

MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 December 2023

Item: 6.

Application No.:	23/02268/OUT
Location:	Private Car Parking Area At Southern End of Stafferton Way Maidenhead
Proposal:	Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for the erection of six storey building to include 43 flats with associated parking.
Applicant:	N And R Investments Ltd
Agent:	Mr Chris Hall
Parish/Ward:	Maidenhead Unparished/Oldfield
If you have a question about this report, please contact: Sarah Tucker on or at sarah.tucker@rwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks outline planning permission for access, appearance, layout and scale to be considered at this stage, with landscaping reserved, for the erection of a six storey building to include 43 flats, with 15 car parking spaces and 82 cycle parking spaces.
- 1.2 The proposed development has submitted fails to demonstrate compliance with a number of relevant development plan policies as detailed below. The application fails to demonstrate that the sequential test is passed, there is a lack of detail regarding climate change mitigation, insufficient detail regarding affordable housing, an inappropriate dwelling mix, a lack of communal amenity space, insufficient detail on surface water drainage, the building is located within the 8m buffer zone of a main river, harm has been identified to the visual amenity of the streetscene on both sides of the river, the proposals would dominate the streetscene and river landscape, would result in an unacceptable level of harm to highway safety, there is lack of detail of the effects on air quality, identified harm to the ecology of The Cut, which is a priority habitat, no biodiversity net gain has been demonstrated and there would be harm on the adjacent trees.
- 1.3 Given the harm to flood risk, the titled balance set out in paragraph 11(d) of the NPPF is not engaged and for the reasons detailed below, the application is contrary to relevant development plan policies. The application is therefore recommended for refusal.

It is recommended the Committee refuses planning permission for the following reasons:

1. **The site lies predominately within Flood Zone 3 and the proposal fails the sequential test as it is not proven that there are other available sites in areas of lower flood risk in the Borough that could be developed for housing. As such this the development represents inappropriate more vulnerable development a high flood risk zone contrary to Policy NR1 of the adopted Borough Local Plan and the NPPF paragraph 161-165.**

2.	In the absence of a Sustainability/Energy 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.
3.	In the absence of detail regarding the location, size or position of affordable housing or 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.
4.	The proposed development would have an over-provision of 1no. bed flats and an under-provision of 3no. and 4no. flats when compared to the 2016 Berkshire Strategic Housing Market Assessment. As such, the proposals would therefore fail to provide an appropriate mix of dwelling types and sizes reflecting the most up to date evidence, contrary to Policy HO2 of the Borough Local Plan.
5.	On the basis of the information provided, the application fails to fully assess the surface water drainage implications of the proposed development in the surrounding area and as such the proposal is contrary to Policies QP2 and NR1 of the Borough Local Plan.
6.	The proposed development fails to provide an adequate buffer to the river bank of the adjacent waterway required for maintenance and would therefore cause harm to nature conservation and habitats. The proposal would therefore be contrary to Borough Local Plan policies NR1 and NR2.
7.	The proposed development, by reason of its height, scale, mass, bulk and design, would unduly dominate the streetscene of Stafferton Way and the footpath and allotment gardens on the opposite site of The Cut river resulting in a degradation of the visual amenity of the area. Furthermore, the proposals are out of context with the locality due to their height, mass and bulk. As such, the proposals are therefore contrary to Policies QP3 and QP3a of the Borough Local Plan and the guidance contained in the Borough Wide Design Guide.
8.	The proposed development, by reason of the access and poor design of the internal car park, would result in a lack of intervisibility for vehicle egress from the site which would fail to provide a safe environment for pedestrians or cyclists, resulting in unacceptable harm to highway safety in the surrounding area. As such, the proposal is therefore contrary to Policy IF2 of the Borough Local Plan and paragraph 110 of the NPPF.
9.	The site is located within close proximity to the Maidenhead Air Quality Management Area and in the absence of an air quality assessment the application fails to demonstrate that the development would have an acceptable impact on air quality on future residential occupiers or on the area as a whole. As such, the proposal is contrary to Policy EP2 of the Borough Local Plan.
10.	The application site is located adjacent to The Cut river and the application fails to demonstrate that the proposed development would not result in a harmful impact on an identified priority habitat and the application fails to demonstrate a biodiversity net gain. As such, the proposal therefore fails to comply with Policy

	NR2 of the Borough Local Plan and section 15 of the National Planning Policy Framework.
11.	The proposal, due to its location, would unduly impact on the existing trees on the small area of open since to the west of the site contrary to Policy NR3 of the Borough Local Plan.
12.	The proposal, due to the lack of external amenity space, would result in a poor level of amenity for the future occupiers of the flats contrary to Policy QP3 of the Borough Local Plan and the Borough Wide Design Guide.

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.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises a 0.10ha site which is currently used as a private car park by a nearby garage, accessed from Stafferton Way. To the north of the site lies Stafferton Way, with an industrial estate opposite on Howarth Road. To the south and the east lies The Cut river (shown on the OS maps as The Cut but is known locally as York Stream), and to the west lies a small area of open land which is planted with small trees.
- 3.2 The use of the area surrounding the site is mixed, with a number of industrial units, with residential units across the Cut to the east and the south.

4. KEY CONSTRAINTS

- 4.1 The Cut is a Main River, as defined by the Environment Agency (EA) mapping. It is a tributary of the River Thames and is a 'Priority Habitat'. The site lies within Flood Zones 2 and 3.
- 4.2 The site is owned by the Council and the applicant has served notice on Property Services. The Council made a decision at Cabinet on 16 December 2021 to sell the freehold interest of the land on receipt of planning consent. The minutes of this meeting comment that this is a small piece of land that would not sustain major development.
- 4.3 The site lies adjacent to tree planting approved as part of the Stafferton Way Extension (see planning history below).

5. THE PROPOSAL

- 5.1 The application seeks outline planning permission for access, appearance, layout and scale to be considered at this stage, with landscaping reserved, for the erection of a six storey building to include 43 flats with 15 car parking spaces and 82 cycle parking spaces.
- 5.2 Access is proposed in the same location to the existing. The residential accommodation would take the form of 23 x 1 bed units, 16 x 2 bed units, 2 x 3 bed units and 2 x 4 bed units. The Design and Access statement submitted with the

application states that provision for affordable housing in line with Policy HO3 is proposed; however, this is shown on the layout plan.

6. RELEVANT PLANNING HISTORY

Reference	Description	Decision
04/41508/OUT	Outline application for erection of vehicle maintenance workshop and office	Refused 21/4/2004
14/00167/FULL	Eastwards extension of Stafferton Way including; the erection of a new bridge over Moor Cut with associated works to the towpath and river; formation of new junction between Stafferton Way, Forlease Road and Green Lane; formation of a new roundabout junction between Stafferton Way, Oldfield Road (B3028) and Bray Road; and associated landscaping.	Permitted 20/3/2014

7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

Borough Local Plan (BLP)

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Green and Blue Infrastructure	QP2
Character and Design of New Development	QP3
Building Height and Tall Buildings	QP3a
Housing Development Sites	HO1
Housing Mix and Type	HO2
Affordable Housing	HO3
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Renewable Energy	NR5
Environmental Protection	EP1
Air Pollution	EP2
Artificial Light Pollution	EP3
Noise	EP4

Contaminated Land and Water	EP5
Sustainable Transport	IF2
Local Green Space	IF3

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2023)

Section 2 – Achieving sustainable development

Section 4- Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9- Promoting Sustainable Transport

Section 11 – Making effective use of land

Section 12- Achieving well-designed places

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

Section 15 – Conserving and enhancing the natural environment

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 Landscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

25 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 12.10.2023 and the application was advertised in the Local Press on 29.09.2023

There were no representations of support received.

22 representations were received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. Negative impact on the adjacent waterway.	Section 10

2.	Scale of development out of proportion with the size of the site and would dominate the streetscene.	Section 10
3.	Flood risk.	Section 10
4.	Stafferton Way is a very busy road with several dangerous junctions and the proposal would result in nearby streets being used by residents for parking.	Section 10
5.	Size of development would reduce the visual amenity of the open area of York Stream and Green Lane.	Section 10
6.	Proposal would add to congestion on the roads.	Section 10
7.	43 flats is too dense for the site area.	Section 10
8.	Negative impact on wildlife and nature conservation on and around York Stream where the Borough has worked closely with local people to develop an open natural landscape.	Section 10
9.	Neighbour notification is inadequate.	Section 9. The Local Planning Authority has carried out consultation in line with its statutory duties.
10.	Infrastructure to support the proposal is already insufficient.	Section 10
11.	Plans lack a buffer zone to the water channel and would dominate the weir area with a loss of natural streamside habitat.	Section 10
12.	Spoil the waterway.	Section 10
13.	Impact on the green way path, making it seems urban, all the current buildings are relatively hidden.	Section 10
14.	The site is not a town centre one but on the edge of town where such development would be out of place.	Section 10
15.	Proposal fails to meet policy QP1 in that it does not contribute positively to the place in which it is located. The building will be large, overbearing and densely urban.	Section 10
16.	Proposal fails to meet Policy QP3 as it does not respect its local environment and does not respect the local height of typically two storeys of the area.	Section 10
17.	Proposal fails to meet Policy QP4 which requires an 8m buffer zone, as York Stream is classified as a main river.	Section 10

18.	Impact on water vole population which has recently been established.	Section 10
19.	Proposal will undermine the work of the Maidenhead Waterways Project which seeks to maintain the natural habitat and the encouragement of wildlife.	Section 10
20.	Nesting waterbirds nest on the bank this side of the waterway.	Section 10
21.	No need for more flats in the town centre but a greater need for 3-4 bedroomed houses to support families.	Section 10
22.	Poor quality of life for residents of the flats.	Section 10

Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority (LLFA)	The site is situated in an area at risk of flooding from fluvial sources. Discharge rates for surface water drainage should be as close as possible to the greenfield discharge rate for the site but this has not been established. Need clarification on the receiving system proposed to receive surface water flows from the site. Recommend permission not granted until these issues have been resolved.	Section 10

Consultees

Consultee	Comment	Where in the report this is considered
RBWM Highways	Objection. It has not been demonstrated that safe and adequate access to and from the application site can be achieved, resulting in excessive conflicts between vehicles, cyclists and pedestrians., and would not provide sufficient inter visibility. The proposal fails to include adequate off-road parking. Cycle parking is acceptable.	Section 10
RBWM Ecology	Objection. Impact on priority habitat of The Cut watercourse, which is less than 3m from the development, and does not comply with BLP Policies NR1 and NR2. Furthermore, it has not been demonstrated that there will be a net gain in biodiversity as no details for this have been submitted.	Section 10

RBWM Housing Enabling Officer	BLP Policy HO3 requires 13 of the dwellings to be affordable. These are not specified on the plans. Affordable flats need to have their own access core so that service charges can be maintained at a lower rate from the market rate by the Registered Provider. For this to be achieved the proposed layout could have an access core 1 for affordable housing.	Section 10
Berkshire Archaeology	The site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. Written scheme of investigation condition is recommended.	Noted. If the proposals were otherwise acceptable this would be secured by recommended condition.
Thames Water	Would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Should planning permission be granted an informative should be added stating that a groundwater risk management permit from Thames Water is required to discharge into the public sewer.	Section 10
RBWM Environmental Protection	Conditions recommended regarding a construction management plan, plant noise, and contaminated land details. The site is near an Air Quality Management Area (AQMA) and there is insufficient information on air quality to determine the air quality impact of the proposal. An Air Quality Assessment should be submitted.	Section 10

Others (e.g. Parish and Amenity Groups)

Group	Comment	Where in the report this is considered
Friends of Maidenhead Waterways	The waterway in this area has established well since completion in 2020 and the weir and adjoining nature areas are the most rural part of the restored channel, with extensive greenery and habitat for wildlife on both banks. The proposals conflict with many of the adopted policies in the Maidenhead Waterways Framework and well as the Environment Agency's requirement for an 8m buffer zone along the waterway. The development would be a gross overdevelopment of a small site, is far too high at	Section 10

	<p>6 storeys and would consequently dominate and be overbearing to the restored waterway and nature area, lacks any buffer stream to York Stream which is classified as a Main River, will damage ecology, piling could destabilise the existing piles that support the existing sloping banks adjoining the site.</p>	
<p>Maidenhead Civic Society</p>	<p>The site is a narrow linear shape with little depth. Development will result in a building line very close to the road. It sits alongside a section of the newly created waterway. It is unrealistic for any ecological assessment to conclude that such a development will have no adverse impact on the area.</p> <p>The proposed structure is 6 storeys in height and will create 43 1 and 2 bed flats which are grossly over provided within Maidenhead's housing stock. Although the flats have balconies the constraints of the site do not facilitate the provision of any amenity space. The parking provision of 12 spaces and 3 disabled spaces is inadequate for the number of dwellings in a busy location with no facility for on-street parking. The vehicular access point is too close to the mini roundabout and larger delivery vehicles will not be accommodated by the loading bay and will have to park on the street.</p> <p>The main issue is the visual impact of the height, bulk and mass of the proposed structure especially the north elevation facing Stafferton Way. The situation is made worse by the undercroft element at ground floor level which is almost entirely solid dark grey relieved only by two glass fronted entrances. The residential floors of the north elevation have no architectural interest or relief with around 90 windows.</p> <p>From the planning history it is unclear when and if permission was granted for use as a car park. We object to this excessive application which would result in overdevelopment of the site in terms of height, bulk and mass with inadequate parking provision and lack of amenity space.</p>	<p>Section 10</p>

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Principle of Development;
- ii Climate Change and Sustainability;
- iii Affordable Housing;
- iv Housing Provision and Quality;

- v Flooding;
- vi Design and Character;
- vii Parking and Highways Impacts;
- viii Impact on amenity; and,
- ix Ecology and Trees.

Principle of Development

- 10.2 Whilst the land is currently used as a private car park for a local garage, there is no planning history to demonstrate that this use has been granted planning permission. Furthermore, it is unclear from the planning records whether this use has been in situ for the requisite time period in order to establish whether such a use is therefore lawful by the passage of time. Notwithstanding this, the proposal seeks to change the use of the land to residential.
- 10.3 The application site is located within close proximity to Maidenhead Town centre and there are therefore shops, facilities and public transport routes nearby. Policy SP1 of the BLP seeks to focus the majority of development in three strategic growth areas, which includes Maidenhead. Policy HO1 of the BLP is also relevant and 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 location, in purely spatial policy terms, is therefore acceptable for residential development. However, this is subject to demonstrating compliance with other relevant development plan policies which will be addressed below.

Climate Change and Sustainability

- 10.4 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 requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change.
- 10.5 The proposals do not include any detail regarding what design measures will be included to adapt to and mitigate for climate change. 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. In the absence of this information, the proposal therefore fails to comply with Policy SP2 of the BLP.

Affordable Housing

- 10.6 Policy HO3 of the BLP requires all major residential developments to provide on site affordable housing. In this location, 30% of the total number of dwellings should be affordable, which equates to 13 dwellings in this case. Since the application includes layout, details of the relevant affordable housing should be included in the application itself, including the proposed location on the floor plans.
- 10.7 The submitted Design and Access Statement states that 'affordable housing provision will be in accordance with Local Plan requirements contained in Policy HO3 and can be dealt with in more detail at the reserved matters stage'. However, as stated above, whilst the application is outline, layout is applied for and it should be assessed at this stage, with the relevant detail submitted. In the absence of any detail of affordable

housing provision on the plans, and with no other detail provided, there is insufficient detail to fully assess whether the proposals would provide affordable housing in the correct form. The proposal therefore, fails to comply with BLP Policy HO3.

Housing Provision and Quality

- 10.8 Policy HO2 of the BLP states that development should provide an appropriate mix of dwelling types and sizes reflecting the evidence in the most up to date Berkshire Strategic Housing Market Assessment (SHMA), or successor documents. The 2016 SHMA sets out that the recommended housing mix is 15% 1 bed units, 30% 2-bed units, 35% 3 bed units and 20% 4 bed units.
- 10.9 The residential accommodation would take the form of 23 x 1 bed units, 16 x 2 bed units, 2 x 3 bed units and 2 x 4 bed units. Over half of the proposed development would be in the form of one bed units, with a large percentage of two bed units, and provision for only 2 x 3 bed and 2 x 4 bed units. The proposed development would not therefore accord with the 2016 SHMA recommendations in that there is an over-provision of one bed units, and an under provision of larger three and four bed units. As such, the proposals would not provide an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence and therefore the proposals are contrary to Policy HO2 of the BLP.
- 10.10 In order to ensure compliance with BLP 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).
- 10.11 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 (BWDG) sets out a number of criteria in order to secure this.
- 10.12 The proposed units would all meet the National Housing Space standards, with natural light and ventilation to habitable rooms. With regard to amenity space, each flat would have a balcony that is in accordance with the BWDG principles. However, with regard to communal space, Principle 8.6 of the BWDG requires a minimum of 10 sqm of communal outdoor amenity space per flat to be provided. Given the tight location of the site and the level of built form proposed, there is no provision for communal outdoor amenity space to be provided. In the absence of this communal provision, the proposal would result in a poor standard of amenity for the future occupiers of the flats, contrary to BLP Policy QP3 and the guidance contained in the BWDG.

Flooding

- 10.13 The site is located within Flood Zones 2 and 3, with the EA flood mapping showing the majority of the site in Flood Zone 3 as the site is very close to a Main River as defined by the EA maps. Policy NR1 of the BLP sets out that within designated Flood Zone 3, development proposals will only be supported where an appropriate flood risk assessment has been carried out and requires a sequential test for all development in areas at risk of flooding, except for those allocated in the BLP or a Made Neighbourhood Plan. The application site does not form part of either exception to this and the proposal will be required to pass the sequential test, to be considered acceptable. Residential development is considered a 'More Vulnerable' use and

therefore in Flood Zone 2 a sequential test is required and in Flood Zone 3 an exception test is required. An exception test can only be passed if the sequential test is passed.

- 10.14 The sequential test, as set out in the NPPF and Policy NR1 of the BLP, seeks to ensure that a risk based approach is followed to steer new development to areas with the lowest risk of flooding. The sequential test should only compare reasonably available sites in areas of medium risk, and then only where there are no reasonably available site in low and medium risk areas, within high-risk areas. Since the majority of the site is within Flood Zone 3, it is within a high risk area.
- 10.15 The application has been submitted alongside a Flood Risk Assessment (FRA) which contains an assessment of potential sites within the Maidenhead area included in the Berkshire Housing and Economic Land Availability Assessment (HELAA) 2019. This assessment of deliverable sites is very minimal and inconclusive and does not include any sites outside the general Maidenhead area. For the sequential test to be passed, any assessment of deliverable sites must include sites from the Borough as a whole. As such, the submitted information fails to adequately address and demonstrate that the sequential test has been passed, as it is considered that there could be reasonably available sites in low and medium risk areas within the wider Borough for residential development.
- 10.16 Since the sequential test has not been passed, there is no requirement for the exception test to be passed. In the event that the sequential test is passed, then the exception test would be required to be passed as well for the development to be acceptable in flood risk terms.
- 10.17 With regard to flood resilience measures and safe access and egress during a flood event, the submitted flood risk assessment sets out that the finished floor levels (FFL's) of the development would be set at 24.0mAOD. This is situated above the modelled 1% AEP flood event with a 35% allowance for climate change of 23.77mAOD. Whilst the ground floor FFL is 230mm above the flood level and not 300m above this in line with EA Standing Advice, it is noted that the ground floor of the building is for parking and bin storage only and the habitable accommodation is set at first floor level. With regard to safe access and escape, as set out above, the FFL is set above the flood level and therefore a safe access would be available to Stafferton Way in a flood event. This is considered acceptable and if the proposals were otherwise acceptable, this would be conditioned.
- 10.18 Given the above, the proposal would result in 'More Vulnerable' development in a high risk flood area, without passing the sequential test and as such the principle of development is unacceptable and the proposal is therefore contrary to the NPPF and Policy NR1 of the BLP
- 10.19 Policy QP2 of the BLP is also relevant and sets out that development proposals are expected to provide blue infrastructure in their proposals. Policy NR1 seeks to ensure that development proposals restrict surface water run-off and that where proposals are located near main rivers, they should retain or provide an undeveloped 8m buffer zone to the watercourse.
- 10.20 The LLFA has reviewed the submitted documents and raised concerns regarding surface water discharge rates and that these should be as close as possible to greenfield discharge; however, this has not been established. Furthermore, concerns are raised regarding the receiving system proposed for surface water drainage. Since the recommendation is one of refusal, these issues have not been addressed during the course of the application. On this basis, insufficient information has been submitted

to ensure appropriate surface water drainage of the development and the proposal is therefore contrary to Policies QP2 and NR1 of the BLP.

- 10.21 The development is sited within 8m of The Cut watercourse which is defined as a main river on the EA mapping, with some parts of the development sited only 3m from the watercourse. The proposal therefore would not leave an 8m buffer zone as required by BLP Policy NR1 and as such the proposal may result in harm to the appropriate maintenance of the main river itself. As such, in the absence of this buffer, the proposal is contrary to Policy NR1 of the BLP.
- 10.22 No detail has been submitted regarding the proposed surface water drainage to the site. Thames Water have stated that any discharge made without a permit is deemed illegal under the provisions of the Water Industry Act 1991. However, since Thames Water have not recommended refusal, this does not form a reason for refusal of the application. If the proposals were otherwise acceptable, this would be added as an informative to any decision, in line with the Thames Water comments.

Design and Character

- 10.23 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. Furthermore, development should incorporate interesting frontages and design details to provide visual interest, particularly at pedestrian level.
- 10.24 Policy QP3 is consistent with the objectives of Section 12 of the NPPF 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 BWDG is also relevant to this application and is consistent with national and local policy in relation to the character and appearance of a development.
- 10.25 The proposed six storey building would be 82m wide (when the balconies are added on the width increases to 87.5m), 18.4m high and 11m wide. The proposed materials for the building are 'Rockpanel Wood' in various shades of grey, with a zinc mansard roof and aluminium windows and doors. The site is narrow and the proposed building would sit abutting the existing pavement, with no setback.
- 10.26 Whilst the eastern end of the elevation would be below the current site level, the building would still be at five storeys at street level and there would be minimal set back from the existing pavement. The proposed building has been designed with a horizontal emphasis and whilst it has some vertical elements in the stairwells/lift shafts, its form and scale would have a 'monolithic' appearance, with its scale, bulk and massing out of context with the surrounding area. It is noted that there are some large buildings in the vicinity, including the building which houses a supermarket, the retail complex, a multi storey car park and a self- storage building; however, these are all set back from the road, with landscaped areas to the frontage and furthermore, they do not face directly onto the river. Industrial buildings directly opposite are single storey. In this context, the proposed building would stand out as a monolithic structure that would unduly dominate the streetscene. On the opposite side of the river there is a well-used footpath and allotment gardens and from both of these, the proposed building would also unduly dominate given its scale, massing and bulk, resulting in a

loss of the tranquil river and leisure environment. These leisure elements are important in urban areas and the proposal would result in a degradation of their context.

- 10.27 Given the above, the proposal would fail to respect the local or natural character of the environment, would not respect or create high quality townscapes or landscapes and would not create an interesting frontage at pedestrian level. The proposal is therefore contrary to BLP Policy QP3.
- 10.28 Policy QP3a states that within established settlements new development will be expected to maintain existing context heights and to reinforce and reflect the character of the area. The policy defines more than four storeys in an urban area as a tall building. Policy QP3a requires development to be of height, scale, mass and volume that are proportionate to the role, function and importance of the location in the wider context, and enhance the character and distinctiveness of the area and avoid an overbearing impact on streetscape. The proposal, in that its size would be out of context with the locality and its mass, scale and bulk would be visually oppressive, creating an overbearing presence in the streetscene, therefore fails the policy tests set out in BLP policy QP3a.

Parking and Highways

- 10.29 Policy IF2 of the BLP sets out that new development proposals that help create a safe and comfortable environment for pedestrians and cyclists and improve access by public transport will be supported. Development should also be located to minimise the distance people travel and the number of vehicle trips generated and measures to minimise and manage demand for travel and parking. Paragraph 110 of the NPPF requires safe and suitable access to the site should be achieved for all users and that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.
- 10.30 A minimum distance of 30m is required from an access point to a junction; however, the access to the development is located only 22m to the Stafferton Way/Howard Way mini roundabout to the west. Whilst this is an existing access, the proposed development would result in a significant increase in traffic movements when compared to the existing private car park. Within the proposed car park, there would be insufficient width to allow vehicles to pass each other at multiple locations and accordingly, concerns are raised regarding the safe operation of the car park and potential conflicts between vehicles, pedestrians and disabled users. Furthermore, it is unclear from the submission as to whether there would be sufficient vehicle to vehicle intervisibility, as the staircase position would block the view of the vehicle ramp and would result in a significant level of conflict with pedestrians. A number of the parking bays as shown on the submitted plans would also be too tight and result in unnecessary manoeuvring. The internal dimension of the car park has very limited width available for vehicles to manoeuvre and turn and it is not clear if the gradient for the parking ramp exceeds 1:20 as required by relevant guidance. On this basis, overall, the development would fail to provide a safe environment for pedestrians and cyclists, nor disabled users and as such is contrary to Policy IF2 of the BLP and the NPPF, resulting in an unacceptable impact on highway safety.
- 10.31 With regard to the level of car parking on site, 15 spaces are proposed and this would fall short of the required provision. However, the site is within close proximity to bus routes 16 and 53 which are very regular services to the town centre, which is approximately 10 mins by bus from the site and bus route 7 which is another regular service to the station which takes 10 minutes from the site. There is also a supermarket within a few minutes walk of the site. Given this, it is considered that there are suitable

and convenient modes of sustainable transport available for occupiers of the site and a use of a car would be restricted by a lack of on-street parking in the area. As such, it is not considered that this in itself would constitute a reason for refusal and the parking could be secured by condition if the proposals were otherwise acceptable. Furthermore, cycle parking provision and refuse and recycling facilities would be secured by recommended condition if the proposals were otherwise acceptable.

Amenity

- 10.32 Policy QP3 of the BLP requires that new development shall have not unacceptable impact on the effect of the amenities of enjoyed by adjoining properties and that the proposals provide high quality private and public amenity space. The location of the application site is such that there are no residential properties in the immediate vicinity of the site and as such the proposal would not result in unacceptable harm to any adjoining residential amenity.
- 10.33 Policy EP2 of the BLP states that development proposals will need to demonstrate that they do not significantly affect residents within or adjacent to an Air Quality Management Area (AQMA) or to residents being introduced by the development itself. The site is located within close proximity to an AQMA and as such, an air quality assessment should be undertaken; however, this has not been submitted with the application. As such, there is insufficient information to assess the impact of air quality on the future residential occupiers of the proposal or on the area as a whole, contrary to Policy EP2 of the BLP.
- 10.34 Conditions have been recommended by Environmental Protection regarding construction works; however, these would be covered by environmental health legislation. If the proposals were otherwise acceptable, conditions would be attached regarding plant noise and contamination.

Ecology and Trees

- 10.35 Policy NR2 of the BLP requires applications to demonstrate how they maintain, protect and enhance biodiversity and will be required to apply to mitigation hierarchy to avoid, mitigate or compensate for any adverse biodiversity impacts. Development proposals will be expected to identify areas where there is opportunity for biodiversity to be improved. Furthermore, the policy states in criterion (d) that development should ensure that all new developments next to rivers will not lead to the deterioration of the ecological status of waterbodies. Development proposals should avoid loss of the biodiversity and fragmentation of existing habitats.
- 10.36 The site is located directly adjacent to The Cut, a tributary of the River Thames and a 'Priority Habitat'. The proposals are likely to have a significant impact on the priority habitat and the associated vegetation due to the increased built form next to The Cut, with increased noise and light. As such, on the basis of the information provided, the proposal is contrary to Policy NR2 of the BLP.
- 10.37 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.

- 10.38 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. Trees in the open space to the west of the site, which are Council owned and were planted as part of the development of the Stafferton Way extension scheme, would be unduly impacted by the proposal given how close the built development would be to the trees. The trees are located on a small open area, adjacent to the site and provide a rare open and green presence in the mostly industrial and retail area on Stafferton Way. As such, the proposals are contrary to Policy NR3.

11. PLANNING BALANCE

- 11.1 The report has set out a number of harms as a result of the development, including failing the sequential test, lack of climate change mitigation, insufficient detail regarding affordable housing, inappropriate dwelling mix, insufficient detail on surface water drainage, siting within the 8m buffer zone of a main river, harm to the visual amenity of the streetscene both sides of the river, dominating the streetscene and river landscape, unacceptable level of harm to highway safety, lack of communal amenity space, lack of detail of effects on air quality, harm to the ecology of The Cut, which is a priority habitat, no biodiversity net gain demonstrated and undue impact on the adjacent trees.
- 11.2 The Local Planning Authority has recently published details of a 4.88 year housing land supply. Paragraph 11(d) of the NPPF states that where policies which are most important for determining the application are out of date (due to the fact the Council doesn't have a 5 year housing land supply), grant permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 11.3 Footnote 7 of para 11(d) of the NPPF states in (i) it refers to policies relating to areas at risk of flooding. As such, the application of policies relating to flood risk provide a clear reason for refusal for the development proposed and the titled balance of the NPPF is not therefore engaged. This is in accordance with Paragraph 11 d i) of the NPPF.
- 11.4 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.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

13. REASONS RECOMMENDED FOR REFUSAL

- 1 The site lies predominately within Flood Zone 3 and the proposal fails the sequential

test as it is not proven that there are other available sites in areas of lower flood risk in the Borough that could be developed for housing. As such this the development represents inappropriate more vulnerable development a high flood risk zone contrary to Policy NR1 of the Borough Local Plan and the NPPF paragraph 161-165.

- 2 In the absence of a Sustainability/Energy 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.
- 3 In the absence of detail regarding the location, size or position of affordable housing or 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.
- 4 The proposed development would have an over-provision of 1no. bed flats and an under-provision of 3no. and 4no. flats when compared to the 2016 Berkshire Strategic Housing Market Assessment. As such, the proposals would therefore fail to provide an appropriate mix of dwelling types and sizes reflecting the most up to date evidence, contrary to Policy HO2 of the Borough Local Plan
- 5 On the basis of the information provided, the application fails to fully assess the surface water drainage implications of the proposed development in the surrounding area and as such the proposal is contrary to Policies QP2 and NR1 of the Borough Local Plan.
- 6 The proposed development fails to provide an adequate buffer to the river bank of the adjacent waterway required for maintenance and would therefore cause harm to nature conservation and habitats. The proposal would therefore be contrary to Borough Local Plan policies NR1 and NR2.
- 7 The proposed development, by reason of its height, scale, mass, bulk and design, would unduly dominate the streetscene of Stafferton Way and the footpath and allotment gardens on the opposite site of The Cut river resulting in a degradation of the visual amenity of the area. Furthermore, the proposals are out of context with the locality due to their height, mass and bulk. As such, the proposals are therefore contrary to Policies QP3 and QP3a of the Borough Local Plan and the guidance contained in the Borough Wide Design Guide.
- 8 The proposed development, by reason of the access and poor design of the internal car park, would result in a lack of intervisibility for vehicle egress from the site which would fail to provide a safe environment for pedestrians or cyclists, resulting in unacceptable harm to highway safety in the surrounding area. As such, the proposal is therefore contrary to Policy IF2 of the Borough Local Plan and paragraph 110 of the NPPF.
- 9 The site is located within close proximity to the Maidenhead Air Quality Management Area and in the absence of an air quality assessment the application fails to demonstrate that the development would have an acceptable impact on air quality on future residential occupiers or on the area as a whole. As such, the proposal is contrary to Policy EP2 of the Borough Local Plan.
- 10 The application site is located adjacent to The Cut river and the applicaiton fails to demonstrate that the proposed development would not result in a harmful impact on an identified priority habitat and the application fails to demonstrate a biodiversity net

gain. As such, the proposal therefore fails to comply with Policy NR2 of the Borough Local Plan and section 15 of the National Planning Policy Framework.

- 11 The proposal, due to its location, would unduly impact on the existing trees on the small area of open space to the west of the site contrary to Policy NR3 of the adopted Borough Local Plan
- 12 The proposal, due to the lack of external amenity space, would result in a poor level of amenity for the future occupiers of the flats contrary to Policy QP3 of the Borough Local Plan and the guidance contained in the Borough Wide Design Guide.

Informatives

- 1 The proposal relates to the following submitted plan:

