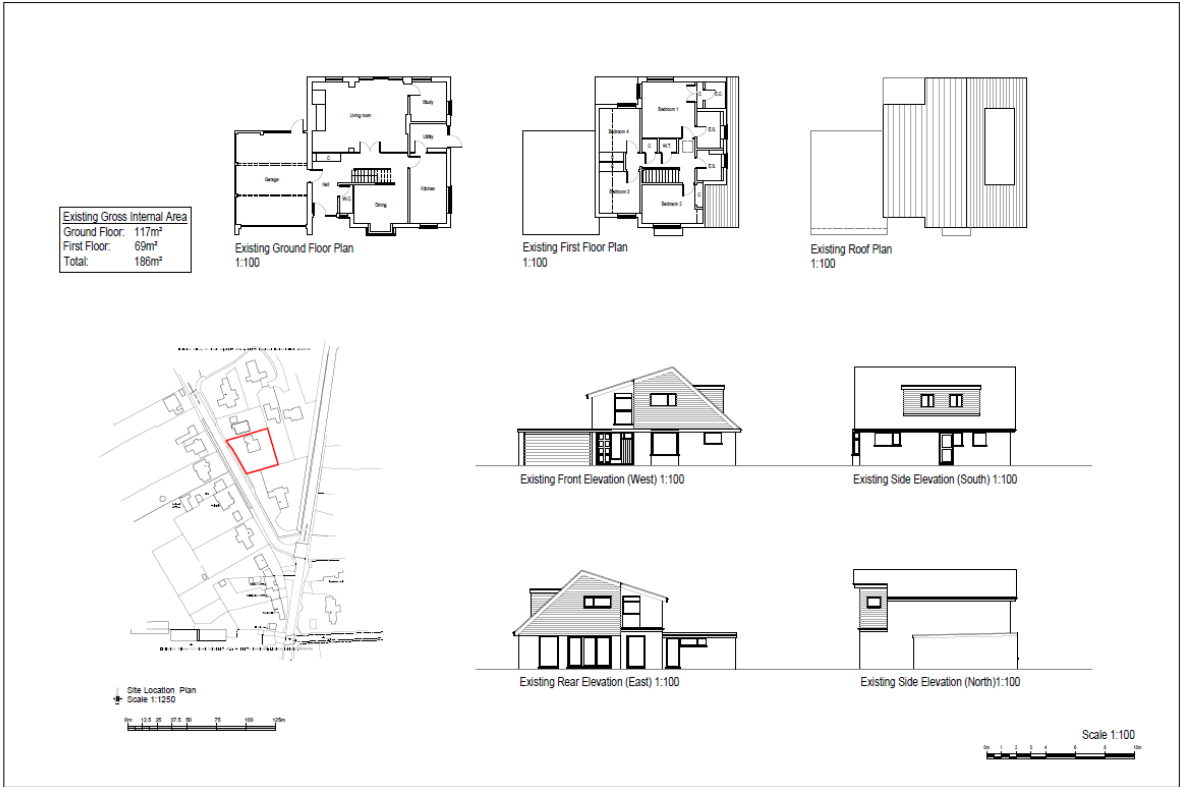
5 No further window(s) shall be inserted at first floor level in the flank elevation(s) of the extension.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.

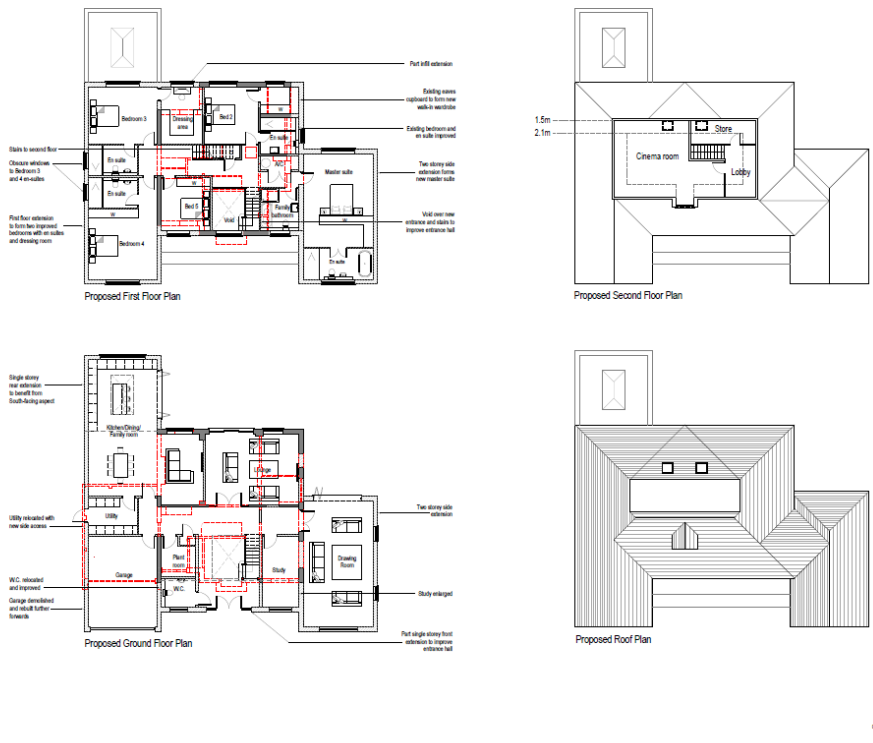
6 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

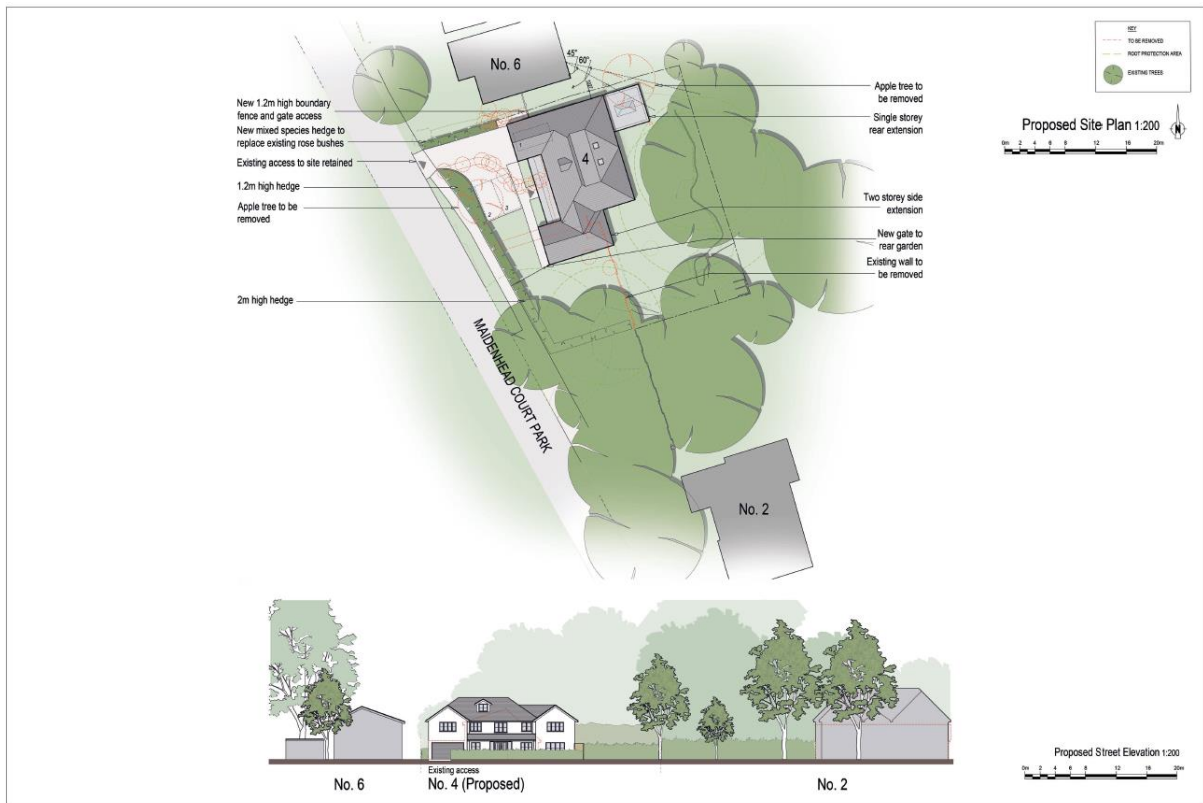
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.





Appendix A





Appendix C

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

**Planning Appeals Received**

**10 July 2021 - 6 August 2021**

**Maidenhead**

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Should you wish to make additional/new comments in connection with an appeal you can do so on the Planning Inspectorate website at <https://acp.planninginspectorate.gov.uk/> please use the Plns reference number. If you do not have access to the Internet please write to the relevant address, shown below.

**Enforcement appeals:** The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

**Other appeals:** The Planning Inspectorate Temple Quay House, 2 The Square Bristol BS1 6PN

**Ward:**  
**Parish:** Bray Parish  
**Appeal Ref.:** 21/60047/ENF      **Enforcement Ref.:** 21/50092/ENF      **Plns Ref.:** APP/T0355/C/21/3278222  
**Date Received:** 20 July 2021      **Comments Due:** 31 August 2021  
**Type:** Enforcement Appeal      **Appeal Type:** Written Representation  
**Description:** Appeal against the Enforcement Notice: A. Without planning permission, the formation of hard surfacing on an existing track. B. Without planning permission, the stripping of soil and the formation of earth bunds.  
**Location:** **Land To East of Hollies Moneyrow Green Holyport Maidenhead**  
**Appellant:** Paul Kelly **c/o Agent:** Mr Richard Stone Stone Planning 1 Sunnybank Gravel Hill Southampton Hampshire S032 2JQ

**Ward:**  
**Parish:** Bray Parish  
**Appeal Ref.:** 21/60048/ENF      **Enforcement Ref.:** 21/50092/ENF      **Plns Ref.:** APP/T0355/C/21/3278279  
**Date Received:** 20 July 2021      **Comments Due:** 31 August 2021  
**Type:** Enforcement Appeal      **Appeal Type:** Written Representation  
**Description:** Appeal against the Enforcement Notice: Without planning permission the erection of a building.  
**Location:** **Land To East of Hollies Moneyrow Green Holyport Maidenhead**  
**Appellant:** Paul Kelly **c/o Agent:** Mr Richard Stone Stone Planning 1 Sunnybank Gravel Hill Southampton Hampshire SO32 2JQ

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 21/60049/REF      **Planning Ref.:** 20/02329/TPO      **Plns Ref.:** APP/TPO/T0355/8352  
**Date Received:** 23 July 2021      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Fast Track Appeal  
**Description:** (T1) Lime - fell.  
**Location:** **4 The Bryher Maidenhead SL6 4GZ**  
**Appellant:** Mr Jeffs **c/o Agent:** Mr Neil Wilson Beechwood Tree Care Ltd 2 Playhatch Farm Cottages Playhatch Reading RG4 9QX

**Ward:**  
**Parish:** Bray Parish  
**Appeal Ref.:** 21/60050/REF      **Planning Ref.:** 20/02787/FULL      **Plns Ref.:** APP/T0355/D/21/3270700  
**Date Received:** 23 July 2021      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder Appeal  
**Description:** New first floor and alterations to fenestration.  
**Location:** **Island Reach River Gardens Bray Maidenhead SL6 2BJ**  
**Appellant:** Mr M Moore **c/o Agent:** Mr Jake Collinge JCPC Ltd 5 Buttermarket Thame Oxfordshire OX9 3EW

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 21/60051/REF      **Planning Ref.:** 21/00237/CLD      **Plns Ref.:** APP/T0355/X/21/  
3278798  
**Date Received:** 28 July 2021      **Comments Due:** 8 September 2021  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Certificate of lawfulness to determine whether the existing part single part two storey rear extension is lawful.  
**Location:** **45 Summerleaze Road Maidenhead SL6 8EW**  
**Appellant:** Mr Muhammad Shafiq Khan **c/o Agent:** Mr Ehsan UL-HAQ ArchiGrace Limited 50 Two Mile Drive Slough SL1 5UH

# Appeal Decision Report

10 July 2021 - 6 August 2021

## Maidenhead

**Appeal Ref.:** 20/60035/ENF      **Enforcement Ref.:** 17/50102/ENF      **Plns Ref.:** APP/T0355/C/20/3264601

**Appellant:** Vernon James Neil Moss **c/o Agent:** Mr John Hunt Pike Smith And Kemp Rural And Commercial Ltd The Old Dairy Hyde Farm Marlow Road Maidenhead SL6 6PQ

**Decision Type:** Enforcement      **Officer Recommendation:**

**Description:** Appeal against the Enforcement Notice: Without planning permission the material change of use of the land from a mixed use comprising residential and agricultural uses (sue generis) to a mixed use comprising residential use, agricultural use and the use of the land for the storage of motor vehicles (sue generis).

**Location:** **Beenhams Farm Beenhams Heath Shurlock Row Reading**

**Appeal Decision:** Upheld and Varied      **Decision Date:** 20 July 2021

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**Appeal Ref.:** 21/60007/REF      **Planning Ref.:** 20/01879/FULL      **Plns Ref.:** APP/T0355/D/20/3263030

**Appellant:** Dr Lakshmi Kanthan **c/o Agent:** Mr Joseph Oakden Savills (UK) Ltd 33 Margaret Street London W1G 0JD

**Decision Type:** Delegated      **Officer Recommendation:** Refuse

**Description:** New outbuilding - retrospective.

**Location:** **Little Acre Ascot Road Holyport Maidenhead SL6 3LD**

**Appeal Decision:** Dismissed      **Decision Date:** 13 July 2021

**Main Issue:** The proposal constitutes inappropriate development in the Green Belt. The harm associated with this was given substantial weight. There would also be some additional harm through the effect of the development on the openness of the Green Belt. As explained in the decision notice, only moderate or limited weight to the other considerations cited in support of the development have been given. Taken together, these would not clearly outweigh the harm to the Green Belt identified in the decision notice.

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**Appeal Ref.:** 21/60008/REF      **Planning Ref.:** 20/01519/FULL      **Plns Ref.:** APP/T0355/D/20/3264189

**Appellant:** Mr Sangha **c/o Agent:** Mr Wouter De Jager De Jager Consulting 87 Farmers Way Maidenhead SL6 3PJ

**Decision Type:** Delegated      **Officer Recommendation:** Refuse

**Description:** Single storey rear extension and x1 rear dormer.

**Location:** **9 Barn Close Maidenhead SL6 7HD**

**Appeal Decision:** Dismissed      **Decision Date:** 13 July 2021

**Main Issue:** The Inspector found that the development would lead to damage to or loss of trees subject to a Tree Preservation Order which are important to the character of the area.

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**Appeal Ref.:** 21/60010/REF      **Planning Ref.:** 20/01936/FULL      **Plns Ref.:** APP/T0355/D/20/3266022

**Appellant:** Mr Russell Haley **c/o Agent:** Mr Philip Alexander DMM Consultancy Ltd 12 The Crescent Maidenhead SL6 6AB

**Decision Type:** Delegated      **Officer Recommendation:** Refuse

**Description:** Two storey side/rear extension, 1x side and 1x rear dormer windows, and alteration to fenestration.

**Location:** **The Croft Shepherds Lane Hurley Maidenhead SL6 5NG**

**Appeal Decision:** Allowed      **Decision Date:** 13 July 2021

**Main Issue:** Irrespective of the substantial cumulative floorspace increase to the original dwelling, due to the large plot size combined with the scale, siting and design of the proposed extension and the proposal's diminished prominence when viewed from Shepherds Lane, the proposal on balance, does not represent a disproportionate addition to the original dwelling. Therefore, the proposal does not conflict with Policy GB4 of the Local Plan and should be considered as inappropriate development within the Green Belt as described by the Framework.

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**Appeal Ref.:** 21/60038/COND      **Planning Ref.:** 21/00068/FULL      **Plns Ref.:** APP/T0355/W/21/3271320

**Appellant:** Mrs Chantelle Strang **c/o Agent:** Miss Eva Gascoigne Pike Smith And Kemp Rural Hyde Farm Marlow Road Maidenhead SL6 6PQ

**Decision Type:** Delegated      **Officer Recommendation:** Application Permitted

**Description:** New entrance canopy, single storey side/rear extension and alterations to fenestration.

**Location:** **1 Meadow View Honey Lane Hurley Maidenhead SL6 6RG**

**Appeal Decision:** Allowed      **Decision Date:** 15 July 2021

**Main Issue:** The council have not put forward any clear case for the removal of Class B or Class E rights and a fallback position now exists where these rights have not been removed. It has not been demonstrated that restricting these are necessary or reasonable to make the development acceptable in planning terms. Consequently, the removal of Class B and E rights within condition 3 is not necessary or reasonable. The condition is varied to delete reference to these and specifically refer to enlargements. Given the above, the Inspector concluded that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

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