

**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 Barrell, 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.