

ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 18TH NOVEMBER, 2020

At 6.15 pm

in the

VIRTUAL MEETING - ONLINE ACCESS,

SUPPLEMENTARY AGENDA

PART I

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PANEL UPDATE

Application No.:	18/03348/OUT
Location:	Grove Park Industrial Estate Waltham Road White Waltham Maidenhead SL6 3LW
Proposal:	Outline application for access, layout and scale only to be considered at this stage with all other matters to be reserved for the erection of up to x79 dwellings and erection of a nursery building (D1) following demolition of a number of existing buildings.
Applicant:	Sorbon Estates Ltd
Agent:	Mrs Rosalind Gall
Parish/Ward:	White Waltham Parish/Hurley And Walthams Ward
If you have a question about this report, please contact: Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1** The recommendation is updated to reflect the need to secure bus infrastructure improvements in the legal agreement if outline planning permission is approved. Further details of the proposed affordable housing provision have been agreed.
- 1.2** Additional representations have been received which are responded to in detail below.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure the bus infrastructure improvements, affordable housing and replacement of the D1 (nursery) community use discussed in Section 9 of the main report and with the conditions listed in Section 13 of the main report.
2.	To refuse planning permission if an undertaking to secure the bus infrastructure improvements, affordable housing and/or replacement nursery discussed in Section 9 of the main report has not been satisfactorily completed for the reason that the proposed development would not be accompanied by appropriate levels of public transport improvements, affordable housing provision and/or replacement D1 (nursery) community use.

2. ADDITIONAL INFORMATION

- 2.1 Further to the discussion in section 9 of the main report, the applicant has agreed in principle to contribute towards improvements to bus infrastructure within the vicinity of the site. The improvements could include new bus poles/stops, seating and dropped kerb to facilitate crossing and access to the bus stop. Subject to these improvements being secured by a legal agreement, the proposal would ensure that the public transport improvements would be provided to support the new development.
- 2.2 As noted in section 9 of the main report, viability reports were submitted in support of the application in order to demonstrate that the scheme could not support a policy compliant level of affordable housing provision. There reports were independently assessed on behalf of the Council and it has been agreed with the applicant that on-site units can be provided by the scheme. Four 2-bedroom affordable rent units are proposed to be included within the scheme and their provision will be secured by legal agreement. The proposed units have been secured as the size and tenure of affordable rent would meet the priority needs of the Borough.
- 2.3 Additional objections have been received to the application (28 recorded by planning as of lunchtime). These are summarised below with officers response:

Comment	Response
Officer's report has ignored local opinion	The officer's report has summarised and responded to the comments received during the application.
Scale and density of development too high in green belt and within 20m of conservation area; selective examples used to justify high density; proposed density incompatible with Townscape Assessment of Waltham Road	Density is used as an indicator of whether or not a proposal is making efficient use of land. A scheme with a higher density than its surroundings is not in itself unacceptable unless it also gives rise to a specific harm. The proximity to a conservation area does not prevent a development of higher density than surrounding areas. The example used is relevant as it does form part of the surroundings to the site. The level of built development on the site as existing must also be taken into consideration. The Townscape Assessment is not adopted policy but provides guidance regarding the typical townscape types found in different parts of the Borough. The Townscape Assessment does not cover the site and relates to the development further to the east on Waltham Road. However, the proposed development is not considered to be out of keeping with the "leafy residential suburb" description of that part of Waltham Road as it is a low-density development in a landscaped setting.
Breaches HWNP Policy WW1 which requires the development to have a positive impact on local character	The impact of layout, access and scale on local character have been fully considered in the main report. A further reserved matters application regarding appearance would be required if outline planning permission is granted.
Object to assessment of impact on openness; volume and impact of vehicles should not be compared; does not meet exceptions to inappropriate development in NPPF	The NPPF sets out that the partial or complete redevelopment of previously developed land is appropriate development provided it does not have a greater impact on openness. The impact on openness has been fully assessed in the main report in accordance with the NPPF.
Traffic calculations based on data from 2016; increase in traffic locally; wrong assumption that site would generate less traffic; would result in movements at peak times; additional entry point closer to the	Highway safety and traffic impacts have been fully assessed in the main report.

school would exacerbate problems contrary to HWNP policy T1.	
Limited services and infrastructure to support development; further information required regarding how CIL would do this	As the application is at outline stage the final sums required under CIL would need to be confirmed following reserved matters applications. CIL is the appropriate route to secure strategic infrastructure to support the development.
Loss of employment sites for small businesses; change in allocation under Borough Local Plan show significant changes in position	There is no planning policy which protects the size or affordability of the units at the site. The BLP is currently under examination but therefore can only be given limited weight in determination of current applications.
Concern at process of notification regarding panel and meeting being held under current restrictions.	Notification given on this application followed the same procedure as on all others. Virtual meetings have been held since June and public participation is still able to be included despite current restrictions.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

PANEL UPDATE

Application No.:	20/00935/FULL
Location:	Essex Lodge 69 Osborne Road And Annexe Essex Lodge 69 Osborne Road Windsor
Proposal:	Construction of x10 flats with associated landscaping, parking and bin store and alterations to the existing access, following demolition of the existing building.
Applicant:	Sorbon Estates Ltd
Agent:	Mr Kevin Scott
Parish/Ward:	Windsor Unparished/Old Windsor
If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk	

1. SUMMARY

- 1.1 Since the publication of the main report further comments have been received from The Windsor and Eton Society in relation to the revised scheme.

It is recommended the Panel grants planning permission with the conditions listed in Section 13 of the main report.

2. Comments from Interested Parties

Additional comments received, summarised as:

Comment	Officer response	Change to recommendation?
Surprised that Borough has not re-consulted on revised plans.	There is no requirement to re-consult or re-notify on revised plans where there is no materially greater impact.	No
Main objection still relates to demolition of Essex Lodge	Covered in Panel report	No
Still concerned about overall scale	Covered in Panel report	No
Development is still forward of Osborne Road building line, set back not sufficient to provide mature tree planting and not convinced that changes will remove threat to Lime tree.	Covered in Panel report	No
Not clear how flat 1 will be accessed	Access is to be provided via a footpath from the parking area and not direct from Osborne Road. Details of the hard surfacing/footpath	No

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

PANEL UPDATE

Application No.:	20/01129/FULL
Location:	Moorbridge Court And Liberty House At 29 To 53 Moorbridge Road Maidenhead
Proposal:	Construction of 5 residential blocks comprising of 129 residential units together with associated landscaping, car parking and infrastructure works following the demolition of the existing buildings.
Applicant:	Bellway Homes
Agent:	Bne Thomas
Parish/Ward:	Maidenhead Unparished/St Marys
If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

1. SUMMARY

- 1.1** The 3 parking spaces re-provided within the site are in connection with the commercial premises No. 27 Moorbridge Court and not with Nos. 39-41 Moorbridge Road as stated within paragraphs 1.6 and 9.88 of the report.
- 1.2** The wording of conditions 12, 13, 14, 17 and 18 have been amended to allow demolition prior to the submission of the requisite information as requested by that condition.
- 1.3** The section 106 agreement is to include an early stage viability review should development not have commenced within 18 months.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission subject to the following: <ul style="list-style-type: none"> - The completion of a satisfactory legal agreement securing on-site affordable housing and a viability review mechanism, a contribution towards future maintenance of landscaping, a contribution towards refuse collection services, a Car Park Management Plan and Travel Plan - Final comments from the LLFA confirming no objections to the updated drainage strategy and FRA - with the conditions listed in Section 12 of the main report as amended by those conditions in section 3 below
2.	To refuse planning permission if: <ul style="list-style-type: none"> - A satisfactory legal agreement securing the aforementioned measures is not secured; or - Objections from the LLFA regarding the updated drainage strategy and FRA cannot be resolved

2. ADDITIONAL INFORMATION

Planning Panel Windsor Area

- 2.1 The 3 parking spaces to be re-provided on site to the east of Nos. 39-41 are to be used in connection with the commercial premises No.27 Moorbridge Road and not No.39. The occupier of No.39 has claimed rights to a parking space within the site in connection with a historic planning permission. The applicant's solicitor has advised that the occupier of No.39 does not have rights to this space but it has been using it informally over the years. This matter would therefore be a civil issue between the occupier of 39 and the developer.
- 2.2 Conditions 12, 13, 14 and 18 have been reworded to allow for demolition to occur prior to the submission of the relevant details. Condition 17 has been reworded to allow the demolition of Liberty House before a bat licence is obtained from Natural England (the condition still ensures demolition of Moorbridge Court cannot commence).
- 2.3 An early stage viability review mechanism is to be included in the section 106 agreement (currently being drafted). This will enable the viability of the development to be reviewed after 18 months if the development has not commenced to ascertain whether a greater level of affordable housing can be provided.
- 2.4 It should be noted that the agent sent a briefing note to councillors of the Panel and ward councillors in support of the planning application.

3. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 3.1 The reworded conditions are as follows:
 - 12. No development (excluding demolition) shall take place until full details of soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
 - 13. Prior to the commencement of development (excluding demolition) a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall cover any areas of existing landscaping, including woodlands, and all areas of proposed landscaping other than private domestic gardens.
Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Policies - Local Plan DG1.
 - 14. Prior to the commencement of development (excluding demolition) details of hard surfacing and street furniture shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and permanently maintained.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
 - 17. Demolition of Moorbridge Court shall not commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy of the licence (or confirmation from Natural England that the site has been registered under a bat mitigation class licence) has been submitted to the council. Thereafter mitigation measures detailed in the licence shall be maintained in accordance with the approved details. Should the applicant conclude that a licence for development works affecting bats is not

required for all or part of the works the applicant is to submit a report to the council detailing the reasons for this assessment and this report is to be approved in writing by the council prior to commencement of the demolition of Moorbridge Court.

Reason: Moorbridge Court hosts roosting bats which may be affected by the proposals. This condition will ensure that bats, a material consideration, are not adversely affected by the development.

18. Prior to commencement of the development (excluding demolition), a Biodiversity Enhancement Scheme and Management Plan (incorporating the recommendations for biodiversity enhancements provided in ecological appraisal, EDP Ltd, 2020) shall be submitted and approved in writing by the council. The Approved Biodiversity Enhancement Scheme shall thereafter be implemented and maintained as agreed.

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

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE

Application No.:	20/01463/FULL
Location:	St Cloud Gate St Cloud Way Maidenhead SL6 8XD
Proposal:	Demolition of the existing office building, and the construction of a new grade A office building with associated cafe, communal roof terrace, car parking, new pedestrian access and landscaping.
Applicant:	Ms Broughton
Agent:	Mr James Brown
Parish/Ward:	Maidenhead Unparished/St Marys

If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk

1. SUMMARY

- 1.1 A number of planning conditions have been amended to alter the timing to submit details for approval. Conditions for the Construction Management Plan and Construction Environment Management Plan have been separated so that plans to cover the demolition and construction stages are considered separately. In addition, a condition to secure details of any new external lighting is recommended.
- 1.2 The applicant has agreed to have a clause within the legal agreement to secure improvements to the subway, or if these works are not delivered to pay the money that would cover these works to the Council to fund projects to improve pedestrian connectivity in the local area. They have also agreed to make a contribution towards local cycle infrastructure improvements.

It is recommended the Panel grants planning permission with the conditions listed in Section 12 of the main report with the amended and additional conditions in section 3 below, and with the legal agreement to secure a travel plan, car park management plan, and cycling and pedestrian infrastructure improvements.

2. ADDITIONAL INFORMATION

- 2.1 The agent sent a briefing note to councillors of the Panel and ward councillors in support of the planning application.
- 2.2 The agent has requested that some of the conditions are amended so that the timing for the submission of certain details is altered. In addition, they request that conditions for the Construction Management Plan and Construction Environment Management Plan are separated so that the plans deal with the demolition and construction process separately. The requested amendments to the conditions is considered to be acceptable, and would still obtain detail and at an appropriate time.
- 2.3 It is recommended that an additional condition is added to secure details of any new external lighting, so that it is designed to be sensitive to wildlife.

- 2.4 The applicant has agreed to have a clause within the legal agreement to secure improvements to the subway to improve pedestrian connectivity, and if this is not delivered, then the money required to fund these improvements would be paid to the Council to put towards projects to improve pedestrian routes in the local area. In addition, a contribution would be secured to go towards cycling improvements identified in the missing links scheme.

Amended Conditions

(Condition 5 – Construction Management Plan)

Prior to the demolition of the building, a demolition management plan showing how demolition and associated traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the demolition period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the demolition works or as may be agreed in writing by the Local Planning Authority. Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

Prior to the commencement of construction of the building hereby approved, a construction management plan showing how construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the construction works or as may be agreed in writing by the Local Planning Authority. Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

(Condition 6) The development hereby permitted shall not be commenced (excluding demolition) until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing: a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). A copy of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion. b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. LPA. This must be conducted in accordance with the Environment Agency Land Contamination Risk Assessment, formerly CLR11 Model Procedures for the Management of Land Contamination.

(Condition 7) Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works below ground level (excluding demolition), other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA. Remediation of the site shall be carried out in accordance with the approved remedial option. This must be conducted in accordance with DEFRA and the Environment Agency's 'Land contamination risk assessment'. Reason: To ensure the proposed remediation plan is appropriate.

(Condition 9) If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately, and no further work (excluding demolition) shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

Condition 10: (CEMP)

No development shall take place until a site specific Demolition Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to: - Procedures for maintaining good public relations including complaint management, public consultation and liaison Arrangements for liaison with the Environmental Protection Team -All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

-Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above. -Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works. -Procedures for emergency deviation of the agreed working hours.

-Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

-Measures for controlling the use of site lighting whether required for safe working or for security purposes. The development shall be undertaken in accordance with the approved plan.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

Prior to the commencement of construction of the building hereby approved, a site specific Construction Environmental Management Plan shall be submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to: -Procedures for maintaining good public relations including complaint management, public consultation and liaison Arrangements for liaison with the Environmental Protection Team -All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

-Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above. -Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works. -Procedures for emergency deviation of the agreed working hours.

-Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

-Measures for controlling the use of site lighting whether required for safe working or for security purposes. The development shall be undertaken in accordance with the approved plan.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

Condition 11

Prior to the installation of the plant and equipment on the building hereby approved, details of the plant, including manufactures specification, and details of the acoustic measures to be used shall be submitted to and approved in writing by the LPA. The plant and acoustic measures shall be constructed in accordance with the approved details, and shall be maintained in good working order for the lifetime of the development. Reason: To ensure the development does not in result in an unacceptable level of noise.

Condition 15

Prior to the installation of the green roof hereby approved, details of the green roof (including details of its maintenance) at rooftop level shall be submitted to and approved in writing by the LPA. The green roof shall be implemented and maintained in accordance with the approved details. Reason: To ensure a satisfactory form of development, and to secure sustainability benefits of the scheme.

Condition 17

No part of the development shall be occupied until vehicle parking spaces has been provided in accordance with the approved drawing. The spaces approved shall be retained for parking in association with the development. Reason: To ensure that the development is provided with adequate parking facilities to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety.

Condition 21

The construction of the surface water elements shall be carried out in line with the drawings submitted as part of this application. Any changes/deviations from the details provided shall be submitted to the LPA for approval before commencement of construction of the building hereby approved. Details of the maintenance arrangements relating to the proposed surface water drainage system confirming who will be responsible for its maintenance and the maintenance regime to be agreed in writing by the LPA prior to occupation of the building. The approved surface water drainage system shall be implemented in accordance with the approved detailed design prior to the first occupation of the building hereby approved and maintained thereafter. Reason: To ensure compliance with the National Planning Policy Framework and the NonStatutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

Additional condition

Prior to the installation of any new external lighting, details of the lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details. Reason: To ensure that any new external lighting is designed to be sensitive to wildlife. In accordance with paragraph 170 of the NPPF.

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