

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE

Maidenhead Panel

Application No.:	21/02866/FULL
Location:	Land To The South of 18 To 20 And Open Space To The South of Ray Mill Road East Maidenhead
Proposal:	Erection of 80 dwellings together with landscaping, the provision of open space and related facilities, associated engineering works and access to Ray Mill Road East.
Applicant:	Cala Homes (Thames) Ltd And RBWM
Agent:	Mr Douglas Bond
Parish/Ward:	Maidenhead Unparished/Riverside
If you have a question about this report, please contact: Tony Franklin on 01628 796155 or at tony.franklin@rbwm.gov.uk	

1. SUMMARY

- 1.1** The applicant's original submission of this application and subsequent attempt to respond to the Environment Agencies (EA) objection included, first, the omission from the submitted documents of a Technical Note and addendum report from their Flood Risk Consultants RSK, and secondly, the submission of the wrong version of this Report. This has led to the Environment Agency submitting two consultation responses which do not address the final version of the applicant's addendum report. This final version of the addendum report dated 14th April 2021 was submitted in support of the previous application, 20/03450/FULL, which was withdrawn prior to it being considered by Members at the August Maidenhead Planning Committee. A response was received from the EA to the 14th April 2021 addendum report under application 20/03450/FULL and, for the sake of clarity, this is appended in full to this Update Report. It will be noted that the EA do not consider that the points raised in the addendum satisfactorily address their earlier concerns. And that they therefore **maintain their objection to the proposals**, as set out in the Committee report. The latest addendum report and the EA response are referred to in section i of the Committee report and, in particular, from paragraph 9.23 onwards.
- 1.2** The applicants have requested that it be clarified that 47.5% of the proposed units are proposed to be affordable and that a Management Company will be responsible for the proposed pumping station.
- 1.3** The developer has submitted a briefing note which was sent to Members. The main points from the briefing note are summarised at 2.1 of this update report with the officer response below.
- 1.4** Attention is also drawn to an email sent from Cala Homes to the Maidenhead Planning Committee Members on 16th November and the points raised are copied at 2.2 with the officer response below.

It is recommended the Panel refuses planning permission for the reasons listed in Section 13 of the main report.

2. ADDITIONAL INFORMATION

- 2.1** A briefing note has been submitted by the developer. The main points set out in the briefing note
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are summarised below:

- *The proposal will deliver 80 much needed homes in a highly sustainable location*
- *The scheme will include 47.5% affordable homes which is in excess of what is required by adopted Local Plan policy*
- *The site is underused, and surrounding by existing housing*
- *There will be retention and enhancement of open space to the east of the site, including new tree planting, bat and bird boxes, new hedgerow planting*
- *Provision of PV Panels and waste water heat recovery*
- *Financial contribution towards open space improvements at Maidenhead Town Moor and North Town Moor*
- *The opportunity to create a Neighbourhood Flood Forum*
- *Community Infrastructure Levy payment*
- *Provision of social rented homes which will be well below market rents (40-50%)*
- *Vehicular electric charging points will be provided to all new dwellings*
- *Enhancement to open space which is currently not publicly accessible.*
- *Even within the most pessimistic climate change allowances, all dwellings will remain safe and dry*
- *Due to the characteristics of the Thames catchment, there will be significant warning of an extreme flood event, therefore allowing established emergency procedures to be put in place.*
- *The EA flood model was updated to take account of further climate change predictions, which effectively mean a greater intensity and frequency of precipitation which is unlikely to occur in the lifetime of the development.*
- *Cala Homes are committed to supporting on-site flood mitigation measures and will ensure these are embodied within a future S106. This application would provide a wider benefit to the community, as currently there no formal or collective response to flood management.*

2.2 The site is within Flood Zone 3 applying the most pessimistic climate change allowances. Arguably, these pessimistic assumptions will no longer be realised due to political and social commitments to tackle climate change as demonstrated at COP26;

- Notwithstanding the above, the site it is shown on EA mapping to fall within an **area benefitting from flood defences primarily the Jubilee River and Maidenhead Bund**;
- The development passes the Sequential Test as recognised at para. 9.14 of the Committee Report which notes that **“at the time of writing, there are no other reasonably available sites at a lower risk of flooding that could accommodate the proposed development”**;
- In the unlikely event of an extreme climate change flood event in Maidenhead, all proposed dwellings will remain **100% safe and dry at all times as the proposed floor levels are designed above any predicted 1 in 100 year climate change flood level (which the EA acknowledge)**;
- In the unlikely event of a flood event, **which has a 1% chance of occurring in any 1 given year** should the EAs updated pessimistic climate change assumptions come to fruition, the flood depth would typically be between 20cm and 40cm deep on the internal site roads. **We would reiterate that as all homes remain dry, there would be no need for residents to leave their homes**;
- As the site is some distance from the Thames and its tributaries, there will be a **very low velocity to any flood water present on site**;
- Whilst there will be some minor compensation off-set, at less than 30 m³, this is not material given the extent of the catchment and no evidence has been provided that flood risk would be increased elsewhere;
- In addition, due to the characteristics of the Thames catchment and the position of the site and wider Maidenhead area within it, **there will be significant warning of such an extreme flood event**, thereby allowing established emergency planning procedures to be put in place;
- These planning procedures will include a **community Flood Management Plan** to provide warning and advice to both new and existing residents of this area of Maidenhead, increasing the mitigation for existing residents beyond what is in place at the moment. This will be secured via the s106 agreement

Officer response: Many of the points raised in the Briefing Note have already been made and are
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considered in the committee report. It should be noted that the contributions to the Maidenhead Town Moor and North Town Moor are required so that adequate mitigation is provided to offset the impact on the Burnham Beeches SAC (a European Designated site).

The matter of flood risk has been addressed in the committee report. It is noted that the developer cites their view that the climate change allowances are pessimistic, however, in line with guidance in National Planning Policy, climate change is required to be taken into account when assessing flood risk and this should be done in accordance with up to date data. It is noted that the national guidance on climate change allowances is updated regularly, it was last updated on the 6th October 2021 and as such it is recently up to date and should be afforded full weight.

The expressed view that the climate change assumptions will no longer be realised due to political and social commitments is subjective. International commitments to date will still give rise to further global warming, information prior to the COP conference indicated the impacts of the 1.1 degree of warming so far (including to flood risk) and the need to adapt to the impacts of global warming including increased flood risk remains. The planning decision should be based on current up to date government guidance.

The objections maintained by the EA have taken account of the referenced flood defences.

Members will note that the Council's Emergency Planner has objected to the lack of a low hazard escape route in a flood event and had concerns over the proposed flood evacuation plan. The EA have also raised concerns. Enabling residents to stay in their homes during a flood event is not a recognised or acceptable mitigation plan. On the contrary, it has the propensity to place more of a burden on the emergency services.

