

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

**DEVELOPMENT MANAGEMENT PANEL**

21 October 2020

Item: 2

<b>Application No.:</b>	20/00313/FULL
<b>Location:</b>	Zaman House Church Road Maidenhead SL6 1UR
<b>Proposal:</b>	Construction of a new building comprising x8 apartments bin and cycle stores, associated landscaping, parking and access, following demolition of the existing dwelling.
<b>Applicant:</b>	Mr T Iqbal
<b>Agent:</b>	Mr Matt Taylor
<b>Parish/Ward:</b>	Bray Parish/Oldfield
<b>If you have a question about this report, please contact:</b> Susan Sharman on 01628 685320 or at <a href="mailto:susan.sharman@rbwm.gov.uk">susan.sharman@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The application was previously considered by the Planning Panel on 16<sup>th</sup> September and deferred pending the formal consultation response from the Tree Officer in relation to the submission of additional arboricultural information, and to clarify the weight attributed to the Royal Borough of Windsor and Maidenhead (RBWM) Townscape Assessment 2010, in assessing the impact of the proposal on the character and appearance of the area. The report has been amended to address these points and to provide further clarification on the main issues for consideration.
- 1.2 The Tree Officer has advised that the additional arboricultural information submitted demonstrates that the proposed development can be completed without significantly impacting the retained trees on site. The design and location of the proposed new buildings has been amended from the previous application, with the proposed new buildings now located outside minimum root protection areas of retained trees or within the footprint of existing structures. The Tree Officer has advised that they have no objection to the proposal subject to conditions in relation to landscaping and tree protection.
- 1.3 The RBWM Townscape Assessment was published in 2010 and comprises three volumes covering the urban settlements within the Maidenhead and Cookham Areas (Vol 1), Windsor Group (Vol 2) and Ascot Group (Vol 3). The Townscape Assessment provides a broad description of the urban form and character of a built up area. For example, the application site is located within a character area described as a 'Leafy Residential Suburb'. The document itself is not adopted policy, however, it is capable of carrying weight in the consideration of planning applications where, for example, it is specifically referred to in adopted neighbourhood plan policies that form part of the development plan for the borough. There is no adopted Neighbourhood Plan of relevance to this application and as such only limited weight can be given to the Townscape Assessment for this application
- 1.4 The previous application (19/00674) for the proposed development was refused permission on four grounds, in summary, due to the adverse impact on the character and appearance of the area by reason of its siting and bulk, amount of hardsurfacing across the site and loss of trees; highway safety due to insufficient visibility splays; failure of the sequential test and because the application had not demonstrated that the proposal would not adversely affect bats (a protected species). As the current application is a resubmission for a similar proposal, it is incumbent on the Planning Authority to only consider whether the current proposal sufficiently overcomes the previous reasons for refusal, unless there has been a material change in circumstances since the previous decision was taken that would indicate taking a different approach.

- 1.5 The current proposal has made notable changes to address the previous objections. The bulk of the new building has been sufficiently reduced and has been designed to have a simpler, less elaborate design. In addition, the building has been set further back into the site from Church Road allowing sufficient space for additional tree planting and landscaping to take place. Compared to the existing situation, there will be significantly less hardsurfacing across the site. The relocation of the proposed access from Church Road, compared to the previously refused access from Bray Road, allows the existing trees along the highway verge to be retained. Taken together, the proposal would not be detrimental to the character and appearance of the area.
- 1.6 The application has successfully demonstrated that the proposal passes the sequential test and that there are no other reasonably available sites appropriate for the proposal with a lower risk of flooding than the application site, within the urban areas of the borough. In addition, the proposal passes the exception test by demonstrating that it will provide wider sustainability benefits to the community that outweigh flood risk and that the development would be safe for its lifetime without increasing flood risk elsewhere.
- 1.7 The current proposal would not have an unacceptable impact on highway safety nor, cumulatively, result in a severe impact on the road network. The application demonstrates that the development would not harm bats (a protected species). In all other respects, the proposal is acceptable.
- 1.8 When having regard to the reasons for the previous refusal, together with the extant permission relating to the site and the lack of a five year housing supply, the proposed development complies with the relevant adopted Local Plan policies and the National Planning Policy Framework.

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

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

- At the request of Cllr. G. Hill as residents have requested the application be considered by the Panel.

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

- 3.1 The application site is located on the north side of Church Road within The Fisheries Estate. It occupies a circa 0.2 hectare corner plot at the west end of Church Road at its junction with Bray Road, and is currently occupied by a two-storey detached house and two large outbuildings along the western boundary. The existing dwelling is positioned behind a mainly solid 2m high wall and gate, with the front of the site predominantly hard-surfaced. There is currently no physical boundary separating Zaman House and Rivermead (formerly Awan House) to the east. The application site includes some land that currently forms part of the plot associated with Rivermead (formerly Awan House).
- 3.2 The application site is surrounded to the north, east and south by detached, individually designed and predominantly two-storey, dwellings. These properties are set within fairly spacious plots and positioned back from the highway. Church Road itself is akin to a small lane, with no pavements and serving only four properties. The application site is within an established residential area where low-density development, (the density of development for the area is approximately 7 dwellings per hectare), mature vegetation and trees are key features.
- 3.3 The majority of the site is within Flood Zone 3, where there is a high probability of flooding, (with the exception of an area of land within the centre of the plot and a corner of the site that are within Flood Zone 2). The land surrounding the site is all within Flood Zone 3. The whole of the site, (including land associated with Rivermead) is covered by a Tree Preservation Order. The application site lies outside the Maidenhead Riverside Conservation Area, the boundary for which runs between Rivermead and Hampton Lodge to the east.

## **4. KEY CONSTRAINTS**

4.1 The main planning policy constraint to development relates to the site's location within an area where there is a high risk of flooding.

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

5.1 The application seeks full planning permission to demolish the existing dwelling, Zaman House, and replace it with a new building comprising 8 apartments.

5.2 The proposal involves extending the current plot associated with Zaman House by approximately 270 m<sup>2</sup> by taking land previously associated with Rivermead. A new two-and-a half storey building, that would be approximately 22.6m wide, by 19.7m deep and with a maximum ridge height of 9.5m (including voids), is proposed to be constructed roughly within the centre of the plot.

5.3 The block of flats would be raised 0.9m above ground level and have a fairly traditional appearance, featuring dormer and bay windows, and gable features. The submitted application form indicates that finished materials would include red brick and render and welsh slate.

5.4 The existing vehicular access off Church Road would be slightly repositioned along the road. This would lead to a driveway that would extend along the sides of the new building providing access to 15 car parking spaces. A cycle store building is proposed in the north-west corner of the site, while a refuse store would be positioned towards the southern boundary, close to Church Road. An amenity area for future residents of the apartments would be to the rear and north-east of the building.

5.5 The ground and first floors of the proposed development would each comprise three, two bedroom flats. The second floor would have a 2 bed flat and a single bedroom flat. The density of the development is 40 dwellings per hectare.

5.6 Planning history:

Reference	Description	Decision
19/00674/FULL	Construction of a new building comprising x8 apartments refuse and cycle stores, associated landscaping, parking and access, following demolition of the existing dwelling.	Refused 17.10.2019 Appeal withdrawn.
18/01785/OUT	Outline application, with access, appearance, layout and scale only to be considered at this stage, (with all other matters reserved), for the erection of eight apartments with access, parking, landscaping and amenity following demolition of existing dwelling.	Withdrawn 15.11.2018
16/03553/FULL	Construction of 16 x two bed apartments with access, parking, landscaping and amenity spaces following demolition of existing 2 x dwellings.	Withdrawn 07.02.2017
15/02530/CONDIT	Details required by condition 2 of 15/01887.	Approved – 18.09.2015
15/01887/FULL	Part two storey, part first floor front extension , and part two storey, part first floor rear extension, with raising of existing roof to facilitate loft conversion with addition of two front dormers.	Approved – 20.07.2015
14/03355/FULL	Two storey and part first floor front	Approved - 08.01.2015

	extension, part two storey and part first floor rear extension, loft conversion including raising the height of the main roof with two front dormer windows	
12/00430/FULL	Two storey front extensions, first floor rear extension and replacement higher roof with loft accommodation and two front dormer windows	Approved – 13.04.2012
10/01336/FULL	Change of use from C3 (residential) to mixed use of C3 and Sui Generis (private hire office)	Refused – 20.09.2010
10/00709/CLU	Certificate of Lawful Use to establish whether the existing use of part of the garage outbuilding as a taxi base incidental to the primary use of the dwelling and curtilage within Class C3 is lawful	Refused – 03.06.2010
08/02424/FULL	Erection of replacement boundary wall to Church Road frontage	Approved – 20.11.2008
03/40209/FULL	New conservatory, breakfast room to rear and two storey extension to side (retrospective)	Approved – 04.03.2004
03/40033/FULL	Construction of single storey rear and first floor rear extension and front ground floor extension with bay	Approved – 06.05.2003
02/38988/FULL	Single storey rear and first floor front extension. Conservatory to side and detached double garage	Approved – 22.08.2002
00/36250/FULL	Demolish existing garage and replace with single storey and two storey side extension, rear dormer window and front boundary wall	Approved – 01.03.2001
96/30700/FULL	Front entrance porch extension to existing garage and new pitched roof to garage	Approved - 02.04.1997

5.7 There are two previous planning applications that are particularly relevant to the consideration of the current application; Planning permission granted under application 15/01887/FULL remains extant, as the development has commenced, and application 19/00674/FULL, which was refused on the grounds of harm to the character of the area arising from the bulk of the development, amount of hardsurfacing across the site and loss of trees; flooding (failure of the Sequential Test); substandard visibility splays and potential adverse impact on bats (protected species). The appeal in respect of the latter application has been withdrawn. Comparisons between the current proposal, previously refused scheme and extant scheme are set out in Section 9 of this report.

## 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, H10,H11
Highways	P4 AND T5
Trees	N6
Flooding	F1

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) (2019)**

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

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

Issue	Submission Version	Proposed Changes
Design in keeping with character and appearance of area	SP2, SP3	QP1, QP3
Sustainable Transport	IF2	IF2
Housing mix and type	HO2	HO2
Housing Density	HO5	HO5
Flood risk	NR1	NR1

- 7.2 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.3 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 resulting in the proposed changes to the submission document, which have been submitted to the Examination Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the stage of preparation both should be given limited weight.
- 7.4 These documents can be found at:  
<https://www3.rbwm.gov.uk/blp>

### **Supplementary Planning Documents**

- RBWM Interpretation of Policy F1
- RBWM Borough Wide Design Guide

More information on these documents can be found at:

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

## Other Local Strategies or Publications

7.5 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/non-development-plan/design>

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

45 local residents were directly notified of the application.

The application was advertised in the Local Press on 27<sup>th</sup> February 2020.

No letters were received supporting the application.

35 letters were received objecting to the application, including from The Fisheries Residents Association, summarised as:

Comment	Where in the report this is considered
1. The proposal will totally change the character of the area, due to mass, bulk, density and amount of hardsurfacing – this is out of character with the leafy suburban character area. The Fisheries is characterised by large detached dwellings of single households.	9.16 – 9.27
2. The development will look directly into our house (Church House) and garden causing serious loss of privacy.	9.31
3. Totally reject the submitted traffic report. The development will lead to more traffic in Bray Road, at a point where it is difficult to pull-out – will make entering and existing Church Road more difficult Will lead to serious traffic generation and highway safety concerns. Will lead to congestion on surrounding roads.	9.28 – 9.30
4. The site is adjacent to the conservation area and should be included in this.	9.20
5. Disturbance during construction and increased risk to children from construction traffic/activities.	Construction management plan condition to be attached – section 13
6. Noise from additional cars – doors slamming and starting up.	9.32
7. Building in Flood Zone 2 and all the hardsurfacing is impermeable. Will lead to an increase in flood risk, contrary to national and local planning policies. This should not be built in the flood plain.	9.4 – 9.15
8. The owners ignored regulations and built perimeter wall that had to be taken down.	Noted
9. Fails the Sequential Test – Dismissed alternative sites are not reasonable.	9.5 – 9.7

10.	Does not assess the impact on Bray Meadows SSSI.	Not needed given existing use of the site and separation from SSSI by highway.
11.	The submitted statement incorrectly indicates a need for one and two bedroom flats, implying that the proposed flats would be affordable. The pending BLP shows that the majority of new dwellings in Maidenhead Town Centre will be flats and over 30% affordable. Therefore there is no shortage of flats, but instead a need for a mix of dwellings particularly family homes with gardens in suburban settings. These types are increasing in short-supply in the borough due to Green Belt and flooding constraints.	9.2
12.	Will set a precedent for similar development in the Fisheries. This breaches the rights of existing householders.	Each application is treated on its own merits.
13.	8 bins will need to be left on the road in a continuous line leading to smells, noise and disturbance.	Any bins on the highway will be temporary and managed by the apartment management company.
14.	The drains are unlikely to cope with the additional load.	No objection/comments received from Thames Water.
15.	The site is already over-developed. The density proposed is far greater than the rest of the estate	9.3, 9.26
16.	Maidenhead is already awash with flats. Shoppenhangers used to be a road of large detached houses, but all now two-bedroom apartments. Maidenhead needs family homes.	9.2
17.	The impact of traffic and deliveries associated with the development would be detrimental to the private road, the upkeep of which is paid for by subscriptions to the Fisheries Residents Association. The owners of Zaman House have never contributed.	9.23 – 9.26 As a private road, the residents of Church Road are responsible for its upkeep.
18.	The proposed height of the building will mean the property will be visible from other properties. The height and number of windows will result in overlooking.	9.31
19.	The development will dominate the entrance to The Fisheries and increase light pollution harmful to the character of the area.	9.16 – 9.27
20.	The proposal will harm protected species.	9.36
21.	The comparison drawings submitted should show the proposed development in relation to the existing dwelling, not as extended.	9.21
22.	The width of Bray Road, close to Church Road, is significantly below that recommended in Manual for Streets, resulting in large vehicles mounting the kerbs and all close to Oldfield School. There are very serious traffic generation and highway safety reasons to object to the application.	This relates to an existing situation on Bray Road not made worse by the proposal. Traffic generation and highway safety covered in paragraphs 9.28 – 9.30

### Consultee responses

Consultee	Comment	Where in the report this is considered
Maidenhead Civic Society	Object. The introduction of a block of flats in this location is completely out of character with	9.2 – 9.3 9.16 – 9.27

	the streetscape of The Fisheries. The new access arrangements via Church Road are an improvement. However, the overall scale, bulk, height and mass of the proposed apartment block is unsuitable for the location.	
Bray Parish Council	Recommends refusal: The proposal by reason of its siting in close proximity to the conservation area sets an unwelcome precedent. BPC have concerns with the amount of traffic the development will generate. Contrary to policies DG1, H10, H11, N6 and T5.	Comments noted.
Highway Authority	Church Road is a private road. No objections to the design and position of the access and no objections to the parking. Traffic generated from the proposal is acceptable. Recommends conditions if approved in relation to enclosed parking bays (minimum size) and cycle parking.	9.28 – 9.30
Trees	<p>The entire site is subject to Tree Preservation Orders. No detailed arboricultural information has been submitted and therefore an assessment of the full impact of the proposal on trees cannot be undertaken. The new building will be located closer to a group of trees on the northern boundary and appears to be within the minimum root protection areas for these trees. No objection to the proposed new entrance on Church Road. The retention of the trees and planting area along the verge on the western boundary of the site is beneficial and would provide some screening and softening of the proposed new development.</p> <p>In response to the additional detailed arboricultural information: Agrees that the propose development can be completed without significantly impacting the retained trees. The design and location of the proposed new buildings has been amended from the previous application, with the proposed new buildings now located outside minimum root protection areas or retained trees or within the footprint of existing structures.</p> <p>No objection to the proposal subject to landscaping and tree protection details to be conditioned.</p>	9.34 – 9.35
Environmental Protection	Recommends conditions in respect of a construction management plan, construction hours and deliveries, air quality assessment, plus informatives in relation to dust and smoke.	Agree to CMP. Other conditions in relation to hours and deliveries are unnecessary. As the previous application was not refused in respect of air quality it would be unreasonable to require an air quality assessment in this case.

## 9. EXPLANATION OF RECOMMENDATION

- 9.1 The key issues for consideration are:
- i The Principle of Development;
  - ii Flood Risk;
  - iii The Impact on the Character and Appearance of the Area;
  - iv Highway safety and parking provision;
  - v The Impact on Residential Amenities;
  - vi Trees;
  - vii Ecology;
  - viii Other Material Considerations.

### **The Principle of Development**

- 9.2 As the application site lies outside the Green Belt within an existing residential area, there is no objection in principle to the loss of the existing dwelling and redevelopment of the site for flats. Concerns have been raised from local residents over the loss of family housing and the provision of mainly 2-bed flats, however the Council's Strategic Housing Market Assessment (2016) and the more recent Local Housing Needs Assessment (October 2019) identified that the highest need in the Borough is for 2 to 3 bedroom units, which the proposal (in respect of two-bedroom units) would contribute towards.
- 9.3 Concerns have also been raised by local residents over the proposed density which would be higher than the low density of development of the surrounding area. However, within the context of the Government's stated aim to significantly boost the supply of homes (paragraph 59 of the NPPF), the proposed density would be a clear benefit of the scheme and may be acceptable provided that there are no adverse impacts arising from the proposal, contrary to the adopted local plan policies, which are consistent with the National Planning Policy Framework (NPPF). It is important to also note that density was not included in the reasons for the refusal of the previous application.

### **Flood Risk**

- 9.4 The majority of the application site and wider surrounding area is in Flood Zone 3, where there is a high risk of flooding. The proposed development (residential) is classified as a 'more vulnerable' land use and is only acceptable in areas at high risk of flooding on passing the sequential and exception Tests.

### **The Sequential Test**

- 9.5 Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. This is achieved by applying a sequential test. Paragraph 158 of the NPPF goes on to state that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. 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.
- 9.6 The previous application for the site (19/00674) was refused on the grounds (amongst others) that it failed the sequential test, having limited the site search area to within 3 miles of the application site only, rather than including all sites within the urban areas of the whole of the borough. For this current application, a sequential test has been undertaken by the applicant looking at similar sized sites to the application site, (small sites between 0.09 and 0.25 hectares) that are developable or potentially developable and reasonably available within the urban areas

of the borough, as identified in the RBWM Housing and Economic Land Availability Assessment (HELAA) 2019.

- 9.7 The correct data source and methodology for the sequential test have been applied in this case. The applicant has demonstrated that there are no “reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding” than the application site, and therefore the sequential test is passed.

#### The Exception Test

- 9.8 Paragraphs 160 and 161 of the NPPF state that “For the exception test to be passed it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh 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 reduce flood risk overall. Both elements of the exception test should be satisfied for development to be allocated or permitted.”
- 9.9 Paragraph 163 of the NPPF adds that “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk from flooding where, in light of this 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; c) 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.”
- 9.10 Wider sustainability benefits to the community should be proportionate to the scale of development being proposed. In this case social and economic benefits of the proposal are that it would contribute to the housing supply in the borough and help meet an identified local need for two bedroom units. Further economic benefits arise from the construction of the development itself, which would help support local trades and services, and from the occupation of the development attracting new residents that will use local shops and facilities further supporting the local economy. In terms of environmental benefits, the scheme would make more efficient use of land within an existing built-up area, helping to relieve pressure to build on greenfield sites. In addition, and in contrast to the existing and extant permission situations, in the event of a flood the proposed development would enable the free flow of flood water, (due to the voids underneath the building), and significantly increase the flood storage capacity of the site, (by removing 41% of the existing impermeable hardsurfacing), with the benefit of reducing flood risk to properties and people in the surrounding area. Relative to the scale of development being proposed, the scheme would provide wider sustainability benefits to the community.
- 9.11 With regard to part b) of the Exception Test and having regard to the requirements set out in paragraph 163 of the NPPF, the most vulnerable part of the development (the main building of apartments) would be positioned on the part of the site that is within Flood Zone 2, i.e. where there is a lower risk from flooding. In addition, the submitted Flood Risk Assessment states the flood level for the site for the 1 in 100 year annual probability plus 35% allowance for climate change is 23.59 AOD so, including a minimum 300mm freeboard, the internal floor levels would be set at 23.90 AOD, ensuring the building would be flood resistant and resilient.
- 9.12 The submitted FRA advises that the majority of surface water from the existing buildings and hardsurfacing currently drains to soakaways. As the existing site drains by infiltration, which is one of the most sustainable techniques of surface water drainage, it is proposed to use infiltration measures to drain surface water from the proposed development. This is acceptable.
- 9.13 The majority of the site is located in Flood Zone 3 with external ground levels adjacent to the existing house below the present day 1 in 100 year peak flood level. The main access and egress route is Bray Road to the west which is also in Flood Zone 3 and therefore it is not possible to provide a safe escape route above the 1 in 100 year annual probability plus allowance

for climate change flood level, as the flood hazard rating is greater than the Environment Agency guideline of 'very low'. It is therefore proposed to include a Flood Warning and Evacuation Plan as part of an information pack to future residents of the development. Part of the Council's own submissions to the Borough Local Plan Examination in Public points out that "the approach of identifying the need for an emergency evacuation plan is recognised by the Environment Agency as an acceptable means of satisfying the second part of the Exception Test for sites which demonstrate wider sustainability benefits to the community that outweigh flood risk." In addition, the planning authority has approved applications 17/02698 and 17/02812, for 37 and 67 apartments respectively where both sites are in Flood Zone 3 and Oldfield Ward, subject to a flood evacuation plans to ensure the respective developments would be safe for their lifetime.

- 9.14 Given the proposed mitigation measures, any residual risk arising from the development is considered to be low.
- 9.15 For the reasons outlined above the proposal passes the Sequential and Exception tests and would not increase flood risk to future occupiers of the development nor to people or properties elsewhere.

### **The Impact on the Character and Appearance of the Area**

- 9.16 Church Road and the wider locality is characterised by large detached single-family houses with variation of scale, form and design set in large gardens which results in a spacious, low-density character. The presence of trees and other vegetation also gives the area a verdant appearance, and indeed the area is identified in the RBWM Townscape Assessment as being a 'Leafy Residential Suburb'.
- 9.17 The Townscape Assessment (TA) provides a broad description of the urban form and character of a built up area. The key characteristics of the 'Leafy Residential Suburbs' as set out in the TA, are:
- Low to medium density residential suburbs with characteristic 'leafy' streets.
  - Urban form is defined by wide streets (curvilinear and straight) with secondary streets culminating in 'dead ends', cul-de-sacs or vegetated 'turning circles'.
  - Built form is defined by suburban style detached two storey houses, on medium to large plots.
  - A variety of architectural styles, reflecting a range of periods, includes early 20<sup>th</sup> century houses (including Victorian, Edwardian and Arts and Crafts style), plus more recent development. The type is defined by a broad consistency of built form, spacing between buildings and lack of on street parking.
  - The leafy suburban character is reinforced by well-established private gardens (including mature trees/shrubs), that are often bounded by tall beech and laurel hedges. This provides a strong sense of enclosure and privacy to dwellings.
  - Mature oaks and scots pines reflect the underlying geology, while other large scale ornamental trees such as cedar and conifers contribute to the leafy character.
  - There is a well-defined interface between public/private realm –marked by tall hedges or fences with entrance gates.
  - Views are framed along leafy streets – street tree planting and/or trees and shrubs within front gardens allow only occasional glimpses to dwellings.
  - A quiet and peaceful residential suburb.
- 9.18 The TA identifies that the 'Forces for Change' in Leafy Residential Suburbs comes from development intensification including subdivision of plots and extensions to dwellings or subdivision of properties into flats, and from modern development with open or 'urbanised' frontage such as parapet walls, open garden frontages and extensive hardstanding, which detract from the 'leafy character'. The TA recommends that the following principles are taken into account in the development design process:
- Retain mature trees and woodland belts. The active management of woodlands and other treed areas is encouraged, including planning for future planting.

- Conserve and use trees as part of a leafy streetscape. The design should allow space for planting to mature.
- Use a coordinated approach to new tree planting in terms of species and stature. Consider the planting of larger trees at key visual locations.
- Conserve (and promote the use of) hedging for boundaries, in preference to other boundary treatments such as walls, fences, gates and railings.
- Retain remaining Victorian, Edwardian and Arts and Crafts style buildings. Renovations should be sensitive with particular regard to roof heights, pitches, materials and detailing.
- Sensitive contemporary design responding to its immediate context will be appropriate, where it makes reference to existing building heights.

- 9.19 The Townscape Assessment is a useful document in assessing the impact of a proposed development on the character of an area in which it is proposed to be located. However, it is not in itself adopted policy and does not form part of the development plan for the borough, unless it is, for example, specifically referenced in policy such as in an adopted neighbourhood plan. Accordingly, in this case, the proposal could not be refused on the grounds that it may be contrary to the TA for example. It is, however, material to the consideration of the proposal, that it is assessed in terms of its impact on the character and appearance of the area, (which the TA describes in broad terms), as required by adopted policies DG1, H10 and H11 and the NPPF.
- 9.20 The existing house is not considered to be of any particular historic or architectural merit, and is neither in, nor adjacent to, the Maidenhead Riverside Conservation Area and therefore not a designated heritage asset. As such, there is no objection to the loss of Zaman House.
- 9.21 With regard to the proposed building, it is material to the assessment that consideration be given to any extant planning permissions that could be implemented and affect the scale and appearance of the existing development on site, against which a comparison of the proposed development can be made. In this case, permission was granted under application 15/01887 for a part two storey, part first floor front extension and part two storey, part first floor rear extension, with raising of the existing roof to facilitate loft conversion with the addition of two front dormers and two rear dormers. Building Regulations application 18/00541/DEXBN was approved in May 2018 for a single storey rear extension and Building Control has confirmed that the foundations are sufficient for a two storey extension, in line with that approved under planning permission 15/01887. This development has therefore commenced and the permission remains extant, representing a 'fallback' position in planning terms, relevant to the consideration of the current application.
- 9.22 The reasons for refusal of the previous application, 19/00674/FULL, included that the development would harm the character of the area due to its bulk, the amount of hardsurfacing across the site and loss of trees. Accordingly, the current proposal seeks to address these elements of the reason for refusal whilst having regard to the fallback position.
- 9.23 Compared to the previous scheme (19/00674), the current proposal has removed a large front gable from the design, which has reduced the building's bulk, in particular its verticality, when viewed from the front and side. The gable feature on the rear elevation of the previous scheme has now been changed to a hipped roof and the dormer windows in the front elevation are smaller. The height of the building has been reduced by 0.5m and the width and depth of the building are slightly less than the previous scheme. The overall design remains of a traditional appearance but is much simpler, with features such as chimneys having now been removed.
- 9.24 Compared to the extant permission (15/01887), the proposal would be 1.3m deeper, but narrower and no higher than the approved extended property.
- 9.25 The previous refused scheme proposed a new access to be taken off Bray Road, which would have resulted in loss of trees along the highway verge, harmful to the verdant character of the area. The current scheme proposes to reposition the existing access off Church Road, avoiding the need to remove any trees and allowing further supplementary tree planting within the site along the west and south-west boundaries. The front of the existing site is all hard-surfaced and there are outbuildings in the north-west and south-west corners of the site. Currently, there is 901sqm of hardsurfacing, which the new proposal would reduce by 41%. In addition, the main

building is set back a further 2m into the site to allow for a larger and more meaningful area for landscaping and tree planting adjacent to Church Road. Thus the proposals incorporate the principles of the Townscape Assessment through maintaining and supplementing the existing landscaping at the site and therefore providing a betterment in this respect.

- 9.26 Although the proposal would result in a higher density of development than the surrounding area, 40 dwellings per hectare is within the medium range of density of development. By comparison, residential development within Maidenhead Town Centre is at a high density ranging from 280 to 580 dwellings per hectare. The density of the proposed development is in-keeping with the medium density range referred to in the key characteristics of 'leafy residential suburbs', was not included in the previous reasons for refusal and demonstrates the proposal is seeking to make the most effective use of the available land, which is strongly supported by the Government as set out in Section 11 of the NPPF.
- 9.27 Accordingly, when having regard to this and the extant permission relating to the site, the proposed changes to the scheme, when taken together, are considered to sufficiently address the previous reason for refusal and the scheme will not harm the character and appearance of the area.

### **Highway safety and parking provision**

- 9.28 Paragraph 109 of the NPPF states that "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 9.29 The proposal complies with the Council's adopted parking standards, thus avoiding any need for on-street parking that may be detrimental to highway safety. In addition, the proposal involves a slight repositioning of the existing access from Church Road, which is a sufficient distance from the junction with Bray Road and which provides adequate visibility splays. The accompanying Transport Statement advises that the development could lead to an increase of 4 trips during the peak periods and a total of 38 trips per day. Given that there have been no reported injury accidents at the Church Road junction with Bray Road during the past five years, the Highway Authority has advised that the increase in vehicular activity through the junction is unlikely to harm those that reside or commute in the area.
- 9.30 The Highway Authority has raised no objections to the proposal subject to conditions in respect of parking, cycle parking and stopping-up of the existing access.

### **The Impact on Residential Amenities**

- 9.31 Paragraph 127 of the NPPF advises that planning decisions should ensure new development provides a high standard of amenity for existing and future users. In this case, the proposed apartment building would be a minimum distance of approximately 34m from the house on the opposite side of Church Road and approximately 34m from September House to the north of the site. As there are no significant differences in site levels between the application site and neighbouring properties, the proposed development would not harm the living conditions of neighbours as a result of loss of privacy, by appearing overbearing or from causing loss of sun or day light. A reasonable sized gap (of approximately 22m) between the proposed first floor living room windows and Rivermead to the east would be maintained, such that the development would also not harm the living conditions of occupiers of this neighbouring property.
- 9.32 While there would be an increase in intensity and therefore activity of the site, due to the residential use proposed it is not considered that it would result in an unreasonable increase in noise and disturbance that would be materially harmful to neighbouring amenities.
- 9.33 Future residents of the proposed flats would have good sized accommodation and would receive adequate levels of light to, and an acceptable outlook from, habitable rooms. The proposed amenity space exceeds the minimum guideline for this type of development as set out in the Borough Wide Design Guide and new occupiers would be within walking distance of Braywick Park.

## Trees

- 9.34 The entire site is subject to Tree Preservation Orders. The initial response from the Tree Officer advised that as no detailed arboricultural information had been submitted with the application an assessment of the full impact of the proposal on trees could not be undertaken. The Tree Officer noted that the new building would be positioned closer to a group of trees on the northern boundary and suggested this may be within the minimum root protection areas for these trees. However, no objection was raised to the proposed new entrance on Church Road, and the retention of the trees and planting area along the verge on the western boundary of the site was welcomed as beneficial in providing some screening and softening of the proposed new development.
- 9.35 A further response from the Tree Officer, in relation to additional arboricultural information submitted, confirms that the proposed development can be completed without significantly impacting the retained trees on site. The design and location of the proposed new buildings has been amended from the previous application, with the proposed new buildings now located outside minimum root protection areas of retained trees or within the footprint of existing structures. The Tree Officer has advised that they have no objection to the proposal subject to conditions in relation to landscaping and tree protection.

## Ecology

- 9.36 As the application site is surrounded by trees and the proposal involves the demolition of the existing dwelling on site, there is the potential for bats, (which are a protected species) to be affected by the development. A Phase 1 Bat Survey was undertaken in accordance with the required methodology and the submitted report concludes that there was no evidence of bats having used the existing house and no access points are present on areas likely to be impacted. As such a Phase 2 survey was not required. The scheme represents an opportunity to provide biodiversity enhancement measures which can be secured via condition.

## Other Material Considerations

### 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 (footnote 7), 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 of the NPPF (2019) 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 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 (2019). Therefore, for the purpose of considering this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

9.40 Although the application site is located within an area at high risk from flooding where relevant policies are generally restrictive to new development, the proposal has successfully demonstrated that it would not lead to an increase in flood risk. Even if this is not accepted by the Panel, in the absence of a five year housing land supply, it would have to be demonstrated that any adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Having regard to all the material considerations it is not advised that any harm from the proposal would significantly and demonstrably outweigh its benefits.

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

10.1 The development is CIL liable and will become due if planning permission is granted. No CIL information has been submitted, but the application indicates that the development would lead to a net increase of 97sqm in floorspace over the existing. This will be checked and verified and the applicant invoiced accordingly if relevant.

## **11. CONCLUSION**

11.1 The previous application (19/00674) for the proposed development was refused permission on four grounds, in summary, due to the adverse impact on the character and appearance of the area, highway safety due to insufficient visibility splays, failure of the sequential test and because the application had not demonstrated that the proposal would not adversely affect bats (a protected species).

11.2 The current proposal has made notable changes to address the previous objections. The bulk of the new building has been sufficiently reduced and has been designed to have a simpler, less elaborate design. In addition, the building has been set further back into the site from Church Road allowing sufficient space for additional tree planting and landscaping to take place. Compared to the existing situation, there will be significantly less hardsurfacing across the site. The relocation of the proposed access from Church Road, compared to the previously refused access from Bray Road, allows the existing trees along the highway verge to be retained. Taken together, the proposal will not be detrimental to the character and appearance of the area.

11.3 The application has successfully demonstrated that the proposal passes the sequential test and that there are no other reasonably available sites appropriate for the proposal with a lower risk of flooding than the application site within the urban areas of the borough. In addition, the proposal passes the exception test by demonstrating that it will provide wider sustainability benefits to the community that outweigh flood risk and that the development will be safe for its lifetime without increasing flood risk elsewhere.

11.4 The current proposal will not have an unacceptable impact on highway safety or, cumulatively, result in a severe impact on the road network. The application demonstrates that the development will not harm bats (a protected species). In all other respects, the proposal is acceptable.

11.5 When having regard to the reasons for the previous refusal, the extant permission relating to the site and a lack of a five year housing land supply, the proposed development complies with national and local planning policies and should be approved.

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

- Appendix A - Site location plan
- Appendix B – Site plan
- Appendix C – Floor plans
- Appendix D - Elevations
- Appendix E – Street elevations

## **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  
2 permission.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990  
(as amended).

2 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.

3 No development shall take place until a specification of all the finishing materials to be used in  
the hard surfacing on the application site have been submitted to and approved in writing by the  
Local Planning Authority and thereafter undertaken in accordance with the approved scheme.

Reason: In the interests of the visual amenities of the area and flood risk Relevant Policies -  
Local Plan DG1, F1.

4 No development shall commence until details of the locations and size of any area to be used for  
the storage of site materials, construction/operative parking and any ancillary temporary buildings  
have been submitted to and approved in writing by the Local Planning Authority. There shall be  
no storage, parking or siting of buildings outside the agreed areas.

Reason: To prevent an increased risk of flooding elsewhere due to impedance of flood flows and  
reduction of flood water storage capacity. Relevant Policy - Local Plan F1.

5 Any walls or fencing constructed within or around the site shall be designed to be permeable to  
flood water in accordance with details that have first been submitted to and approved in writing by  
the Local Planning Authority. Such walls or fencing shall be erected and permanently maintained  
prior to the occupation of the development and in accordance with the approved details.

Reason: To prevent an increased risk of flooding elsewhere due to impedance of flood flows and  
reduction of floodwater storage capacity. Relevant Policies - Local Plan F1

6 No development shall commence until details of all finished slab levels in relation to ground level  
(against OD Newlyn) have been submitted to and approved in writing by the Local Planning  
Authority. The development shall be carried out and maintained in accordance with the approved  
details.

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

7 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.

8 No part of the development shall be occupied until vehicle parking and turning space has been  
provided, surfaced and marked out in accordance with a layout that has first been submitted to  
and approved in writing by the Local Planning Authority. The layout shall include increasing the  
width of the parking bays that are enclosed or bounded on one side from 2.4m to 2.7m. The  
space approved shall be kept available for parking and turning in association with the  
development.

Reason: To ensure that the development is provided with adequate parking and turning facilities  
in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of  
traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in  
forward gear. Relevant Policies - Local Plan P4, DG1.

9 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

10 The existing access to the site of the development shall be stopped up and abandoned  
immediately upon the new access being first brought into use. The footways and verge shall be

reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1.

- 11 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 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.

- 12 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

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.

- 13 The development hereby permitted shall not be occupied until the locations and specifications of biodiversity enhancements - to include, but not be limited to, bat and bird boxes, have been submitted and approved in writing by the council. The biodiversity enhancements shall be installed and thereafter maintained as agreed.

Reason: To incorporate biodiversity in and around the development in accordance with paragraph 175 of the NPPF.

- 14 Prior to occupation, a flood warning and evacuation plan (FWEP) for the development shall be submitted to and approved in writing by the local planning authority. The FWEP shall include, but not be limited to, measures to inform occupiers of the development of a safe escape route to be taken ahead of a major flood event, following announcements of flood warnings. The measures shall be implemented and thereafter maintained as approved.

Reason: To reduce the risk from flooding to occupiers of the development. Relevant Policies - Local Plan F1.

- 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 The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The 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.

- 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.

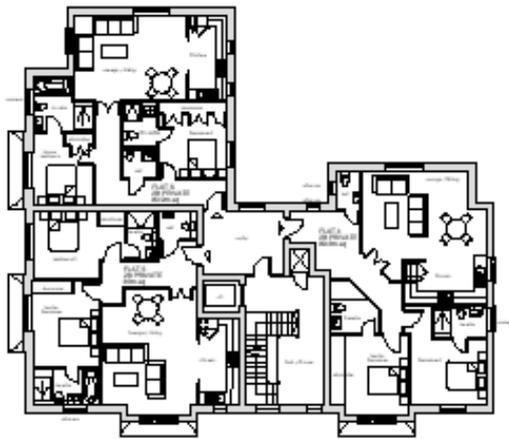
- 3 The applicants' contractor is advised to apply for a prior consent, which controls the hours of working and can stipulate noise limits on the site. This is recommended by way of Informative and is covered by the Control of Pollution Act 1974. Such an agreement is entered into voluntarily, but is legally binding. The applicant's attention is also drawn to the provisions under British Standard Code of Practice B.S. 5228: 2009 'Noise Control on Construction and Open Sites'. The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday-Friday 08.00-18.00 Saturday 08.00-13.00 No working on Sundays or Bank Holidays.



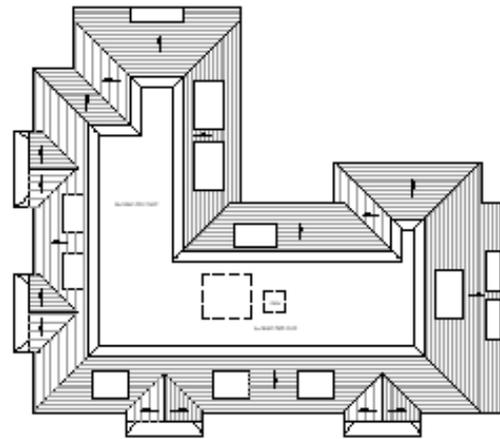
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## Location Plan

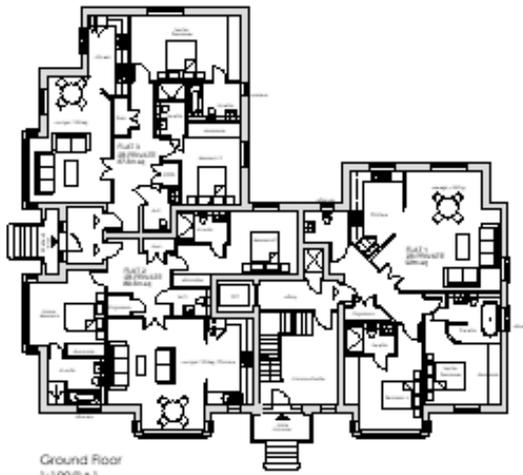




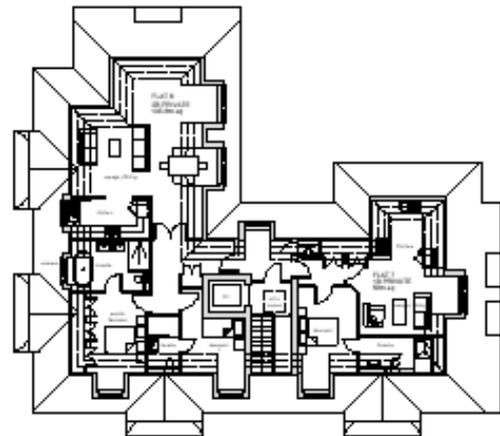
First Floor Plan  
1:100(A1)



Roof Plan  
1:100(A1)



Ground Floor  
1:100(A1)



Second Floor  
1:100(A1)

Appendix D



South Elevation from Church Road  
1:100(BA)



West Elevation from Bray Road  
1:100(BA)



East Elevation  
1:100(BA)



North Elevation  
1:100(BA)

Appendix E



West Elevation (along Bray Road)  
1:100(A1)



South Elevation (along Church Road)  
1:100(A1)