

<b>Application No.:</b>	23/00043/FULL
<b>Location:</b>	5 - 5C St Marks Crescent Maidenhead
<b>Proposal:</b>	Construction of a new building comprising 2 retail units and 20 apartments with associated parking and access following the demolition of the existing buildings.
<b>Applicant:</b>	Mr Hans
<b>Agent:</b>	Mr Paul Butt
<b>Parish/Ward:</b>	Maidenhead Unparished/Pinkneys Green
<b>If you have a question about this report, please contact:</b> Alison Long on 01628 796070 or at <a href="mailto:alison.long@rbwm.gov.uk">alison.long@rbwm.gov.uk</a>	

## 1. SUMMARY

- 1.1 The application seeks planning permission for the construction of a new building comprising two retail units and 20 apartments (14 x 1 bedroom units and 6 x 2 bedroom units) of which 6 x 1 bedroom units would be affordable housing, with associated parking and access following the demolition of the existing buildings.
- 1.2 The principle of the proposed residential use on the site is acceptable. However, whilst the units would meet the required internal space standards, the proposals would represent an unacceptable standard of residential accommodation given the high number of single aspect units, of which some are also north facing with no supporting information to provide detail on the level of light to the units, the lack of privacy to future occupiers from the neighbouring 69a Courthouse Road given the close relationship and the nature of the amenity space. Furthermore, in the absence of a completed legal agreement, the application fails to secure the required affordable housing provision. As such, the proposal is contrary to policies HO3 and QP3 of the Borough Local Plan (BLP), and the guidance contained in the Borough Wide Design Guide. With regard to the proposed retail use, the site is located outside a defined centre within the BLP and the application has not been submitted alongside a required Sequential Test to demonstrate that a retail use of this scale would be appropriate in this location, that there is a particular local need and that it would not have a detrimental impact on the viability and vitality of existing commercial uses in the surrounding area. As such, the proposal is contrary to policies TR6 and TR7 of the BLP.
- 1.3 The proposed development, given the scale of built form and associated hardstanding, together with the overall height of the building and its contrived design, would result in a cramped form of development that is out of keeping with the established character of the immediate and wider context of the surrounding area. This, together with the use of metal cladding which is out of keeping with the surrounding material palette, would result in a proposal which fails to respect or make a positive contribution to the local character and appearance of the street scene/townscape, contrary to Policy QP3 of the BLP and the guidance contained in section 7 of the Borough Wide Design Guide.
- 1.4 In the absence of a daylight and sunlight report which addresses the impact of this built form on the daylight and sunlight to surrounding properties, it has not been demonstrated that the proposals would not result in material harm to the living conditions of occupiers of these properties in terms of loss of light. Furthermore, the bulk, layout and separation distances to 69a Courthouse Road would result in a material and unacceptable loss of privacy and an increased sense of enclosure to occupiers of this dwelling, contrary to policy QP3 of the BLP and the guidance contained in section 8 of the Borough Wide Design Guide.
- 1.5 The proposed development would fail to provide off-street car parking and cycle provision in an area of poor accessibility in line with the requirements of the RBWM Parking Strategy (2004) and no information has been provided to demonstrate that the potential displacement of vehicles could be adequately provided for in the surrounding area. Furthermore, the position of the proposed vehicular access and the associated loss of on-street parking spaces to provide the required visibility splays and the absence of a refuse and servicing strategy, would mean that the

proposal fails to demonstrate that the development would not result in material harm to the safe and efficient operation of the surrounding highway network. The application is therefore contrary to policy IF2 of the BLP and paragraph 111 of the NPPF (2021).

1.6 In the absence of a Flood Risk Assessment and Drainage Strategy, an Ecology Report and Biodiversity Net Gain calculation and a Sustainability Statement to calculate and secure any potential carbon off-set financial contribution through a completed legal agreement, the application is contrary to policies NR1, NR2 and SP2 of the BLP and the guidance contained in the Interim Sustainability Statement.

1.7 The application is therefore contrary to relevant development plan policies as outlined above. The Council has an up to date five year housing land supply and there are no identified planning benefits which would be of sufficient weight and importance to overcome the harm. The application is therefore recommended for refusal.

<b>It is recommended the Committee refuses planning permission for the following summarised reasons (the full reasons are identified in Section 15 of this report):</b>	
<b>1.</b>	<b>In the absence of a completed legal agreement, the development would fail to secure the provision of affordable housing.</b>
<b>2.</b>	<b>The development would fail to provide a high quality of residential accommodation at the site.</b>
<b>3.</b>	<b>The site is located outside of a defined centre and the application fails to demonstrate through the submission of a Sequential Test that the proposed retail use of this scale would be appropriate in this location, that there is a particular local need and that it would not have a detrimental impact on the viability and vitality of existing commercial uses in the surrounding area.</b>
<b>4.</b>	<b>The application has not been submitted alongside a Sustainability Statement in order to demonstrate how the requirements of the Interim Sustainability Position Statement can be met and in the absence of this information, it is not possible to assess how the development addresses climate change and calculate/secure any potential carbon off-set financial contribution through a completed legal agreement.</b>
<b>5.</b>	<b>The scale of built form and associated hardstanding, together with the overall height of the building, contrived design and use of metal cladding, would result in a cramped form of overdevelopment that is out of keeping with the established character of the immediate and wider context of the surrounding area.</b>
<b>6.</b>	<b>The proposed development, together with the absence of supporting information in relation to the highways impact of the proposal, fails to demonstrate that it would not result in material harm to the safe and efficient operation of the surrounding highway network and the displacement of parking in the surrounding area.</b>
<b>7.</b>	<b>In the absence of a daylight and sunlight assessment, the application fails to demonstrate that the additional built form on the site would not result in a material loss of light to neighbouring properties and the bulk, layout and separation distance would result in material loss of privacy and increased sense of enclosure to occupants of 69a Courthouse Road.</b>
<b>8.</b>	<b>The application has not been submitted alongside an Ecology Report or a Biodiversity Net Gain calculation in order to demonstrate that the proposals would have an acceptable impact on local ecology and that opportunities to incorporate biodiversity improvements in and around developments would be incorporated into the development.</b>

<b>9.</b>	<b>The application has not been submitted alongside a Flood Risk Assessment (FRA) and Drainage Strategy in order to demonstrate how surface water flood risk would be addressed and mitigated if required</b>
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## **2. REASON FOR COMMITTEE DETERMINATION**

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Committee as the application is for major development. The application was also called in by Cllrs Werner and Baskerville if the recommendation was for approval only.

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

- 3.1 The application site is located on the south-west side of St Marks Crescent, north west of the junction with Courthouse Road. The plot is approximately 0.13 hectares and contains three buildings. Two detached two storey buildings (No.5 and 5a) and a part-single, part two storey building (No. 5b) fronting St Marks Crescent. The site is accessed through a sloping driveway towards the eastern boundary.
- 3.2 There are currently two residential units on the site in the form of a three bedroom detached dwelling (No. 5) and a one bedroom apartment above No.5a, in addition to a hot food takeaway with a floor area of 49.4sqm and a car repair business with a floor area of 79.5sqm above which the one bedroom apartment is located.
- 3.3 A key feature of the site is that it is set approximately 3m lower than St Marks Crescent. To the north west of the application site there is a two storey parade of five commercial units with flats above, which increase to three storeys to the rear due to the drop in land levels. To the east are two further retail units with residential units above, also at two storeys in height. A two storey residential building on Courthouse Road to the east of the site backs onto the application site. Rear gardens to dwellings facing Courthouse Road run immediately adjacent to the southern (rear) boundary of the site and there is a one and a half storey building close to the site's boundary to the south-west, which is occupied by a podiatry and chiropractic clinic. Vehicular access to the rear of the shops and clinic is from Havelock Road to the west.

## **4. KEY CONSTRAINTS**

- 4.1 The site is not located within any designated areas.

## **5. THE PROPOSAL**

- 5.1 Planning permission is sought for the construction of a three storey building, with lower ground floor level, which would provide for two retail units and 20 apartments following the demolition of the existing buildings on the site.
- 5.2 The proposed retail units would be located at ground floor level fronting St Marks Crescent, with associated storage at lower ground floor level, and would have floor areas of 270sqm (Unit A) and 268sqm (Unit B), totalling 538sqm. The proposed residential units would comprise 14 x 1 bedroom units and 6 x 2 bedroom units. Of the 20 units, the proposal would provide for 6 x 1 bedroom affordable housing units.
- 5.3 At lower ground floor level, 23 car parking spaces would be provided which would be accessed by a vehicular ramp and new access on the north-western edge of the site along St Marks Crescent. Internally, two motorcycle and 40 cycle parking spaces would also be provided at lower ground floor level along with refuse and recycling storage.
- 5.4 The site is that of an old quarry and as such there is a drop of approximately 3m from the front of the site to the rear. The proposed building would appear as three storeys from the front elevation with a ridge height of approximately 11.5m to the central gable section, dropping down to approximately 10m. An area for plant and a lift overrun would be located to the flat roof of the

building enclosed by a louvered screen. A lower ground floor level would be accommodated to the front of the site, with undercroft parking to the rear. To the rear elevation, the building would drop to two storeys (9.8m) with undercroft parking. The building would be constructed in buff coloured multi brick, with white render detailing and metal cladding at second floor level. Balconies would be enclosed by metal railings, with five of the residential units incorporating glazed privacy screens.

## 6. RELEVANT PLANNING HISTORY

6.1 There is no relevant planning history for the site.

## 7 DEVELOPMENT PLAN

7.1 The main relevant policies are:

### Adopted Borough Local Plan

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Housing Mix and Type	HO2
Affordable Housing	HO3
Strengthening the Role of Centres	TR6
Shops and Parades Outside Defined Centres	TR7
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Air Pollution	EP2
Noise	EP4
Contaminated Land and Water	EP5
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2
Utilities	IF7

## 8. MATERIAL PLANNING CONSIDERATIONS

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

Section 2 – Achieving sustainable development  
 Section 4- Decision-making  
 Section 5 – Delivering a sufficient supply of homes  
 Section 6 – Building a strong, competitive economy  
 Section 7 – Ensuring the vitality of town centres  
 Section 8 – Promoting healthy and safe communities  
 Section 9- Promoting Sustainable Transport

Section 11 – Making effective use of land  
 Section 12- Achieving well-designed places  
 Section 14- Meeting the challenge of climate change, flooding and coastal change  
 Section 15 – Conserving and enhancing the natural environment

### Supplementary Planning Documents

- Borough Wide Design Guide

### Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

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

## 9. CONSULTATIONS CARRIED OUT

### Comments from interested parties

26 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 19<sup>th</sup> January, 2023 and the application was advertised in the Local Press on 19<sup>th</sup> January, 2023.

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

Comment		Where in the report this is considered
1.	Police called due to weeks of serious noise and disturbance, especially builders working outside of legal working hours.	Whilst regrettable, this in itself would not preclude the determination of the application with an assessment made in accordance with relevant development plan policies.
2.	Additional residential units will add more pressure and increase the chance of accidents.	Section 10.28 – 10.33.
3.	Loss of light and privacy. No option to put up higher fencing due to the deep drop to the site (former quarry).	Section 10.22 – 10.27.
4.	Trees which have been removed already resulted in loss of privacy. The removal of the apple tree is being investigated by the planning department.	Section 10.37 – 10.38.
5.	Unclear what the plans are to underpin the foundations to this former quarry site and also risks destabilising the surrounding buildings.	This would be covered under building control regulations.
6.	Cladding of the building is not in keeping with surrounding brick built homes.	Section 10.14 – 10.21.

7.	Oversupply of one and two bedroom flats. Where are the two and three bedroom family starter homes.	Section 10.4.
8.	Ramped access is close to a pedestrian crossing and a very busy mini-roundabout junction.	Section 10.28 – 10.33.
9.	Safer to have access from Havelock Road.	An assessment of the planning application has been made based on the submitted proposals.
10.	Proposed ramp access is dangerous to both pedestrians and the road, making this section even more dangerous.	Section 10.28 – 10.33.
11.	No security provisions on vehicular access leading to safety concerns.	Noted. However, this is not required to make the access acceptable in planning terms.
12.	Proposed car parking provision is insufficient. There is no space on surrounding roads for the additional vehicles.	Section 10.28 – 10.33.
13.	The immediate area does not need two further retail units. Better suited to a new doctors surgery.	An assessment of the planning application has been made based on the submitted proposals.
14.	Overdevelopment of the site, height, mass and scale.	Section 10.14 – 10.21.
15.	Pressure on additional services and utilities in the area from additional residential units.	If the proposals were otherwise acceptable, the development would be CIL liable as set out in section 11.
16.	No consultation with local residents by the developer.	Noted. Whilst this is encouraged, the Council has carried out formal notification of the planning application as set out above.
17.	Conflict with development plan policies.	Section 10 contains a full assessment of the application in accordance with relevant development plan policies.
18.	Poor quality of accommodation on a cramped site.	Section 10.2 – 10.9.
19.	No account of biodiversity net gain or other areas of sustainability.	Section 10.12 – 10.13 and 10.35 – 10.36.
20.	Lack of green space for this quantity of dwellings.	Section 10.14 – 10.21.
21.	Possibility of the current dwelling serving as a bat roost.	Section 10.35 – 10.36.

22.	Site is not designated in the Local Plan for residential development.	Noted. However, this does not preclude the submission of a planning application for the redevelopment of the site.
23.	Application 22/01901/FULL for the development of five detached houses at land to the rear of 49 to 53 and 47 Courthouse Road.	Noted. However, each application is considered on its merits at the time of submission, in accordance with relevant development plan policies.
24.	Refuse collection would disrupt traffic flow.	The application has not been submitted alongside a refuse and service strategy. The impact on the highway network forms a recommended reason for refusal.
25.	Although not a validation requirement, a major development of this size should have accompanying reports to thoroughly assess the impacts of the proposal.	Noted.
26.	Noise disruption during works.	Control of noise during construction work would be covered by Environmental Health legislation.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	Objection.	Section 10.34.

### Consultees

Given the lack of supporting documents submitted with the planning application, full consultation with internal departments was not carried out.

Consultee	Comment	Where in the report this is considered
RBWM Highways	Objection.	Section 10.28 – 10.33.
NatureSpace	No objection with regard to great crested newts.	N/A.
Thames Water	No objection, subject to recommended condition.	N/A.
Environmental Protection	No objection, subject to recommended condition.	Section 10.26 – 10.27.

## 10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Principle of the proposed use;
- ii Affordable Housing;
- iii Climate Change and Sustainability;
- iv Design and Character;
- v Impact on amenity;

- vi Parking and Highways Impacts; and,
- vii Other Material Considerations.

### **Proposed use**

- 10.2 Policy HO1 of the BLP commits to providing at least 14,240 new dwellings in the plan period up to 2033 that will focus on existing urban areas and the allocations listed within the policy and as shown on the Proposals Map. The continued and intensified residential use on the site would be supported in principle, subject to demonstrating that the proposals would represent an acceptable standard of residential accommodation.
- 10.3 In order to ensure compliance with policy HO2 which seeks to ensure that new homes contribute to meeting the needs of current and projected households, if the proposals were otherwise acceptable, a condition would be recommended to secure 30% of the dwellings to be delivered as accessible and adaptable dwellings in accordance with Building Regulations M4(2), and 5% of the dwellings to meet the wheelchair accessible standard in Building Regulations M4(3).
- 10.4 Policy HO2 sets out that the provision of new homes should contribute to meeting the needs of current and projected households and provide an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence as set out in the Berkshire SHMA 2016, or successor documents. The proposal would provide for 20 residential units in the form of 14 x 1 bedroom units and 6 x 2 bedroom units. The provision of smaller units and the overall mix is acceptable.
- 10.5 Policy QP3 of the BLP seeks to ensure that all new residential units provide for a satisfactory standard of accommodation, including adequate living space and both a quality internal and external environment. The Borough Wide Design Guide sets out a number of criteria in order to secure this.
- 10.6 The proposed units would all meet the required internal space standards, with ventilation provided in the form of openings. However, this is not the only criteria for assessing the quality of the proposed residential units. Principle 7.4 of the Borough Wide Design Guide sets out that dual aspect accommodation will be strongly encouraged for all types of development to facilitate cooling of internal spaces through natural airflows. Single aspect development that relies on air conditioning to keep internal spaces cool will be strongly resisted. Principle 8.3 is also relevant and sets out that occupants of new dwellings should be provided with good quality daylight and sun access levels to habitable internal rooms and external spaces, with dual aspect dwellings strongly encouraged. Where single aspect dwellings are proposed, developers should demonstrate how good levels of ventilation, daylight and sun access will be provided to habitable spaces. Single aspect residential units that are north facing should be avoided.
- 10.7 Of the 20 units proposed, 10 of the units are single aspect, of which four are north east facing and five are located within approximately 10m of openings to 69a Courthouse Road. With regard to single aspect units, this represents 50% of the units, which for a new build such as this cannot be justified and considered to be an acceptable standard of residential accommodation. Furthermore, no information has been provided on the level of daylight/sunlight to the proposed units as part of the submission in order to demonstrate that they would provide for an acceptable standard of residential accommodation. Reference has been made by the applicant to planning application ref. 22/00854/FULL at 87 - 89 High Street, Maidenhead, which granted planning permission for the addition of a first and second floor to the rear to provide 5 x 1 bedroom flats and 1 x 2 bedroom flat with communal bin store and entrance at ground floor level via Nicolson's Lane of which one unit would be single aspect and north west facing. This is noted; however, each application is considered on its merits at the time of submission, in accordance with relevant development plan policies. Application ref. 22/00854/FULL sought to extend an existing building and as such it is accepted that there are site constraints which must be taken into consideration. With regard to the current application, there are different site constraints here and a wholly new-build development should seek to provide for the highest quality of residential accommodation in line with the Borough Wide Design Guide. The approval of a single north west facing unit in application ref. 22/00854/FULL would not therefore provide justification for this proposed scheme.



- 10.8 With regard to amenity space, the Borough Wide Design Guide SPD states that flats will be expected to be provided with their own balconies that should be at least 2m deep and wider than their depth and provide for a minimum of 5sq.m for 1-2 person homes and 1sq.m for each additional person. With regard to communal space, it is stated that a minimum of 10sqm of communal outdoor amenity space per flat must be provided. The plans show that all units would have terraces which meet the required size; however, 12 of the terraces are approximately 1.6m deep only and therefore do not meet the requirements within principle 8.5 of the Borough Wide Design Guide. Furthermore, whilst a small area of communal space is proposed at lower ground floor level, this falls short of the 200sq.m that would be required to accord with the Design Guide and its nature and location would not be conducive as amenity space but would simply comprise a strip of landscaping.
- 10.9 Taking the development as a whole, given the high number of single aspect units, including their orientation, the lack of information to demonstrate that appropriate levels of light would be provided for the residential units in this context, the lack of privacy to future occupiers from 69a Courthouse Road given the close relationship and the nature of the amenity space, the submission fails to demonstrate that the development would provide for an acceptable standard of residential accommodation, contrary to Policy QP3 of the BLP and the guidance contained in the Borough Wide Design Guide.
- 10.10 With regard to the proposed retail units (Class E), policy TR6 of the BLP sets out that main town centre uses such as this, must be located within the centres defined in the hierarchy of centres where sites are suitable, viable and available. Planning applications for main town centre uses which are neither in a defined centre nor in accordance with the policies of the BLP will be subject to the Sequential Test. Where suitable and viable in-centre sites are not available, edge of centre locations must be considered. If suitable and viable edges of centre sites are not available, out of centre sites should be considered. When considering edge of centre and out of centre sites, preference will be given to accessible sites that are well-connected to the centre. With specific reference to retail development, policy TR6 sets out that outside the defined centres, retail development (including subdivision of existing retail units or widening the range of goods allowed to be sold) will be resisted unless: a. the proposal passes the sequential test outlined above, or b. is intended to meet a particular local need that occurs only in a specific location.
- 10.11 The site is not located within a defined centre in the BLP and the application would provide for two retail units of 270sqm (Unit A) and 268sqm (Unit B), totalling 538sqm. This would equate to an uplift of 409.1sqm and the introduction of a retail use on the site. No detail has been provided as part of the planning application with regard to the sequential test referenced above in order to demonstrate that this poorly accessible area in highway terms, is appropriate for the introduction of such a use, that there is a particular local need, or that it would not have a detrimental impact on the viability and vitality of the existing commercial uses in the surrounding area. The proposal, therefore, fails to comply with Policy TR6 of the BLP. Policy TR7 of the BLP relates to protecting and enhancing the function of existing shops and parades outside defined centres and as set out above, the application also fails to address the impact on the existing shopping parade in the immediate vicinity contrary to the requirements of this policy.

### **Climate change and sustainability**

- 10.12 New development is expected to demonstrate how it has incorporated sustainable principles into the development including, construction techniques, renewable energy, green infrastructure and carbon reduction technologies as set out in Policy SP2 of the BLP that requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change.
- 10.13 A Sustainability and Energy Statement has not been submitted as part of the planning application. This is required in order to demonstrate how the requirements of the Interim Sustainability Position Statement can be met and in the absence of this information, it is not possible to assess how the development adapts to and mitigates climate change or to calculate any potential carbon off-set financial contribution for the development which would be secured through a legal agreement. The proposal, therefore, fails to comply with Policy SP2 of the BLP.

## Design and Character

- 10.14 The appearance of the development is a material planning consideration. Policy QP3 of the BLP seeks to ensure that new development will be of a high quality and sustainable design that respects and enhances the local, natural or historic character of the area paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing, proportions, trees, biodiversity, water features enclosure and materials.
- 10.15 Policy QP3 is consistent with the objectives of Section 12 of the NPPF (2021) which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The NPPF further states at paragraph 126 that good design is a key aspect of sustainable development. The Borough Wide Design Guide is also relevant to this application and is consistent with national and local policy in relation to the character and appearance of a development.
- 10.16 Principle 7.6 of the Borough Wide Design Guide is relevant and sets out that new development should reflect and integrate well with the spacing, heights, bulk, massing and building footprints of existing buildings, especially when these are local historic patterns. The council will resist proposals where the bulk, scale and mass adversely impacts on the streetscene, local character or neighbour amenities.
- 10.17 The existing site comprises a one and a half storey brick built building fronting St Marks Crescent, together with a two storey building which sits behind it along the eastern boundary and a centrally located detached two storey gable ended residential dwelling. All buildings on the site are traditionally detailed and proportioned and given the size of the site, it is largely open with the two storey buildings set back within it. The character of the surrounding area is that of predominantly two storey, brick built buildings which sit comfortably within their setting. The roof forms seen in the area are that of hipped roofs or gable ended properties. Where modest infills have taken place, they are contextual and responsive to this local character.
- 10.18 The proposed building, which is the subject of the planning application, would be three storeys in height extending across the full width of the site fronting St Marks Crescent incorporating flat roof sections, mansards and gable detailing. The building would follow the building line of the parade to the west at ground floor level, with the central section set forward by approximately 0.9m at first and second floor levels. To the rear, the built form would extend approximately 40m into the site. The density of the proposed development, taking into account both the built form and significant areas of associated hardstanding which offers little scope for adequate and meaningful landscaping, would not be in keeping with the character of the area and would result in overdevelopment of the site.
- 10.19 Whilst the ridge height of the flat roof sections either side of the main central gables, would match that of the adjoining parade to the west, the proposed building would take the form of a mansard roof which adds to the overall bulk of the building as is not a typical roof form found in the surrounding area. Furthermore, it would sit approximately 2.56m higher than the buildings to the east and the central portion would be approximately 1.4m higher than the parade to the west, with louvered screens proposed behind to provide screening for an area of proposed plant and lift overrun which sits higher than the ridge line. This bulk and scale, together with the overly complicated and out of keeping mix of roof lines, form and styles (flat roof, gables, mansards) visible from the front, side and rear elevations, would result in a contrived form of development that would appear incongruous and which would be overly dominant in the streetscene.
- 10.20 With regard to materials, Principle 7.9 of the Borough Wide Design Guide sets out that architectural detailing should be used to create attractive buildings that positively contribute to the character and quality of an area. Buildings that employ architectural detailing that is unattractive, low quality or is not honest or legible will be resisted. The proposed building would incorporate shopfronts at ground floor level, with brickwork and rendering to the ground, first and part second floors. Whilst the use of brickwork and render is contextual, the proposal would also incorporate metal cladding to the second floor walls. The use of metal cladding is not found within the

material palette in the surrounding area and this, together with the overall bulk and massing of the building, would exacerbate the resultant harm to the surrounding streetscene.

- 10.21 The proposed development, given the scale of built form and associated hardstanding, together with the overall height of the building and contrived design, would result in a cramped form of development that is out of keeping with the established character of the immediate and wider context of the surrounding area. This, together with the use of metal cladding, which is out of keeping with the surrounding material palette, would result in a proposal which fails to respect or make a positive contribution to the local character and appearance of the street scene/townscape, contrary to Policy QP3 of the BLP and the guidance contained in section 7 of the Borough Wide Design Guide.

### **Amenity**

- 10.22 Policy QP3 of the BLP requires new development to have regard to a number of design principles. Policy QP3 (m) requires development proposals to demonstrate that there would be no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight” which echoes the objectives of paragraph 130(f) of the NPPF (2021) a consideration to be given significant weight, and states developments should “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.
- 10.23 The application site is located within an established residential setting where there are a number of properties to the rear and side boundaries. The proposed building would result in a significant amount of additional bulk across the site on what is currently largely open land. In this context, and in the absence of a daylight and sunlight report which addresses the potential impact of this built form on the daylight and sunlight to properties along Courthouse Road, in particular 67 and 69a and the parade of buildings to the north west, it has not been demonstrated that the proposals would not result in material harm to the living conditions of existing surrounding occupiers in terms of loss of light.
- 10.24 Principle 8.1 of the Borough Wide Design Guide sets out that developments which provide a poor level of privacy for their occupants, or which have a significant adverse effect on the privacy of neighbouring properties will be resisted. A minimum distance of 20m is this Council's generally accepted guideline for there to be no material loss of privacy between the rear of two storey buildings directly facing each other (i.e. a back to back relationship). For two storey rear to side relationships, it may be possible to reduce this separation distance to 15m.
- 10.25 The proposed building would be located approximately 10m from the rear elevation of 69a Courthouse Road, with openings to habitable rooms and associated terraces in this location. Given the close proximity of the proposed building to this residential dwelling, the proposals would result in material and unacceptable loss of privacy and an increased sense of enclosure to the occupiers of this building. As such, the proposals are contrary to policy QP3 of the BLP and the guidance contained in section 7 of the Borough Wide Design Guide. To the rear elevation, whilst openings to habitable rooms are proposed, given the relationship with surrounding properties, these openings would overlook rear gardens only and in the context of a residential area where there is an established degree of mutual overlooking between properties, this relationship is acceptable when considering the impact of the development on privacy and increased sense of enclosure. To the north west, the form and design of the building along the boundary is such that together with the commercial use, it would ensure that there would be no material harm to living conditions. Furthermore, given the angle and separation distances to the parade of shops to the north west and the form of the building which steps back in height, there would be no material harm to the living conditions of these properties in terms of privacy or increased sense of enclosure.
- 10.26 Policy EP4 of the BLP is also relevant and requires development proposals to consider the noise and quality of life impact on existing nearby properties and also the intended new occupiers in order to ensure that they would not be subject to unacceptable levels of harm. If the proposals were otherwise acceptable, given the location within proximity of commercial uses, a condition

would be recommended to secure further detail of the measures to be taken to address noise mitigation measures for future occupants and details of any plant. Conditions have been recommended by Environmental Protection regarding construction works; however, these would be covered by environmental health legislation.

- 10.27 Policy EP5 of the BLP seeks to ensure that development proposals such as this do not result in contamination to local land and water. Given the nature of the proposals, if they were otherwise acceptable, a condition would be recommended to secure the provision of remediation measures prior to commencement of the development and to secure appropriate mitigation actions throughout the development.

### **Highway safety**

- 10.28 Policy IF2 of the BLP requires new development to be located close to offices and employment, shops and local services and facilities and provide safe, convenient and sustainable modes of transport as well as development proposals demonstrating how they have met a range of criteria including being designed to improve accessibility to public transport, to be located so as to reduce the need for vehicular movements and to provide cycle parking in accordance with the Parking Strategy. Policy IF2 is consistent with the overarching objectives of Section 9 of the NPPF which seeks similar goals in seeking to ensure development proposals maximise and promote opportunities for sustainable transport modes.
- 10.29 The application site is located on the south side of St Marks Crescent, directly opposite a zebra crossing and to the west of the junction with Courthouse Road. To the northern side of St Marks Crescent there is a bus stop, a shelter, seating and raised kerbs. The area is served by a bus route which runs an hourly service between Maidenhead Town Centre and Cranbrook Drive, via Furze Platt, Halifax Road and St Marks Hospital. On the local highway network, whilst there are various areas of unrestricted parking within walking distance of the site, in the immediate area, on-street parking is largely prohibited by double yellow lines, time limited or permissible to permit holders. There are various areas of unrestricted parking within walking distance to the site. Located 2.2km west of Maidenhead Station and a similar distance to the town centre, for the purposes of the highways assessment of the proposals, based on the Boroughs Parking Strategy (2004), the site is considered to be within a location of poor accessibility. The application has not been submitted alongside any supporting information with regard to the impact of the development on the local highway network.
- 10.30 The proposals for 14 x 1 bedroom units and 6 x 2 bedroom units would generate a demand for 26 car parking spaces and with a combined floor area of 538 sqm and a tradeable area of 353 sqm, the retail use would equate to a demand for 12 spaces and 25 spaces for non-food retail and food retail use respectively. The submitted plans show the provision of 23 spaces at lower ground floor level, accessed via a ramp from St Marks Crescent. The proposals as submitted, in an area of poor accessibility, would not provide sufficient off-street parking to ensure that there would be no material harm to the safe and efficient operation of the surrounding road network. Furthermore, no information has been provided with the application in order to justify this provision and demonstrate that the local highway network could accommodate any displaced parking. The submission should be accompanied a Transport Statement or at the very least a Transport Technical Note, to address the highway matters raised above, and provide commentary and supporting details on the trips associated with both uses. On this basis, the application fails to comply with policy IF2 of the BLP and is contrary to paragraph 111 of the NPPF (2021).
- 10.31 With regard to cycle parking provision, 40 two-tier cycle racks are proposed. For flatted development such as this, provision should be made for non-standard cycles, i.e., tricycles and include 'Sheffield Type' stands. Furthermore, for two tier cycle parking the minimum separation distance between the stands should be 450mm. It has not therefore been demonstrated that sufficient and acceptable cycle provision would be provided for the development.

- 10.32 As referenced above, a new vehicular access would be provided to the site and the existing dropped crossing would be stopped up. To the south of St Marks Crescent between Courthouse Road to the east and Havelock Road in the west, is a permit parking area measuring approximately 35m. In this section, on-street parking is either timed restricted (parking for two hours, no return within four hours), or allowed for those with a permit. The proposed new access would be located within this parking area and would result in the loss of at least one car parking space. Based on the position of the vehicular access, which is bounded on both sides by parking to the east and west, the visibility splays achieved would not accord with the current standard set at 2.40m x 43m in both directions. Consequently, a driver exiting the site would not see or be seen by a driver proceeding along the highway. To achieve the required splays would require the removal of the on-street parking area further potentially displacing parking provision in the surrounding area.
- 10.33 The proposals have not been submitted alongside any supporting documents, including a refuse and servicing strategy for the development. As such, it has not been demonstrated that the refuse and servicing arrangements for both uses are acceptable and mitigates any impact on parking for both the existing residents in the area, shoppers and the servicing of the small parade of shops to the west.

### **Other material considerations**

#### Flooding and Sustainable Urban Drainage

- 10.34 Policy NR1 of the BLP states that a sequential test for all development in areas at risk of flooding is required except for those allocated in the BLP or a Made Neighbourhood Plan. The site is not located within an area at risk of flooding; however, the application should be submitted alongside a Flood Risk Assessment (FRA) and Drainage Strategy in order to demonstrate how surface water flood risk would be addressed and mitigated if required. In the absence of this information, the application is contrary to policy NR1 of the BLP.

#### Ecology and Biodiversity

- 10.35 Policy NR2 of the BLP requires applications to demonstrate how they maintain, protect and enhance the biodiversity of application sites and avoid impacts, both individually or cumulatively, on species and habitats of principal importance. The application has not been submitted alongside an Ecological Assessment and as such the application fails to demonstrate that the development of the site would have an acceptable impact on local ecology, contrary to policy NR2 of the BLP.
- 10.36 Paragraph 175 of the NPPF states that “opportunities to incorporate biodiversity improvements in and around developments should be encouraged”. Policy NR2 of the BLP also requires proposals to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance. Where opportunities exist to enhance designated sites or improve the nature conservation value of habitats, for example within Biodiversity Opportunity Areas or a similar designated area, they should be designed into development proposals. Development proposals will demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric. A biodiversity net gain assessment has not been submitted with the application and in the absence of this, the application is contrary to policy NR2 of the BLP.

#### Trees

- 10.37 Policy NR3 of the BLP states that development proposals should carefully consider the individual and cumulative impact of proposed development on existing trees, woodlands and hedgerows, including those that make a particular contribution to the appearance of the streetscape and local character/distinctiveness.

10.38 At the time of the submission, the site has been cleared and there are no trees on the site. The trees which have been removed were not the subject of a tree protection order and the site is not located within a conservation area. Accordingly, the removal of trees and planting on the site does not need consent from the Council. As such, whilst the application is not supported by any arboricultural assessment or other tree information for the site and surrounding area, in this context, this would not result in a refusal of the application and if the proposals were otherwise acceptable, conditions would be recommended to secure appropriate landscaping for the site.

**11. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

11.1 The proposed residential portion of the development is CIL liable. The CIL Charging Schedule sets a rate of £100.00 per sq.m. This would be chargeable for the increase in GIA floorspace.

**12. PLANNING BALANCE**

12.1 Given that the Council can demonstrate that a five-year housing supply is available, there is no requirement to apply the tilted balance approach in line with the context of the NPPF.

12.2 In accordance with the requirements of the NPPF, the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004, the benefits and harms of the development proposals as a whole must be considered and balanced in reaching a decision and applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Statutory duties and national guidance must be adhered to.

12.3 The proposed development by reason of its design and form, together with the lack of supporting documents, is contrary to a number of development plan policies as set out in section 10 of this report. Notwithstanding this, it is accepted that the proposal would provide for 18 additional residential units of which six would be affordable and would be secured through a legal agreement if the proposals were otherwise acceptable.

12.4 Weight to be attributed to the benefits of the scheme is a matter for the decision maker. Whilst the provision of 18 additional residential units, including six affordable, would be a benefit associated with the development, the overall poor quality of the residential accommodation together with identified failings to comply with relevant development plan policies, even when taking into consideration the benefits of the scheme in terms of the provision of aforementioned residential units, it is not considered that this is of sufficient weight and importance to overcome the identified harm.

12.5 There are no conditions that would meet the tests for conditions set out in the NPPF that would overcome the concerns outlined above and enable planning permission to be granted. As such, the recommendation is for the refusal of the application

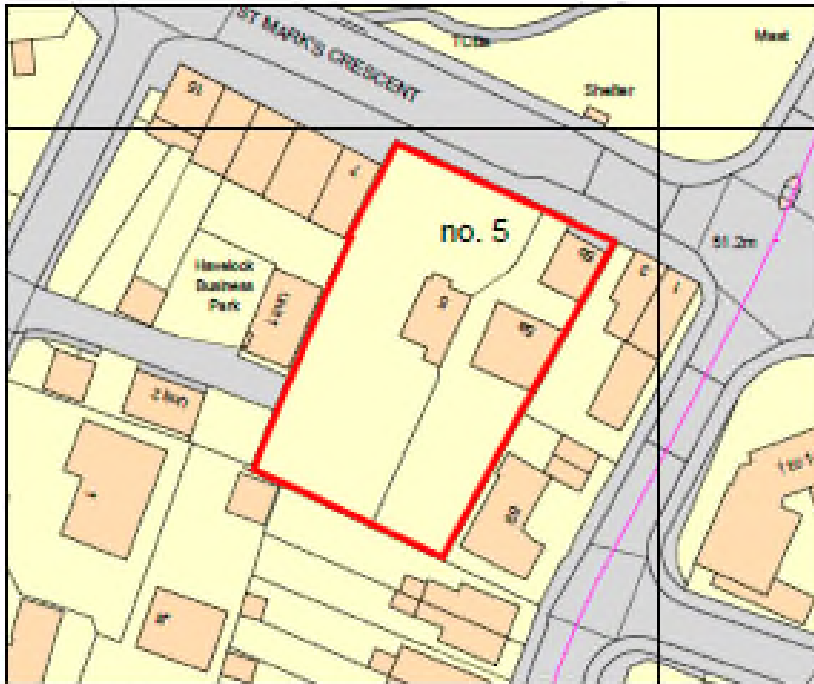
**13. APPENDICES TO THIS REPORT**

•	Appendix A - Site location plan
•	Appendix B – Block plan
•	Appendix C – Proposed lower ground floor plan
•	Appendix D – Proposed ground floor plan
•	Appendix E – Proposed first floor plan
•	Appendix F – Proposed second floor plan
•	Appendix G – Proposed roof plan
•	Appendix H – Proposed east and north elevations
•	Appendix I – Proposed south and west elevations
•	Appendix J – Proposed section and west elevation through ramp

**14. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

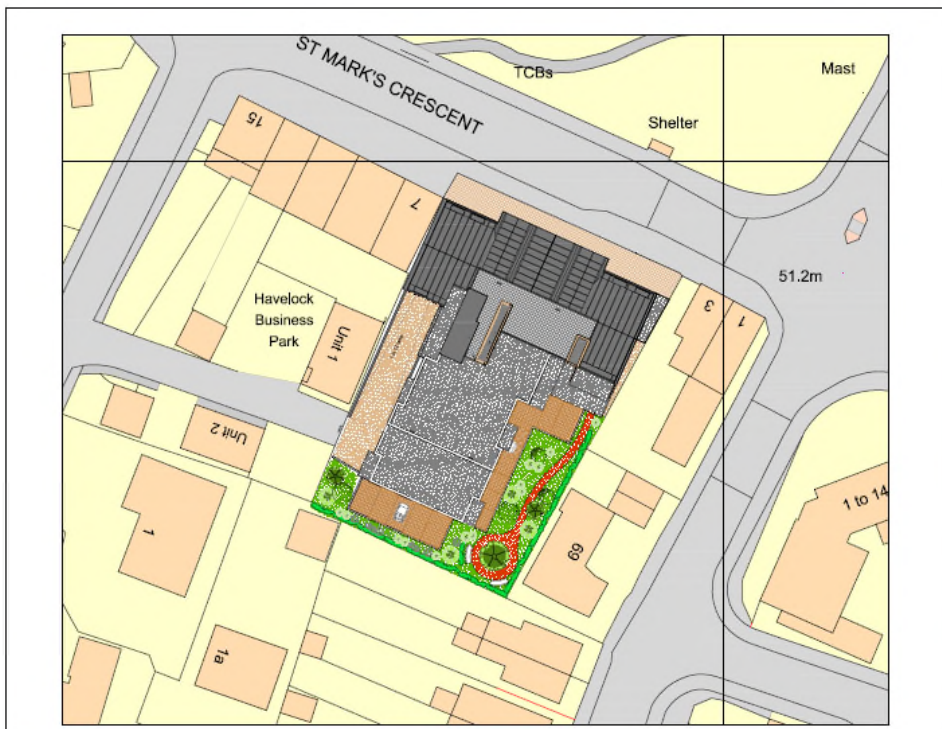
- 1 In the absence of a completed legal agreement to secure the required affordable housing, the application fails to provide affordable housing which would meet the needs of the local area. As such, the proposals are contrary to policy HO3 of the Borough Local Plan.
- 2 The proposed residential development, by reason of the number of single aspect units which include north facing units, lack of privacy, lack of adequate amenity space and lack of information to demonstrate adequate light to habitable rooms, would fail to provide an acceptable quality of residential accommodation for future occupants. As such, the proposal is contrary to policy QP3 of the Borough Local Plan and the guidance contained in the Borough Wide Design Guide.
- 3 The site is located outside of a defined centre and the application fails to demonstrate through the submission of a requisite Sequential Test that a proposed retail use of this scale would be appropriate in this location, that there is a particular local need, and that it would not have a detrimental impact on the viability and vitality of existing commercial uses in the surrounding area. As such, the proposal is contrary to policies TR6 and TR7 of the Local Plan.
- 4 In the absence of a Sustainability Statement, the application fails to demonstrate that the development adapts to and mitigates climate change and to calculate and secure any potential carbon off-set financial contribution for the development through a completed legal agreement. As such, the proposal is contrary to policy SP2 of the Borough Local Plan and the guidance contained in the Interim Sustainability Position Statement.
- 5 The proposed development, given the scale of built form and associated hardstanding, together with the overall height of the building and contrived design, would result in a cramped form of development that is out of keeping with the established character of the immediate and wider context of the surrounding residential area. This, together with the use of metal cladding which is out of keeping with the surrounding material palette, would result in a proposal which fails to respect or make a positive contribution to the local character and appearance of the street scene/townscape, contrary to Policy QP3 of the BLP and the guidance contained in section 7 of the Borough Wide Design Guide.
- 6 The proposed development would by reason of the level of off street car parking and cycle provision in an area of poor accessibility, the position of the proposed vehicular access and the associated loss of on street parking spaces to provide the requisite visibility splays, and the absence of a refuse and servicing strategy, fail to demonstrate that the proposals would not result in material harm to the safe and efficient operation of the surrounding highway network and the displacement of parking in the surrounding area. Together with the absence of supporting information in relation to the highways impact of the proposed development, the proposals are contrary to policy IF2 of the Borough Local Plan and paragraph 111 of the NPPF (2021).
- 7 In the absence of a daylight and sunlight assessment, the application fails to demonstrate that the additional built form on the site would not result in a material loss of light to neighbouring properties and the bulk, layout and separation distance would result in material loss of privacy and increased sense of enclosure to occupants of 69a Courthouse Road. The proposal therefore fails to comply with Policy QP3 of the Borough Local Plan and the guidance contained in the Borough Wide Design Guide.
- 8 In the absence an Ecological Appraisal and the provision of biodiversity enhancements, the application fails to demonstrate that the proposal would not have an adverse ecological impact on protected species and local biodiversity. The proposal, therefore, fails to comply with Policy NR2 of the Borough Local Plan and section 15 of the National Planning Policy Framework.
- 9 In the absence of a Flood Risk Assessment and Drainage Strategy, it has not been demonstrated that the proposals adequately address surface water flood risk and mitigation if required. As such, the proposal is contrary to policy NR1 of the Borough Local Plan.

Appendix A – Site location plan



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Appendix B – Block plan

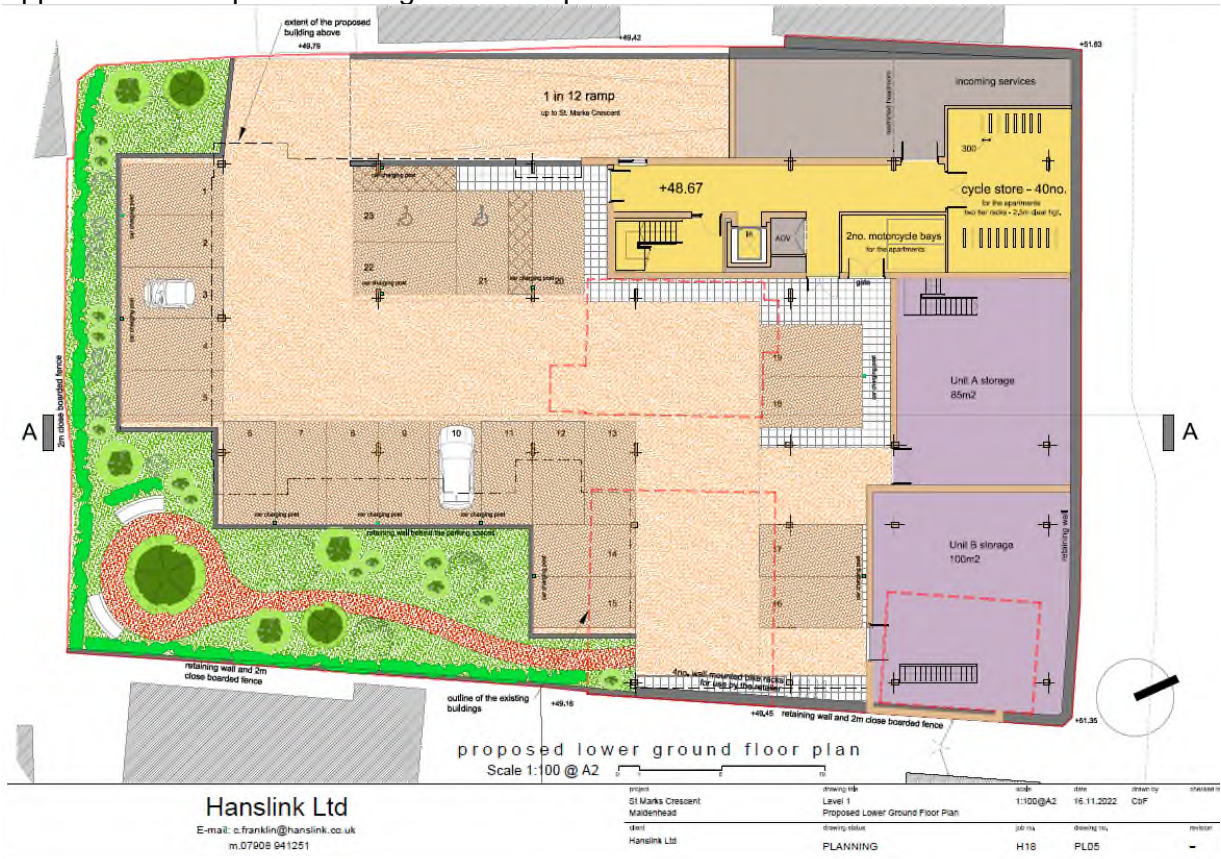


block plan - proposed scheme

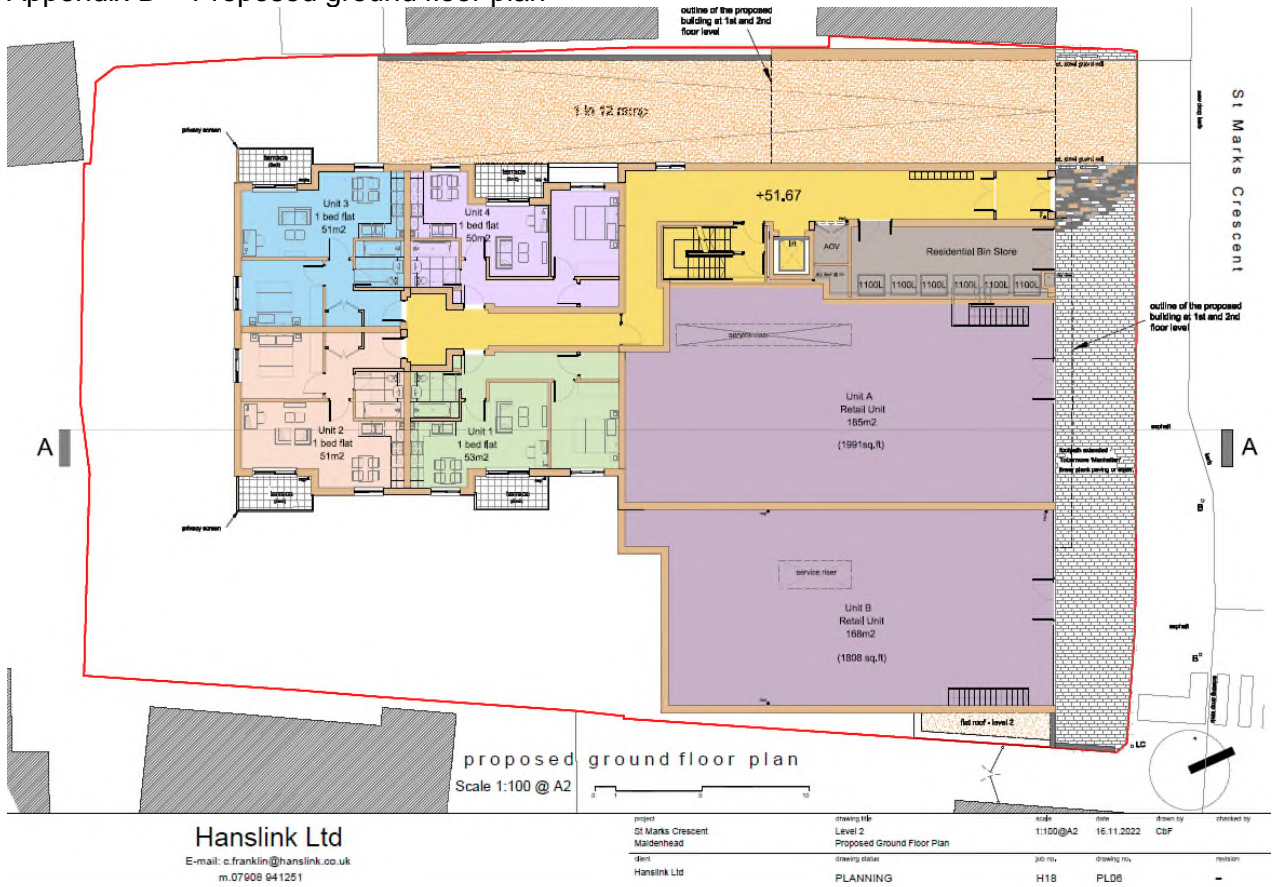
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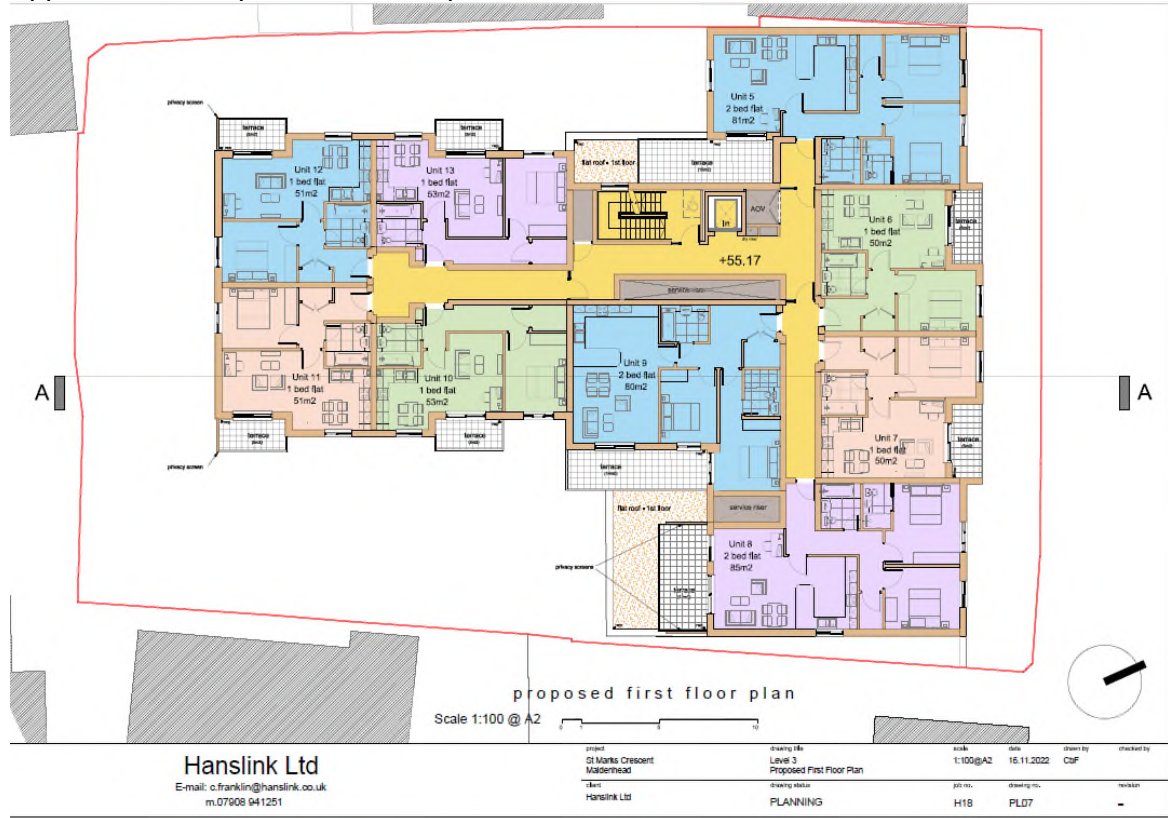
## Appendix C – Proposed lower ground floor plan



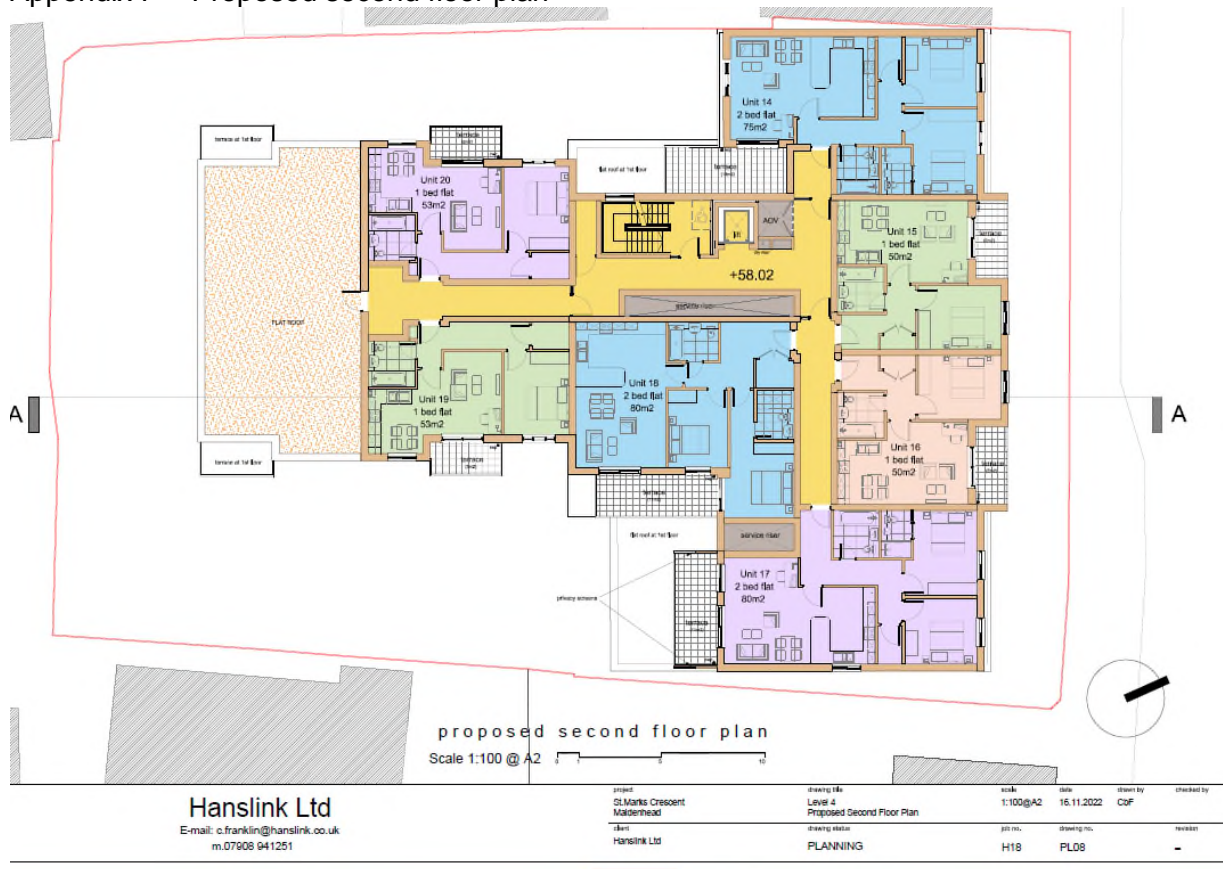
## Appendix D – Proposed ground floor plan



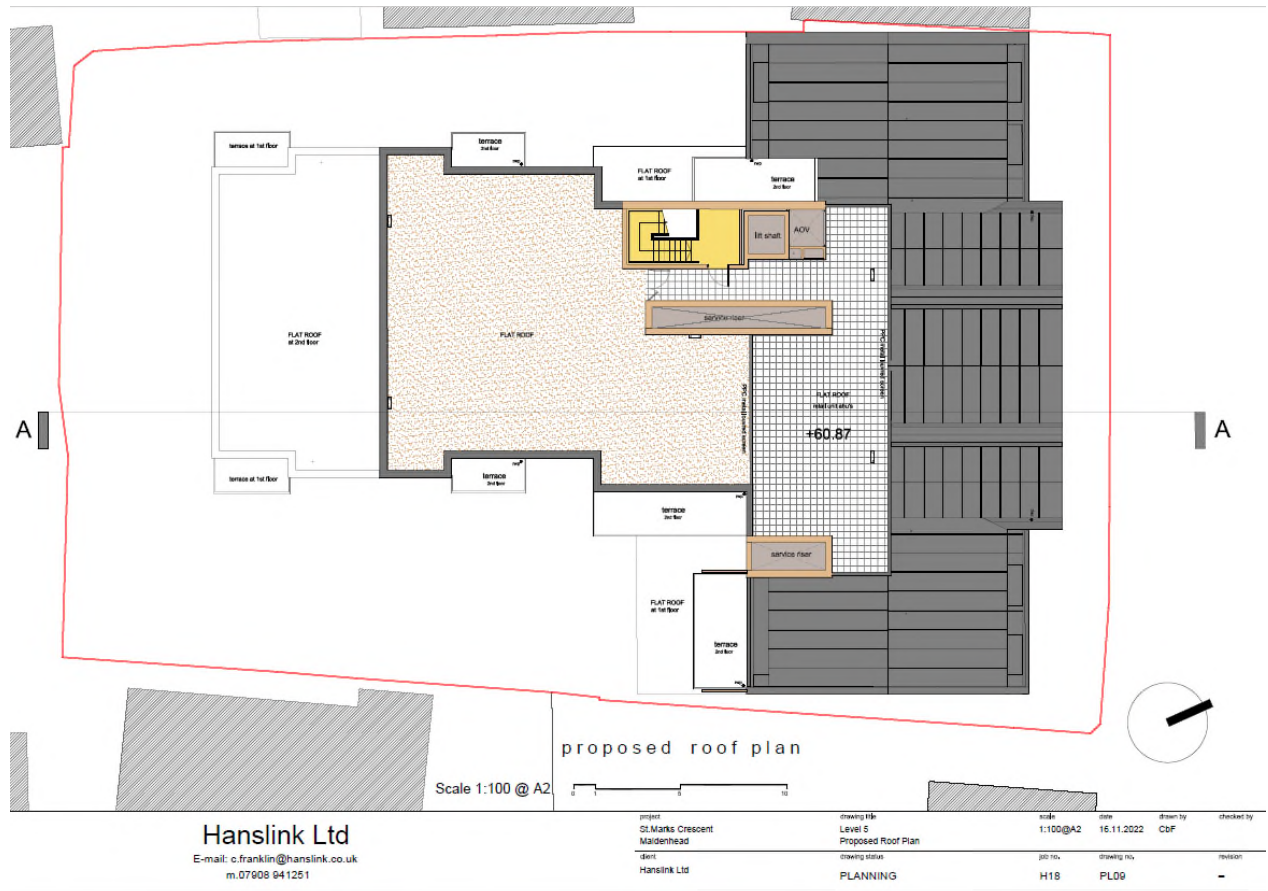
## Appendix E – Proposed first floor plan



## Appendix F – Proposed second floor plan



# Appendix G – Proposed roof plan



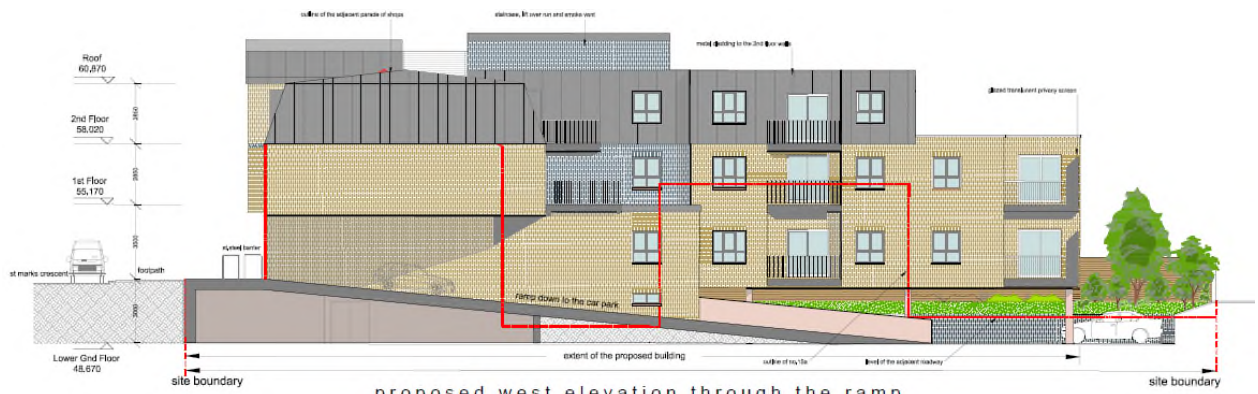
## Appendix H – Proposed east and north elevations



## Appendix I – Proposed south and west elevations



# Appendix J – Proposed section and west elevation through ramp



proposed west elevation through the ramp



proposed section

Scale 1:100 @ A2

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project  
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drawing title  
Proposed Section and  
West Elevation through the ramp  
drawing status  
PLANNING

scale  
1:100@A2  
date  
15.11.2022  
drawing no.  
H18  
drawing rev.  
PL12

drawn by  
CdF  
checked by  
-  
revision  
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