

# NOTICE OF MEETING

## MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

will meet on

**WEDNESDAY, 21ST NOVEMBER, 2018**

at

**7.00 pm**

in the

### **COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD**

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

COUNCILLOR DEREK WILSON (CHAIRMAN)  
COUNCILLOR LEO WALTERS (VICE-CHAIRMAN)  
COUNCILLORS CLIVE BULLOCK, MAUREEN HUNT, RICHARD KELLAWAY,  
PHILIP LOVE, DEREK SHARP, ADAM SMITH AND CLAIRE STRETTON

SUBSTITUTE MEMBERS

COUNCILLORS GERRY CLARK, CARWYN COX, JUDITH DIMENT,  
MOHAMMED ILYAS, MARION MILLS, MJ SAUNDERS, HARI SHARMA,  
LISA TARGOWSKA AND PAUL BRIMACOMBE

Karen Shepherd – Service Lead - Governance  
Democratic Services

Issued: Tuesday, 13 November 2018

Members of the Press and Public are welcome to attend Part I of this meeting.

The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) – if you are viewing this on the website and there are appendices you are unable to access, please contact the Panel Administrator **Shilpa Manek** 01628 796310, or [democratic.services@rbwm.gov.uk](mailto:democratic.services@rbwm.gov.uk)

**Accessibility** - Members of the public wishing to attend this meeting are requested to notify the clerk in advance of any accessibility issues

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## AGENDA

### PART 1

ITEM	SUBJECT	WARD	PAGE NO
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.		
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.		3 - 4
3.	<u>MINUTES</u> To confirm the part I minutes of the meeting of 24 October 2018.		5 - 8
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning's report on planning applications received.  Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module at <a href="http://www.rbwm.gov.uk/pam/search.jsp">http://www.rbwm.gov.uk/pam/search.jsp</a> .		9 - 222
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Appeals Decision Report and Planning Appeals Received.		223 - 228

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

In accordance with the requirements of the Local Government (Access to Information) Act 1985, each item on this report includes a list of Background Papers that have been relied on to a material extent in the formulation of the report and recommendation.

The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper, although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as "Comments Awaited".

The list will not include published documents such as the Town and Country Planning Acts and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance, as the instructions, advice and policies contained within these documents are common to the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading "Remarks".

## **STATEMENT OF THE HUMAN RIGHTS ACT 1998**

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues

## MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

### Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
  - a) that body has a piece of business or land in the area of the relevant authority, and
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

*Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'*

### Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

*Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'*

### Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

## MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

24.10.18

PRESENT: Councillors Derek Wilson (Chairman), Clive Bullock, Maureen Hunt, Richard Kellaway, Philip Love and Adam Smith.

Officers: Mary Severin (Monitoring Officer), Tony Franklin (Planning), Tony Carr (Traffic & Road Safety Manager), Jenifer Jackson (Head of Planning), Andy Carswell (Democratic Services Officer), Feliciano Cirimele (Environmental Protection Officer), Daniel Bayles (Community Protection Lead), Chrissie Ellera (Planning Officer) and Claire Pugh (Senior Planning Officer)

Also Present: Councillor Asghar Majeed

112 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Sharp, Stretton and Walters.

113 DECLARATIONS OF INTEREST

Councillor Hunt declared a pecuniary interest in item 4 as she owned a property near the application site. She stated she would not take part in the discussions or vote on the item. Councillor Hunt also declared a personal interest in item 5 as she was a member of the Planning and Housing Overview and Scrutiny Panel, where the item had been discussed previously. She stated she was attending Panel with an open mind.

Councillor Kellaway declared a personal interest in items 1 and 2 as he lived near to the application site, and stated that he had taken legal advice and been informed that he would be able to participate in the discussions as he did not live sufficiently close enough to be affected by the application. Councillor Kellaway also declared a personal interest in item 5 as he was Chairman of the Planning and Housing Overview and Scrutiny Panel, which had discussed the item previously. He stated that he was attending Panel with an open mind.

Councillors Love and Wilson declared a personal interest in item 5 as they had both attended the Maidenhead Town Forum the previous evening, where parking provision in Maidenhead was discussed and Vicus Way was mentioned. Councillors Love and Wilson both confirmed that they were attending Panel with an open mind.

114 MINUTES

**RESOLVED UNANIMOUSLY: That the minutes of the meeting held on September 26<sup>th</sup> 2018 be approved as a true and accurate record.**

115 PLANNING APPLICATIONS (DECISION)

The Panel considered the Head of Planning and Development's report on planning applications and received updates in relation to a number of applications, following the publication of the agenda.

NB: \*Updates were received in relation to planning applications marked with an asterisk.

The Panel unanimously voted to change the order of the agenda and hear item 5 first due to the number of people who had attended the meeting for this item.

*Item 1	Single storey extension with glazed link and alterations to fenestration on existing outbuilding.
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<p>18/01579/FULL</p> <p>The Chequers Dean Lane Cookham Maidenhead SL6 9BQ</p>	<p>Change of use of extended outbuilding to cookery school (D1).</p> <p>Councillor Smith proposed a motion to APPROVE the application, subject to an additional condition requiring landscaping to reduce the visual impact of the patio doors on properties opposite the site, as per the officer recommendation. This was seconded by Councillor Love. A separate motion to REFUSE the application was proposed by Councillor Kellaway but this was not seconded and the motion fell. Four Councillors (Bullock, Love, Smith and Wilson) voted in favour of the motion to approve, Councillor Kellaway voted against the motion and Councillor Hunt abstained.</p> <p><b>The Panel VOTED to APPROVE the application, as per the officer recommendation, subject to the conditions listed in section 9 of the main report and subject to the additional condition requiring landscaping to reduce the visual impact of the patio doors to the properties opposite.</b></p> <p>The Panel was addressed by Daniel Lightwood and Susan Ferguson, objectors, and by Dick Scarff on behalf of the Cookham Society.</p>
<p>Item 2</p> <p>18/01580/LBC</p> <p>The Chequers Dean Lane Cookham Maidenhead SL6 9BQ</p>	<p>Consent for a single storey extension with glazed link for new cookery school and alterations to fenestration on existing outbuilding.</p> <p>Councillor Smith proposed a motion to APPROVE the application, as per the officer recommendation. This was seconded by Councillor Love. A separate motion to REFUSE the application was proposed by Councillor Kellaway but this was not seconded and the motion fell. Four Councillors (Bullock, Love, Smith and Wilson) voted in favour of the motion to approve, Councillor Kellaway voted against the motion and Councillor Hunt abstained.</p> <p><b>The Panel VOTED to APPROVE the granting of listed building consent , as per the officer recommendation, subject to the conditions listed in section 9 of the main report.</b></p> <p>The Panel was addressed by Daniel Lightwood and Susan Ferguson, objectors, and by Dick Scarff on behalf of the Cookham Society</p>
<p>*Item 3</p> <p>18/01601/VAR</p> <p>49 Switchback Road North Maidenhead</p>	<p>Variation of condition 3 (hard and soft landscaping), condition 4 (access), condition 6 (parking and turning), condition 7 (pedestrian visibility), condition 8 (visibility splays) and condition 11 (approved plans) of planning permission 17/03904/VAR to provide amended access to plot 2.</p>

SL6 7QX	<p>Councillor Smith proposed a motion to APPROVE the application as per the officer's recommendation, as amended by the submission of an amended landscaping plan and consequent amendment to proposed condition 2 as set out in the Panel Update. This was seconded by Councillor Love.</p> <p><b>The Panel UNANIMOUSLY VOTED to APPROVE the application as per the officer's recommendation.</b></p> <p>The Panel was addressed by Mary Salvage, objector, and Richard Crane, on behalf of the applicant.</p>
<p>Item 4</p> <p>18/01777/OUT</p> <p>Desborough Bowling Club York Road Maidenhead SL6 1SF</p>	<p>Outline application for Access, Appearance, Layout and Scale only to be considered at this stage with landscaping matters to be reserved for the demolition of existing buildings on the site and erection of a building comprising 8, 7 and 6 storey blocks with two 4 storey linking elements to provide 149 apartments with associated access and servicing, landscaping, 169 car parking spaces and 149 cycle spaces.</p> <p>Councillor Love proposed a motion to defer and delegate to the Head of Planning to approve the application, as per the officer's recommendation. This was seconded by Councillor Kellaway.</p> <p><b>The Panel VOTED to DEFER AND DELEGATE the decision to GRANT planning permission to the Head of Planning, subject to the conditions listed in Section 11 of the officer report; the completion of a Section 106 Legal Agreement to secure matters to make the development acceptable in planning terms; and ensuring a suitable resolution on matters regarding refuse and servicing to enable the recommended condition to secure an appropriate strategy, as per the officer recommendation. Councillor Hunt did not participate in the vote, all other Members voted in favour of the motion.</b></p> <p><b>Members also confirmed that the Reserved Matters submission for the proposed landscaping of the site need not be determined at Panel but could be appropriately considered under the delegated authority of the Head of Planning.</b></p> <p>The Panel was addressed by Kevin Scott, on behalf of the applicant.</p>
*Item 5	Erection of five storey split-deck multi-storey car park with access and associated landscaping

<p>18/02105/FULL</p> <p>Temporary RBWM Car Park Vicous Way Maidenhead</p>	<p>following removal of existing slab and hardstanding (Regulation 3 application).</p> <p>Councillor Hunt proposed a motion to defer the application whilst more information on traffic flow and measures to prevent antisocial behaviour was sought. This was seconded by Councillor Smith.</p> <p>A named voted was carried out. Three Councillors (Bullock, Hunt and Smith) voted in favour of the motion to defer, two Councillors (Kellaway and Love) voted against the motion and Councillor Wilson abstained. An alternative motion to approve the application was proposed by Councillor Kellaway and seconded by Councillor Love; as the first motion was approved, this motion fell.</p> <p><b>The Panel VOTED to DEFER the application whilst officers sought more information on traffic flow and measures to prevent antisocial behaviour. It was agreed that the application would be returned to Panel as early as practically possible.</b></p> <p>The Panel was addressed by Antigoni Konig and John Adkins, objectors, Matthew Blythin, on behalf of the applicant, and by Councillor Majeed, the ward Member.</p>
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116 ESSENTIAL MONITORING REPORTS (MONITORING)  
The Panel noted the appeal decisions.

The meeting, which began at 7.00 pm, ended at 9.45 pm

Chairman.....

Date.....

# Agenda Item 4

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

### Maidenhead Panel

21st November 2018

#### INDEX

APP = Approval  
CLU = Certificate of Lawful Use  
DD = Defer and Delegate  
DLA = Defer Legal Agreement  
PERM = Permit  
PNR = Prior Approval Not Required  
REF = Refusal  
WA = Would Have Approved  
WR = Would Have Refused

**Item No.** 1      **Application No.** 18/01269/FULL      **Recommendation** REF      **Page No.** 13  
**Location:** Clean Linen Services 54 Furze Platt Road Maidenhead SL6 7NL  
**Proposal:** Redevelopment over six blocks to provide 46 x two bedroom flats and 15 x one bedroom flats with new vehicular and pedestrian access, associated parking, landscaping and amenity space following the demolition of the existing industrial buildings.  
**Applicant:** Ashill Maidenhead Limited      **Member Call-in:**      **Expiry Date:** 30 November 2018

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**Item No.** 2      **Application No.** 18/01518/FULL      **Recommendation** REF      **Page No.** 59  
**Location:** 157 Grenfell Road Maidenhead SL6 1EZ  
**Proposal:** 12 x 2-bed and 3 x 1-bed flats following demolition of the existing dwelling and associated buildings.  
**Applicant:** Ashgrove Homes Ltd      **Member Call-in:**      **Expiry Date:** 28 August 2018

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**Item No.** 3      **Application No.** 18/01576/FULL      **Recommendation** REF      **Page No.** 76  
**Location:** Development At King Street And Queen Street And Broadway Maidenhead

**Proposal:** Hybrid planning application for the mixed use redevelopment of the site comprising; up to 41,430sq.m GEA residential (Class C3); up to 13,007sq.m GEA office (Class B1) and up to 3,846sq.m GEA flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2), public realm and open space, parking, vehicular access, new servicing arrangements and associated works following the demolition of all buildings on site. Full planning permission for the demolition of all existing buildings on site, site preparation, the construction of three buildings to provide 344 residential homes (Class C3), one building to provide 7,007sq.m GEA of office floorspace (Class B1) and 2,196sq.m GEA of flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2) across four buildings, car and cycle parking, plant and storage, public realm works and landscaping, podium terraces, vehicular access off Broadway, new servicing arrangements and associated works. Outline planning permission (with all matters reserved) is sought for site preparation, the construction of two buildings to provide for up to 1,650sq.m GEA of flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2) and up to 6,000sq.m GEA office floorspace (Class B1) and up to 9,300sq.m GEA residential floorspace (Class C3), basement car parking, cycle parking, plant and storage, public realm works and landscaping, new servicing arrangements and associated works.

**Applicant:** Ryger Maidenhead Ltd    **Member Call-in:** Cllr Derek Wilson    **Expiry Date:** 26 October 2018

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**Item No.** 4    **Application No.** 18/01785/OUT    **Recommendation** REF    **Page No.** 132

**Location:** Zaman House Church Road Maidenhead SL6 1UR

**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 eight apartments with access, parking, landscaping and amenity space following demolition of the existing dwelling..

**Applicant:** Mr Iqbal    **Member Call-in:** Cllr Geoffrey Hill    **Expiry Date:** 19 September 2018

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**Item No.** 5    **Application No.** 18/02105/FULL    **Recommendation** DD    **Page No.** 154

**Location:** Temporary RBWM Car Park Vicus Way Maidenhead

**Proposal:** Erection of five storey split-deck multi-storey car park with access and associated landscaping following removal of existing slab and hardstanding (Regulation 3 application)

**Applicant:** The Royal Borough of Windsor And Maidenhead    **Member Call-in:**    **Expiry Date:** 16 October 2018

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**Item No.** 6    **Application No.** 18/02254/FULL    **Recommendation** PERM    **Page No.** 188

**Location:** Equestrian Site Hardings Farm Hills Lane Cookham Maidenhead

**Proposal:** Two detached dwellings following demolition of existing stables and equestrian storage buildings

**Applicant:** Mr & Mrs Richards    **Member Call-in:**    **Expiry Date:** 9 October 2018

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**Item No.** 7    **Application No.** 18/02289/FULL    **Recommendation** PERM    **Page No.** 205

**Location:** Land To The West of Mullberry Coningsby Lane Fifield Maidenhead

**Proposal:** Change of use of the land to joint agricultural and equestrian use.

**Applicant:** Mrs Kendall Smith    **Member Call-in:**    **Expiry Date:** 2 November 2018

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**Item No.** 8    **Application No.** 18/02745/FULL    **Recommendation** PERM    **Page No.** 214

**Location:** Telecommunications Mast At Junction of Boyn Hill Road And Clare Road Maidenhead

**Proposal:** Installation of a replacement 15m slimline pole supporting 3no shrouded antennas together with ancillary development thereto.

**Applicant:** CTIL And Telefonica  
UK Ltd

**Member Call-in:** Not applicable

**Expiry Date:** 23 November 2018

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Planning Applications Received

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Appeal Decision Report

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**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD  
PLANNING COMMITTEE**

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

21 November 2018

**Item: 1**

<b>Application No.:</b>	18/01269/FULL
<b>Location:</b>	Clean Linen Services 54 Furze Platt Road Maidenhead SL6 7NL
<b>Proposal:</b>	Redevelopment over six blocks to provide 46 x two bedroom flats and 15 x one bedroom flats with new vehicular and pedestrian access, associated parking, landscaping and amenity space following the demolition of the existing industrial buildings.
<b>Applicant:</b>	Ashill Maidenhead Limited
<b>Agent:</b>	Mr Paul Galgey
<b>Parish/Ward:</b>	Maidenhead Unparished/Furze Platt Ward

**If you have a question about this report, please contact:** Christine Ellera on 01628 795963 or at [chrisie.ellera@rbwm.gov.uk](mailto:chrisie.ellera@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 The application site relates to the former Clean Linen site, which forms part of the wider Furze Platt Industrial area. This proposed development is for the erection of a residential development for 61 units in x6 flatted blocks across the site. Ranging from 3-4 storeys in height.
- 1.3 The proposed development would result in the loss of land allocated for employment uses. Therefore the principle of the proposed development is contrary to the Development Plan, it is also contrary to the NPPF (2018) and to the Borough Local Plan Submission Version (BLPSV), both of which are material considerations. The proposed development is also premature to matters considered as part of the BLPSV and could, when considered cumulatively, undermine the strategy set out in the BLPSV, contrary to the NPPF (2018). Both of these matters weigh substantially against the proposed scheme.
- 1.4 The proposed development is also considered to prejudice the existing and future intensification of the rest of the industrial area as concerns have been raised that the noise emanating from the rest of the industrial area could result in noise complaints from future occupiers. Whilst such matters are dealt with under separate legislation, the proposed residential development on part of an allocated industrial area could restrict, and therefore undermine, the current and future operations of the wider industrial site. This also substantially weighs against the principles of residential use on part of the industrial area.
- 1.5 The proposal would be for a flatted development and whilst not fully consistent with the prevailing character and appearance of the area is a visual improvement on the existing appearance of the site. The proposed development would also result in a greening of the site through a new public open space and some limited landscaping opportunities.
- 1.6 The viability appraisal seeks to justify that the maximum affordable housing provision that the proposals can support whilst remaining deliverable is 12 units (20% of the total), including 10 units for affordable rent (proposed to be contained entirely in Block E) and 2 units for shared ownership (specifically plots 38 and 39). Whilst not fully compliant with the Council's policy to provide on-site accommodation of 30%, the viability evidence provided supports this level of provision.
- 1.7 The proposed development does not raise any significant highway capacity issues and would not prejudice highway safety. Having due regard to the nature and location of the proposal, sufficient residential car and cycle parking would be provided.

- 1.8 Whilst the proposed development is considered to provide a suitable living environment in terms of space provision, some units would receive limited sun/ daylighting. Concerns have also been raised about sun/ daylighting to some of the proposed units and with regard to noise and the provision of a suitable residential environment. Given the current policy framework to determine applications in the context of the provision of a suitable residential environment it is considered difficult to sustain an objection on the impact of future residential amenity. Nonetheless, it is considered that the real harm resulting from the noise issues is that it cannot be guaranteed that redeveloping part of a wider industrial area for a residential use would not undermine or compromise the existing and future uses of the wider industrial area.
- 1.9 The proposed development is not considered to have a detrimental impact on the amenities of the occupiers of the nearby residential dwellings. The proposed development is also considered acceptable in terms of biodiversity and air quality and provides suitable sustainability measures. There are significant concerns regarding contamination and ground water; however, and subject to conditions, it is considered that this can be suitably mitigated and monitored.
- 1.10 The delivery of residential development is a benefit of this scheme. However the LPA is able to demonstrate a continued rolling five years housing land supply when assessed against both the five year housing trajectory contained in the BLPSV and also the standard methodology for local housing need as contained in the NPPF (2018). Whilst the Council is relying on some Green Belt release to meet the objectively assessed housing need over the plan period this forms part of a wider considered strategy which also includes allocating this site to meet the objectively assessed employment needs of the Borough. Accordingly these arguments give weight to the assessment that this application could, cumulatively, undermine the strategy set out in the BLPSV and is therefore premature.
- 1.11 Therefore, having due regard for the proposed benefits of this scheme, it is not considered that these would outweigh the above identified harm. The proposed development is therefore recommended for refusal for the reasons set out below. Recommended refusal reason 4 relates to the absence of a section 106 legal agreement to secure the provision of affordable housing, which could be overcome through the completion of said legal agreement.

<b>It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):</b>	
<b>1.</b>	<b>To permit this planning application would result in the loss of half of the Furze Platt Industrial Area. This would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that is central to the Borough Local Plan Submissions Version (2018) and would undermine policies ED1, ED2 and ED3 and the wider economic strategy set out in the Borough Local Plan Submission Version (2018), which has been endorsed by Full Council. This Plan is at an advanced stage but is not yet formally part of the development plan for the area. To allow alternative development on the application site would act as a precursor for the consideration of development proposals on land currently/ proposed to be allocated as employment land. To permit this scheme would result in the Council finding it difficult to resist proposals involving a change of use, or redevelopment, for residential development on such employment areas. The cumulative impact of any such planning decisions would significantly undermine the plan-making process and the policies and strategy set out in the Borough Local Plan Submission Version (2018). This is contrary to the National Planning Policy Framework (2018).</b>
<b>2.</b>	<b>The proposed development would result in the loss of industrial land, detrimental to the future employment needs, locally available employment opportunities and the economy of the area. The proposed development is contrary to policy E2 of the adopted Local Plan (2003) and also the National Planning Policy Framework (2018) along with emerging policies ED1, ED2 and ED3 of the Borough Local Plan Submission Version (2018) both of which documents are material considerations.</b>
<b>3.</b>	<b>Due to the proximity and location of the proposed residential units in relation to the</b>

	unrestricted adjacent industrial uses, the adjoining industrial units could result in noise nuisance to the future occupants of the proposed development. This could result in restrictions on the existing commercial and industrial units which would undermine the viability and vitality of the adjacent industrial area. It would also undermine the Council's strategy to encourage and promote the continued and intensified use of the Furze Platt Industrial area. This would be contrary to the National Planning Policy Framework (2018) and also emerging policies ED1 and ED2 of the Borough Local Plan Submission Version (2018) both of which are material considerations.
4.	In the absence of a completed legal agreement the proposed development has failed to secure the necessary affordable housing provision as part of the redevelopment of this site. This is contrary to Policy H3 of the adopted Local Plan (2003) and also the National Planning Policy Framework (2018).

## 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Sharma who promoted this application to be considered by the Area Planning Committee irrespective of the recommendation of the Head of Planning

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site relates to the former commercial laundry site with associated buildings and car parking, which comprises approximately 0.67 hectares in area. It is situated on the Furze Platt Industrial Estate, which is allocated within the adopted Local Plan. There are a range of different building types on the site, including the original Victorian buildings and more modern additions.
- 3.2 The site as a whole has been developed in a piecemeal and fragmented manner. The fall of the land is such that the ground level along Malvern Road (to the south) is around 3m higher in elevation than that to the north along St Peters Road.
- 3.6 Policy E2 of the current Local Plan allocates this site primarily for industrial and small scale distribution and storage uses. Policy ED2 of the Borough Local Plan Submission Version seeks to maintain this site's allocation as an 'Industrial area.'
- 3.7 The site is adjacent to, but not within, the Furze Platt Triangle Conservation Area.
- 3.8 The site is not within an Air Quality Management Area and is not within a flood zone.

## 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 This is a full planning application for the redevelopment of the site for a residential development. The proposed plans show a total of 61 units in x6 flatted blocks.
- Block A is located on the corner of Furze Platt Road and Malvern Road and would be three storey including accommodation in the roof.
  - Block B is positioned relatively centrally along Malvern Road, facing into the site and the new access. The building is three storey including accommodation in the roof fronting Malvern Road and 3-4 storeys in height with a flat roof when viewed from within the site.
  - Block C is located in the south western corner of the site, facing Malvern Road and would be three storey including accommodation in the roof.
  - Block D would run along the eastern boundary of the site, adjacent to the wider Furze Platt Industrial Area and would be four storey in height to the flat roof.
  - Block E is located to the northern end of the site, facing St Peters Road. This building would be 3 storey in height.
  - Block F is located in the north eastern corner of the site, would be 3 storey in height.

Block	One bedroom	Two bedroom	Total
Block A	3	3	6
Block B	1	13	14

Block C	1	8	9
Block D	10	6	16
Block E	-	10	10
Block F	-	6	6
Total	15	46	61

**Table1: proposed number of units**

- 4.2 A 'central green' measuring some 25m by 19m is proposed behind (to the south) of Block E and to the immediate east of Block F. A pedestrian walk-through is proposed from the north of the site at St Peters Road to the south at Malvern Road. Plans also show a proposed 3 metre high acoustic fence running along part of the eastern boundary of the application site.
- 4.3 The plans have been amended twice since the initial submission to reduce concerns raised regarding noise (removal of balconies and alterations to internal floor layouts), and additional details regarding pedestrian access and location of bike stores. Additional information has also been provided clarifying matters such as highway information, marketing of the site and additional acoustic information, including the proposed acoustic fence along the eastern boundary. In all instances these amendments have been subject to a 14 day neighbour re-consultation exercise.
- 4.4 The existing electricity substation to the front of St Peters Way would be retained as part of this scheme (as it falls outside of the application site).
- 4.5 There is extensive planning history to this site, none of which is considered of relevance to this particular application. The applicants, in the supporting Planning Statement prepared by Planning Potential have made references to previous planning applications granted further along the road, at the Former British Printing Co, Malvern Road built by the applicants. This is as follows:

12/02101/FULL for the erection of 116 new homes comprising 95 houses and 21 flats (including 32 affordable homes) using existing access to St Peters Road and proposed new access to Malvern Road together with car parking and landscaping following the demolition of the existing buildings and removal of hardstanding. Permitted: 10.01.2013

This pre-dates the current NPPF and the BLP SV. The application should be considered on its own merits.

## **5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION**

### The National Planning Policy Framework (NPPF) (2018)

- 5.1 This document was revised on the 24 July 2018 and acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications. At the heart of the NPPF (2018) is a presumption in favour of sustainable development. The document, as a whole, forms a key and material consideration in the determination of any planning permission.
- 5.2 Paragraph 11 of the NPPF (2018) sets out what the 'presumption in favour of sustainable development' means both in terms of plan-making and decision-taking:

*"For decision-taking, this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;*
  - 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."*

5.3 Paragraph 120 is also of some relevance as it states that:

*“Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:*

- a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.”*

#### Royal Borough Local Plan

5.4 The Borough’s current adopted Local Plan comprises of the saved policies from the Local Plan (Incorporating Alterations Adopted June 2003). The policies which are considered relevant to this site and planning application are as follows:

- N6 Trees and development
- DG1 Design guidelines
- NAP4 Pollution of groundwater and surface water
- R1 Protection of Urban Open Spaces
- R3 Public Open Space Provision in New Developments (provision in accordance with the minimum standard)
- R4 Public Open Space Provision in New Developments (on site allocation)
- R5 Children’s playspace
- E1 Location of Development
- E2 Industrial and Warehousing Development
- E5 Loss of land in Employment Areas
- E10 Design and Development Guidelines
- H3 Affordable housing within urban areas
- H6 Town centre housing
- H8 Meeting a range of housing needs
- H9 Meeting a range of housing needs
- H10 Housing layout and design
- H11 Housing density
- T5 New Developments and Highway Design
- T7 Cycling
- T8 Pedestrian environment
- P4 Parking within Development
- IMP1 Associated infrastructure, facilities, amenities

#### Borough Local Plan: Submission Version

5.5 Borough Local Plan Submission Version (BLPSV) is currently under Examination by the Secretary of State under section 20 of the 2004 Act, together with the various prescribed submission documents in accordance with Regulation 22 of the 2012 Regulations. Once adopted, the BLP will supersede the saved policies of the 1999 Local Plan and several policies in the Maidenhead Town Centre Area Action Plan (BLPSV, para. 1.4.3). Appendix A to the BLPSV sets out the existing development plan policies that will be replaced by the BLPSV Policies when adopted, subject to the recommendations of the Local Plan Inspector.

5.6 The BLPSV comprises up-to-date strategic and development management policies for the Borough, which together with site allocations secure the delivery of development to meet

objectively assessed needs of the Borough over the plan period. Specifically the BLPSV sets out the strategy for meeting the Borough's objectively assessed needs for housing, employment and infrastructure from 2013 up to 2033. The BLPSV is based on up-to-date evidence and the results of the previous consultations undertaken on the preparation of the BLP. Once adopted, the BLP will form part of the statutory development plan for the Borough.

- 5.7 Until it is adopted by the Council under section 23 of the Planning and Compulsory Purchase Act 2004, the BLPSV does not form part of the statutory development plan for the Borough. As such, in accordance with paragraph 48 of the NPPF (2018) and Section 38(6) of the Planning Act, when taking planning decisions, the Council may give weight to relevant policies in the BLPSV:
- "... according to:*
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
  - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
  - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*
- 5.8 When dealing with planning applications this means the Council must continue to determine applications in accordance with the adopted Local Plan, unless material consideration indicate otherwise. By publishing and submitting the BLPSV for independent examination, the Council has formally confirmed its intention to adopt the BLPSV, subject to the recommendations of the Local Plan Inspector.
- 5.9 The policies and site allocations within the BLPSV have been prepared having due regard to, and are consistent with, national planning policy requirements and are supported by a comprehensive and up-to-date evidence base and Sustainability Appraisal.
- 5.10 Policies in the BLPSV which are materially relevant to the consideration of this planning application are:
- SP1 Spatial Strategy
  - SP2 Sustainability and placemaking
  - SP3 Character and design of new development
  - HO1 Housing Development Sites
  - HO2 Housing Mix and Type
  - HO3 Affordable Housing
  - HO5 Housing Density
  - ED1 Economic Development
  - ED2 Employment Sites
  - ED3 Other Sites and Loss of Employment Floorspace
  - TR6 Strengthening the Role of Centres
  - HE1 Historic Environment
  - HE3 Local Heritage Assets
  - NR1 Managing Flood Risk and Waterways
  - NR2 Trees, Woodlands and Hedgerows
  - NR3 Nature Conservation
  - EP1 Environmental Protection
  - EP2 Air Pollution
  - EP3 Artificial Light Pollution
  - EP4 Noise
  - EP5 Contaminated Land and Water
  - IF1 Infrastructure and Developer Contributions
  - IF2 Sustainable Transport
  - IF3 Green and Blue Infrastructure
  - IF8 Utilities
- 5.11 The weight the LPA considers should be attributed to each policy, having due regard for the level of unresolved objections is, where relevant, discussed further below.

5.12 However and as per para 49 of the NPPF (2018) in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

The Borough Local Plan Submission Version can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

#### Supplementary planning documents

5.13 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Interpretation of Policy R2 to R6 - Public Open Space provision
- Interpretation of Policy F1 – Area Liable to Flood

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

#### Other Local Strategies or Publications

5.14 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at: [https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning/11](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning/11)
- RBWM Townscape Assessment - view at: [https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)
- RBWM Parking Strategy - view at: [https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning/13](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning/13)
- Conservation Area appraisal - view at: [https://www3.rbwm.gov.uk/info/200207/conservation/666/conservation\\_areas](https://www3.rbwm.gov.uk/info/200207/conservation/666/conservation_areas)
- RBWM Public Rights of Way Improvement Plan - view at: [https://www3.rbwm.gov.uk/info/200215/rights\\_of\\_way/902/policies\\_plans\\_and\\_progress\\_reports](https://www3.rbwm.gov.uk/info/200215/rights_of_way/902/policies_plans_and_progress_reports)

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i) Principle of the redevelopment of this site
- ii) Design considerations including the impact on heritage assets
- iii) Affordable Housing Considerations
- iv) Impact on Neighbouring Amenity
- v) Provision of a Suitable Residential Environment
- vi) Highway considerations and Parking Provision
- vii) Infrastructure Provision
- viii) Environmental Considerations
- ix) Other considerations
- x) The planning balance

## Issue i) Principle of the development

### Loss of the employment floor space

- 6.2.1 The current adopted proposals map shows that this site forms part of the Furze Platt Industrial Estate. Policy E2: Industrial and warehousing development of the current adopted Local Plan states that this employment area is allocated primarily for industrial and small scale distribution and storage uses. Policy E5: Loss of Land in Employment Areas states that the redevelopment or change of use for retail or any purpose other than a business, industrial or warehousing use will not be permitted.
- 6.2.2 The proposal is for the residential redevelopment of this site. Therefore the principle of the proposed development is contrary to the adopted development plan.
- 6.2.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that applications for development should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the scheme would not accord with the adopted development plan, and as such it is necessary to consider whether there are material considerations which would support the granting of planning permission.
- 6.2.4 The NPPF is a material consideration of significant weight. Paragraph 212 of the NPPF (2018) states:
- “Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:*
- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework....”*
- 6.2.5 The application site is designated as employment land in the adopted Local Plan and also in the Borough Local Plan Submission Version (BLPSV) through Policy ED2 (Employment Sites). The site is allocated for a specific purpose in the current and emerging plan. The proposed development is therefore also contrary to the NPPF (2018).
- 6.2.6 As set out above, the BLPSV can also be given significant weight as a material consideration, being at an advanced stage in its preparation and being consistent with the NPPF, this being subject to the level of unresolved objection to the relevant policies.
- 6.2.7 Whilst having due regard for the representations against policies relating to development on employment land, notably policies ED1, ED2 and ED3 of the BLPSV; Officers have reviewed the objections to the above policies and do not consider that these amount to extensive unresolved objections which would warrant attributing less weight to these policies. Accordingly, the Officer position is that the aforementioned policies of the BLPSV are a material consideration to which significant weight should be attributed.
- 6.2.8 As set out above BLPSV Policy ED2 designates the application site as an 'Industrial Area'. The clear intention behind this designation is to protect the site from opportunistic proposals for residential or other alternative forms of development and facilitate the development of the site for employment use as part of the strategy for meeting the objectively assessed employment need over the Plan period.
- 6.2.9 Policy ED3 states that:
- ‘Where a change is proposed from an economic use to another use, development proposals must provide credible and robust evidence of an appropriate period of marketing for economic use and that the proposals would not cause unacceptable harm to the local economy. A further*

*consideration to be taken into account will be the significance to the local economy of the use to be lost.'*

- 6.2.10 The proposal is for residential development on an allocated Industrial area and thereby engages the marketing requirements of Policy ED3. The requirements of this seek the demonstration of an active and unsuccessful marketing campaign for a continuous period of at least 12 months prior to submission of a planning application, unless otherwise agreed by the Borough Council and whilst the premises were vacant. Any marketing of property or tenancy also require the site freehold to be marketed in the same fashion.
- 6.2.11 In addressing the matter the Applicant has submitted the following supporting documents to justify the loss of employment land: Marketing Report prepared by Kempton Carr Croft (dated 30 April 2018) and an update report provided during the course of the planning application.
- 6.2.12 During the course of the planning application these documents were supplemented with a further marketing report proposed by Kempton Carr Croft (dated 13 September 2018).
- 6.2.13 The initial April 2018 Marketing Report prepared by Kempton Croft sets out that the previous owners of the site undertook a targeted marketing campaign in July 2016. According to the report the targeted marketing campaign resulted in 5 expressions of interest, only one of which was based on proposed redevelopment for mixed uses and the offer was significantly lower than the residential purchasers.
- 6.2.14 The applicants purchased the site in September 2017. Since then Kempton Carr Croft has undertaken a marketing campaign on their behalf. The campaign is for an "All Enquiries" approach to generate interest in the existing buildings as well as for redevelopment, for sale and to let. This included:
- Sign boards at the site advertising the sale
  - Letting details on websites
  - Adverts in local papers and magazines
  - Cold mailing a
  - Mail outs through estate agents in local area
- 6.2.15 Whilst this Report claims that a comprehensive marketing campaign had been undertaken for 12 months prior to submission, this is not an accurate summary of events. The targeted marketing campaign, which was undertaken by the former owners, was for a quick sale and made no reference to the authorised use of the land or the current allocations. Indeed the only comments were that *'representations have been made to the Royal Borough of Windsor & Maidenhead in relation to the allocation of the site for residential use.'* The targeted campaign invited bids as opposed to advertising the site on its market value reflecting the current or last use of the site. It was not an active marketing campaign. Accordingly the marketing undertaken by the former owners does not accord with the requirements of policy ED3 of the BLPSV.
- 6.2.16 The targeted and limited marketing campaign led to the site being acquired in September 2017 by Ashill Group (the applicant), a medium sized, predominately housing developer. As the site has now been bought by a housing developer there is difficulty in now undertaking a robust marketing campaign as potentially interested parties will likely be deterred from expressing an interest as they will know the applicant is the site owner.
- 6.2.17 Nonetheless, the applicant has also sought to demonstrate that an active marketing campaign has been undertaken since it acquired the site. However, this too is considered to fail to comply with the requirements of the aforementioned policies. The application was then submitted in April 2018. Therefore the proposed marketing campaign has not been undertaken for 12 months prior to submission of the planning application. Moreover, the site particulars provided do not cover the level of detail that might be expected in a campaign which ought to encourage consideration of a range of development options, including the potential for its sale as separate parcels, which could

overcome the issue of the change in levels. The information on contamination mitigation is not referenced in the marketing information.

- 6.2.18 In view of the above it is not considered that the marketing campaign undertaken complies with policy ED3 of the BLPSV.
- 6.2.19 The further justification provided by the applicant is in the form of:
- Employment Report by Deriaz Campsie (dated 21 March 2018)
  - Employment Context and Prospects Report prepared by Quod (dated April 2018)
- 6.2.20 The former of these documents seeks to address why the use of the site for industrial uses is not viable and the latter seeks to justify why the site is not appropriate for employment generating uses.
- 6.2.21 The employment report submitted with the application considers four generalised options for retaining the site in employment use. These include upgrading and conversion of the existing buildings for either offices or industrial use and redevelopment for either office or industrial use. In both of these scenarios, the report concludes that development would result in a negative land value. As the site has been designated an industrial area and is outside of Maidenhead town centre, and lacks the requisite amenities now expected, it is not surprising that development values would show office development would perform poorly.
- 6.2.22 However, both industrial development or conversion scenarios show a positive residual land value. It does seem worthy of question that the residual values are not higher than portrayed in the employment report. Furthermore the resulting rent levels at £7.50 for conversion and £12.50 for new build appear to be low in comparison with the advertised rent of £9.50 for the existing poor quality buildings in the “all Enquiries” marketing particulars currently being advertised on the Kempton Carr Croft website.
- 6.2.23 Whilst the applicant has provided evidence to suggest that the site is not appropriate for continued industrial use the Council’s evidence shows that there is a demand for good quality industrial units within the area. This site also benefits from vehicular access on both the northern and southern frontages and an established use for industrial or warehousing use. This stance is supported by the letters of representation from the owners/ occupiers of the adjoining industrial units which set out that the rest of the Furze Platt Industrial Area is fully occupied and that there is demand for industrial units in the area (subject to an appropriate rent level).
- 6.2.24 In any case, matters regarding viability and the appropriateness of this site for the employment allocation are matters to be considered as part of the plan-making process. This only adds weight to the argument of prematurity and the need for this matter to be considered as part of the BLPSV examination process.
- 6.2.25 For the reasons set out above, the principle of the proposed development is contrary to the Development Plan. It is also contrary to the NPPF and the BLPSV, both of which are material considerations which are afforded significant weight.
- 6.2.26 Arguments regarding the viability of the development of this site are considered to form material considerations which support the above conclusion that the application is premature and the continued allocation of this site for employment generating purposes should be considered as part of the BLPSV examination process. This is discussed further below. With reference to the principle of development there are no material considerations to indicate a deviation from the Development Plan would be appropriate.

#### Plan-making process

- 6.2.27 Paragraph 49 of the NPPF sets out that in determining planning applications there remains a presumption in favour of sustainable development. Arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

6.2.28 Paragraph 50 of the NPPF is also clear that where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

6.2.29 The assessment below of prematurity has been undertaken within this context.

6.2.30 Policy E2 of the adopted Local Plan allocated the Furze Platt Industrial Area for industrial and warehousing development, as shown on the current proposals map, and this site forms part of this allocation. Policy E5 of the Local Plan states that:

*“Within the employment areas shown on the proposals map, the Borough Council will not permit development, redevelopment or change of use for retail or any purpose other than a business, industrial or warehousing use.”*

6.2.31 In turn, and in reviewing the allocations as part of the plan-making process; the BLPSV, through policy ED2 seeks to maintain this designation, and identified that this site will continue to form part of the Furze Platt Industrial Area. This forms part of the wider economic strategy for the BLPSV as set out in policies ED1, ED2 and ED3.

6.2.32 As set out above, the BLPSV is currently under Examination by the Planning Inspectorate. In submitting the plan the Council considers the BLPSV to be sound and legally compliant. Officers have reviewed the objections to policies ED1, ED2 and ED3 and do not consider that there are extensive unresolved objections which would warrant attributing less weight to these policies in the BLPSV. Accordingly, the Officer position remains that significant weight should be given to these policies.

6.2.33 The strategy of the BLPSV seeks the presumption in favour of retaining premises suitable for industrial, warehousing and similar type of uses, (including premises, suitable for medium smaller and start-up business). The justification of this strategy is that there continues to be a strong demand for industrial and warehousing land, driven by the need for premises suited to modern business needs. In response to this need, policies within the BLPSV aim to protect existing employment land and support the creation of further employment floorspace, both through relevant BLPSV policies and the allocation of specific sites.

6.2.34 Policy ED1 of the Borough Local Plan identifies that that 130,697 square metres (sq.m) of economic floorspace is needed up to 2033, with a specific requirement of 24,921 sq.m of B8 floorspace. This proposed floorspace is significantly below that recommended by the Eastern Berkshire Economic Development Needs Assessments, 2016 ("EDNA (2016)"), which was in the region of 221,080 sq.m, with a specific requirement of 125,565 sq.m of B8 floorspace. The EDNA has made an assumption that significant elements of the employment portfolio in the Borough would be released over the plan period and this lost floorspace would need replacing on new sites.

6.2.35 The Council's approach to justifying a smaller allocation of floorspace to the assessed need identified in the EDNA (2016) is underpinned by local market analysis. The employment policies rely on maintaining sufficient contingency in the current supply of employment land to meet need through the intensification of employment floorspace on existing employment sites and new land allocations. The BLPSV supply position relies on optimising office space on this site. This is discussed comprehensively in the Peter Brett Report *'Local sensitivity test of employment land needs in the Royal Borough of Windsor & Maidenhead: An independent review of technical methods'* which forms part of the evidence base for the emerging BLPSV.

- 6.2.36 Demand is generally for small floorplates between 190 – 460 sq.m. The majority of demand comes from local businesses with local churn associated with expansion or relocation needs largely accounting for take-up in recent years. Few firms are seen moving in from outside the Borough. The EDNA concludes that the local industrial commercial market favours the areas around Reading and Wokingham and therefore the Borough will struggle to attract new occupiers from the sub regions larger markets.
- 6.2.37 The Aspinall Verdi Market analysis for RBWM shows that industrial take-up in the local authority area has fluctuated since 2013 and in 2017 is just 4,762 sq.m. As found across the South East generally, this is due to lack of supply rather than a fall-off in demand. Analysis of take-up by demand shows that most transactions in 2013 – 2017 were in the 186- sq.m size bracket. There is relatively little modern space as rents have tended to make redevelopment unattractive in comparison with higher value alternatives. Consequently, there has been relatively little new space built. Vacancy rates for industrial space are low at 3.9% of stock in floor areas and 2.2% of stock in units.
- 6.2.38 To permit this planning application would result in the loss of 0.67 hectares of current and proposed allocated employment land to a residential use (the conflict with the adopted Local Plan is discussed further below). The owners and/or developers of a number of other sites designated or allocated in the BLPSV for employment development are also promoting those sites for residential development. To allow alternative development on the application site would set a precedent for the consideration of those applications, making it difficult for the Council to resist proposals involving a change of use, or redevelopment, for residential development (including the rest of Furze Platt Industrial estate). The potential cumulative impact of any such planning decision would significantly undermine the plan-making process and the policies and strategy set out in the BLPSV, which has been endorsed by Full Council. This substantially weighs against the proposed development.
- 6.2.39 The applicants assertions through their supporting Planning Statement is that the loss of employment land has been granted on similar sites, notably the former print works along Malvern Road which, with reference to paragraph 4.5 of this report this planning permission was granted in 2013. This previous decision was made at a different time, in a different policy context. This planning application must be considered in light of the development plan and the material considerations currently before Officers, including the NPPF 2018 and the BLPSV, which is supported by an up-to-date evidence base.

#### Prejudicing the existing industrial uses

- 6.2.40 The site forms part of the wider industrial area. The adjacent industrial buildings are fully occupied and have an unrestricted use, with no conditions limiting hours of use or hours of operation. Any residential redevelopment of the land should not affect or prejudice the continued operation of the adjoining local employment area.
- 6.2.41 Paragraph 182 of the NPPF is clear in that:
- ‘Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established...’*
- 6.2.42 It is therefore important that any potential redevelopment of this site does not prejudice the continued vitality of the adjacent uses. Allowing a residential development on this site, should not expose future occupiers to disturbance that could result in noise complaints and restrictions on existing adjoining industrial activities. The Council supports local employment opportunities and as part of the BLPSV seeks to maintain and support Furze Platt Industrial area.
- 6.2.43 Accordingly, and in accordance with the NPPF and the BLPSV, the LPA will not support development proposals coming forward which could result in statutory noise complaints regarding the activities of the adjoining industrial uses which could prejudice their efficient operation.

- 6.2.44 Further to initial concerns being raised by the Council's Environmental Protection Team further additional information has been submitted in an effort to demonstrate how the proposed development would not prejudice the continued operation of the (remaining) Furze Platt Industrial Area. This includes a revised Noise Assessment by RSK noise consultants and a technical note prepared by Mayer Brown regarding the appropriateness of installing mechanical ventilation. In addition the applicant has supported this evidence through referencing appeal decisions which they consider relevant to the consideration of residential uses adjacent to industrial areas.
- 6.2.45 The conclusions of the various noise assessments is that habitable rooms to some facades across the site would need to have windows closed to achieve suitable level of noise. The application therefore proposes various noise mitigation measures to manage the relationship between the existing employment uses and potential new residential occupiers. This includes the incorporation of mechanical ventilation as an alternative to open window ventilation and the introduction of an acoustic barrier. The scheme has also been revised since the initial submission, including the removal of balconies within Block E and two of the proposed balconies in Block D and some changes to internal layouts.
- 6.2.46 There is a disagreement between the applicant's noise consultants and the Councils Environment Protection Team. The Council's Environment Protection Team disagree that mechanical ventilation is appropriate mitigation as future residents have an expectation to open their windows, particularly in summer months. It also raises further long term maintenance issues. This is particularly key in a suburban location such as this (as opposed to a town centre or city location).
- 6.2.47 The Councils Environmental Protection team has taken the position that the only way to secure a suitable internal noise standard for future occupiers which would not prejudice the future activities of the adjoining site would be to have sealed windows in habitable rooms. This of course would not provide a sufficient standard of amenity for future occupants. Having reviewed the advice given by Environmental Protection the planning authority is of the view that the advice is reasonable and logical.
- 6.2.48 Overall given the proximity and location of the proposed residential units in relation to the unrestricted adjacent industrial uses, the adjoining industrial units could result in noise nuisance to future residents. This could result in noise abatement notices which would place restrictions on the existing commercial and industrial units such as preventing night time working, reducing noise levels or requiring quieter and thus more expensive equipment to be used. This is a material consideration as the principle of redevelopment of part of an industrial area for residential use could undermine the viability and vitality of the wider industrial area.
- 6.2.49 In view of this and given the Council's strategy set out in the BLPSV to encourage and promote the continued use of such employment sites it is considered that the proposed development would prejudice and potentially undermine the existing and future unrestricted continued use of the adjoining employment land. This would be contrary to the NPPF and also policies ED1 and ED2 of the BLPSV. This weighs significantly against the scheme.

#### **Issue ii) Design considerations, including the impact on Heritage Assets**

- 6.3.1 Policies DG1 and H10 of the adopted Local Plan seek to ensure that residential development will be of a high standard of design and landscaping, compatible with the area and street scene. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area.
- 6.3.2 Section 12 of the NPPF deals with achieving well designed places and delivery of developments that will function and contribute to the overall quality of the area in the long term. To achieve this,

development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; they should be sympathetic to local character and history, including the surrounding built environment and landscape setting. The NPPF is clear to emphasise that this should not prevent or discourage change (such as increased densities).

- 6.3.3 The NPPF further states that design quality should be considered throughout the evolution and assessment of individual proposals and encourages early discussion between applicants, the local planning authority and local community about design and style and that designs should evolve to take account of the views of the community. National policy guidance is clear that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 6.3.4 Policies SP1 and SP2 of the BLPSV state that new developments should positively contribute to the places in which they are located and that larger developments should provide a harmonious, integrated mix of uses, where appropriate, that foster a sense of community, vibrancy and activity, along with contributing to the provision of social, natural, transport and utility infrastructure to support communities. The policy further promotes the community integration and sustainable place making. Policy SP3 sets out a number of principles to achieve a suitable high quality design. In reviewing the level of unresolved objections to these policies in the BLPSV significant weight is given to these overarching design principles to ensure appropriate development.

#### Potential Impact on Heritage

- 6.3.5 The site is adjacent to the Furze Platt Triangle Conservation Area and adjacent to the Golden Harp, a non-designated heritage asset. This former public house, now part of a Tesco Express store, stands opposite the site on the corner of Furze Platt Road and Courthouse Road and within the Conservation Area. The application site has not been included in the Furze Platt Triangle Conservation Area and none of its buildings are included on either the statutory or local list.
- 6.3.6 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of the Conservation Areas, this includes its setting. Both National and Local Policy (including the BLPSV) reinforce and provide further guidance on that contained within the above statute.
- 6.3.7 Policy CA2 of the adopted Development Plan is consistent with the statutory guidance and the NPPF and provides greater clarification on development affecting the Conservation Area.
- 6.3.8 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.3.9 The Local Plan states that "in respect of Conservation Areas the Borough Council will require proposals for new buildings to be of a high design standard which is sympathetic in terms of siting, proportion, scale, form, height, materials and detailing to adjacent buildings and the character of the area in general".
- 6.3.10 The potential impact on identified Heritage Assets is examined by the applicant in the supporting Heritage Statement. This statement assesses the heritage value of each building and concludes that in terms of the loss of the existing structures on site '*any heritage significance of the existing buildings on the site is limited*'. The Council's Conservation Officer has reviewed the application, along with the supporting documents including the Heritage Assessment and offers no comments regarding the loss of the existing buildings on site. However the existing buildings are a local

example of late Victorian industrial history and as such in the event planning permission was granted it would be expected that a level 1 Historic England report of the existing buildings would be secured by way of condition.

- 6.3.11 In terms of the proposed development the applicants Heritage Statement takes the position that the proposed scheme has been successfully designed to be sympathetic to and to take account of the adjoining conservation area and its setting (including the setting of the non-designated heritage asset, the former Golden Harp pub).
- 6.3.12 Officers consider that the proposed development, notably Block A on the corner of Furze Platt is too high and the development would have some impact on the setting of the Listed Building. However it is concluded that this would amount to less than substantial harm. In accordance with the NPPF any potential impact should be balanced against redeveloping the site.
- 6.3.13 Officers agree that whilst the height and scale of Block A (being three storey including accommodation in the roof) with front gable projections may create a focal point along Furze Platt, its impact would be limited. The redevelopment of the site, delivered in a comprehensive manner, would maintain the significance of the Conservation Area, whilst making a positive contribution to local character. Therefore, any minor harm would be outweighed by bringing the site back into use
- 6.3.14 Plans have also been amended since the initial submission to show that the existing Laundry Lettering will be retained on the corner building (block A) which replaces the existing historic building on the site.
- 6.3.15 Having assessed the proposal it is considered that the proposed development would have an overall neutral impact on the Conservation Area and, as such, the proposed development is considered to preserve the setting.

#### Impact on the Character and Appearance of the Area, including landscape

- 6.3.16 Policies DG1 and H10 of the Borough's current Local Plan seeks to ensure that residential development will be of a high standard of design and landscaping, compatible with the area and street scene. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area. ED10 requires that layout of activities within economic sites, along with the design and scale of the buildings and the materials used are appropriate for the area.
- 6.3.17 In terms of achieving appropriate densities the NPPF is clear that planning decisions should support development that makes efficient use of land. This is subject to a number of factors including the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change. This is also subject to taking into account the availability and capacity of infrastructure and services, including the scope to promote sustainable travel modes that limit future car use.
- 6.3.18 The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 6.3.19 Policies SP1 and SP2 of the BLPSV states that new developments should positively contribute to the places in which they are located and that larger developments should provide a harmonious, integrated mix of uses, where appropriate, that foster a sense of community, vibrancy and activity, along with contributing to the provision of social, natural, transport and utility infrastructure to support communities. The policy further promotes the community integration and sustainable place making. Policy SP3 sets out a number of principles to achieve a suitable high quality design.

### *Density*

- 6.3.20 The site is previously developed land in an urban area located relatively close to amenities, shops and services. Whilst the site is in close proximity to Furze Platt Train station this is a small 'satellite' train station. The application site is not in a town centre location, nor is it in an area of high accessibility.
- 6.3.21 The historic layout of the area is small to medium sized residential dwellings in a tight grained layout of properties facing the roads, with long extending back gardens. The prevailing density of the area is in the region of around 25 dwellings per hectare (dph), up to circa 40 dph (Former British Printing Co). There are however modern examples of flatted developments in close proximity to the site. Notably across St Peters Road at no 3-5, a three storey building containing 7x flats was built under planning permission 15/01805/FULL.
- 6.3.22 The proposed density of the development would be around 93 dph which is above that of the prevailing character of the area.

### *Layout*

- 6.3.23 The area is mixed in character with residential buildings being of a uniform tight knit linear grain and the buildings within the industrial area allocation being large detached blocks, developed ad-hoc over time. There is currently no permeability through the site.
- 6.3.24 Proposed blocks A- C face onto Malvern Road. These large blocks have significant gaps between buildings to allow for vehicle access and large car parking areas. Whilst facing the road the proposed frontage boundary treatment limits any street level presence or activation. The proposed grain of the development, being contained in 6 large flatted blocks, also does not reflect the grain and layout of the prevailing character of the area.
- 6.3.25 To the north of the site, Block E which faces onto St Peters Road, but is set back from the current street frontage and therefore does not fully integrate with the existing grain of development. A key constraint being the electricity substation to the northern frontage.
- 6.3.26 The proposed main vehicle entrance to the site is via Malvern Road, in close proximity to the existing access, with a pedestrian route which goes through the site.
- 6.3.27 The proposed development does allow for greater permeability and pedestrian movements through the site which is a benefit.

### *Scale and Massing and proposed architectural detailing*

- 6.3.28 The scale of the proposed buildings visible from Malvern Road are three storey in height, which includes accommodation in the roof. Blocks A, B and C would appear as more traditionally designed red brick buildings and slate roofs with split eaves dormer windows and front gable articulations and inset balconies. This frontage is designed to relate to the existing buildings in the locality and to respect the setting of the adjacent Conservation Area. This is considered to offer a relatively sympathetic design solution, with some of the vertical emphasis in the windows taking architectural cues from the previous Victorian buildings on the site. Block A is greater in height than the current buildings on the site and due to the buildings position in the plot, close to the frontage boundary does result in the development appearing prominent on this corner location (as identified in the comments made by the Conservation Officer). However this prominence is not considered to be one which is overbearing.
- 6.3.29 Block B is the central block that faces Malvern Road, which has a red brick gable end appearance when viewed from the road and has a design approach that seeks to take account of the change in levels across the site. This design approach does not result in a successful or sympathetic transition between the two design elements, however there is some articulation and variation on the frontage which does break up the massing.

- 6.3.30 Within the site part of block B and all of Blocks D, F and E (the latter which faces St Peters Road) are 3-4 storey in height with a flat roof. A more 'industrial appearance' is proposed, along with the use of a buff yellow brick and grey metal cladding. These buildings are designed to be distinct and contrasting from the buildings fronting Malvern Road. The design approach to these buildings is not considered to be as high quality as those facing Malvern Road particularly with flats roofs proposed to maximise the development potential of each block.
- 6.3.31 Block D in particular is a large, flat roof building running along much of the eastern side elevation with the 'rear' elevation facing the wider employment land. The building is a large four storey flat roof development, the only aspect of which is designed to face into the site. Its continuous massing along this side boundary does not respond to or reflect the grain and layout of the area. However the site is allocated for employment use where the likely development would be in large detached blocks.

*Proposed landscaping including trees*

- 6.3.32 The existing site is dominated by built form and hardstanding and displays the visual appearance of that associated with the previous (and allocated) employment use of the site. There are also no trees of high amenity value on this site that would be affected by the proposed development. There are opportunities through a residential led scheme to improve the appearance of the area through the introduction of soft landscaping and appropriate boundary treatments.
- 6.3.33 The Council's landscape officer has reviewed the proposed development and has raised concerns about the footpath in front of the Block F. Amended plans have been submitted during the course of the application which overcomes this issue and provides pedestrian footpaths across the proposed development.
- 6.3.34 Tree planting is proposed as part of this application which would contribute to the visual improvement and 'greening' of the application site. The Council's Tree Officer has no major objections to the location of the proposed the new tree planting. The recommended revisions to the proposed planting could be dealt with as a condition as part of a detailed landscaping scheme should permission be forthcoming.

*Conclusion of design assessment*

- 6.3.35 The current site has developed in a piecemeal fashion and visually appears as part of the wider industrial area. The current buildings are mostly in the form of large detached blocks and are (with the exception of the buildings on the corner of Furze Platt Road and Malvern Road) of limited to no architectural merit. There is poor permeability through the site and with the exception of the aforementioned identified buildings, none of the other existing buildings on this site offer any interaction or engagement with the street scene.
- 6.3.36 The proposed development would in contrast face onto and create some interaction with the street scene and create clear access and pedestrian routes through the site. The height and scale of the development visible from the road responds well to the street scene and offers a more coordinated design approach to the buildings currently on site.
- 6.3.37 Officers concerns regarding the design limitations of this proposed development are largely due to the scheme comprising a flatted approach to the redevelopment of this site, as opposed to one which is a lower density and modest single house lead development. In combination these design issues are symptomatic of an overdevelopment of this site. However, the site is fairly self-contained and wider views of the large blocks within the application site from street scene are limited. Having due regard for the emphasis of making efficient use of land and as the proposal would be a visual improvement on the current character and appearance of the area, on balance, it is considered that the proposed scale, massing and architectural approach is acceptable and would not have a detrimental impact on the character and appearance of the area.
- 6.3.38 The proposed development also offers opportunities for planting around the site which will continue the 'greening' of the area and offer some visual amenity benefits. The 'central green' within the site will also contribute to providing amenity space for future occupiers Whilst it is

considered that this development remains one dominated by hardstanding and a flatted development of large blocks is not one which fully embraces the prevailing character and appearance of the area, this needs to be balanced against the existing appearance of the site.

### **Issue iii) Affordable Housing Provision**

- 6.4.1 Policy H3 Affordable Housing of the adopted Local Plan requires that this development provides 30% affordable housing on site, this would equate to 68.7 affordable housing units being provided. Policy HO3 of the BLPSV requires effectively the same provision, however given the number of unresolved objections limited weight is afforded to this policy as a material consideration. The adopted guidance on affordable housing rounds down to the nearest whole unit: thus 18 units should be affordable as part of this proposal.
- 6.4.2 Montague Evans, on behalf of the applicants has submitted an Affordable Housing and Viability Assessment. The viability appraisal seeks to justify the maximum affordable housing provision that the proposals can support whilst remaining deliverable is 12 units (20% of the total) including 10 units for affordable rent (proposed to be contained entirety in Block E) and 2 units for shared ownership (specifically plots 38 and 39).
- 6.4.3 The Montague Evans report highlights that guidance provides an 'incentive' for brownfield development on sites containing vacant buildings. This is known as vacant building credit (VBC), where a 'credit' is applied to the level of affordable housing required when a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building. VBC is specifically intended to incentivise brownfield development and the reuse or redevelopment of empty and redundant buildings. The onus is on the applicant to demonstrate that the building is genuinely vacant. In determining whether a building has been made vacant for the sole purposes of redevelopment, the Council require the applicant to demonstrate a high standard of evidence to show the circumstances of the building becoming vacant. As set out above the applicant (a predominantly residential and mix use developer) purchased the site in September 2017. Therefore, and in accordance with the Council's Vacant Building Credit Guidance it is clear that the site has been unoccupied solely for the purpose of the redevelopment and thus the site is not eligible for VBC.
- 6.4.4 As such a viability assessment is needed to establish the viability of the proposed development. The identified need set out in the Strategic Housing Market Assessment would be 80% of rented tenures and 20% intermediate housing. The proposal for shared ownership units would only deliver intermediate housing provision. The tenure mix is not specified in adopted policy; this is a consideration in the BLPSV which would require a mix of tenures. The NPPF has introduced other factors in relation to affordable housing which have to be considered as material to the scheme.
- 6.4.5 Montague Evans has submitted a viability assessment which has been independently reviewed by Jones Lang LaSalle (JLL). The JLL report has been published on the Council's website and the findings of this report are that the methodology utilised by Montagu Evans to assess the viability of the proposed scheme accords with the advice set out in the NPPF for undertaking viability assessments. The conclusions of this report are that the Montagu Evans assessment is fairly reasonable and whilst there are some areas of disagreement the overall findings of the JLL report is that the development cannot viably bear more affordable housing than currently proposed and based on current market assumptions the scheme is, in fact, unviable in its current form. The applicant proposes 12 affordable units (10 affordable rent and 2 shared ownership units), there would be a case to be made for no affordable housing provision; there is no objection to affordable housing per se cognisant of the overall lack of viability of the scheme. It would be preferred for the scheme to deliver social rented units but there is no basis on which to negotiate this given the lack of viability.

### **Issue iv) Provision of a Suitable Residential Environment**

- 6.4.6 There are no specific policies in the adopted Local Plan or the Maidenhead Town Centre AAP regarding provision of a suitable residential environment. Paragraph 127 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and

other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

- 6.4.7 All the proposed units are of a sufficient internal floor space to accord with the Nationally Described Space Standards (2015).
- 6.4.8 Proposed new residential development should provide an appropriate level of lighting, outlook and amenity to all habitable rooms and be of a suitable space standard. Developments are also expected to enhance existing landscaping and allow visual interest and amenity.
- 6.4.9 In relation to sunlight and daylight, no sunlight and daylight assessment has been submitted as part of this application however 'a sun study' has been provided to look at potential overshadowing. This evidence is modelled based on 'summer solstice' and does not accord with the guidance provided by the Building Research Establishment (BRE) which requires an assessment overshadowing of garden and open space to be undertaken in March, nor provided any comment of the average sunlight factor and daylight distribution. The planning statement is also silent in this regard.
- 6.4.10 Blocks A- C and F are dual aspect units, which are considered to provide suitable lighting and outlook. All units afford private amenity space with either ground floor patios or balconies.
- 6.4.11 Block D, which runs along the eastern side boundary is designed so that all habitable room windows are facing into the site and only non-habitable room windows (kitchens and bathrooms) face the boundary with the adjoining industrial area. West facing windows to the upper floor units of Block D are considered to provide suitable outlook and natural sun/ daylighting. Ground floor units to Block D will be afforded limited sunlight from the eastern elevation due to the boundary treatment which will be needed along the western elevation with the adjoining industrial area. These ground floor units, all facing off street parking areas, will therefore rely solely on the western elevation for outlook, lighting and privacy. The indicative landscaping scheme shows opportunities for some limited planting which will provide 'defensible space'. A greater setback between the off-street parking and proposed ground floor units would be preferred to prevent any noise or light disturbance from cars coming to and from the site.
- 6.4.12 Block E faces onto St Peters Road, and is set back from the main frontage of the road. Proposed flats in Block E are single aspect (north or south facing). The ground floor of the northern (front) elevation would provide undercroft parking, refuse stores and cycle store. The southern ground floor elevation would contain 2x flats overlooking the proposed central open space. The indicative landscaping scheme also shows opportunities for planting to provide 'defensible space'. Block E contains four flats designed with outlook and lighting provided only from north facing windows. As Block E is set back from the adjacent buildings these units will likely be afforded limited sun/ daylight which will give a poor environment for future occupiers. Without a formal assessment of the scheme in this regard it is difficult to tell whether this would comply with the BRE standards which are usually the basis for assessing this element of a scheme.
- 6.4.13 It is accepted that in redevelopments on previously developed land there can be some limitations in the proposed layouts of units. There is an expectation that a scheme would be designed to maximise the opportunity to achieve satisfactory living conditions for future occupiers. It is concerning that the units which are likely to be sub-optimal in this regard are also to be offered for affordable homes. This matter will be considered further as part of the overall planning balance.
- 6.4.14 In terms of privacy it is considered that there is suitable separation distances/ orientation between units to provide a suitable level of privacy between proposed units and to prevent any direct overlooking.
- 6.4.15 Separate secure refuse and recycling stores are shown. These should comply with space standards set out within the Sustainable Design and Construction SPD and further details and provision could be dealt with by way of condition.

## Open Space

- 6.4.16 Current Local Plan policies R3 and R4 require on site open space. However it is not specified on a flatted development such as this how this should be provided. One of the benefits of this scheme is the provision of a central area of green space which can contribute towards the amenities of future occupiers and provide opportunities for recreational use. The majority of units (with the exception of Block E and two units on Block B) benefit from private balconies or modest ground floor private patio areas.
- 6.4.17 Paragraph 190 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes avoiding noise giving rise to significant adverse impacts on health and the quality of life.

## Noise

- 6.4.18 As set out above in paragraph 3.1, to the east of the application site is the rest of Furze Platt Industrial Area. Concerns have been expressed regarding noise at this adjacent site and the level of expectations regarding noise complaints. The evidence set out in paragraphs 6.2.40-6.2.49 reflects the propensity of prejudicing the continued operation of this well used industrial area. This section considers the provision of a suitable residential amenity.
- 6.4.19 The application site is subject to significant levels of noise both from the highway network and/or the adjacent sites. The applicants consider that in order to achieve a suitable residential environment mechanical ventilation can be installed to allow for suitable ventilation to properties whilst not compromising the internal noise levels. Whilst this can assist in providing natural ventilation (if a resident chooses to utilise it) there should be an expectation, particularly in a “suburban” location such as this, for windows to be open both during the day and at nights, particularly in summer months. The need for utilising such ventilation in a location such as this weighs against the scheme, and indeed supports the Council’s assertions that the site is more appropriate for continued industrial uses. The issues in providing a suitable residential environment for this site are considered below as part of the planning balance.

## **Issue v) Impact on Neighbouring Amenity**

- 6.5.1 There are no specific policies in the adopted Local Plan regarding impact on neighbouring amenity. Paragraph 127 (f) of the NPPF is a material planning 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”.*

- 6.5.2 Policy SP3 of the BLPSV states that development will be expected to have 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. However this is balanced against paragraph 123 of the NPPF which states that where there is an existing or anticipated shortage of land for meeting identified housing needs:

*“when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”*

- 6.5.3 Due to the location of the site the only residential dwellings potentially affected by the proposed development would likely be those to the west of the site, facing Furze Platt Road. These are no. 56- 74 (odd numbers) along with the occupiers of Trinity Mews.

- 6.5.4 Block A is positioned to the south east of Nos 56- 66 Furze Platt Road and whilst in close proximity to the site boundary and at a higher elevation, as existing the laundry buildings on site are 2- 3 storey in height and create a continuous built form to the south of these properties. Therefore the proposed development is not considered to result in a significant net loss of light and/or overbearing impact which would affect the amenities of the occupiers of these adjacent terrace properties. There are no side facing habitable room windows in Block A which would overlook these properties.
- 6.5.5 Proposed Block F is three storeys in height to the flat roof and is located to the immediate East of Trinity Mews and no 64- 66 Furze Platt Road. However in view of the 30m spacing between these block and the rear elevation of these adjacent properties the proposed development is not considered to have a detrimental impact on these dwellings in terms of loss of light and/or overbearing impact. This is also considered an acceptable separation distance to retain a suitable degree of privacy between dwellings.
- 6.5.6 In terms of proposed noise disturbance, the site forms part of the wider Furze Platt Industrial Area and used to function as an industrial Laundry. It is not considered that the proposed development would result in increased noise and disturbance above the lawful use of the site. The impact the proposed development could have on the remaining industrial land is considered above in paragraphs 6.2.40- 6.2.49.

#### **Issue vi) Highway considerations and Parking Provision**

- 6.6.1 Policy TF6 of the adopted Local Plan states that all development proposals will be expected to comply with the Council's adopted highway design standards.
- 6.6.2 The NPPF states that developments should promote opportunities for sustainable transport modes that can (suitable to the type of development and its location), provide safe and suitable access to the site for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.6.3 The NPPF is clear that proposals should be designed to give priority to pedestrian and cycle movements having due regard for the wider areas and design access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
- 6.6.4 The NPPF states at paragraph 109 that:

*'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

#### Access, egress and highway safety

- 6.6.1 A key distributor road, the A308 Furze Platt Road runs past the site, both Malvern Road to the south of the site and St Peter's Road to the north are principally accessed from Furze Platt Road. The existing commercial site has a total of seven existing vehicular accesses, with a single access to Furze Platt Road, five accesses to Malvern Road and a further single access to St Peter's Road. Two of these existing accesses are located on the Furze Platt/Malvern Road/Court House Road junction and are poorly located in respect to their proximity to this junction.
- 6.6.2 The proposed access creates one principal access from Malvern Road for 51 of the proposed units and the other from St Peter's Road serving Block E. No vehicular route is proposed through the site (there is a footpath). The proposed accesses are considered to be of acceptable width to provide suitable viability. There are some concerns about proposed new boundary treatments affecting visibility splays. Such matters could be dealt with by way of condition.

- 6.6.3 In terms of highway capacity the Highway Authority has queried the evidence provided regarding traffic flows and if this shows a true reflection of the previous operations on the site. Whilst the comment from the Highway Authority is noted, the site is and is proposed to remain as a designated industrial area. As such this sets out the authorised use of the land. The Transport Assessment identifies a significant benefit as a result of a reduction in HGV trips to the site. This maybe the case, however it is considered the residential development will produce similar vehicular movements throughout Monday to Friday but will increase over the weekends as less commercial activity tends to operate from commercial premises at weekends. Nonetheless at peak times the proposed development would not result in increased vehicular movements to and from the site above the lawful and allocated use of the site.
- 6.6.4 The Transport Assessment identifies the presence of The Tesco Express store within close proximity of the site as a material benefit that will reduce the need to travel by car for future residents. As part of the submission of additional information a footway is proposed as an improvement from this scheme and improved connectively through dropped kerbs and tactile paving to the existing informal pedestrian crossing facility within Furze Platt Road (north of the junction with Malvern Road). Such works could be secured under the section 278 agreement.

#### Parking Provision

- 6.6.5 The adopted Parking Strategy (2004) sets out the parking standards for developments. At the pre-application stage the Highway Authority confirmed that this site would not fall within the 'Areas of Good Accessibility' as it requires that a development should be within 800 metre distance from a rail station with regular (half hourly or better) train service.
- 6.6.6 Therefore and in accordance with the Council's guidance the parking standards for this development would be for 107 spaces. In terms of parking provision the proposed development would provide a total of 84 parking spaces, 61 allocated (one per unit) and 23 for visitors. The proposed parking provision for this scheme is therefore 23 space below the Council's maximum guidance on these matters.
- 6.6.7 The NPPF is clear that:
- 'Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport....'*
- 6.6.8 Given these competing material considerations it is considered that lesser weight be given to the Parking Strategy (SPD) due to it not fully complying with the NPPF. However the emphasis of the NPPF is to ensure that parking provision on sites in less accessible locations is not artificially constrained.
- 6.6.9 Following concerns raised regarding the robustness of the initial information additional information was provided to justify the proposed parking levels. According to the census data provided it was concluded that the overall car ownership for flats, maisonettes or apartments within the Furze Platt ward was on average around 0.92 vehicles per flat. This would equate to a total parking demand of 60 parking spaces for the proposed 61 flats (15 one-bed and 46 two-bed flats).
- 6.6.10 On this basis it is considered that the proposed level of parking provision is appropriate for the location.
- 6.6.11 In terms of proposed cycle storage each block shows one cycle store per dwelling, which complies with the Council's standards, further details regarding the type of rack system can be secured with by way of condition. There are some further concerns about the access arrangements and accessibility to the bike stores for Block D through single opening doors. Amendments have been made to the proposed layout to also include rear facing doors. The location of these doors to the rear of the building and adjacent to the fence does not fully

embrace good principles for designing out crime however, conditions could secure suitable lighting and mitigation to ensure a safe environment.

#### Services, access, and refuse

- 6.6.12 The development should provide clearly defined pedestrian footways or paths across the site to prevent conflicts between vehicular and pedestrian traffic. Some concerns have been raised from the landscape officer regarding pedestrian routes through the site. However traffic speeds in parking forecourt areas are unlikely to be significant and are not considered to have a severe impact on highway safety.
- 6.6.13 Suitable access for servicing is also provided to allow for a vehicle to leave in a forward gear. In terms of proposed refuse areas, these appear to be of a suitable space standards to accommodate waste and recycling bins and complies with the requirements of the Council's SPD on such matters.

#### **Issue vii) Infrastructure Provision**

- 6.7.1 A key concern is on the impact of GP places, schools and community facilities. The Council has published its Infrastructure Delivery Plan (IDP) in January 2018 which sets out the infrastructure needed to support the development coming forward in the Borough over the Plan period (including social infrastructure) and how this will be funded. However as this site is proposed to be allocated as an Industrial Area and not for a residential scheme, the proposal would result in greater demand on infrastructure over and above that which has been accounted for a part of the Plan making process.
- 6.7.2 A key mechanism for funding infrastructure is the Community Infrastructure Levy (CIL) which the Council adopted in September 2016. This levy is to fund the infrastructure required to support development across the Borough. For residential development in the area it is set at £100 per square metre (net increase of floor space). CIL is effectively a pool of contributions which is used in order to fund infrastructure to support new development across the Borough. As CIL is based on net floor space, the proposed development would not result in a net increase of floor area the proposal, development would generate £0 of CIL receipts.
- 6.7.3 As part of the applicants planning statement they have claimed that there is existing capacity of GP places in the local area to support this development and other planned developments coming forward. The Council's Infrastructure Delivery Plan (IDP) does state that the existing ratio of GPs in Maidenhead is better than the Department of Health's target patient list. However, as set out in IDP (and what the applicants have failed to acknowledge or address) is that the Borough has a high concentration of residential and nursing homes which places pressure on existing facilities due to the higher dependency of elderly patients in primary care facilities. The Clinical Commissioning Group (CCG) assumes no surplus capacity GPs in the Borough and estimates a need for additional GP's to meet the future growth across the Borough. The IDP identifies how the Council, working in connection with the CCG and the NHS, can look to accommodate the future growth in demand.
- 6.7.4 The applicants Planning Statement further states in paragraphs 6.96- 6.97 that Education provision can be met from this development and identifying that the nearby schools have been identified as schools where there is future capacity for extensions. What the applicants Social Infrastructure section of their Planning Statement fails to identify is that the potential expansion of the Furze Platt Infant, Junior and Secondary Schools are to support planned development contained in the BLSV. The Education Authority has confirmed that this development will result in the increase need for 2 additional primary school places and a further 9 secondary school places (long term) and the Council will be obligated to meet this future need which this scheme does not mitigate.
- 6.7.5 Whilst an identified benefits of this scheme is the delivery of the increased housing, the benefits of the 'accelerated housing delivery' needs to be considered in the context of ensuring there is sufficient infrastructure needed to support this increased housing above that set out in the BLPSV. As increased housing is not plan led it would result in increased pressures on

infrastructure and there is currently insufficient capacity to deal with this. This weighs against the scheme.

### **Issue viii) Environmental Considerations**

#### Ground contamination

- 6.7.6 Policy NAP4 of the Borough Local Plan seeks to ensure that development will not pose an unacceptable risk to the quality of groundwater.
- 6.7.7 The applicant's evidence indicated that there is significant potential for contaminated land due to the solvents associated with the previous use of the site. The soils beneath the site are classified as having high urban leaching potential.
- 6.7.8 In order for a housing development to be appropriate on this site, significant remediation will be required. For any redevelopment this would have to be tightly controlled through pre commencement conditions along with on-going monitoring.

#### Impact on Air Quality

- 6.7.9 In terms of Air Quality there are no specific Development Plan policies regarding air quality. The NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas. However, the site is outside of the Air Quality Management Area. As confirmed by the Council's Environmental Protection Team the location and size of the proposed development and the distance from Maidenhead AQMA are such that it is reasonable to expect that the risk of a significant air quality effect would be low.
- 6.7.10 On this basis it is not considered that there is any policy basis to request any additional information in this regard.

#### Sustainable Urban Drainage

- 6.7.11 Paragraph 165 of NPPF states that all 'major' planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development.
- 6.7.12 In accordance with The Flood and Water Management Act 2010 the Royal Borough in its role as Lead Local Flood Authority (LLFA), is a statutory consultee for all major applications. The LLFA has considered the proposal and the applicants Sustainable Urban Drainage information submitted as part of this planning application (including the additional information submitted during the course of the application).
- 6.7.13 The LLFA has considered the proposal and the applicants Sustainable Urban Drainage information submitted as part of this planning application, along with the additional information submitted during the course of the application and confirmed that in principle they have no objection to the scheme. However concerns were expressed in terms of insufficient information provided to allow a full assessment of the proposed surface water drainage system. Therefore in the event that this application was recommended for approval it is considered both reasonable and necessary for pre-commencement planning condition requiring submission of full details of the proposed surface water drainage system and its maintenance arrangements.

#### Ecology and biodiversity considerations (including trees)

- 6.7.14 Policy MTC 3 of the AAP (2011) seeks to conserve and enhance biodiversity and policy OA3 also looks for development within the application site to embrace the waterside setting and also protect the integrity, quality and biodiversity of York Stream whilst improving access to the waterside and allowing for pedestrian and cycle access. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment. The

emphasis is on minimising impacts on and providing net gains for biodiversity. Paragraph 175 of the NPPF states that:

*“When determining planning applications, local planning authorities should apply the following principles:*

*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...*

*Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

- 6.7.15 Emerging Policy NR 3 of the BLPSV requires proposals to protect and enhance biodiversity. Policy IF 3 of the BLPSV seeks the provision of high quality green and blue infrastructure.
- 6.7.16 An Ecology Impact Assessment prepared by ACD Environmental (dated April 2018) has been submitted in connection with this planning application. This identified that whilst the site is surrounded by extensive areas of hardstanding a small area of amenity grassland and rural habitat is present in the centre of the site. However, the site is of limited biodiversity value and no evidence was found that there were bats present at the site. The assessment also identified precautionary measures for the protection of nesting birds, common amphibians and badgers during construction. Subject to compliance with these measures, along with the proposed biodiversity enhancements set out in paragraph 6.35 and 6.36 which encourage the breeding of natural habitats the proposed development is considered acceptable in terms of biodiversity. Compliance could be secured by way of condition.

#### Sustainability and Energy

- 6.7.17 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. The Council's Sustainable Design and Construction SPD provides further advice on these matters.
- 6.7.18 The NPPF para 153 states that in determining planning applications developments should comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.
- 6.7.19 Bluesky Unlimited have submitted a Sustainability and Energy Statement on behalf of the Applicants. The Statement looks at enhancing the fabric insulation standards of the buildings above the minimum required by the Building Regulations and that heating and hot water demand to the apartments will be provided by individual gas-fired boilers.
- 6.7.20 It is also proposed to install a total of 46 x south facing photovoltaic panels to the flat roof sections of Block B (Plots 7-20). Additional plans have been submitted during the consideration of this application which shows their proposed position. Whilst Officers have some concerns about the visual impact these PV panels will have, any views will be largely contained from within the site and will be limited. On this basis the proposed sustainability and energy strategy is considered appropriate and visually acceptable.
- 6.7.21 The additional information submitted regarding the proposed ventilation systems for the proposed new dwellings, if combined with heat recovery systems can be seen as a sustainability measure. However, the applicants own Sustainability and Energy Statement is silent on this matter. It is unclear how all this would all interlink. In the event that permission was granted such matters could be dealt with by way of condition.

#### Archaeological matters

6.7.22 An archaeological desktop assessment has been submitted in connection with this application. This concludes that the site has limited archaeological potential. Berkshire Archaeology have been consulted on this application and considers that there is evidence to indicate an archaeological interest and that investigation would be merited. This could be secured by way of condition.

#### **Issue ix) Other Material Considerations**

- 6.8.1 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. Paragraph 14 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted in January 2018. The Borough Local Plan sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory. At this time the BLPSV does not form part of the Development Plan. Accordingly the objectively assessed need should also be considered against the standard methodology contained within the NPPF (2018). The Borough can also demonstrate five year supply of deliverable housing land supply based on the current standard methodology set out in the NPPF (2018) and its associated planning guidance.
- 6.8.2 The purpose of a Plan-led system is to ensure sustainable forms of development take place, this includes directing the right forms of development to the right areas and also the timely delivery of infrastructure needed to support development. The applicant claims that a benefit of this scheme is the increase in housing land supply above the Council's stepped trajectory as contained in policy HO1 of the BLPSV. The applicants are also keen to highlight that this would deliver housing within the urban area, in a Borough where, as part of the plan making process green belt releases are proposed in the latter stages of the emerging plan in order to meet need.
- 6.8.3 The Council's position is that it can identify a five-year housing land supply in accordance with the NPPF and the application site does not form part of the BLPSV site allocations for housing. The BLPSV also sets out the employment land needed to support the future needs of the Borough, this site forms part of this supply. The applicants have therefore failed to acknowledge that the importance of the plan system is to ensure the objectively assessed need is met, not just for housing but also employment uses to ensure that communities are sustainable. The BLPSV seeks to achieve an appropriate balance to deliver these competing objectives.
- 6.8.4 In addition Policy HO2 of the BLPSV states that new homes should meet the needs of current and projected households. The proposed development is mostly split between two and one bedroom units. The Council's current need is identified as being for predominately two and three-bedroom units. This need is across the Borough having due regard for various sites locations and character of the area. The emphasis on having a Plan-led system is to ensure that allocations adequately address and meet the wider Borough needs, this is identified in the BLPSV. The site is not allocated for residential development and is not located in a highly sustainable town centre location where Officers would endorse developments that would maximise efficient use of previously developed land in a highly accessible location. A purely flatted development is not in itself objectionable in terms of design, but this too does mean less weight should be attributed to the applicant's assertions about meeting housing need.
- 6.8.5 The applicant has referred to the Officer Report regarding application 17/02051/FULL for the redevelopment of 55 St Marks Road and how this development too would make a contribution towards housing land and a sustainable form of development. It is unclear to Officers why the applicants referred to this non allocated employment site for a 14x 2-4 bedroom house development, on land proposed to be allocated for housing as part of the BLPSV. This site is materially different.

## Issue x) Conclusion – Planning Balance

- 6.9.1 For the reasons set out above the proposed development would result in the loss of land allocated for employment uses. Therefore the principle of the proposed development is contrary to the Development Plan, it is also contrary to the NPPF and the BLPSV, both of which are material considerations. The proposed development is also premature to matters considered as part of the BLPSV and could, when considered cumulatively, undermine the strategy set out in the BLPSV, contrary to the NPPF. Both of these matters weigh substantially against the proposed scheme.
- 6.9.2 The proposed development is also considered to prejudice the existing and future intensification of the rest of the industrial area, by the introduction of an incompatible use. Whilst the applicants consider that suitable mitigation can overcome these concerns the Council's Environmental Protection Team has raised concerns that developing only part of the industrial area to residential could restrict and therefore undermine the current and future operations of the wider industrial site. This also substantially weighs against the principles of residential use on part of the industrial area.
- 6.9.3 The proposal would be for a flatted development and whilst not consistent with the prevailing character and appearance of the area is considered to be a visual improvement on the existing appearance of the site. The redevelopment of this site is also considered to be of a public benefits which outweighs any harm to the adjacent heritage assets. The proposed new public open space and introduction of some greening into this area, also weights in favour of this scheme.
- 6.9.4 The viability appraisal seeks to justify the maximum affordable housing provision that the proposals can support whilst remaining deliverable is 12 units (20% of the total) including 10 units for affordable rent (proposed to be contained entirety in Block E) and 2 units for shared ownership (specifically plots 38 and 39). Whilst not fully compliant with the Council's policy to provide onsite accommodation of 30% the viability evidence provided supports this level of provision. This weighs moderately in favour of the scheme.
- 6.9.5 The proposed development does not raise any significant highway capacity issues and would not prejudice highway safety. Having due regard for the nature and location of the proposal, sufficient residential car and cycle parking would be provided.
- 6.9.6 Whilst the proposed development is considered to provide a suitable living environment in terms of space provision, some units would receive limited sun/ daylighting. Given the current policy framework to determine applications in the context of the provision of a suitable residential environment it is considered difficult to sustain an objection on the impact of future residential amenity. Nonetheless it is considered that the real harm resulting from the noise issues is that it cannot be guaranteed that redeveloping part of a wider industrial area for a residential use will not undermine or comprise the existing and future uses of the wider industrial area.
- 6.9.7 The proposed development would not have a significant impact on the daylighting levels currently received from the nearby residential properties and would not result in increased overlooking.
- 6.9.8 The proposed development is considered acceptable in terms of biodiversity, air quality and provides suitable sustainability measures. There are significant concerns regarding contamination and ground water, however and subject to conditions it is considered that this could be suitably mitigated and monitored.
- 6.9.9 The delivery of residential development is a benefit of this scheme. However the LPA is able to demonstrate a continued rolling five year housing land supply when assessed against both the five year housing trajectory contained in the BLPSV and also the standard methodology currently continued in the NPPF. Whilst the Council is relying on some green belt releases to meet the objectively assessed need over the plan period this forms part of a wider considered strategy which also includes allocating this site to meet the objectively assessed employment needs of the Borough. Accordingly these arguments give weight to the assessment that this application could, cumulatively, undermine the strategy set out in the BLPSV and is therefore premature.

6.9.10 Therefore, having due regard to the proposed benefits of this scheme, these clearly do not outweigh the above identified harm which results in failure to comply with the adopted development plan. The proposed development is therefore recommended for refusal for reasons set out in section 1 of this report

## 7. INFRASTRUCTURE PROVISION

7.1 The site is liable for the community Infrastructure Levy (CIL), at a rate of £100 per square metre. However CIL is calculated on a net gain of floor space, as the proposed development would not result in a net increase of floor space there will be no CIL receipts generate from this development.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

8.1 35 occupiers were notified directly of the application.

8.2 The planning officer posted 2x site notices advertising the application, along St Peters Road and on the corner with Malvern Rod on the 10 May 2018. The application was advertised in the Maidenhead & Windsor Advertiser on 10.05.2018.

8.3 One letter of support was received. Comments made can be summarised as follows:

Comment		Where in the report this is considered
1.	Proposed is a significant visual improvement on the current state of the site	Section 6.3 deals with design
2.	Would provide much needed housing	See section 6.2 for full discussion

8.4 8 letters were received objecting to the application, including a letter from the Maidenhead Society (a further letter of objection was received but no address was provided), comments made can be summarised as:

Comment		Where in the report this is considered
1.	Overdevelopment of the site	Section 6.3 deals with design
2.	Need for more family accommodation	Paragraph 6.8.4
3.	Infrastructure needed to support the development such as education and GP provision	Paragraphs 6.7.1- 6.7.5
4.	Concerns about traffic, access and highway safety	Paragraphs 6.6.1- 6.6.13
5.	Insufficient parking	Paragraphs 6.6.1- 6.6.13
6.	This is an area of traditional houses and a flatted development is not in keeping with this area	Section 6.3 deals with design

7.	The buildings at the back of the site are of poor design	Section 6.3 deals with design
8.	The development fails to provide an appropriate mix of housing.	Paragraph 6.8.4
9.	Object to the loss of loyal employment land	See section 6.2 for full discussion
10.	Concerns about conflicting uses and noise complaints from potential future occupiers	Paragraphs 6.2.40- 6.2.49
11.	The suggested market rent of the site for £9.50 per sqm foot is unreasonable.	See section 6.2 for full discussion
12.	There is a huge demand for small modern units business units in Maidenhead	See section 6.2 for full discussion
13.	The community consultation was limited	Noted
14.	Insufficient affordable housing	Paragraphs 6.4.1- 6.4.5
15.	Site is dominated by hardstanding and undercroft parking should be used.	Paragraphs 6.3.32- 6.3.34

### Comments from consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection (noise)	This development would place additional restrictions on the existing neighbouring commercial and industrial units.	Paragraphs 6.2.40- 6.2.49
Conservation Officer	Concerns over the impact that the height of the proposed building on the corner of Furze Platt Road may cause to the setting of the Conservation Area, that harm is limited. Therefore the balancing exercise should be taken by officers as to whether that harm is outweighed by the overall public benefit of re-developing the site.	Paragraphs 6.3.5- 6.3.13
Landscape Officer	Based on revised plans: Recommended further details about: <ul style="list-style-type: none"> <li>Detailed landscaping and the drainage</li> <li>cycle parking facilities for visitors</li> <li>5 year landscape management plan</li> </ul>	Paragraphs 6.3.32- 6.3.34
Tree Officer	No major objections to the location of the proposed the new tree planting however the group of trees to the south of Block E should be relocated to the centre of the green to provide a more prominent feature and reduce future problems of overshadowing. Also recommend the following changes to the proposed tree species	Paragraphs 6.3.32- 6.3.34
Viability Consultant	Our analysis supports the applicant's conclusion that the scheme cannot viably bear more affordable housing than currently proposed and is in fact unviable in its current form.	Paragraphs 6.4.1- 6.4.5
Highway Authority	From the evidence provided the proposals can be accommodated without detriment to the operation of the local highway network. Therefore for these reasons the Highways Authority offers no objection to the proposal	Paragraphs 6.6.1- 6.6.13

	subject to conditions.	
Environmental Protection (contamination)	Due to the high levels of ground contaminants. Validation and Verification Reports would be required to confirm the land is suitable for the proposed development.	Paragraph 6.7.6- 6.7.8
Environmental Protection (air quality)	The approach, methodology and conclusion of the air quality assessment that the effects of development traffic on local air quality are judged to be Not Significant are acceptable. Recommend conditions regarding dust during construction	Paragraph 6.7.9
Lead Local Flood Authority	While we have no objection in principle to the proposed development insufficient information has been provided to allow a full assessment of the proposed surface water drainage system. We would therefore ask that, should the Local Planning Authority be minded to grant planning permission a suitably worded pre-commencement planning condition be imposed requiring submission of full details of the proposed surface water drainage system and its maintenance arrangements.	Paragraphs 6.7.11- 6.7.13
Archaeology Officer	The site lies within an area of archaeological potential; specifically it lies within an area of Palaeolithic potential. A programme of archaeological work is required to mitigate the impacts of development and to record any surviving remains so as to advance our understanding of their significance in accordance with Paragraph 141 of the NPPF and local plan policy.	Paragraph 6.7.22
RBWM Access Advisory Forum	Lack of clarity relating to Building Control matters	The applicants have confirmed they will comply with current building regulations standards.
South East Water	Primary concern is the safeguard of raw water abstracted for public water supply, without the need for additional treatment processes. The College Avenue groundwater catchment is a drinking water protected area safeguard zone for chlorinated solvents and these substances have to be carefully managed to prevent further contamination of the groundwater resource.	Paragraph 6.7.6- 6.7.8
Environment Agency	This site is particularly sensitive and vulnerable to the impact of contamination on controlled waters. The site is heavily impacted by the presence chemicals related to the former dry cleaning operations that took place on this site.  Whilst we disagree with conclusions of the applicants reports considered that planning conditions can address concerns raised in relation to the impacts on water quality in the area.	Paragraph 6.7.6- 6.7.8

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Proposed floor plans
- Appendix C – Proposed elevations

## 10. RECOMMENDED REASONS FOR REFUSAL

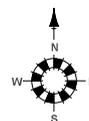
- 1 To permit this planning application would result in the loss of half of the Furze Platt Industrial Area. This would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that is central to the Borough Local Plan Submission Version (2018) and would undermine policies ED1, ED2 and ED3 and the wider economic strategy set out in the Borough Local Plan Submissions Version (2018), which has been endorsed by Full Council. This Plan is at an advanced stage but is not yet formally part of the development plan for the area. To allow alternative development on the application site would set a precedent for the consideration of development proposals on land currently/ proposed to be allocated as employment land. To permit this scheme would result in the Council being unable to resist proposals involving a change of use or redevelopment for residential development on such employment areas. The cumulative impact of any such planning decisions would significantly undermine the plan-making process and the policies and strategy set out in the Borough Local Plan Submission Version (2018). This is contrary to the National Planning Policy Framework.
- 2 The proposed development would result in the loss of industrial land, detrimental to the future employment needs, locally available employment opportunities and the economy of the area. The proposed development is contrary to policy E2 of the adopted Local Plan (2003) and also to the National Planning Policy Framework, along with emerging policies ED1, ED2 and ED3 of the Borough Local Plan Submission Version (2018) both of which latter documents are material considerations.
- 3 Due to the proximity and location of the proposed residential units in relation to the unrestricted adjacent industrial uses, the adjoining industrial units could result in noise nuisance to future residents of the proposed development. This could result in restrictions on the existing commercial and industrial units which would undermine the viability and vitality of this adjacent industrial area. It would also undermine the Council's strategy to encourage and promote the continued and intensified use of the Furze Platt Industrial area. This would be contrary to policy E5 of the adopted Local Plan and to the National Planning Policy Framework and also to emerging policies ED1 and ED2 of the Borough Local Plan Submission Version (2018) both of which latter documents are material considerations.
- 4 In the absence of a completed legal agreement the proposed development has failed to secure the necessary affordable housing provision as part of the redevelopment of this site, this is contrary to Policy H3 of the adopted Local Plan (2003) and also the National Planning Policy Framework (2018).

### **Informatives**

- 1 Refusal reason 4 relates to the absence of a section 106 legal agreement to secure this provision, which could be overcome through the completion of said legal agreement.
- 2 The refused plans are as follows: Site Location Plan - S101 received by the Local Planning Authority on the 01.05.2018 Coloured Site Layout - C101 REV. C received by the Local Planning Authority on the 01.08.2018 Proposed Site Layout- P101 REV. B received by the Local Planning Authority on the 01.08.2018 Plots 1 - 6 (Block A) Proposed Floor Plans- P110 REV. A received by the Local Planning Authority on the 01.08.2018 Plots 1 - 6 (Block A) Proposed Elevations- P111 received by the Local Planning Authority on the 01.08.2018 Plots 7-20 (Block B1 & B2) Proposed Floor Plans- P112 REV. A received by the Local Planning Authority on the 01.08.2018 Plots 7 -20 (Block B1 & B2) Proposed Elevations- P113 REV. A received by the Local Planning Authority on the 01.08.2018 Plots 21 - 29 (Block C) Proposed Floor Plans - P115 REV. A received by the Local Planning Authority on the 01.08.2018 Plots 21 - 29 (Block C) Proposed Elevations- P116 received by the Local Planning Authority on the 01.08.2018 Plots 30 - 45 (Blocks D1 & D2) Proposed Floor Plans- P117 REV. C received by the Local Planning Authority on the 24.10.2018 Plots 30 - 45 (Blocks D1 & D2) Proposed Elevations- P118 REV. C received by the Local Planning Authority on the 24.10.2018 Plots 46 - 55 (Block E) Proposed Floor Plans- P119 REV. B received by the Local Planning Authority on the 06.09.2018 Plots 46 - 55 (Block E) Proposed Elevations- P120 REV. A received by the Local Planning Authority on the 06.09.2018 Plots 56 - 61 (Block F) Proposed Floor Plans- P121 REV. A received by the Local Planning Authority on the 01.08.2018 Plots 65 - 61 (Block F) Proposed Elevations- P122 received

by the Local Planning Authority on the 01.08.201816311 - P130 - Site Sections (003) received by the Local Planning Authority on the 01.08.2018





**KEY:**

- Site Boundary
- Proposed Trees
- V Visitor Spaces
- Existing Buildings

ST PETER'S ROAD

New vehicle & pedestrian access

Sub Station

Bin Collection Point

Bin & Bike Store

Block E Plots 46-55

3m Easement

Bin & Bike Store

Block F Plots 56-61

Trinity Mews

Block D2 Plots 38-45

Bin & Bike Store

Block D1 Plots 30-37

Block B2 Plots 13-20

46 PV Panels

Block B1 Plots 7-12

Bin & Bike Store

Block A Plots 1-6

New vehicle & pedestrian access

MALVERN ROAD

Bakery

**1 Site Layout**  
1 : 200

REV. NO.	DATE	REVISIONS
A	01.05.18	Proposed vehicle and pedestrian access labelled.
B	04.05.18	Proposed tree positions updated.

REV. NO.	DATE	REVISIONS



<b>46</b>	Ashill Maidenhead	PROJECT
SCALE	1 : 200 (A1 ORIGINAL)	DRAWING
DRAWN	NL	16311
DATE	12.03.18	P101

PROJECT	54 Furze Platt Road, Maidenhead	DRAWING
SCALE	1 : 200 (A1 ORIGINAL)	DRAWING
DRAWN	NL	16311
DATE	12.03.18	P101

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<b>OSPARCHITECTURE</b> O'KEEFE SCANLON LIMITED	

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## MAIDENHEAD DEVELOPMENT CONTROL PANEL

21 November 2018

Item: 2

<b>Application No.:</b>	18/01518/FULL
<b>Location:</b>	157 Grenfell Road Maidenhead SL6 1EZ
<b>Proposal:</b>	12 x 2-bed and 3 x 1-bed flats following demolition of the existing dwelling and associated buildings.
<b>Applicant:</b>	Ashgrove Homes Ltd
<b>Agent:</b>	Miss Susan Pearce
<b>Parish/Ward:</b>	Maidenhead Unparished/Boyn Hill Ward

**If you have a question about this report, please contact:** Alys Hughes on 01628 796040 or at [alys.hughes@rbwm.gov.uk](mailto:alys.hughes@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 The proposed development is considered to cause harm to the character of the area due to its scale, height, massing and bulk which would result in a development that would appear prominent within the street scene.
- 1.2 When viewed from neighbouring properties, in particular dwellings to the south and west of the site, the proposed development would appear overbearing and overdominant and would create a perception of being overlooked. The proposal is therefore considered to have a detrimental impact on the amenities of neighbouring properties.
- 1.3 Insufficient information has been submitted to demonstrate that the trees that are of high amenity value on the site would be adequately protected. Insufficient information has also been submitted with regards to whether a sustainable drainage system can be achieved on site.
- 1.4 The site may contain habitats that are suitable for use by protected species and a full and accurate assessment of whether the proposal would protect and enhance biodiversity on the site has not been carried out.
- 1.5 There has been no mention in the application of the provision for affordable housing.

#### It is recommended the Panel REFUSE planning permission for the following reasons:

- |           |  |
|-----------|--|
| <b>1.</b> | The proposed development, by reason of its scale, height, massing and bulk, would appear as a prominent addition in the street scene, detracting from its existing character and appearance. The proposal is therefore contrary to Policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted in June 2003), Policy SP3 of the Borough Local Plan Submission Version and the Core Principles of the National Planning Policy Framework March 2018 (achieving well designed spaces).   |
| <b>2.</b> | The proposed development, by reason of its scale, bulk, height and roof form, would appear overbearing and overdominant and would create a perception of being overlooked when viewed from the rear amenity areas of the neighbouring dwellings to the south and west, to the detriment of the residential amenities of the occupants of the same. This would be further exacerbated by the differences in ground level. The proposal is therefore considered to be contrary to policy SP3 of the Borough Local Plan Submission Version and to paragraph 127 f) of the National Planning Policy Framework 2018 which seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings. |
| <b>3.</b> | The proposed development fails to adequately secure the protection of important amenity trees present on site which contribute to the character and appearance of the area. The proposal is therefore detrimental to the health and longevity of protected trees, contrary to saved policies N6 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and policy NR2 of the Borough Local Plan Submission Version.   |

4	It has not been adequately demonstrated that an appropriate sustainable drainage system is achievable on site. The development is therefore contrary to paragraph 165 of the NPPF (2018) which states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
5	The site may contain habitats that are suitable for use by protected species. A full and accurate assessment of whether the proposal would protect and enhance biodiversity on the site has not been carried out. Consequently, the proposed development could cause significant harm to protected species and their habitat, which is not outweighed by the need for the development or its benefits. Paragraph 175 of the Framework requires that where significant harm to biodiversity cannot be avoided, adequately mitigated, or compensated, then planning permission should be refused. Furthermore, the proposal is also contrary to policy NR3 of the Borough Local Plan Submission Version which, inter-alia, seeks to ensure that protected species will be safeguarded from harm or loss.
6	In the absence of a mechanism to secure policy compliant Affordable Housing, the proposal fails to comply with Paragraph 64 of the National Planning Policy Framework, policy H3 of the Royal Borough of Windsor and Maidenhead Adopted Local Plan and Policy HO3 of the Borough Local Plan 2013 -2033 (Submission Version).

**2. REASON FOR PANEL 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 Panel.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The proposal site (0.23 hectares) currently consists of a detached bungalow and garage set on a spacious plot of land. The site is located on the western side of Grenfell Road, on the junction with Kings Grove. It is bounded on all sides by residential development. Vehicular access is currently located towards the south eastern corner of the site which leads to a parking area and garage. A pedestrian access is located off Grenfell Road.
- 3.2 The site is situated within the built up area of Maidenhead. There are trees on site protected by virtue of a Tree Protection Order.

**4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 4.1 Planning permission is sought for the demolition of the existing bungalow and outbuildings and the construction of 12 x 2-bed and 3 x 1-bed flats. This would result in a net increase of 14 units on the site. The accommodation would spread over three floors, with the building reaching a maximum height of 10.83m. The site slopes down significantly from north-east to south-west and the proposed building steps down accordingly. The building incorporates hipped roofs with flat crown aspects with dormer windows facilitating accommodation within the roof-space and full height gable roofs.
- 4.2 No relevant planning history

**5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION**

- 5.1 National Planning Policy Framework Sections 2, 4, 5, 8, 9, 11, 12, 14 and 15.

## Royal Borough Local Plan

5.2 The main policies are:

Design/character	Highways and Parking	Trees
DG1, H8, H10, H11	P4, T5	N6

These policies can be found

at: [https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Nature Conservation	NR3

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

This document can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### Supplementary planning documents

None

### Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i whether the proposal is acceptable in principle

- ii impact on the character and appearance of the area
- iii impact on neighbouring properties
- iv impact on trees and biodiversity
- v parking and highways
- vi other consideration

**i. Whether the proposal is acceptable in principle**

6.2 The proposal site is situated within the developed area of Maidenhead. A key element of the National Planning Policy Framework as set out in section 5 is the delivery of housing and the gain in housing as a result of this scheme would be a clear benefit located, as it is, within a sustainable location. The proposal may therefore be considered acceptable in principle provided that there is no conflict with other provisions within the Development Plan and material considerations do not lead to a different conclusion.

**ii. Impact on the character and appearance of the area**

6.3 Local Plan Policy H10 and BLP policy SP3 require new residential development schemes to display a high standard of design and landscaping in order to create, attractive, safe and diverse areas and were possible to enhance the existing environment. Policy H11 takes this further and states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area. Policy DG1 states that harm should not be caused to the character of the surrounding area through cramped development or the loss of important features which contribute positively to the area. These policies accord with the NPPF which attaches great importance to the design of the built environment and states that good design is indivisible from good planning. It advises that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. These adopted policies are considered to be up-to-date and should be given greatest weight and policy SP3 of the BLP should be accorded significant weight as a material planning consideration.

6.4 The site and the surrounding area to the south and west is identified as an inter-war suburb in the Council's Townscape Assessment, and comprises of medium density residential development of detached and semi-detached suburban dwellings on crescents, avenue and cul-de-sacs. Grass verges, street trees and front gardens contribute to a leafy character. The architectural detailing typically comprises of bay and bow windows, casement windows, recessed porches, and moderately pitched, hipped or gabled clay tiled roofs with chimneys that add visual interest to the skyline. An identified force of change for this character area is the redevelopment of plots to accommodate large scale flatted development on the site of suburban houses leading to changes to the roof-scape as viewed from the street. It is recommended in the Townscape Assessment that development should respect the uniform building line and rhythm created by the consistent block pattern, massing and relationship of building to open space and reflect the use of part tile hung frontages, bay and bow windows, recessed arched porched and casement windows with stained glass. To the north of the site, the character of the area is identified as Victorian and Edwardian suburbs and the east of the site is identified as a leafy residential suburb.

6.5 The proposed development, by virtue of its massing, is considered to be out of scale with surrounding development, appearing as a prominent addition to the street scene. The building would be mainly three storeys in height and would appear demonstrably taller than existing buildings in the area. Whilst it is noted that it would be of a similar height to a flatted development at Haydon Court situated to the north, this building forms part of the street scene of Boyn Hill Avenue and not Grenfell Road. It is also set back from the proposed development due to its positioning on the northern end of its spacious plot, close to the boundary with Boyn Hill Avenue.

The development and this neighbouring property would not therefore be read together in the context of the street scene. The proposed building height has been scattered in an attempt to reduce the height of the building towards the southern boundary which adjoins 2 Kings Court, which consists of a detached bungalow. However, despite the lower height of this end of the building, brought down to two storeys with accommodation in the roof-space, its proposed massing and bulk, with the inclusion of large flat crown aspects, would still result in a sharp contrast between the proposal and this neighbouring bungalow. The proposed building has been set back further into the plot than the existing dwelling, however this does not overcome the concerns with regards to prominence. The design of the building itself has not taken into account the main characteristics of the area which are outlined under paragraph 6.5 above.

- 6.6 The combination of the proposed scale of the building, height and bulkiness of the roof, would result in a development that would detract from the character of the area rather than contribute to it and this is further exacerbated by the lack of integration with existing developments in terms of design and appearance. The proposal is considered to be contrary to the policies outlined under paragraph 6.4.

iii. **Impact on neighbouring properties**

- 6.7 The site is surrounded by residential development and consideration needs to be given to the impact of the development on the amenities of these neighbouring dwellings and material considerations include loss of light, loss of outlook, overlooking and obtrusive appearance. Whilst the Development Plan does not include a policy on separation between properties, paragraph 127 f) of the NPPF seeks to secure a high standard of amenity for existing and future occupiers.

- 6.8 It is considered that due to the scale and bulk of the proposed development, it would appear overbearing when viewed from the rear amenity area of no.2 Kings Grove. This would be further exacerbated by the difference in site levels with the proposed site being situated on higher ground level than this neighbouring dwelling. In terms of the impact on the adjoining dwellings situated to the west of the site along Underhill Close, there are concerns with regards to loss of privacy and the overbearing effect of the development as the set back of the building from the shared boundary is not considered sufficient when considering the proposed height of the building. In terms of the impact on residential units within Haydon Court to the north, it is considered that a sufficient distance exists to prevent any detrimental impact.

iv. **Impact on trees and biodiversity**

- 6.9 The relevant development plan policy is policy N6 of the adopted Local Plan. Located within the public highway adjacent to the east boundary of the application site is a pair of semi-mature London Plane (T1) and oak trees (T2). Both these public assets are high value amenity trees that are integral to the character and appearance of the street scene. Lining the northern boundary of 157 Grenfell Road, which is the shared southern boundary with Haydon Court, is a significant belt of high value amenity trees comprising of a black pine (T3), Hawthorn (T6), Yew (T9), cypress (T10), oak (T11), cypress (t12), horse chestnut (T15), cypress (T16). The multi-stemmed beech tree (T5) and laburnum tree (T18) although in their own right not high value amenity trees, they form an integral part of the group of trees. This group of trees are dominant landscape features within the local and wider landscape and similarly are integral to the character and appearance of the area. All these trees are covered by the Tree Preservation Order 10/2018 along with the Horse Chestnut (T31) and cypress (T33) in the south-east corner of the site.
- 6.10 An Arboricultural Impact Assessment and Method Statement along with a tree constraints/protection plan has been submitted to support the application. The Councils Tree Officer has advised that an adequate assessment of the impact of the proposed development on the trees cannot be determined due to the following summarised reasons:

- The existing and proposed overhead and underground utility services (SUDS, surface and foul water pipes) including associated structures have not been assessed within the submitted arboricultural report and have not been illustrated in the tree protection plan.

- The proposed driveway will be installed directly within the rooting area of T1 and T2 and therefore if new underground services are to be installed they will affect these trees.
- The proposed cross-over will result in the significant loss of tree roots and rooting environment of T1 and T2 leading to long-term health and stability issues.
- The impact of the new boundary and gate piers has not been assessed and scaled cross-section construction diagrams have not been submitted to support the application.

Therefore, the proposal is considered to cause harm to the character and appearance of the surrounding area, contrary to policy N6 of the Local Plan which aims for existing suitable trees to be retained, and local plan policy DG1 which seeks to not harm the character of the surrounding area through the loss of important features which contribute to that character.

- 6.11 The Council's Ecologist has been consulted on the application and has reviewed the Biodiversity Survey and Report (May 2018) and the Bat Emergence report (August 2018) submitted to support the application. Concerns have been raised in relation to the removal of a pond on site which has not been covered in the reports, the lack of detail regarding the mammal holes identified, and also regarding the potential for the trees on site to be suitable habitats for bats. The Ecologist therefore concludes that insufficient information has been provided to determine the likely impact of the proposal upon protected species. Further information should be provided in relation to the removal (and potential replacement) of the wildlife pond, mammal holes on site (that may be used by badgers) and the suitability of the trees that are to be removed for bats.
- 6.12 Due to the above concerns, it cannot be ascertained that the development would not breach the protection afforded to the species listed under Schedule 2 (European protected species of animals) of the EU habitats directive which is implemented in the UK under section 40 of the Habitat Regulation 2010. As a consequence of this, a licence would be required under Regulation 53 of the Habitat Regulations 2010. This permits activities that would otherwise constitute an offence, provided the tests are met. Section 9 (5) of the Habitats Regulation 2010 states that 'without prejudice to the preceding provisions, a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions'. The tests under regulation 53 must therefore be applied. The first of these specifies that the proposed development must meet a purposes as outlined under 53 (2). The development does not fall under any of the listed purposes and therefore a licence could not be granted.
- 6.13 Based on the above assessment and on the level of information available, the proposed development is considered likely to cause significant harm to protected species and their habitats which is not outweighed by the need for the development. Paragraph 175 of the NPPF requires that where significant harm to biodiversity cannot be avoided, adequately mitigated, or compensated, then planning permission should be refused.

#### **v. Parking and highways**

- 6.14 157 Grenfell Road is located along the south west side of Grenfell Road, a few metres north from the junction with Kings Grove. The property currently benefits from having a vehicular access from Grenfell Road on the junction with Kings Grove. The plans show that the existing access would be stopped up and a new 5.5m access reducing down to 4.2m is proposed 17m north from the junction with Kings Grove. Grenfell Road is restricted to a 30mph speed limit. Directly outside the property there is a 7.8m wide carriageway together with a 2.1m wide footway and 5.4m wide grass verge adjacent to the site. The new proposed access would be able to achieve the required visibility splays of 2.4m x 43m to the left and right. A new set of gates are proposed and will be set back 8.1m from the back edge of the carriageway. This complies with the Local Authorities current standards.
- 6.15 The site is 650m from Maidenhead train station and 720m from Maidenhead town centre and is therefore considered to be located within a sustainable area. Therefore the minimum parking standards apply which is set at 1 car parking spaces per 1 and 2 bedroom flats. With providing 12 x 2 bedroom units and 3 x 1 bedroom units, this requires a need for 15 car parking spaces. The plans show that 19 car parking spaces would be provided which complies with the Local Authorities current standards. This will give each flat 1 designated parking space with 4 visitor

spaces. The Highways Authority have confirmed that occupants of the site would not be entitled to any residential parking permits.

- 6.16 The Highways Authority are satisfied that the development would not have a significant impact on the traffic generation in the area.

#### **vi. Other considerations**

##### Drainage

- 6.17 Details in relation to the drainage of the site have been submitted to support the application and these have been assessed by the Lead Local Flood Authority (LLFA). In their latest response, more information is requested and the LLFA have recommended refusal until this information is received as in the absence of additional information, it has not been adequately demonstrated that an appropriate sustainable drainage system is achievable on site. The development is therefore contrary to paragraph 165 of the NPPF (2018) which states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

##### Making Effective Use of Land

- 6.18 Section 11 of the NPPF encourages the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. The proposal for a flatted development on this site would increase the density and whilst this would be making more effective use of the land, for the reasons outlined under 6.7, it would be to the detriment of the character of the area, neighbouring amenities and trees.

##### Housing Land Supply

- 6.19 Paragraph 11 of the NPPF sets out that there will be a presumption in favour of Sustainable Development and states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted on 31 January 2018. The Borough Local Plan sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory.

##### Affordable Housing

- 6.20 Policy H3 of the Local Plan requires that only sites that are of 0.5 hectares or over or schemes proposing 15 or more net additional dwellings are required to make a contribution towards affordable housing. Paragraph 64 of the NPPF (2018) advises that affordable housing provision should be expected for all major developments suggesting that an element of affordable housing will be required for all major developments. The application is for a development of more than 10 dwellings but no more than 15 (net increase of 14 units). The NPPF is a significant material consideration and the application does not include any information relating to affordable housing and has therefore inadequately addressed this policy requirement.

#### **Conclusion**

- 6.21 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that applications for development should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the scheme does not accord with the policies of the adopted development plan and material considerations do not lead to a different conclusion.

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

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

Comment		Where in the report this is considered
1.	Design does not enhance character of the area	Issue ii
2.	Does the town need more flatted development	Noted
3.	Would add to existing sewage and drainage issues	Drainage discussed under 6.16. Supporting information has been submitted which states that Thames Water have confirmed that there is capacity in their sewerage network to serve the proposed development.
4.	Insufficient parking	6.16
5.	Overdevelopment of the site	Issue ii
6.	Invasion of privacy on neighbouring properties	Issue iii
7.	Height not in keeping with surrounding developments	Issue ii
8.	Unacceptable level of pressure put on local traffic	See 6.17
9.	Loss of established trees on site	Issue iv
10.	Large pond on site has been drained which was used as breeding ground for newts, toads and frogs	Issue iv
11.	Would set a precedent for further similar developments in this area	noted

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Recommend for approval	Noted

### Other consultees

Consultee	Comment	Where in the report this is considered
Tree team	Recommend refusal	6.10-6.11
Highways Authority	No objection subject to conditions and informatives	Issue v
Lead Local Flood Team	Recommend refusal	6.16
Ecologist	'At present, insufficient information has been provided for the council to determine the likely impact of the proposals upon protected species. Further information should be provided in relation to the removal (and potential replacement) of the wildlife pond, mammal holes on site (that may be used by	6.12-6.14

	badgers) and the suitability of the trees that are to be removed for bats.	
Berkshire Archaeology	Condition recommended	Noted.
Maidenhead Civic Society	'We object to this proposal which represents excessive overdevelopment of a site currently occupied by a single dwelling. A site of this size would normally support a flatted development of 8 or 9 units. Statistically, Maidenhead has an oversupply of flats, and a shortage of new build family homes. Such flatted schemes will contribute to an ongoing oversupply, especially with the large scale flatted residential developments prevailing in the town centre – Chapel Arches, The Landing and York Road. A small development of maisonettes or town houses would be more suitable for this site. Because of the number of proposed dwellings, parking is inadequate and leisure amenity space is limited. Furthermore, with a total of 15 dwellings this development should include an elements of affordable housing, especially as the Royal Borough is now committed to a target of 30% affordable.'	Issue i, issue ii and paragraph 6.21

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site plan
- Appendix C – Proposed elevations
- Appendix D – Proposed floorplans
- Appendix E – Proposed street scene and section
- Appendix F – Proposed cycle and refuse store
- Appendix G – Tree constraints and protection plan

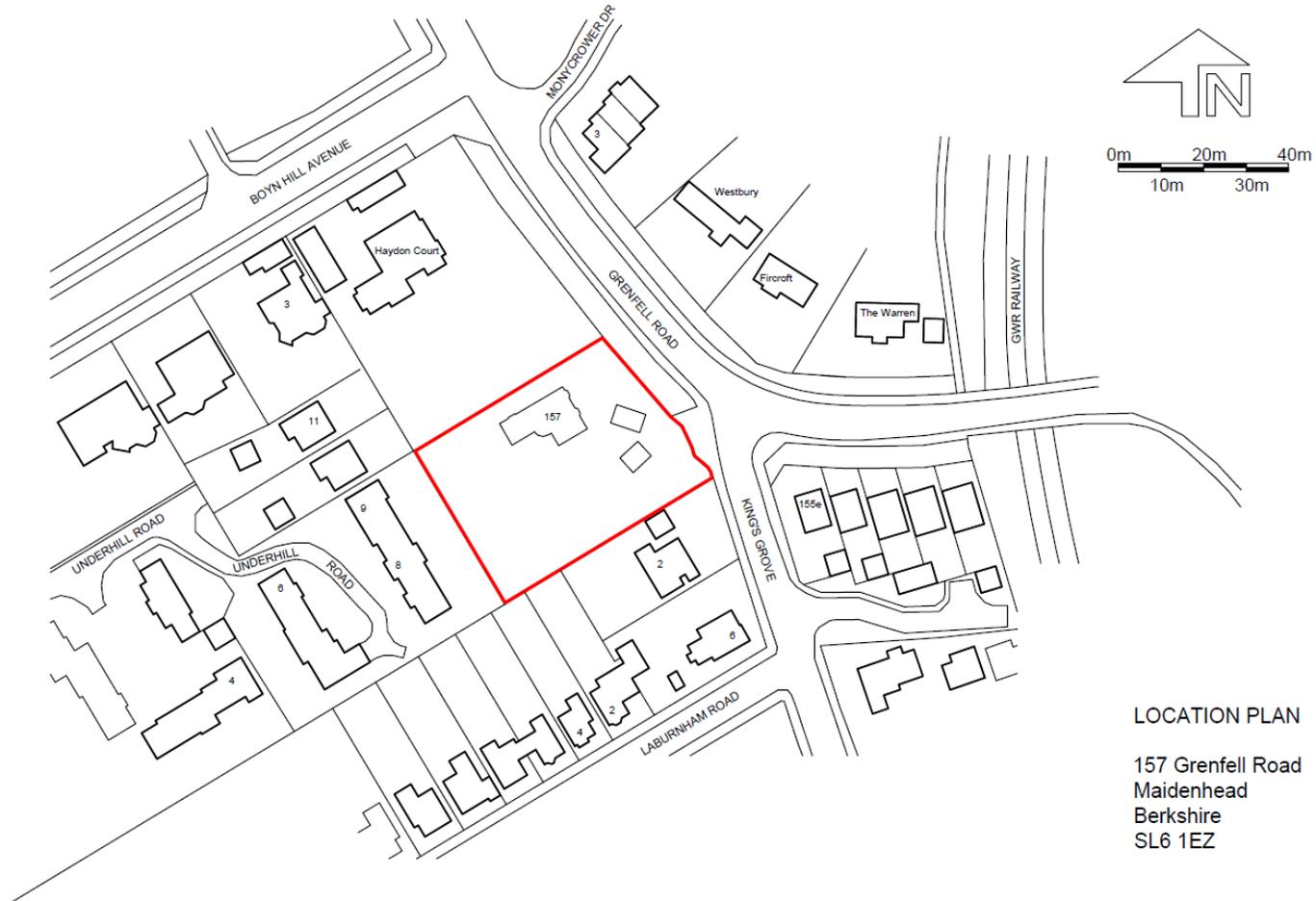
## 9. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposed development, by reason of its scale, height, massing and bulk, would appear as a prominent addition in the street scene, detracting from its existing character and appearance. The proposal is therefore contrary to Policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted in June 2003), Policy SP3 of the Borough Local Plan Submission Version and the Core Principles of the National Planning Policy Framework March 2018 (achieving well designed spaces).
- 2 The proposed development, by reason of its scale, bulk, height and roof form, would appear overbearing and overdominant and would create a perception of being overlooked when viewed from the rear amenity areas of the neighbouring dwellings to the south and west, to the detriment of the residential amenities of the occupants of the same. This would be further exacerbated by the differences in ground level. The proposal is therefore considered to be contrary to policy SP3 of the Borough Local Plan Submission Version and to paragraph 127 f) of the National Planning Policy Framework 2018 which seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.
- 3 The proposed development fails to adequately secure the protection of important amenity trees present on site which contribute to the character and appearance of the area. The proposal is therefore detrimental to the health and longevity of protected trees, contrary to saved policies N6 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and policy NR2 of the Borough Local Plan Submission Version.
- 4 It has not been adequately demonstrated that an appropriate sustainable drainage system is achievable on site. The development is therefore contrary to paragraph 165 of the NPPF (2018)

which states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

- 5 The site may contain habitats that are suitable for use by protected species. A full and accurate assessment of whether the proposal would protect and enhance biodiversity on the site has not been carried out. Consequently, the proposed development could cause significant harm to protected species and their habitat, which is not outweighed by the need for the development or its benefits. Paragraph 175 of the Framework requires that where significant harm to biodiversity cannot be avoided, adequately mitigated, or compensated, then planning permission should be refused. Furthermore, the proposal is also contrary to policy NR3 of the Borough Local Plan Submission Version which, inter-alia, seeks to ensure that protected species will be safeguarded from harm or loss.
- 6 In the absence of a mechanism to secure policy compliant Affordable Housing, the proposal fails to comply with Paragraphs 63 and 64 of the National Planning Policy Framework, policy H3 of the Royal Borough of Windsor and Maidenhead Adopted Local Plan and Policy HO3 of the Borough Local Plan 2013 -2033 (Submission Version).

Appendix A - Site location plan



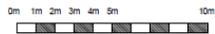
LOCATION PLAN  
157 Grenfell Road  
Maidenhead  
Berkshire  
SL6 1EZ



Appendix C – Proposed elevations



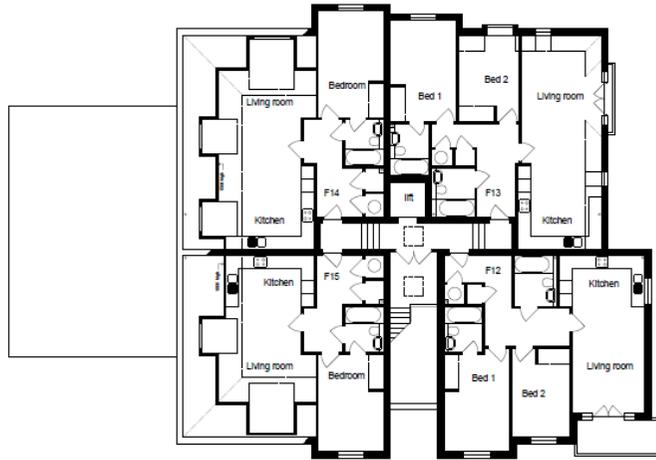
71



PLANNING ISSUE

<i>lp design</i>	
Client:	Ashgrove Homes Ltd
Development:	157 Grenfell Road Mordenhead Gwent NP6 1EZ
Drawing:	Elevations
Scale:	1:100 @ A1
Date:	April 2018
Drawing no.:	387.05

Appendix D – Proposed floorplan



Second Floor Plan



First Floor Plan



Lower Ground Floor Plan



Ground Floor Plan



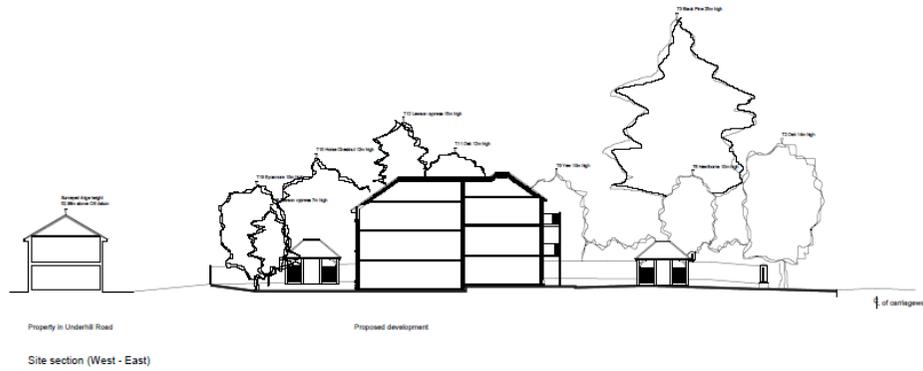
PLANNING ISSUE

72

<i>lp design</i>	
Client:	Ashgrove Homes Ltd
Development:	157 Grenfell Road Mordenhead Berkshire SL6 1EZ
Drawing:	Floor Plans
Scale:	1:100 @ A1
Date:	April 2018
Drawing no.:	387.04

Appendix E – Proposed street scene and section

73



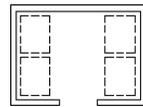
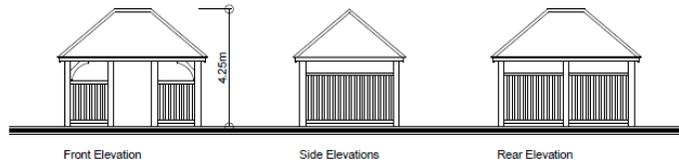
Survey heights are to an OS OSN88 (Global Navigation Satellite System) datum



PLANNING ISSUE

<i>lp design</i>	
Client:	Ashgrove Homes Ltd
Development:	157 Grenfell Road Maidenhead Berkshire SL6 1EZ
Drawing:	Street scene and section
Scale:	1:200 @ A1
Date:	April 2018
Drawing no.:	387.02

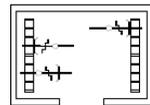
Appendix F – Proposed cycle and refuse store



Floor Plan

**Refuse Store**

4 no 1.1m<sup>2</sup> storage bins, 2 for land fill waste, 2 for recyclable waste. All flats to be provided with in sink macerator units.



Floor Plan

**Cycle Store**

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PLANNING ISSUE

<i>lp design</i>	
Client:	Ashgrove Homes Ltd
Development:	157 Grenfell Road Maidenhead Berkshire SL6 1EZ
Drawing:	Cycle and refuse store details
scale:	1:100 @ A2
date:	April 2018
drawing no.:	387.06



## MAIDENHEAD DEVELOPMENT CONTROL PANEL

21 November 2018

Item: 3

<b>Application No.:</b>	18/01576/FULL
<b>Location:</b>	Development At King Street And Queen Street And Broadway Maidenhead
<b>Proposal:</b>	Hybrid planning application for the mixed use redevelopment of the site comprising; up to 41,430sq.m GEA residential (Class C3); up to 13,007sq.m GEA office (Class B1) and up to 3,846sq.m GEA flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2), public realm and open space, parking, vehicular access, new servicing arrangements and associated works following the demolition of all buildings on site. Full planning permission for the demolition of all existing buildings on site, site preparation, the construction of three buildings to provide 344 residential homes (Class C3), one building to provide 7,007sq.m GEA of office floorspace (Class B1) and 2,196sq.m GEA of flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2) across four buildings, car and cycle parking, plant and storage, public realm works and landscaping, podium terraces, vehicular access off Broadway, new servicing arrangements and associated works. Outline planning permission (with all matters reserved) is sought for site preparation, the construction of two buildings to provide for up to 1,650sq.m GEA of flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2) and up to 6,000sq.m GEA office floorspace (Class B1) and up to 9,300sq.m GEA residential floorspace (Class C3), basement car parking, cycle parking, plant and storage, public realm works and landscaping, new servicing arrangements and associated works.
<b>Applicant:</b>	Ryger Maidenhead Ltd
<b>Agent:</b>	Mr Tony Gallagher
<b>Parish/Ward:</b>	Maidenhead Unparished/Oldfield Ward

**If you have a question about this report, please contact:** Christine Ellera on 01628 795963 or at [chriessie.ellera@rbwm.gov.uk](mailto:chriessie.ellera@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 The application site relates to land bound by King Street, Queen Street and Broadway and is known locally as 'the Landing'. This is a hybrid application for the redevelopment of the site to provide a mixed use residential, office and commercial redevelopment with public realm and open space, parking, vehicular access, new servicing arrangements and other associated works.
- 1.2 A hybrid application effectively means that planning permission is sought in part for full planning permission, and in part outline. The detailed full elements include a proposed office building located to the southern 'tip' of the application site, some 7 storeys in height and 3 residential buildings proposed along Broadway connected by a ground floor podium. These buildings would be 15- 16 storeys in height and would contain a total of 344 residential buildings. The outline elements include two buildings along Queen Street proposed to accommodate office and residential development indicatively 6-10 storeys in height. Section 4 of the officer report provides a detailed description of the proposed quantum of development.
- 1.3 The height and scale of the proposed 3 buildings along Broadway has been revised since the initial submission to reduce the height of the proposed buildings along Broadway (building A reduced from 54m- 53m; building B from 61m to 56m; and building D from 54m- 53m) and provide clarity regarding the proposed use for the outline elements along Queen Street. This has been subject to a full re-consultation exercise. This reduction in height followed Officers expressing concerns about the height of the scheme, including consideration of the urban design advice the local planning authority received.
- 1.4 The Officer report sets out the relevant Development Plan and other policy considerations as well as the extent of the pre-application discussions undertaken by the applicant. The report also sets

out the main material planning considerations and assessment in relation to this planning application. This includes reference to the previously approved 2015 outline planning application on this site and the material weight which should be given to this now expired planning permission.

- 1.5 The application site, along with the adjoining development to the north, the Broadway/Nicholson's Car Park and the offices of Sienna Court, form the 'Broadway Opportunity Area'. The area is allocated in the Area Action Plan (AAP) (2011) for redevelopment to replace the existing mix of shops, offices and dwellings with a 25,000sqm retail-led development of shops selling goods such as clothing, shoes and electrical items. It also includes an allocation of around 190 dwellings, 6,000sqm of offices and complementary leisure uses particularly cafe and restaurants.
- 1.6 The principle of the proposed development is contrary to the allocation as the proposal is not for a retail led redevelopment, as required by the AAP (2011). However it is considered there are other material considerations which indicate that a large scale retail redevelopment of this site is no longer appropriate.
- 1.7 The proposed development is consistent with the National Planning Policy Framework (NPPF) (2018) in so far as it looks to make efficient use of previously development land in a highly sustainable location to achieve housing at a high density for a mixed use town centre location. The proposed development would also facilitate in contributing to the delivery of a rolling five year housing land supply. This weighs in favour of the scheme.
- 1.8 The proposed development also includes the provision of a new public open space in the centre of the proposed development and would bring greening into this area of the town centre, currently dominated by hardstanding.
- 1.9 The proposed buildings along Broadway proposed at 15- 16 storeys in height (up to 53- 56m) with the proposed ground floor podium car park is considered to be the element of the proposed development which results in the most significant harm and conflicts with the relevant development plan policies. The proposed development would result in tall buildings of notably greater density, height and scale than the prevailing townscape character, outside of the designated tall buildings area. The precedent this would set and the impact this would have on the character of the town centre and the adopted strategy for directing height into the town centre are considered to be substantial. In addition the layout and form of the proposed podium parking layout prevents any visual breaks or gaps in the proposed building frontage along Broadway and is a constraint on achieving high quality design. This too weighs against the delivery of a high quality designed scheme as required by Development Plan policy and the NPPF (2018).
- 1.10 Subject to suitable mitigation measures as set out in section 8 of this report the proposed development does not raise any significant highway capacity issues and would not prejudice highway safety and would provide sufficient car and cycle parking for a development in a highly sustainable location, such as this.
- 1.11 Serious concerns are also raised regarding the provision of a suitable residential environment in terms of daylighting levels to the proposed flats and also the level of sunlight and daylighting to the amenity areas.
- 1.12 The proposed development would have a significant impact on the daylighting levels currently received by the nearby residential properties across Queen Street and increased overshadowing and would result in increased overlooking.
- 1.13 The proposed development is considered acceptable in terms of biodiversity, air quality and noise (subject to the necessary conditions). Biodiversity enhancements sought as part of this proposed development also weigh in favour of this scheme and would be secured by way of conditions. Subject to conditions the proposed development does not raise any significant issues in terms of contaminated land and the design of the proposed development has been informed by renewable and sustainability techniques. This too weighs in favour of the scheme. There are some wider environmental considerations which at the time of writing this report remain matters for discussion this includes Sustainable Urban Drainage, this is reflected in the recommendation to the Panel.

1.14 In this instance it is considered that the substantial adverse impact regarding the layout, height and scale of the proposed buildings along Broadway would demonstrably outweigh the identified benefits. On this basis the application is recommended for refusal.

<p><b>It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):</b></p>	
<p><b>1.</b></p>	<p><b>The proposed development would result in tall buildings of notably greater density, height and scale than the prevailing character of the area, outside of the designated tall buildings area. The precedence and detrimental impact this would have on townscape and the adopted strategy for directing height in the town centre is considered to be substantial. In addition the layout and form of the proposed podium parking layout prevents any visual breaks or gaps in the proposed building frontage along Broadway, creating an unbroken and visually overbearing wall of development along this part of the street frontage. Furthermore, as a consequence of the overall height of the buildings and their juxtaposition with and resultant proximity to one another and with the nearby residential properties across Queen Street, the proposed development would also result in a level of daylighting to the proposed flats and level of sunlight and daylighting to the proposed amenity areas that would lead to an unacceptable residential environment and would also result in overshadowing and overlooking of the existing properties in Queen Street, detrimental to the residential amenities of the occupants of the properties in Queen Street and those of the future occupants of the proposed development.</b></p> <p><b>Overall the proposed development is not considered to deliver a high quality designed scheme and is considered contrary to policies DG1 and H10 of the adopted Local Plan (2003) and policies MTC1, MTC4, MTC5, MTC6, MTC12, OA1 of the Maidenhead Town Centre Area Action Plan which form part of the Borough Development Plan and also the National Planning Policy Framework (2018) and policies SP1, SP3, HO5, TR3 and SP3 of the Borough Local Plan Submissions Version (2018) both of which are material considerations.</b></p>
<p><b>2.</b></p>	<p><b>In the absence of a completed legal agreement the proposed development has failed to secure the necessary package of highway mitigation measures as part of the redevelopment of this site to make the development acceptable in highways terms and support a sustainable form of development. This is contrary to policies T5, T7 and P4 of the adopted Local Plan (2003), Policies MTC1 and MTC15 of the Maidenhead Town Centre area action Plan and also the National Planning Policy Framework (2018).</b></p>

**2. REASON FOR PANEL 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 Panel.
- At the request of Councillor Wilson as this site forms an important part of the regeneration of Maidenhead Town Centre.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

3.1 The application site relates to approximately 1.36 hectares and currently contains a variety of uses. The site boundaries follows a triangular shape with Broadway forming the northern boundary and extends southwards along King Street to its junction with Queen Street. It then extends north eastwards along Queen Street to Broadway. The application site is also known as, and will hereafter be referred to as ‘the Landing’.

- 3.2 Queen Street comprises a mix of two and three storey properties of varied origin, predominately late C19 but with some evidence of earlier buildings. There are more modern C20 and C21 replacement buildings at the southern end of Queen Street beyond the junction with York Road. At ground floor level the uses are primarily a mix of retail and drinking establishments with the upper floors used as either residential, offices or for storage. The Maidenhead Town Centre Conservation Area is adjacent to the North East of the application site.
- 3.3 Along King Street there are offices and a number of apartments (referred to as Melton Court). At ground floor level the uses are a mix of retail, drinking establishments and restaurants/takeaways.
- 3.4 Within the wider area there is the primary shopping area to the north that comprises the Nicholsons Shopping Centre dating from the 1980s and the High Street/Queen Street North/King Street North which contain a variety of shops and complementary retail uses within predominantly later C19 and early C20 buildings. Between the application site and the Shopping Centre lies the Nicholson's Car Park which was built in the 1960s, also known as, and will hereafter be referred to as 'Broadway Car Park'.
- 3.5 To the west of the site is King Street South which is pedestrianised and on its western side is the Grenfell Island Scheme that was built in the late 1990s which is a mixed use development of offices, a multi-screen cinema, a health club, restaurants and a drinking establishment.
- 3.6 To the south west of the site is Maidenhead Railway station.
- 3.7 The site is within flood zone 1.

#### **4. DESCRIPTION OF THE PROPOSAL**

- 4.1 This is a hybrid application for the redevelopment of the site known locally as 'the landing' for the redevelopment of the site to provide a mixed use residential, office and commercial redevelopment with public realm and open space, parking, vehicular access, new servicing arrangements and other associated works.
- 4.2 A hybrid application effectively means that planning permission is sought in part for full planning permission, and in part outline.
- 4.3 The height and scale of the proposed development has been revised since the initial submission to reduce the height of the proposed buildings along Broadway and provide clarity regarding the outline elements along Queen Street. This has been all subject to a full re-consultation exercise.

##### Full planning permission

- 4.4 The full planning application relates to the northern west half of the site. This involves the erection of four buildings, as set out below:
- 4.5 Three buildings would provide a total of 344 residential units located along the northern boundary with Broadway. These buildings would be linked by a ground floor podium and mezzanine would provide for 189 vehicle parking spaces, cycle stores, refuse stores and ancillary plant and storage with landscaped garden above. Access to this parking would be taken from Broadway. The ground floor would also provide flexible ground floor commercial floor space around the proposed car parking.
- 4.6 Building A is located to the north western corner of the buildings, would be up to 15 storeys in height (53m) and would be reduced to 11 storey on the southern end of the buildings. A ten storey articulation is proposed on the northern end. This building would provide a total of 123 units. This building has been revised since the initial submission to reduce the overall height from 16 storeys to 15, however given internal revisions to floor to ceiling heights, this has only resulted in a 1m reduction in the height of this building.

- 4.7 Building B would be located to the north of the site opposite Broadway Car Park and would have a maximum of 16 storeys (56m), reduced to 13 storeys along the southern projection. A 12 storey articulation is proposed on the northern end. This building would provide a total of 108 units.
- 4.8 Building D would be located to the east of block B opposite Broadway Car Park and would have a maximum of 15 storeys (53m), reduced to 11 storeys along the southern projection. A 10 storey articulation is proposed on the northern end. This building would provide a total of 113 units. This building has been revised since the initial submission to reduce the overall height from 19 storeys to 16, however given internal revisions to floor to ceiling heights, this has only resulted in a 7m reduction in the height of this building.
- 4.9 Building C would be located to the south western corner apex of the site and form the only office building proposed as part of this application. The building would have a ground floor office reception and the ground floor, with other commercial floor space and ancillary cycle stores and changing facilities and the uppers floors being proposed to be flexible office floorspace. The building would have an articulated built forms with a maximum height of 7 storeys (around 31.4m including plant). This building has been revised since the initial submission to reduce the overall height from 16 storeys to 15, however given internal revisions to floor to ceiling heights, this has only resulted in a 1m reduction in the height of this building.

	One bedroom units	Two bedroom units	Three bedroom units	total	Office Floorspace sqm	Commercial Floor space (GEA) sqm
Building A	62	45	16	123		718
Building B	30	74	4	108		559
Building C	-	-	-	-	7,007	7,007
Building D	62	46	5	113		388
<b>Total</b>	<b>168</b>	<b>165</b>	<b>25</b>	<b>344</b>	7,007	<b>2,196</b>

**Table 1- Summary of development proposed as part of the detailed planning application**

- 4.10 A proposed new open space forms part of the full planning application and would be provided to the south of buildings A, B and D. The new proposed open space would be located in the centre of the application site and would be around 65m by 35m and would be accessed through the new routes through the Site which lead from Queen Street and King Street.
- 4.11 The proposed podium which connects buildings A, B and D (which are all connected) would provide 189 car parking spaces (19 accessible) across two storeys with access and egress along Broadway. The car park also provides for 3 motorcycle parking spaces. Refuse, recycle and also bicycle storage is provided within the podium for both buildings A, B and D.
- 4.12 Outline planning approval with all matters reserved is sought for part of the site to the eastern end of the application site along Queen Street, on land mostly outside of the applicant's ownership/control. The outline element seeks permission (all matters are reserved) for 6,000sqm of office floor space, 9,300 sq.m of residential and 1,650sq.m of commercial use.
- 4.13 The proposed parameter plans show this development coming forward in two buildings, running parallel to Queen Street. The buildings are referred to as Buildings E and F, proposed to contain residential and office respectively with ground floor commercial uses. The indicative layout shows that the buildings would be in the region of 6 - 10 storeys (up to 31 -33.8m) in height articulated along Queen Street. The Environmental Statement indicates that the 9,300sqm of residential floorspace could (worst case scenario) deliver up to 110 residential units. The Design and Access statement suggests an illustrative scheme providing 80 units, however the application will be considered in accordance with the proposed parameter plans. It is also indicatively proposed that basement car parking could come forward under Block E and two new loading bays are proposed in front of each new building along Queen Street.

- 4.14 In the event that this outline element were to be granted, then the applicant will need to address the following reserved matters applications before development could commence:
- Appearance- the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
  - Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features and further details of the proposed Open Space.
  - Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
  - Scale – the height, width and length of each building proposed within the development in relation to its surroundings.
- 4.15 An Environmental Statement (ES) has been submitted. The application has been subject to the relevant consultation with statutory consultees, third parties, press notice and site notices advertising the submission of the Statement.
- 4.16 The applicants sought an EIA Scoping Opinion on the contents of the ES to be submitted alongside this planning application (ref: 17/03431/EIASCO). This scoping opinion advised the matters to be covered in the Environmental Statement.
- 4.17 The submitted ES is divided into a number of topics and accord with this Scoping Opinion which includes:
- Socio- economic
  - Transport
  - Noise and Vibrations
  - Air Quality
  - Ground Conditions
  - Water Resource and Flood Risk
  - Townscape and Visual
  - Heritage
  - Daylighting and Sunlighting Effects
  - Micro Climate Wind Conditions
- 4.18 Following minor revisions to the proposed height and scale of the buildings along Broadway as detailed in paragraphs 4.6-4.9 above an addendum to the ES was received on the 18 October 2018.
- 4.19 A review of the ES (and the addendum) has been undertaken and it is considered that the legal requirements have been met. It is consistent with good practice and contains sufficient information to allow an informed decision to be made and accords with the advice contained in the Council's EIA Scoping opinion. The ES (and the addendum) covers the necessary matters including cumulative impacts and it sets out mitigation where appropriate for both the construction and operational (i.e. as built) phases of the development. In addition, consultation responses have been addressed in the ES (and the addendum) and there is a non-technical summary. The ES (and the addendum) meets the terms of the current EIA Regulations and provides the data and information required to adequately assess the proposals on the environment.

4.20 A summary of the relevant consultation responses are set in section 9.

#### Relevant Planning History

4.21 There have been various applications over the years for the properties within the application site such as for changes of use and advertisements. There have also been other applications which have involved redevelopment of small areas within the application site. The most recent and relevant planning permission for the site are as follows:

17/03431/EIASCO: Request for a Scoping Opinion for a development Up to 51,000 m<sup>2</sup> (550 units) Class C3 residential floorspace; Up to 15,000 m<sup>2</sup> Class B1 office floorspace; and Up to 6,000 m<sup>2</sup> (Class A1 - A5, D1 and D2) retail, community and leisure floorspace. Permitted: 22.02.2018

15/00420/OUT: Outline application with all matters reserved: Comprehensive redevelopment comprising demolition of existing buildings, site preparation, construction of basement car park, erection of buildings and structures to provide office (Class B1a), retail and related uses (Class A1/A2/A3/A4/A5) and residential accommodation (Class C3), public realm and landscaping works consisting of a central public open space, a centrepiece, a series of pedestrian routes and improvements to Queen Street and Broadway public realm, servicing and associated works. Expired 12.10.2018.

4.22 Also of some relevance is the below planning application:

11/03029/OUT: Outline application for comprehensive redevelopment comprising a retail led mixed use scheme to include demolition of existing buildings, alterations to highways, construction of buildings and structures to provide retail (Class A1/2/3/4/5), offices (B1) and residential accommodation, car parking, landscaping, link to Nicholson's Shopping Centre and associated works. Refused on 02/05/2013.

4.23 Nicholson/ Broadway Car Park

15/01091/FULL: Two and a half storey extension to the existing Nicholson's Car Park to create 350 net additional parking spaces, relocation of vehicular access, the creation of an internal pedestrian walkway from Broadway to the Nicholson Shopping Centre, provision of flexible A1 / A2 retail floor space, recladding of and internal alterations to existing car park and associated servicing arrangements.  
Expired: 13.10.2019

## **5. MAIN STATUTORY DUTIES**

5.1 The Council, in determining the planning application has the following main statutory duties to perform:

5.2 To have regard to the provisions of the development plan, so far as material to the application, any local finance considerations so far as material to the application, and any other material considerations. (Section 70(2) Town & Country Planning Act 1990);

5.3 To determine the application in accordance with the development plan unless other material considerations indicate otherwise. (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

5.4 Where there are policies in the development plan which support the proposal and others which do not, it is necessary to assess all the policies and proposals in the plan and to come to a view as to whether, in the light of the whole plan, the proposal does or does not accord with it.

5.5 In considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990); in this case the duty is to have

special regard to the desirability of preserving the setting of listed buildings. The effect of the duties imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is, respectively, to require decision-makers to give considerable weight and importance to the desirability of preserving the setting of listed buildings.

- 5.6 The Council must, in exercising its functions, including when considering whether to grant planning permission; have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity (section 40(1) Natural Environment and Rural Communities Act 2006).
- 5.7 The application is accompanied by an Environmental Statement (ES). The ES is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This is to ensure that the importance of the predicted effects and the scope for reducing them are properly understood by the public and the competent authority before it makes its decision.
- 5.8 The Local Planning Authority must not grant planning permission unless it has first taken into account the environmental information, which includes the Environmental Statement, further information and any other information and comments made by the consultation bodies and any representations from members of the public about the environmental effects of the development.
- 5.11 The public sector equality duty applies (Section 149 Equality Act 2010).
- 5.12 The application has been advertised, consulted on and considered in the context of the above.

## **6. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION**

- 6.1 The National Planning Policy Framework (NPPF) (2018) acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications. At the heart of the NPPF (2018) is a presumption in favour of sustainable development. The document, as a whole (including its footnotes and annexes), forms a key and significant material consideration in the determination of any planning permission.

### The Development Plan

- 6.2 The Borough's current adopted Local Plan comprises of the saved policies from the Local Plan (Incorporating Alterations Adopted June 2003). The policies which are considered relevant to this site and planning application are as follows:

1. N6 Trees and development
2. DG1 Design guidelines
3. NAP 1 Road/rail noise and development
4. NAP3 Polluting development
5. NAP4 Pollution of groundwater and surface water
6. R1 Protection of Urban Open Spaces
7. R3 Public Open Space Provision in New Developments (provision in accordance with the minimum standard)
8. R4 Public Open Space Provision in New Developments (on site allocation)
9. R5 Children's playspace
10. E1 Location of Development
11. E 6 Other Sites in Business and Industrial Uses
12. E10 Design and Development Guidelines
13. S1 Location of shopping development
14. H3 Affordable housing within urban areas
15. H6 Town centre housing
16. H8 Meeting a range of housing needs
17. H9 Meeting a range of housing needs
18. H10 Housing layout and design
19. H11 Housing density
20. T5 New Developments and Highway Design

21. T7 Cycling
22. T8 Pedestrian environment
23. P4 Parking within Development
24. IMP1 Associated infrastructure, facilities, amenities
25. T8 Pedestrian environment
26. P4 Parking within Development
27. IMP1 Associated infrastructure, facilities, amenities

Maidenhead Town Centre Area Action Plan (AAP) (2011)

- 6.3 The above document forms part of the adopted Development Plan and provides a mechanism for rejuvenating the Maidenhead Town Centre. The document focuses on; Place making, Economy, People and Movement. The AAP also identifies six sites for specific development - the Opportunity Areas, which includes the 'Broadway Opportunity Area'. With specific reference to this site the document identifies that the area also includes Broadway Car Park and the office building, known as Siena Court located to the north of this application site.
- 6.4 Policies of relevance include:
- Policy MTC 1 Streets & Spaces
  - Policy MTC 2 Greening
  - Policy MTC 3 Waterways
  - Policy MTC 4 Quality Design
  - Policy MTC 5 Gateways
  - Policy MTC 8 Food & Drink
  - Policy MTC 10 Offices
  - Policy MTC 12 Housing
  - Policy MTC 13 Community, Culture & Leisure
  - Policy MTC 14 Accessibility
  - Policy MTC 15 Transport Infrastructure
  - Policy OA1 Broadway Opportunity Area
  - Policy IMP2 Infrastructure & Planning Obligations

Borough Local Plan: Submission Version

- 6.5 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents is now being examined by the Planning Inspectorate on behalf of the Secretary of State.
- 6.6 The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.
- 6.7 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)
- 6.8 Policies in the BLPSV which are relevant to the consideration of this planning application are:
- vii. SP1 Spatial Strategy
  - viii. SP2 Sustainability and placemaking
  - ix. SP3 Character and design of new development

- x. HO1 Housing Development Sites
- xi. HO2 Housing Mix and Type
- xii. HO3 Affordable Housing
- xiii. HO5 Housing Density
- xiv. ED1 Economic Development
- xv. ED2 Employment Sites
- xvi. ED3 Other Sites and Loss of Employment Floorspace
- xvii. TR3 Maidenhead Town Centre
- xviii. TR6 Strengthening the Role of Centres
- xix. HE1 Historic Environment
- xx. HE3 Local Heritage Assets
- xxi. NR1 Managing Flood Risk and Waterways
- xxii. NR2 Trees, Woodlands and Hedgerows
- xxiii. NR3 Nature Conservation
- xxiv. EP1 Environmental Protection
- xxv. EP2 Air Pollution
- xxvi. EP3 Artificial Light Pollution
- xxvii. EP4 Noise
- xxviii. EP5 Contaminated Land and Water
- xxix. IF1 Infrastructure and Developer Contributions
- xxx. IF2 Sustainable Transport
- xxxi. IF3 Green and Blue Infrastructure
- xxxii. IF8 Utilities

6.9 The weight the LPA considers should be attributed to each policy, having due regard for the level of unresolved objections is, where relevant, discussed further below.

6.10 The Borough Local Plan Submission Version can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

#### Supplementary planning documents

6.11 Supplementary planning documents adopted by the Council relevant to the proposal are:

- 2. Sustainable Design and Construction SPD

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

#### Other Local Strategies or Publications

6.12 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at:  
[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)
- RBWM Parking Strategy - view at:  
[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning/13](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning/13)
- RBWM Public Rights of Way Improvement Plan - view at:  
[https://www3.rbwm.gov.uk/info/200215/rights\\_of\\_way/902/policies\\_plans\\_and\\_progress\\_reports](https://www3.rbwm.gov.uk/info/200215/rights_of_way/902/policies_plans_and_progress_reports)

### **PRE-APPLICATION ENGAGEMENT AND FRONT-LOADING**

6.13 The NPPF (2012) states that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

- 6.14 The applicants full range of engagement as part of this planning application is set out in their Statement of Community Involvement (SCI) (dated May 2018) prepared by The Kaizen Partnership Ltd on behalf of the applicants.
- 6.15 The engagement undertaken on behalf of the applicants has been comprehensive and has included the following:
- Stakeholder engagement
  - Individual interviews (including phone interviews)
  - Pop-Up Focus Groups
  - Meetings and presentations
  - Workshops with children and young people from local schools
  - Online engagement and social media promotion
  - Engagement of local organisations
  - Telephone Hotline
  - Public Exhibition Event
- 6.16 In terms of pre-application discussions, this too has been fairly comprehensive and since Summer 2017, a total of seven pre-application meetings have been held with RBWM and other key consultees, further additional workshops and discussions to work proactively and positively in order to develop a suitable scheme. The design of the scheme has also benefitted from the detailed feedback of Design: South East, who were appointed to provide independent design review in December 2017.
- 6.17 A further three meetings have taken place during the consideration of this planning application to resolve any outstanding matters and consultation responses and a further meeting to discuss proposed conditions and a legal agreement

## **7. EXPLANATION OF RECOMMENDATION**

- 7.1 This application raises a number of complex and inter-linked issues. The report below considers those issues firstly with regard to the development plan and then whether there are relevant material considerations and what weight to give those matters. The report concludes balancing those elements to achieve a recommendation. In summary, the key issues for consideration are:
- The key issues for consideration are:
    - I Principle of the redevelopment of this site
    - ii Design considerations including the impact on heritage assets
    - iii Affordable Housing Considerations
    - iv Impact on Neighbouring Amenity
    - v Provision of a Suitable Residential Environment
    - vi Highway considerations and Parking Provision
    - vii Socio Infrastructure Provision
    - viii Environmental Considerations
    - ix Other considerations
    - x Conclusion and planning balance

### **Issue i) Principle of the redevelopment of this site**

#### *Planning History*

- 7.1.2 The relevant planning history for this site is set out in section 5 of this report. As identified the previous planning permission for this site (15/00420/OUT), here after referred to as the 2015 planning permission was for the office/retail led redevelopment of the site.

- 7.1.3 The amount of development which formed the outline 2015 planning permission (which has now expired) is set out in the table below.

Use	Maximum floorspace (Gross External Area) / numbers
A1 (Retail), A2 (Financial and Professional), A3 (Cafes/Restaurants), A4 (Drinking Establishments), A5 (Takeaways)	5,046sqm
C3 (Residential Apartments)	225 units (22,770sq.m)
B1a (Offices)	36,304 sq.m

**Table 2: use approved as part of previous outline planning permission 15/00420/OUT**

- 7.1.4 To briefly summarise the 2015 outline permission: the parameters plans showed five buildings of varying heights from 34m up to 66m (14 office floors) dispersed around the edge of a triangular site. It was proposed that the buildings would enclose a central space. The tallest buildings would have been at the Broadway end of the site and stepped down towards the junction of King Street and Queen Street. The central space would be partly open and would also include the 'centrepiece'. Five lanes were proposed to radiate from the central space to connect to the adjoining streets and the rest of the town centre. The shops and complementary retail uses comprising of cafes/restaurants, drinking establishments, financial and professional services and takeaways proposed to occupy the ground floors of the buildings.
- 7.1.5 A longstanding principle of public law and planning law is that decisions should produce like results for reasons of consistency, save in circumstances where the decision maker provides reasons for adopting a different approach.
- 7.1.6 Notwithstanding the above, the 2015 planning permission does not constitute a fall-back position as the applicants claim that it is neither deliverable nor viable for this development to be implemented. Since the application was submitted, the 2015 outline planning permission has now lapsed. There is consequently no fall-back position. The Officer Report for the 2015 planning application reached a recommendation to permit having due regard for the planning balance and acknowledging the conflicts with policies in the Development Plan and other material considerations. The previous planning permission was therefore based on the previous planning balance.
- 7.1.7 The NPPF (2018) has been updated since the previous planning permission was granted, the current adopted Local Plan remains. The BLPSV has been submitted and is at examination and is a relevant material planning consideration.
- 7.1.8 For these reasons the below Officer Assessment is made having due regard for the development plan and material circumstances. The below assessment is made based on the merits of this planning application, having due regard for the above. The previous planning permission, now fallen away, does not bind the Local Planning Authority from reaching a different conclusion having undertaken an assessment of the planning balance given the aforementioned material changes.

Principle of a mixed use redevelopment

- 7.1.9 The application site relates to the southern end of the Broadway Opportunity Area' as identified in the Maidenhead Town Centre AAP (2011). This states that the Broadway Opportunity Area is allocated as an area for future major retail led mixed use development. It is the highest priority area for major new retail development in the town centre to achieve the revitalisation of the centre.
- 7.1.10 The focus of the AAP (2011) was to deliver a retail led redevelopment on this site. The BLPSV acknowledges that the retail provision of the Broadway Opportunity Area will fall significantly short of the 25,000 square metres (sq.m) anticipated by the AAP. The retail capacity forecasts which inform the BLPSV therefore take account of the empty units and the additional retail capacity provided by 'The Landing' (i.e. the previous planning permission on this site). The

BLPSV also proposes to supersede the above allocation through policy ED2 which identifies Broadway, Maidenhead as a site for mixed uses.

Use	AAP requirements (gross)	Proposed development (GEA)
A1 (Retail)	25,000 sq.m	3,846 sq.m (flexible use proposed so could be retail, cafe and restaurant, office, leisure uses)
C3 (Residential flats)	190 units	Detailed element proposing 344 units and 9,300 sq.m which could provide up to 110 units
B1a (Offices)	6,000 sq.m	13, 007 sq.m
Complementary leisure provision, particularly cafe and restaurant uses	No specific allocation	-
Public Car Parking provision	Replacement multi-storey car park	Does not form part of this planning application

**Table 3: Comparison of use set out in AAP (2011) against that now proposed.**

7.1.11 The existing retail/ commercial provision on site is 5,789sq.m whilst that proposed as part of this application is 3,846 sq.m. The proposed development would therefore result in net loss of commercial floorspace on site.

7.1.12 The BLPSV is not adopted planning policy but is a material consideration and seeks to supersede policy OA1: Broadway Opportunity Area by identifying that the redevelopment of the site would no longer be retail led, and expects a mixed used redevelopment of the site as set out in policy ED1. This is a relevant material planning consideration. However the BLPSV (as a whole) is silent over the quantum of uses forming the mixed use allocation for its redevelopment in policy ED2 of the BLPSV.

7.1.13 Policy TR3 of the BLPSV states that development proposals should promote and enhance the role of Maidenhead Town Centre and its vitality and viability. This policy is clear that proposed developments should have reference made to the adopted Maidenhead Town Centre AAP as this document identifies the most appropriate locations and requirements for town centre uses and activities. However in doing this policy TR3 of the BLPSV also highlights that subsequent revisions of retail floor space projections should be taken into account in development proposals coming forward in Maidenhead Town Centre.

7.1.14 Thus the adopted Development Plan seeks a retail led regeneration of this site whilst the evidence on which the emerging plan is based suggests this is no longer the correct approach due to changes in retail. The proposed development clearly seeks planning permission for a form of development in which the proposed use would be contrary to the Development Plan. Whilst the amount of office development broadly complies with policy OA1 of the Area Action Plan the retail provision is substantially less than the policy requirements and the proposed residential units substantially above that which was envisioned for the area. The proposed development is not retail led and is therefore contrary to the AAP (2011) in this regard.

7.1.15 The retail study informing the BLPSV and the policies of the emerging plan are a relevant material consideration which should be afforded significant weight. The study, done in 2015 states:

*That Comparison retailing has changed significantly since the AAP was adopted and that a different approach to development is now justified. The BOA will still play a part in the provision of comparison retail floorspace being adjacent to the primary shopping area but it can no longer be seen as the major retail extension envisaged by the AAP, nor is it desirable for it to provide for all the comparison goods needs of the town, to the detriment of other development opportunities elsewhere. The Council will continue to review capacity forecasts and will monitor*

*the construction of comparison retail floorspace because the importance of the retail sector for the town centre should not be understated.?*

- 7.1.16 The primary retail shopping frontage is largely formed by High Street and Nicholson Shopping Centre, at the time of writing this report the vacancy rate of this primary shopping area was around 22%. [The UK national retail vacancy rate at the end of 2017 was 11.2%](#). Given the current vacancy rates in the Nicholson Shopping Centre and High Street, well above the national average it is considered that an appropriate strategy is to direct main A1 (shop) uses to that area. For this site, a more flexible approach which can encourage leisure uses to support the shopping experience of the town centre is considered an appropriate strategy and weighs in favour of the scheme (i.e. a retail led redevelopment of this site could undermine the function of Nicholson Shopping Centre and High Street).
- 7.1.17 In this regard it is considered that significant weight must be afforded to the other material considerations, which outweigh the conflict, relating to the evidence in the Retail Study to justify the level of commercial floor space proposed as part of this application and the strategy for the redevelopment of this site, as contained in the BLPSV. Whilst no restrictions are proposed to the retail or leisure uses proposed as part of this scheme it is considered that the proposed flexible use and the ability for the development to deliver complementary leisure uses in the scheme that do not currently exist and are unlikely to be provided elsewhere so close to the primary shopping area and existing leisure uses on King Street outweigh the conflict in the development plan.
- 7.1.18 Accordingly the level of retail/ commercial use proposed as part of this scheme is considered acceptable. The proposed full application is relatively consistent with office allocation for the site and therefore complies with the Development Plan. The outline element of this scheme proposes a further 6,000 sq.m of office space above the allocation.
- 7.1.19 The significant increase in use on this site is in housing provision. The allocation for the wider Broadway Opportunity Area site was for 80 dwellings per hectare (dph) as part of mixed use retail led redevelopment. This scheme is proposed for around 330 dph, well above that anticipated that this site would deliver and above that factored into the BLPSV.
- 7.1.20 The BLPSV spatial strategy identifies Maidenhead as an area of 'Strategic Growth.' The Borough is heavily constrained by Green Belt and as such a significant amount of future development is direct to the town centre as a sustainable urban location. Accordingly the principle of a residential led redevelopment, above the AAP (2011) nor that anticipated in the BLPSV need not be unacceptable, however this is subject to other material considerations as set out below (notably impact on the character of the area and infrastructure needed to support the cumulative development).

#### Prejudice the wider development of the area

- 7.1.21 The site forms the southern half of the Broadway Opportunities Area, separated from the wider site by Broadway. The wider opportunities area allocation includes Nicholson/ Broadway Public Car Park and Sienna Court and office buildings which associated parking is accessed via the public car park along with the shop mobility and retail units along King Street, south of the Nicholson Shopping Centre.
- 7.1.23 The redevelopment of this site should not undermine the north part of the site from being redeveloped and making efficient use of previously developed land in a sustainable location. Whilst the Council is currently in the process of looking at opportunities for the redevelopment of Broadway Car Park there is currently no planning application submitted to the Local Planning Authority for consideration.
- 7.1.24 Nonetheless and given the Council's, as landowner, intention to re-provide the multi-storey car park on Broadway; it is not considered that the redevelopment of this site would prejudice this. Nor the continued use of Senna Court for employment uses. However the lack of clear linkages between the sites do weigh against this scheme, this is considered further below.

## Issue ii) Design considerations including the impact on heritage assets

- 7.2.1 Policy DG1 of the Local Plan provides the overall guidelines for assessing the design of new development. Policy H10 states that new residential development schemes will be required to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas and, where possible, to enhance the existing environment. Policy MTC4: Quality design seeks development which should be appropriate in terms of site coverage, urban grain, layout, access, scale, proportion, mass and bulk, height, roofscape and landscape.
- 7.2.2 Section 12 of the NPPF (2018) deals with achieving well designed places and delivering development is ensuring the delivery of developments that will function and contribute to the overall quality of the area in the long term. To achieve this development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; they should be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 7.2.3 The NPPF (2018) further encourages local planning authorities to utilise design advice and review arrangements, particularly for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should also have regard to the outcome from these processes, including any recommendations made by design review panels. The scheme was reviewed at pre-application stage by Design South East and the local planning authority has used Planning Delivery Funding to engage urban design consultants to comment and advice on this proposal.

### *Density*

- 7.2.4 Policy MTC12 of the Maidenhead Town Centre AAP states that Opportunity Areas will be expected to make a significant contribution to housing and that higher density housing will be appropriate in suitable locations.
- 7.2.5 Policy OA1: Broadway Opportunity Area envisioned that this site would be a retail led redevelopment, where residential use would be ancillary to the main redevelopment of the site providing approximately 80 dph as part of a mixed use scheme. This proposal is a residential led redevelopment.
- 7.2.6 In terms of achieving appropriate densities paragraph 122 of the NPPF (2018) is clear that planning decisions should support development that makes efficient use of land. This is subject to a number of factors including the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.
- 7.2.7 Policy HO5 of the BLPSV states that proposals for higher density residential schemes in sustainable locations in and around town centres will be permitted, particularly those with good access to transport nodes and interchanges. The density of development will be informed by:
- a. the layout of the proposal compared to the prevailing character of the surrounding area*
  - b. the need to ensure satisfactory residential amenity for both the proposed accommodation and nearby residential properties*
  - c. the accessibility of the location and the availability of existing and proposed services, facilities and infrastructure*
- 7.2.8 The proposed development would result in a density of around 330 dph. It is recognised that the application site is in central town centre location, in close proximity to local transport (notably Maidenhead Train Station). The site is well served by local services, facilities and infrastructure.
- 7.2.9 It is also recognised that the Maidenhead Town Centre is subject to regeneration and change. The various redevelopments within the York Road Area are proposed at around 230- 295 dph, with planning approval granted for one scheme and a resolution to approve another. However the density of the scheme proposed on this site is very significantly above that of the prevailing character of the area or indeed that which is envisioned for Maidenhead town centre as a strategic growth location. As noted by the Council Urban Design consultants the density of the proposed development is one usually associated with the highest densities recommended in the

London Plan for central London developments. There has to be a concern that this would indicate a level of growth for Maidenhead which is of city scale, well beyond what either the adopted or emerging development plan indicates.

#### *Proposed layout and desire lines*

- 7.2.10 In terms of proposed layout in addition to policies DG1, H10 and MTC4, Policy MTC5: gateways identifies that the corner junction of King Street and Queens Street when approaching from the south is a gateway location where there is an emphasis on creating high quality entrances that will enhance the town centre's image and identity.
- 7.2.11 Policy OA1: Broadway Opportunity Area sets out an indicative layout for the redevelopment development of this area and states that the redevelopment would enable the creation of a much needed open space. The policy identifies that the most appropriate location is in the centre of the Opportunity Area fronting the Broadway and with strong direct connections to the Nicholson Centre, King Street and Queen Street. The policy also stresses that the opportunity area should help improve pedestrian and cyclist permeability and links to the High Street, the diagram shows a central north south link.
- 7.2.12 The proposed development shows 6 buildings facing out onto the existing streets. The proposed location and layout shows Building C, on the southern corner tip, creating a focal point when approaching the application site from the south (including the Maidenhead Train Station). Buildings A, B and D are 3 'fingers' of development facing Broadway connected by a ground floor podium car park. Buildings E and F are outline elements where layout is a reserved matter. Indicative information shows these latter two buildings facing out onto Queen Street. The applicants justification for the design principles which informs the layout is to prioritise and strength the existing pedestrian routes of King Street and Queen Street. The secondary routes look to provide pedestrian access through the site from King Street onto Queen Street. In the central area an open space is proposed to create a setting for the proposed development. Soft landscaping is proposed within the central open space and also shown along Queen Street (part of which forms part of the outline application).
- 7.2.13 The ground floor of all proposed units are proposed to be in commercial use creating street level appearance and activation along King Street, Queen Street and within the proposed central open space area.
- 7.2.14 The main shortcomings of the proposed layout comes from the buildings facing Broadway. The proposed podium car parking which connects the three buildings creates a continuous built form along this section of Broadway which is essentially two storey in height. It also prevents any secondary routes or ability to permeate the site and prevents any visual breaks when viewed from the street. The applicant has sought to provide some level of activity along Broadway with commercial units proposed on the corner of block A (north western corner of the site) and opportunities for a modest commercial unit between block B and D. However much of the Broadway frontage is utilised for parking, storage and refuse areas resulting in dead frontage which has implications for street level activity and how people would use the street in future.
- 7.2.15 It also prevents any future connections from this site to the part of the northern part of the Broadway Opportunities Area which includes the Council owned car park (and the shopping centre beyond). Whilst the applicant has confirmed that as part of any section 106 legal agreement further consideration would be given to the proposed access arrangements to the podium above the car park to provide a secondary routes through the site which allows public access, this indicates an attempt to mitigate a sub-optimal approach to the design of the scheme.

#### *Principle of tall buildings, scale and massing*

- 7.2.16 Policy MTC6 states that Tall Buildings Areas are focused around the railway station and south of Bad Godesberg Way. New tall buildings on sites outside the Tall Buildings Areas, which do not currently accommodate a tall building, will be resisted. To be clear this application site falls outside a tall building area. The previous consent has fallen away so there is no fall-back position against which to assess this scheme. The principle of tall buildings in this area should be

properly considered insofar as it relates to the merit of this application, the development plan and other material planning considerations.

- 7.2.17 The AAP states that the prevailing building heights across the town centre are between three to six storeys (10-20m) and sets out that buildings that would be noticeably above this height would be considered to be 'Tall Buildings'. The planning strategy recognises that 'Tall Buildings' up to 12 storeys or around 40m in height have an important part to play in the rejuvenation of the town centre but that where such buildings are proposed that they should only be granted within two designated 'Tall Buildings Areas' these being the Railway Station OA and the West Street OA. The Policy further states that outside of these areas that 'Tall Buildings' will be resisted.
- 7.2.18 The full application is formed of 4 buildings. Building C is up to 7 office floors in height, blocks A, B and D along Broadway being 15- 16 storey (around 53- 56m in height) and then the parameter plans for buildings E and F are up to around 30 -33 m in height (approx.). Indicative plans show that this could be up to 10 storeys in height.
- 7.2.19 Buildings along Queen Street South on the whole is predominantly a mix of 2 and 3 storey C19 properties. The scale and mass of the buildings on King Street are markedly different to those in Queen Street, as they generally sit on much larger plots and while they are quite substantial buildings on both sides of the street none exceed around 13m in height. Along King Street the buildings are more modern than those found on Queen Street being late C20 and C21 developments particularly the Grenfell Island development which is on the west side of the street. The buildings on Broadway are predominantly 2 and 3 storeys high, modest, domestic terraces but on the north side of the street there is the Nicholson Car Park which is around 4 storeys high (excluding the cores) and Sienna Court, a modern office building which is also 4 storeys.
- 7.2.20 Currently the tallest building in town is Berkshire House which is around 49m in height. The buildings at around 53- 56m in height would be greater in height than any other building in Maidenhead and fall outside of the tall buildings area being noticeably higher than 20m?. This would therefore be contrary to the above policy. The assessment must then consider if any material considerations justify a departure from the development plan.
- 7.2.21 The applicant's justification for tall buildings in this location of the Maidenhead Town Centre is contained in section 4.1 Tall Buildings in their Design and Access Statement. The applicant's case is that it is a key gateway location when approaching from the south (notably the train station) by car from the east along Broadway and also a marker for the proposed new public space. When viewed from the north of the town centre the proposed development will create a visual marker for the station approach.
- 7.2.22 The applicant has also looked at other development sites coming forward in Maidenhead Town Centre to see if this supports the case. Much of the regeneration approved to date is broadly in line with the development plan strategy, for example, within the York Road opportunity area up to 8 storeys in height (half the height of the buildings proposed as part of this application along Broadway). The only development which is of a similar height to that now proposed here is Berkshire House, the recently outmoded office building which was extend and converted to residential use. Berkshire House is not considered an example of good design but rather an example of how the location and prominence tall buildings should be carefully considered to avoid harm to the area and harm to long views into the town centre, for example from the terrace at Cliveden House.
- 7.2.23 Officers recognise that iconic buildings can act as a catalyst for wider regeneration and contribute positively to the urban framework. Based on an assessment of the submission the proposed office development located to the south western tip of the application site is considered to act as a gateway building to Maidenhead. It is also accepted that the design approach proposed is one where this scale and form of development increases when moving towards and into the town centre from both Queen Street and King Street. This element of the scheme is considered to have the potential to be successfully integrated into the town centre context.

- 7.2.24 The key issue is with the scale and height of the buildings proposed along Broadway. Neither gateway locations nor high density necessarily equate to 'tall buildings'. This location is not designated for tall buildings or as a gateway.
- 7.2.25 Whilst creating way finding and legibility in the town centre is encouraged there lacks any commentary in the application submission on why and how the 15- 16 storey buildings proposed (53- 56m in height) are an appropriate height in this location contrary to development plan. Moreover the commentary on how the 16 storey building up to 56m in height (block B) creates wayfinding to the open space, when there is no clear and direct access from Broadway to this site lacks credibility. There is no assessment in terms of wider master planning and design principles set out in the development plan for the appropriateness of tall buildings in this location of the town centre and the design strategy which underpins this justification. Equally there is no understanding from the application submission of how this could impact on the overall strategy for growth in the town centre: in practical terms without any robust justification for height in a location not identified as being appropriate for tall buildings the planning authority would then struggle to defend other similarly tall buildings in any other location in the town centre. The consequence could be city scale development in Maidenhead at a level of growth which has not been planned for and cannot be accommodated running contrary to the vision of regeneration of place set out in the AAP and the emerging BLP.
- 7.2.26 The attempt at a reduction in height (largely attributed to reducing the height of building B from 19 storeys to 16) proposed by the applicants to respond to these concerns is acknowledged. However reductions in the height of buildings from 54m to 53m for buildings A and D are largely muted as internal ceiling heights have been raised so that the actual height has only been reduced by 1m. This would not be discernible. That noted the reductions in height of building B do enable building C to the south western tip of the site to be given greater prominence when approaching from the south, it is not considered to be sufficient to make the development less harmful. This is corroborated by the urban design advice on the revised scheme.
- 7.2.27 To concede that tall buildings are appropriate in this location will undermine the Development Plan and thus create uncertainty for the assessment of future development proposals. This is considered further in the overall planning balance.

*Buildings E and F (outline)*

- 7.2.28 The indicative scale and massing proposed as part of the parameter plans for the outline buildings along Queen Street (buildings E and F) show buildings varying in height up to 10 storeys. The proposed parameter plans set out that these buildings would be up to 30- 33m in height (approximately). The proposed buildings would be perceptibly and notably greater than the existing character and appearance of the area and noticeably over 20m in height. However, if the scheme were acceptable overall, at the reserved matters stage further design cues could be developed to break up the massing and reduce the perception of height and the way these buildings relate to the properties opposite along Queen Street.

*Proposed architectural detailing*

- 7.2.29 Matters regarding the proposed visual appearance of buildings are a detailed consideration and thus the discussion will be limited to the detailed element of the proposed application (buildings A- D). The justification for this is contained in the applicant's Design and Access Statement which looks at the building materials prevalent in the area and then considers how local character can be articulated in a contemporary manner.
- 7.2.30 For buildings A, B and D (residential) the primary proposed building material is various tones of brick. The applicant's strategy seeks to utilise different tones of brick within the proposed buildings to assist in breaking up the massing of the proposed built form. This cannot be divorced from the scale of those elements.
- 7.2.31 Building C, the proposed office building located on the southern west corner of the site which forms an identified gateway location to Maidenhead. The proposed material approach by the applicants for this site is the use of aluminium cladding (dark green) and terracotta cladding.

- 7.2.32 The use of green tones across the site include not just the office building but also in key locations on the residential buildings has been sought to be justified through local historic examples. This is similarly true for the proposed use of terracotta. Concerns have been expressed regarding the utilisation of such colours and if such an approach is durable. However it is also recognised that the applicant has set out a comprehensive and considered approach for the proposed material finish for the various elements of the proposal. The success of such materials will be informed by the robustness and quality of the proposed material finish. This could be secured by way of condition if permission were to be granted.
- 7.2.33 In terms of buildings E and F, there are some concerns about the proposed architectural approach in terms of the recessed bays and proposed material palette however such matters would be a consideration for the relevant detailed application stage.

#### *Landscaping and trees*

- 7.2.34 Embedded in the AAP vision is greening the town centre. As set out above Policy MTC1, MTC 4 and OA1 of the Maidenhead AAP (2011) emphasise the need for place making and creating a high quality, town centre environment and sets out a framework for how this can be delivered as part of the Broadway Opportunities Area. High quality landscaping forms a key part of this. Local Plan policies N6 and DG1 also provides general design policies on the importance of high quality landscaping in delivering successful schemes. Policy N6 of the adopted Local Plan states that plans for new development should, wherever practicable, allow for the retention of existing suitable trees and include an appropriate tree planting and landscaping scheme. Where the amenity value of trees outweighs the justification for development, planning permission should be refused.
- 7.2.34 The application sites forms an important part of the Maidenhead Town Centre which currently offers a limited contribution towards tree planting and soft landscaping generally. Matters regarding landscaping are a detailed consideration and thus the mains areas of landscaping associated with the detailed stage. This includes the proposed roof terraces, landscape podiums, central open space and the proposed planting to the southern tip of the site, adjacent to the proposed office building and proposed tree planting in front of building C.
- 7.2.35 Full details and a design narrative of the applicant's Landscape Strategy is set out in the Design and Access Statement. This explains how the proposed terraces and podium areas will provide amenity to the local residential and assist in 'greening' the built form of the proposed development.
- 7.2.36 The proposed public open space forms one of the clear benefits of this scheme and would introduce a level of greening which is currently absent in the heart of the town centre, conditions can secure the implementation of this open space. A section 106 legal agreement would secure public access to the proposed open space and the long term maintenance of this area, in the event of planning permission being granted.
- 7.2.37 In terms of the loss of proposed trees a total of 9 trees are shown for removal, none of which are TPO. This includes two prominent trees along the boundary with Broadway. The Tree Officer has reviewed the proposed development and has not raised any objection subject to securing replacement planting on Broadway and also opportunities to improve tree planting along King Street to connect the railway station to Kidwell Park along with detailed information of tree pit information. All detailed matters could be dealt with by way of condition(s).

#### *Other design considerations*

- 7.2.38 The AAP (2011) and the NPPF (2018) both seek opportunities to design out crime and create safe and accessible areas. The proposed development is considered to have incorporated opportunities for designing out crime wherever possible. An indicative lighting scheme has been proposed as part of the Design and Access Statement and further detailed matters regarding lighting, particularly in areas of open space could be secured by way of condition. A key concern is the pedestrian environment along Broadway. Secure by design conditions could be reasonably attached to any planning permission granted. As such, conditions could be imposed to make the

scheme acceptable in this regard where permission to be granted and part of any section 106 legal agreement integration into the existing CCTV network would also be sought.

7.2.39 In addition to the above and as set out in the NPPF (2018) in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, so long as they fit in with the overall form and layout of their surroundings. Matters regarding sustainability are dealt with below in paragraphs 7.8.1- 7.8.9; given the concerns expressed regarding the overall form and layout of the proposed development it is not considered that this application falls within the above definition.

#### Potential Impact on Heritage Assets

- 7.2.40 The site is not within a Conservation Area but the two nearest and relevant Conservation Areas to the application site are Maidenhead Town Centre and Castle Hill.
- 7.2.41 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Policy CA2 of the Local Plan sets out the guidelines on development affecting conservation area, the most relevant ones being: the requirement to enhance or preserve the character or appearance of the area and the protection of views that contribute to the distinctive character of the CA.
- 7.2.42 The NPPF (2018) identifies conservation areas as designated heritage assets and that great weight should be given to the asset's conservation, this includes their setting. The NPPF (2018) requires assessing the impact of development on the significance of the heritage asset including the setting of the heritage asset. Where impact is harmful there are two levels of harm, 'substantial harm' and 'less than substantial harm'. Having established the level of harm the policies then set out a number of tests that, if met, might present substantial benefits, or in the case of less than substantial harm, public benefits weighed against the harm that would result from the development.
- 7.2.43 The Maidenhead Town Centre Conservation Area lies to the north east of the application site and extends to Queen Street North and then it extends East and West along the High Street. The Conservation Area Appraisal for the town centre states that buildings along Queen Street are principally 19<sup>th</sup> Century, 3 storey terraces built with stock bricks with wooden sash windows. It further states that the street has a narrow and uniform feel with a regular roof line.
- 7.2.44 In terms of the impact on the setting of the conservation area, the proposed buildings would be visible in views into and out of the conservation area, particularly along Queen Street and King Street, where they would be very evident and dominate both long and short views. In some instances they would also appear over the top of the existing structures. These issues are clearly illustrated in the Visual Effects Report. They would also be visible in the gap views, such as from White Hart Road. It is considered that the development would, because of its scale and massing, have a negative impact not only on the immediate setting of the conservation area, but also on the wider setting of the two nearest listed buildings, that is 25-27 The Broadway and the Clock Tower.
- 7.2.45 Historic England (HE) has referred to its previous consultation for the last planning application on this site, 15/00420/OUT. The consultation response (then English Heritage) is that the proposed development would affect the setting of the Conservation Area but this would equate to less than substantial harm. The view of the Council's Conservation Officer is aligned with that of HE, the recommendation is based on this position.
- 7.2.46 The primacy consideration is the statutory tests set out in the above legislation and repeated in the adopted Local Plan, which requires special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. The proposed development by reason of its height and scale would not preserve the setting of the Conservation Area nor would it enhance it, however the harm is not considered to be substantial. Accordingly in the case of less than substantial harm, the NPPF (2018) states that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.2.47 Proposed buildings A, B and D which are the buildings which result in the most notable (but not substantial) harm are positioned away from the designated heritage assets thus seeking to reduce the impact. The most notable public benefit of the proposal is the potential for comprehensive redevelopment of this site, including the provision of housing, economic development, and open space. Therefore the principle of the comprehensive redevelopment of this site could be argued to equate to a public benefit which outweighs the harm.

#### *Archaeology*

7.2.48 Paragraph 189 of the NPPF (2018) states that local planning authorities should:

*'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.*

7.2.49 Section 14.1 of the Environmental Statement: Main Report prepared by Peter Brett Associates deals with archaeological impact. In conclusion the report states that the previous archaeological assessment undertaken as part of the previous planning permission on this site concluded that there would be no direct effect on any known archaeological sites, nevertheless, it was proposed to carry out an archaeological investigation prior to construction to ensure no unknown remains of archaeological value are omitted. Consistent with Berkshire Archaeology previous advice, the Council's Archaeologist concurs that the mitigation of the impacts of this proposal on the buried archaeological heritage can be secured by an appropriately worded condition should the proposal be permitted.

7.2.50 To conclude on design, the proposal is considered to be contrary to the development due to the scale of the buildings proposed. This constitutes tall buildings in an area not identified as such and consequently causes harm to the character of the area and to the vision and strategy for the regeneration of Maidenhead as set out in the AAP. There are no material considerations that outweigh the harm caused. This will be weighed in the balance at the end of this assessment.

### **Issue iii) Affordable Housing Provision**

7.3.1 Policy H3 Affordable Housing of the adopted Local Plan states that the Borough Council will seek to achieve a proportion of the total capacity of suitable residential schemes be developed in the form of affordable housing to meet. The adopted policy provides no clarification on the suitable level of provision and/or tenure. The Council's Affordable Housing Planning Guidance provides further guidance over developments meeting an onsite 30% requirement. It also sets out that where 30% provision cannot be provided an application should be supported by a financial viability appraisal.

7.3.2 Policy HO3 of the BLPSV sets out residential developments of ten or more dwellings should provide 30% on site affordable housing. Given the number of unresolved objections limited weight is afforded to the policy as a material consideration. The tenure mix is not specified in adopted policy; this is a consideration in the BLPSV.

7.3.3 The NPPF (2018) provides clarification on the definitions of various affordable housing tenures. Paragraph 65 of the NPPF (2018) sets an expectation that 10% of homes on major development sites should be available for affordable home ownership.

7.3.4 30% on site affordable housing would equate to 103 affordable housing units being provided on site as part of the full application (buildings A, B and D) and up to further 33 units provided as part of the outline application (buildings E and F). This would equate to a total of up to 136 units. For a scheme of this size this requirement is effectively the same in terms of policy HO3 of the BLPSV, however given the number of unresolved objections limited weight is afforded to the policy.

- 7.3.5 The proposed development has been subject to revisions during the consideration of the proposed development which has resulted in a reduction in the proposed height and 31 unit reduction in the number of units forming the detailed application. These revisions have resulted in no affordable housing being proposed as part of this planning application. In short, this is due to the development overall being unviable.
- 7.3.6 Initially the applicant proposed to deliver 16.7% Affordable Housing on site as part of this application, this would equate to 62 units as part of the full application and up to a further 13- 24 units as part of the outline application. The application was therefore accompanied by a viability assessment.
- 7.3.7 The viability assessment was reviewed by Jones Lang LaSalle (JLL), which includes the methodology and assumptions for the viability assessment and also the cost plan. Overall it is considered that the viability evidence put forward by the applicants is reasonable. JLL analysis concluded that irrespective of any affordable housing provision the proposed development would have a large deficit and is unviable in its current form. The report considers that the development would result in a deficit of around 28.5 million based on current market conditions. This, the case for no affordable housing provision is met in line with policy.
- 7.3.8 This scheme would offer a reduced quantum of development, but would incur the same (pro rata) level costs associated with constructing tall buildings. Accordingly it is consistent to conclude that as part of this revised scheme it would remain unviable to provide any affordable housing as part of the proposal. Therefore and based on the viability evidence and interest of securing a viable visually appropriate form of development of this site it is policy compliant that no affordable housing be provided on site as part of the detailed planning application. The applicant would include as part of any Section 106 legal agreement that any reserved matters application regarding Block E and F be accompanied by a revised viability assessment to ensure that the viability position and provision of affordable housing provision reflect the market conditions at the time the development comes forward.
- 7.3.9 Viability goes to the heart of the delivery of a proposed development. Given the evidence currently demonstrates that the proposed development is substantially unviable it raises uncertainty as to whether this planning application would in fact bring forward the comprehensive redevelopment of this site and the regenerative benefits put forward by the applicant. This is considered further as part of the overall planning balance.
- 7.3.10 To conclude on the matter of affordable housing: a case has been made and accepted that the scheme is not viable and therefore no affordable homes are proposed. This is compliant with the development plan and relevant material planning considerations.

#### **Issue iv) Impact on Neighbouring Amenity**

- 7.4.1 There is no specific policy in the adopted Local Plan or the Maidenhead Town Centre AAP regarding impact on neighbouring amenity. Paragraph 127 (f) of the NPPF (2018) is a material planning 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?.*

- 7.4.2 Policy SP3 of the BLPSV states that development will be expected to have 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. However this is balanced against paragraph 123 of the NPPF (2018) which states that where there is an existing or anticipated shortage of land for meeting identified housing needs:

*when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)."*

- 7.4.3 The full elements of the application include buildings A, B and D which face onto Broadway and Building C which faces onto the southern end of Queen Street and King Street. The full application is therefore largely adjacent to the multi storey car park and parking and commercial development. Regents Court is to the north west of the application site.
- 7.4.4 The nearest neighbouring residential properties are above ground floor premises across Queen Street and the eastern and western ends of Broadway. Therefore, the majority of the neighbouring properties would be adjacent to the outline elements which are being considered to the maximum extent of the proposed parameter plans. However, in agreeing the principle to a certain quantum of development, it is correct to assume that the impact would be to this extent.
- 7.4.5 The Daylight and Sunlight Assessment is contained in Section 15 of the ES and sets out the potential impact the development would have on sunlight and daylight. Section 9 of the addendum to the ES dated Oct 2018 concludes that the likely significant effects to surrounding residential property concluded in the 2018 ES remain valid. The assessment is based on the Building Research Establishment (BRE) guidelines, which are used nationally as guidance and apply equally to rural and urban locations. BRE recommendations are guidelines rather than adopted policy. A comprehensive assessment has been undertaken on the potential impact the development would have on the adjacent properties notably:
1. 43- 107 Queens Street (odd numbers),
  2. Shelley house and 1-4 Keats Mews along York Road
  3. 29A Broadway
  4. Frogmore Court and Regents Court. (located to the north west of the application site)
- 7.4.6 The current baseline daylight assessments indicates that the majority of the existing surrounding properties enjoy high levels of daylight, which is due to the relatively low level of existing massing on the site and wider area.
- 7.4.7 The assessment also showed that the proposed development would have limited impact on the current sunlight or daylighting levels to 43 Queen Street, 1-4 Keats Mews, 6 York Road, 1-26 Frogmore Court and 29A Broadway.
- 7.4.8 In terms of other residential flats on the upper floor of units along Queen Street the ES suggests that the overall the effect to daylight on these properties would be minor adverse impact on daylight 45 51 Queen Street and moving further south along the road from 55- 89 and 99- 105 Queen Street the proposed development would have a major adverse impact on the daylighting to these properties. 93- 97, 95-97 which would have a moderate adverse and minor adverse impact respectively.
- 7.4.9 Other residential units include Shelley House, 2-4 York Road is a modern flatted development to the western end of York Road where the assessment concludes that the Proposed Development would have a moderate adverse impact on daylighting level of windows facing the proposed development. Regents Court is located to the north west of the site, across from Broadway the development would have a minor adverse impact on daylighting and a negligible impact on sun lighting.
- 7.4.10 As the application site is largely north of residential dwellings the ES demonstrates that overshadowing on adjacent residential dwellings is limited. However, given that the buildings currently on site compared to the new ones will be materially larger, the residents of these apartments may experience a perception of a harmful impact on their amenity because of an awareness of a change in scale.
- 7.4.11 In terms of potential overlooking the only residential properties potentially affected are those along Queen Street which would be positioned opposite buildings E and F, which form the outline elements of this scheme.
- 7.4.12 As part of any reserved matters application assessment would be given to any direct views and/or overlooking. However given the likely scale of the development it would also create a degree of increased overlooking currently not experienced by occupiers of the adjacent residential properties.

- 7.4.13 In terms of solar glare from buildings, there should not be any significant impacts but the details of the external materials can assist in alleviating this.
- 7.4.14 The significant adverse impact on sunlighting and daylighting level to residential properties along Queen Street is **a material consideration that** weighs against the proposed scheme. Increased overlooking and loss of privacy resulting from the development also weighs against the scheme but to a lesser extent given this is a town centre location where a greater degree of overlooking and perception of scale is likely to take place as part of town centre redevelopment.
- 7.4.15 The overall harm to neighbouring amenity **needs to be considered in the context of Paragraph 123 of the NPPF (2018) which sets out that for those local authorities with a shortage of land for meeting identified housing needs, local planning authorities should refuse planning applications which they consider fail to make efficient use of land. The NPPF (2018) further state that authorities should therefore take a flexible approach in applying policies or guidance relating to daylight and sunlight, where it is consider they would inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).**
- 7.4.16 In that context, the BLPSV meets in full the objectively assessed housing need for the Borough over the plan period, this includes some green belt release. This demonstrates a shortage of urban land for meeting identified housing needs rather than a shortage of land per se. It is important that land in the urban area maximises the potential of each site but not to the extent it is significantly harmful to existing and future residents..
- 7.4.17 On this basis, given the number of existing properties which may experience major adverse effects and others minor this is balanced against the overall benefit of the development in a town centre location and the above policy context below in the planning balance.

#### **Issue v) Provision of a Suitable Residential Environment**

- 7.5.1 There is no specific policy in the Development Plan regarding provision of a suitable residential environment. Paragraph 127 of the NPPF (2018) states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Policy HO3 of the BLPSV states that proposals for higher density residential scheme in a sustainable location in and around town centre will be permitted, this is subject to a number of factors including the need to ensure a satisfactory level of residential amenity for the proposed accommodation.
- 7.5.2 The government has also published Technical Housing Standards- nationally described space standards (2015) which sets out guidance on floorspace requirements for new developments. Whilst it is necessary to ensure the proposed floor areas of buildings E and F can achieve a suitable floor space matters regarding provision of a suitable residential environment will be fully considered at the reserved matters stage. All flats are designed to meet the technical space standards. Accordingly the main consideration is regarding the detailed residential proposals contained in buildings A, B and D.
- 7.5.3 The Daylight and Sunlight Assessment on this proposed accommodation is contain in the revised Energy Statement. This utilises the most recognised standards to base the relevant assessments on, the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight- A Guide to Good Practice.'
- 7.5.4 The residential proposal comprise of buildings A, B and D (all adjoined by a ground floor podium car park) running along the northern edge of the boundary and orientated into the central square. Due to the proposed layout and scale of the development there are a number of units which run along the northern boundary of the site, this equate to over 20% of the proposed units being orientated to be north facing. However all these units are designed to be dual aspect with either east or western facing windows, providing a second aspect.

- 7.5.5 The Assessment also looks at the amount of daylighting proposed new rooms would receive. This is based on the BRE guidance regarding the 'average daylight factor' (ADF). The ADF is a measure of the overall amount of daylight in a space and recommends minimum values of 1.5% for living rooms and 1% for bedrooms.
- 7.5.6 Building A is located to the north western end of the wide on the corner with Broadway and King Street. The sunlight daylight assessment demonstrates that at each level of building A two of the ten flats living rooms would not meet the BRE guidance for living rooms although it is accepted that at 1.21% and 1.47% one would only marginally fall short of the recommended 1.5% guidance. Whilst the majority of bedrooms would meet the guidance, one flats secondary bedrooms at 0.77% would fail to meet the recommended 1% minimum average daylight factor, however this flats living room would receive good level of lighting. These units would all be located on the eastern elevation, opposite building B, which is the 16 storey building.
- 7.5.7 Building B is the centrally located residential building forming part of the full planning application with a maximum height of 16 storeys. The assessment shows that, at first floor level, 3 of the 6 flats living areas would fail to meet the recommended criteria to provide suitable levels of daylighting. It is acknowledged that at 1.04%, 1.21% and 1.47% one of this units would only marginally fall short of the recommended 1.5% guidance. The average daylight factor improves the higher up the building. At the eleventh floor 2 of the 6 flats would fall below the recommended 1.5% average daylighting factor (being at 1.44 and 1.26%). On the fifteenth floor the development provides suitable daylighting for all flats. For an unknown reason the sunlight and daylight assessment does not provide any assessment of the bedrooms for block B. Overall it is considered that the level of daylighting flats in block B would receive is poor. This is symptomatic of the proximity of these buildings to one another and their scale together with the general lack of space around the site.
- 7.5.8 In regards to Building D the sunlight and daylight assessment demonstrates more positive values for this block where the daylighting levels for the living rooms of all units exceed the recommended guidelines, however some bedrooms in proposed flats fall below this criteria, notably units on the western elevation adjacent to building B. It is unclear however if this assessment has taken into account the potential scale from building E and F which would be granted a quantum of development were this to be approved. This could have a consequent further reduction on the lighting for Building D.
- 7.5.9 The Sunlight daylight assessment suggests generally that there is less requirement for daylighting for bedrooms as they are normally used at night-time. Whilst a key focus is to ensure appropriate levels of daylighting and amenity to living room areas, bedrooms are habitable rooms which people utilise throughout the day and the appropriate weight is given to ensuring that overall the development provides a suitable residential environment for future occupiers.
- 7.5.10 In terms of privacy the proposed separation distance between buildings A and B is 18- 21m and 15- 24m between buildings. Generally 20m is accepted as suitable back to back separation distance between two storey dwellings in a suburban location to achieve an acceptable level of privacy. Many of the proposed units (some of which are also afforded lower levels of daylighting) will encounter a significant degree of overlooking and inter-looking which will result in a poor level of privacy for future occupiers. The practical consequences of this overlooking, e.g. the use of blinds or shutters would likely further reduce the levels of sunlight and daylight.
- 7.5.11 The daylighting levels and level of privacy/ overlooking for the proposed flats will be considered below as part of the overall planning balance. However, as the density, height and scale of the proposed development is one more akin to city scale, it will result in a form of development which would have a greater overlooking for dwellings and level of accommodation where some units would have lesser daylighting levels than the recommended BRE guidance. It is questioned whether the living conditions this scheme would achieve an acceptable level for modern living and whether a sub-optimal outcome for future residents here would be replicated in other schemes which consider this as a precedent for the future quality of accommodation the council considers to be acceptable in Maidenhead.

- 7.5.12 The spacing between proposed building D (the most eastern residential building forming part of the full application) and 'indicative' building E which forms part of the outline application is only 14m spacing at the closet point. This would not normally be considered as an acceptable relationship between two storey residential properties, accepting it here for this scale of development would risk setting an undesirable precedent. Matters regarding privacy and outlook will be considered as part of the reserved matters application for building E. It will be expected that the design of building E will consider opportunities to provide a suitable residential environment including suitable level of outlook and privacy; it will likely be challenging to improve on the situation with the full application element of this scheme.
- 7.5.13 All residential properties proposed as part of the full planning application would be provided with their own private amenity space. The applicant's strategy is for southern facing units to have projecting balconies; those along the Kings Street and Queens Street have recessed or semi recessed balconies. It is proposed that the east and western facing units on blocks B and D would have 'internalised balconies.' These balconies would have increased internal space which offers generous floor space standards with internally opening windows to enable the additional amenity space to contribute towards internal and external amenity. This is considered an appropriate design solution and strategy for dealing with tall buildings in an urban environment. It is, however, related to daylight and privacy of the proposed units. Balconies will generally be overlooked and do affect internal lighting levels.
- 7.5.14 The proposed residential development would benefit from podium level garden areas between the residential buildings as well as upper floor terraces. The proposed landscaping plans show opportunities for informal children's play space as part of this (this can be dealt with by way of condition and/or planning obligation as needed). In addition, the development proposes a central public open space which offers amenity for future occupiers of all the proposed buildings and wider public.
- 7.5.15 The sunlight amenity assessments contained in appendix K.3 of the ES looks at the amount of sunlight proposed amenity areas would have, the recommended guidance is that they should receive at least two hours of sunlight on March 21<sup>st</sup>. This assessment shows that the proposed south facing roof terraces to buildings A, B and D will receive suitable amounts of sun and daylight. Two of the three podium gardens above the proposed ground level car parking will not meet the relevant BRE guidance. Only 31.4% of the area of the podium garden between building B and D will meet the above guidance. The worst performing areas is the podium between building D and E, where only 7.4% of the proposed podium will receive more than two hours of direct sunlight on 21 March. The wind environment created in the podium gardens also requires mitigation.
- 7.5.16 Whilst it is accepted that this is a town centre, it would be expected that the main amenity areas for future occupiers would provide a suitable living environment. As set out above, for an urban scheme the proposed development provides either balconies or more generous internal floor spaces to provide a better amenity provision which continues to both indoor and outdoor amenity. The view of Officers is that the podium level gardens offer a poor residential environment, which given the level of overshadowing are unlikely to be well used throughout the year. As discussed above the podium level carparks are predicted on the delivery of onsite residential car parking which creates particular limitations on the design, permeability and overall visual appearance of this scheme, this being one of them. The podium amenity areas above the car parks are therefore products of the proposed car parking solution and not one which is founded on good urban design principles. This is considered further in the planning balance later in the report.
- 7.5.17 In terms of noise, the ES looks at the impact of noise on surrounding receptors and not in terms of the provision of a suitable residential environment. However, the application would be located in the heart of the town centre where the Council's vision is to increase activity and interaction. Therefore there will be a degree of noise and vibrancy resulting from this. Nonetheless it is considered both reasonable and necessary if planning permission were granted to attach conditions about acoustic information between the proposed ground floor commercial floorspace and the proposed upper floor residential units for buildings A, B and D.

- 7.5.18 Whilst providing natural sun and daylight levels for office development is encouraged to achieve a healthy work place environment, the focus is on the provision of a suitable residential environment. As the outline element of the application has all matters reserved, as part of any forthcoming reserved matter application on scale and layout it would be expected that this development be subject to its own Sunlight and Daylight Assessment.
- 7.5.19 To conclude, it is not considered that the residential environment created for future occupiers is entirely acceptable. Specifically the daylight and sunlight enjoyed by the units is poor in a number of instances, the relationship between the buildings A, B and D is below the standard of privacy that would usually be expected and it is likely that future occupiers will have a perception of being overlooked by other homes. This weighs against the scheme in the planning balance.

#### **Issue vi) Highway considerations and Parking Provision**

- 7.6.1 Policy TF6 of the adopted Local Plan states that all development proposals will be expected to comply with the Council's adopted highway design standards. Policy MTC4 on Quality Design sets out that development will be expected to satisfactorily address traffic, movement, servicing and parking impacts. Policies MT14 and MTC15 of the AAP (2011) sets out that accessibility to the town centre will be optimised with an emphasis on sustainable modes of transport. Policy MTC15 sets out the transport infrastructure needed to support development. Much of these highway improvements set out side of this application site and forms part of the wider strategy improvement to the town centre.
- 7.6.2 The NPPF (2018) states that developments should promote opportunities for sustainable transport modes can be (suitable to the type of development and its location), provide safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 7.6.3 The NPPF (2018) is clear that proposals should be designed to give priority to pedestrian and cycle movements having due regard for the wider areas and facilitate access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. A further priority is to address the needs of people with disabilities and reduced mobility and create places that are safe, secure. Developments should also take into consideration from the onset space for deliveries, servicing and emergency vehicles; and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 7.6.4 A Transport Statement (TA) and Residential Travel Plan has been prepared by Peter Brett Associates and submitted in support of this planning application. The assessment below considers the submitted information against the Development Plan and gives regard to material planning considerations.
- 7.6.5 The TA has made substantial reference to the 2015 planning permission, and in justifying a number of assumptions proposed as part of this scheme utilises this 2015 outline planning permission as the 'baseline.'
- 7.6.6 One of the key material considerations is that in preparing the BLPSV the Council has had due regard for planned and committed developments. This included the 2015 outline planning permission granted on this site. Thus (and whilst this application has now expired) as part of planning for future growth in this Borough the BLPSV has taken into account the vehicle movements generated from the previous planning permission. This is a material consideration.
- 7.6.7 What is also a material consideration is that in granting this previous planning permission Officers were clear that an ambitious modal shift and significant change in attitude towards travel patterns that currently exist in Maidenhead would be required. The 2015 planning permission sought to achieve the aspirations of national and local transport policy in reducing the reliance of single occupancy car trips for all users but particularly for journeys to and from the workplace to be 25% of all trips. To help achieve travel to and from the site by non-car modes, the 2015 planning

permission had limited car parking available to residents and the office workers, below the parking standard which in 2015 would ordinarily have been applied in this location.

- 7.6.8 Much of these assertions remain relevant. What is also of relevance is that this previous employment led 2015 expired planning permission proposed 150 car parking spaces on site as part of a basement, and a further 225 of the car parking spaces proposed at the Broadway Car Park opposite (for residential use and office development respectively). A separate application was considered alongside the previous 2015 planning application for extensions to Broadway Car Park. This planning application has also now expired and currently there is no revised application submitted or approved by the LPA for a replacement car park.

#### *Sustainable transport modes*

- 7.6.9 In terms of giving priority to sustainable transport modes, the application site is in one of the most sustainable locations in the Borough. The application site is located within Maidenhead Town Centre, in walking distance to all local services and amenities. Maidenhead Train Station is within walking/ cycling distance for the site and provides direct links to London and Reading. CrossRail is now set to open in Maidenhead around December 2019 which will improve the train times to London and strengthen the public transport links to Maidenhead Town Centre.
- 7.6.10 There are good bus routes through the town centre, however these are limited (particularly in evenings). The Council is in the process of looking to implement a rapid bus transport link where residents of Maidenhead Town Centre (and parts of the wider Borough) will have access to a more frequent, adaptable and flexible bus network to meet the needs of local residents. As part of any legal agreement, if permission were forthcoming, the applicants have offered a financial contribution of £22,696 towards the implementation of this improved bus network, to support the needs of future residents and to encourage sustainable modes of transport and reduce reliance on private vehicles.
- 7.6.11 The Town Centre is also well connected by cycle and pedestrian routes across the town and through to key areas and wider areas. However, there are some areas where routes are poor or improved connections, signage and pathways are needed. The Council has prepared a document that seeks to complete the 'missing links' between planned major development areas in and around Maidenhead and to improve their connectivity to the town centre and surrounding residential areas and local facilities. As part of this strategy a new 'inner-ring' is proposed for pedestrians and cyclists, which will be tied into new / enhanced crossings over the A4. The Council has already been successful in being awarded some Local Enterprise Funding towards these proposals and the applicants have also offered a further £18,308 towards these scheme. This will be secured by way of a legal agreement, if permission were forthcoming, and goes to make the development acceptable in planning terms by assisting in creating a town centre environment which promotes less need on using private vehicles for transport.
- 7.6.12 A car club space is also proposed within the application site. This too forms part of the Councils wider initiative as part of securing a car club operator to utilise key sites around the town (including at other nearby major sites) to operate a car club and part of a wider package of works proposed by the applicants (and working with the Council) to encourage future residents of Maidenhead to have less need and/or reliance on private vehicles.
- 7.6.13 The proposed development also seeks to reinforce the existing connections from this site, notably directing pedestrian footfall along the established streets of Queen Street and King Street and reinforce connections to and from the train station and toward the Nicolson Centre and High Street. As set out above, one of the disadvantages of the proposed layout is that the proposed podium car park prevents any pedestrian links through to though to Broadway. This is contrary to the AAP which seeks to improve connectivity through the Opportunity Area and connect the application site with Nicholson shopping centre.
- 7.6.14 A draft travel plan has been submitted as part of this planning application which proposes a number of actions to support the applicant's initiatives to promote sustainable modes of transport. The implementation of the travel plan will be secured through the legal agreement.

7.6.15 The amount of travel by walking/ cycling associated with the development is expected to significantly increase. As part of the 2015 planning application a contribution of £225,000 was secured through a S106 legal agreement towards an improved crossing at Queen Street/Grenfell Place/King Street. It is understood that costs associated with undertaking these works has now been secured through grant funding. It would not be reasonable to attempt to secure further monies from this development for a scheme which is now funded by another mechanism,

*Highway safety and capacity considerations*

7.6.16 The NPPF (2018) states at paragraph 109 that:

*'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

7.6.17 As part of the BLPSV the Council has taken into consideration the 2015 planning permission and the highway impacts this previous planning permission would had as part of the strategic growth of the Borough and the infrastructure needed to support it. The modelling work undertaken in support of this new planning application demonstrates that overall this new application would have less impact on the local network than the 2015 planning permission. This is due to the change scheme now being residential led. In addition a comprehensive junction assessment for all development options was also undertaken. This demonstrates that the proposed development would not result in any significant issues with regard to highway impact on the surrounding highway network above that take into consideration as part of the plan making process.

7.6.18 However the ES demonstrates that during construction the proposed development would have a significant adverse impact on the highway network. As part of any planning permission a key recommended condition would be in relation to a construction management plan to ensure that any disruption to the highway network is properly mitigated and managed. It is understood that key developers of sites within the town centre have some together to consider such issues outside of the planning arena.

*Parking Provision*

7.6.19 Policy MTC4, MTC14, MTC15 of the AAP (2011) seek to ensure that proposals in Maidenhead Town Centre provide adequate levels of parking. The Council also published a Parking Strategy (2004) which sets out maximum parking standards for developments, which in Maidenhead Town Centre include maximum standard of 0.5 spaces for one bedroom units and 1 parking spaces for 2-3 bedroom units.

7.6.20 Since these standards were published paragraph 106 of the NPPF (2018) now clarifies that:

*Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.*

7.6.21 Less weight can therefore be attributed to the Parking Strategy as it does not form part of Development Plan and is not wholly consistent with the NPPF (2018).

7.6.22 In agreeing the principle of a development it is necessary to demonstrate that there is sufficient space within the site to meet the parking requirements generated from a proposed development.

7.6.23 The applicants are proposing that parking for the proposed development would be delivered through onsite and offsite parking. The onsite residential car parking will be located over two floors based at the ground level of the buildings facing Broadway. The office parking would be contained in the basement under buildings E & F which form the reserved matters application. The TA refers to an alternative to this basement, where an assumed 50 to 80 car parking spaces could be provided off-site at Broadway Car Park for the office development.

7.6.24 With reference to the above a planning application at Broadway Car Park has yet to be submitted and is on land not within the applicant's control. Therefore, as part of assessing the parking provision for this planning application, no weight can be given to off-site parking provision being secured for this development as part of a future planning application for the redevelopment of a Council owned car park. The location of this site, in a town centre sustainable location in close proximity to a strategic public transport network and town centre accessible parking is however a material consideration.

7.6.25 In this context, the LPA is in a position where only due regard can be given for the proposed parking provision for this development, shown within the application site. The proposed parking provision which can be considered for this development is therefore as follows:

Proposed use	Number of Units/ sqm (GEA)	Number of On-site parking spaces	Parking Ratio
Residential	Up to 454 (worst case scenario)	189	0.43 space per unit
Office	13,007	80	159 sqm per car park space
Commercial	3,846	0	-
Total		269	

**Table 4- Proposed parking for the development**

7.6.26 The total number of parking spaces proposed to support the application is between 239 and 269 spaces, depending on reserved matters application proposed to come forward. The above ratios equate to an average site wide provision of around 0.43 spaces for the residential development. No parking is proposed specially for the commercial/ retail uses. This level of residential parking is in line with the recent resolution to grant planning permission for planning application 18/0160/FULL for the redevelopment of the York Road site.

7.6.27 Parking for the residential element is proposed as part of the full planning application and would be provided through over two levels and access from the ground floor podium buildings facing Broadway. The residential parking forms an integral part of the full planning application and will be delivered if the planning application is delivered. Office parking could be in a basement under buildings E and F. These buildings form part of the outline application.

7.6.28 Building C of the full planning application is an office building, located a key focal point on the south junctions of Queens Street and King Street. As the proposed basement forms part of the outline element it cannot be guaranteed that the basement parking will be delivered in advance of the office development being occupied. Moreover seeking a condition/ planning obligation to restrict occupation of Building C in advance of the basement being delivered could restrict a vital part of this redevelopment coming forward. On this basis there is a risk that no onsite parking would be provided as part of the full application to support the office development.

7.6.29 The Applicant, in paragraph 6.4.4 of the TA states that a supplementary car parking ratio justification note was submitted to RBWM to provide justification for the ratios proposed at The Landing, which was in principle agreed by RBWM. This is not an accurate reflection of the discussion which set out clearly that Officers needed to understand the sustainable modes of transport proposed as part of this application to support the development.

7.6.30 This parking note looks to demonstrate how build to rent schemes require lower levels of car parking provision, however as the applicants have not specially set out that this is a build to rent product, less weight can be attributed to this. In any event, example sites are in either city centres (such as Leeds or Manchester) or within the Greater London Authority. All of which benefit from a greater degree of public transport attributed to city living and are not comparable to Maidenhead. Examples have also been shown in Reading.

- 7.6.31 Of more relevance is that Census data shows that the borough has an average car ownership level of 1.5 cars per dwelling across the borough, with lower levels (0.5 to 0.6) in Maidenhead Town Centre. Based on the results reported in the applicants TA it shows an average car ownership of 0.48 for flats compared in the Town Centre, compared to an average of 0.54 across all housing types. The proximity of public transport, retail, commercial and local facilities as well as on-street parking restrictions also had a bearing upon the levels of car ownership. It is likely that car ownership for flatted developments in the Town Centre will fall with Cross Rail coming into the town centre and the implementation of a wider package of public transport mitigation works.
- 7.6.32 The applicants TA also has made reference to the Council's approach to recent residential development within the town centre where the parking levels below that identified in the Parking Strategy (2004) was considered acceptable.
- 7.6.33 In regards to cycle store provision the applicant's claim that they would provide:
- 1 cycle space per unit; and
  - 1 cycle space per 10 employees.
- 7.6.34 The application involves full planning permission for 344 residential units and assumes up to an additional 110 residential units forming part of the reserved matters application. It is proposed that 42 of the proposed spaces would be in the form of folding bike lockers, 142 provided as Hanging Bike rack in car park, 96 provided within Residential lobby, 138 double bike stackers provided within car park storage and 8 accessible bike stand within public realm. For the proposed office buildings (building C and F) policy compliant bike storage is proposed in the ground floor of each building.
- 7.6.35 Detailed information regarding cycle parking for buildings E and F will be dealt with at the reserved matters stage.
- 7.6.36 Whilst the Council's SPD promotes secure cycle lockers, folding bike lockers would only provide storage for a limited type of bikes and do not provide suitable cycle storage. The applicants claim that this is to provide a mixture of options however for residential development full and inclusive bike provision is usually expected. Failure to provide sufficient and appropriate storage to support a town centre residential led development in a sustainable location weighs against the development and is usually symptomatic of an overdevelopment of the site. The proposed reduction in the number of units (loss of 31 units) should enable the applicants to reconsider their cycle strategy to be accessible for all. It is considered that this could reasonably be dealt with by way of condition.
- 7.6.37 The applicants TA sets out that it is proposed to build out 50% and further cycle parking usage to be monitored through the Travel Plans to allow phasing of an appropriate level of parking is provided for cyclists as demand increases. Officers disagree with this assessment consider that 50% of the cycle parking should be provided prior to occupation and that all cycle provision should be provided prior to 50% occupation of the residential building. Such matters can be secured with by way of condition if permission were to be forthcoming.
- 7.6.38 On this basis and having due regard for this wider package of works proposed by the applicants it is considered that the proposed level of car parking provision is appropriate for this sustainable town centre location.
- 7.6.39 The type and level of cycle storage fails to accord with the Council's guidance on such matters. Where developments are proposed with a lower level of car parking in sustainable town centre locations it is considered that suitable provision to allow for sustainable modes of transport should be provided. This is weighted in the overall planning balance.

#### Services, access, and refuse

- 7.6.40 Separate secure refuse and recycling stores are shown. These should comply with space standards set out within the Sustainable Design and Construction SPD and further details and provision could be dealt with by way of condition.

- 7.6.41 The development will be served by the proposed loading bays along Broadway and Queen Street. The Highway Authority has raised concerns about the servicing access from King Street (although the updated design and access statement/ revised plan has not addressed this). The revised details suggests that sufficient servicing for the development can be gained via Broadway and Queen Street. Given the lack of any servicing of properties currently along Broadway and Queen Street this is considered a benefit. At the time of report writing this additional information is being reviewed by the Highway Authority. The Panel will be updated on the outcomes and the feasibility of the servicing arrangement.
- 7.6.42 As the development and servicing along Queen Street forms part of the outline application a temporary servicing arrangement would have to be provided in advance of this being developed.

### **Issue vii) Social Infrastructure Provision**

- 7.7.1 The BLPSV allocates the wider site as a mixed use area however is silent regarding the quantum of development proposed as part of this allocation.
- 7.7.2 The Council has published its latest Infrastructure Delivery Plan (IDP) in January 2018 which sets out the infrastructure needed to support the development coming forward in the Borough over the Plan period (including social infrastructure) and how this may be funded. This IDP takes into account the BLPSV plans developed which includes the previous planning permission on this site for an office led redevelopment.
- 7.7.3 The BLPSV takes into account the extant 2015 planning permission for the office led development with 225 units. The ES has assume that this development would provide 344 units as part of the detailed plans and up to 110 units as part of the reserved matters (a total of up to 454 units), around double which has been planned for and taken into consideration as part of the plan making process.
- 7.7.4 Section 7 of the applicants ES (revised) seeks to address the Socio- Economics Impacts of the development. This assessment considers that the Proposed Development will bring forward a Primary School Pupil Yield of 39 places, the equivalent to 1.3 Forms of Entry (FE) and that the Proposed Development will bring forward a Secondary School Pupil Yield of around 8 places, the equivalent to 0.25 FE. The impact therefore largely focused on primary school provision, on which this development will have a long term impact.
- 7.7.5 Section 7 of the ES states and repeats in the October 2018 Addendum; the Education provision can be met from planned development of nearby schools where future capacity has been identified through the IDP. What the applicant's assessment fails to acknowledge is that the IDP sets out potential expansion of nearby schools to support planned development contained in the BLPSV. Any increase above that in the BLPSV has not been factored in and the applicants should not assume that additional capacity should be provided to solely meet this proposed development which exceeds that of the BLPSV. Moreover the applicant's assessment has failed to acknowledge that the significant pressures for school places are particularly in the Maidenhead Town Centre Area. This weighs against the scheme in the overall balance.
- 7.7.6 In terms of impact on GP places the ES addendum October 218 estimates the population of the Proposed Development once fully occupied is 963.
- 7.7.7 The applicant's ES states that the IDP identifies 22 GP premises with 83 full time equivalent GPs serving a population of 156,000 at a ratio of 1,880 patients per GP, meaning there is a current shortfall of 4 GPs. The proposed development would increase these pressures. As set out in IDP (and what the applicants have failed to address) is that the Borough has a high concentration of residential and nursing homes which places pressure on existing facilities due to the higher dependency of elderly patients in primary care facilities. The Clinical Commissioning Group (CCG) assumes no surplus capacity GPs in the Borough and estimates a need for additional GP's to meet the future growth across the Borough. The IDP identifies how the Council, working in connection with the CCG and the NHS can look to accommodate the future growth in demand.

- 7.7.8 The ES therefore notes that the impact on health would be of Minor Significance through the impact on GP places and that the Proposed Development will have a long term impact on the provision of health services in the local area. However given this assessment has failed to take into consideration the position of the CCG, the long term impact could be greater than that set out in the ES and associated addendum.
- 7.7.9 Currently the appropriate mechanism to fund the provision of education or health provision is through the provision of CIL financial contributions. CIL for Maidenhead Town Centre is set at ?0 per square metres. However it is worth highlighting as part of any redevelopment which provides increased housing above that allocated in the BLSV the Council will have to critically consider the potential impact on infrastructure needed to support that development and how it can be delivered. The proposal is not in a position to mitigate the impact through CIL or another mechanism.

## **Issue viii) Environmental Considerations**

### Sustainable Development and Energy

- 7.8.1 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. The Council's adopted Sustainable Design and Construction SPD (2009) provides further guidance on this. However, Sustainable development techniques have move on since the adoption of this application, notably Code for Sustainable Homes is no longer a national standard. Therefore less weight should be attributed to this document in this regard. Nonetheless the SPD sets out measures for achieving sustainable forms of development, including 10% energy being delivered through renewable sources and meeting BREEAM measures
- 7.8.2 The NPPF (2018) paragraph 153 states that in determining planning applications developments should comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable
- 7.8.3 Paragraph 131 of the NPPF (2018) also states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 7.8.4 A Sustainability Statement has been prepared by Scotch Partners on behalf of the applicants (dated May 2018) has been provided as part of this planning application. This document looks at how the development will be designed to incorporate sustainable design principles.
1. Office development achieving an overall BREEAM target of 'very good.'
  2. The development achieving 10% of the building's energy being produced by renewable technologies
  3. Seeking to reduce water use through design measures
  4. Proposed biodiversity enhancements
  5. Waste, Recycling and Composting Facilities
- 7.8.5 A revised 'Energy Statement' prepared by prepared by Skelly and Couch on behalf of the applicants dated 12 October 2018 has been provided as part of this planning application. These documents set out the sustainable techniques incorporated into the proposed development. This includes passive design, insulation and natural ventilation to improve the efficiency of the buildings as well as utilising sustainable and renewable energy sources.
- 7.8.6 The statement looks at renewable energy sources and clarifies that a combination of Photo Voltaic Panels and Air Source Heat Pumps is the most appropriate development for this strategy. It is proposed that a total of 10% of the developments energy by Renewables and Low Zero Carbon Technologies technology. The applicants have set out how this is the most effective and feasible energy strategy.

- 7.8.7 The proposed development is also designed to minimise pollution, be adaptable to climate change and also consider health and wellbeing are part of the development.
- 7.8.8 The documents submitted in connection with this application sets out how waste will be minimised during the construction process, how materials selected will have low environmental impact and how the applicants will seek to reduce pollution during the course of the construction process. In this regard the proposal complies with National and locally adopted and emerging policy in this regard, along with the Council's adopted Sustainable Design and Construction SPD (2009). Conditions can secure compliance.
- 7.8.9 It is clear that the energy strategy for this redevelopment has informed the design of the proposed development and has not been seen as 'an add on' as a policy requirements. It is therefore considered to promote high levels of sustainability, however the 'great weight' for such development as set out in the NPPF (2018) can only be attached for proposal which fit in with the overall form and layout of their surroundings. For reason set out above in the design considerations section of this report this development falls short of that. Nonetheless the sustainability principles of this proposed development do weigh in favour of this scheme and are considered to comply with adopted planning policy and embrace the suitability objectives of local and national planning policy.

#### Flooding and Sustainable Urban Drainage

- 7.8.10 Policy OA1 of the AAP (2011) deals with the Broadway Opportunity Area and sets out that the development and design principles for redeveloping this site include not increasing flood risk and using sustainable drainage systems to reduce surface water flood risk where possible.
- 7.8.11 Paragraph 165 of National Planning Policy Framework states that all 'major' planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development.
- 7.8.12 In accordance with The Flood and Water Management Act 2010 the Royal Borough in its role as Lead Local Flood Authority (LLFA), is a statutory consultee for all major applications. The LLFA has considered the proposal and the applicants Sustainable Urban Drainage information submitted as part of this planning application.
- 7.8.13 The application site is located in an area of low probability (Flood Zone 1) of flooding from rivers. However, it is understood that groundwater in this area can be high but is kept artificially low from groundwater abstraction. Should groundwater return to normal levels and following a heavy period of rainfall, the ground could become saturated; and could, in combination with the hard surfacing of the town centre, lead to surface water flooding. It is therefore fundamental that an adequate proposed Sustainable Urban Drainage can be demonstrated as part of this scheme.
- 7.8.14 The LLFA still has a number of queries regarding the proposed sustainable urban drainage strategy. Following the submission of additional information by the applicants the LLFA considers that the principle of a working sustainable drainage scheme has been demonstrated. Subject to conditions regarding a detailed sustainable urban drainage scheme the proposed development is considered acceptable in this regard. Thames Water has also raised concerns in their response about sewage capacity, this is a 'standard' response which can be dealt with by way of conditions and or separate agreements which fall outside of planning.

#### Microclimate Wind Conditions

- 7.9.1 Policy MTC6 of the AAP deals with Tall Buildings and states that proposals for tall buildings should avoid unacceptable negative micro-climate effects.
- 7.9.2 Policy SP3 of the BLPSV considers tall buildings may be considered acceptable, however this is subject to a number of considerations, including developments not causing unacceptable impacts such as wind tunnel effects.

- 7.9.3 A key consideration is that in allowing a built form of the scale proposed it would not affect local wind patterns. The ES (and associated addendum) includes results from a wind tunnel testing to capture the localised, building-specific wind effects on the local wind microclimate.
- 7.9.4 Whilst in most areas the ES (and associated addendum) has identified that the application would have a Minor Beneficial or Negligible effects there are key areas where a minor adverse impact was recorded. This included at an entrance into the shop along Queen Street, seating area on the podium gardens, as well as the amenity terraces of building B and C, as well as some balconies for Buildings B and D.
- 7.9.5 Proposed mitigation is summarised in Table 16.3 of the ES which is largely enhanced landscaping and/or additional screening. The conclusions of the ES is that these mitigations will ensure that the development has a negligible impact on wind conditions and pedestrian comfort. Whilst in principle these likely mitigation details are considered acceptable for the full application it is considered both reasonable and necessary for detailed information regarding these mitigation measures and further evidence which support how these mitigation measures reduce the adverse impact are submitted in advance of the commencement of the development above ground floor slab level. It will be key to ensure adequate evidence is provided that robustly deals with this matter, to the satisfaction of the LPA, particularly given the previous issues raised regarding the limited sunlight and daylighting to the proposed podium gardens.

#### Impact on Biodiversity

- 7.9.6 Policy MTC 3 of the AAP (2011) seek to conserve and enhance biodiversity. Paragraph 170 of the NPPF (2018) states that planning decisions should contribute to and enhance the natural and local environment. The emphasis is on minimising impacts on and providing net gains for biodiversity. Paragraph 175 of the NPPF (2018) states that:

*when determining planning applications, local planning authorities should apply the following principles:*

*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...*

*development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."*

- 7.9.7 Policy NR 1 of the BLPSV also seeks to ensure development does not reduce the ecological network or habitat. Emerging Policy NR 3 of the BLSV requires proposals to protect and enhance biodiversity and to prevent deterioration of the ecological status of rivers in accordance with the Water Framework Directive. Policy IF 3 of the BLPSV seeks the provision of high quality green and blue infrastructure of river corridors.
- 7.9.8 An Ecology Assessment Report prepared by Peter Brett Associates (dated May 2018) has been submitted in connection with this application. Matters regarding Ecology and biodiversity were 'scoped out' of the ES as part of the EIA Screening Opinion due to the likely impact of the development. The Submitted Assessment establishes that there is negligible ecological value on the site and roosting bats were likely absent from the Site. The conclusions of the Council's Ecology Officer is that considering the type and condition of habitats on site, the proposed works are considered unlikely to adversely affect any other protected or notable wildlife.
- 7.9.9 In terms of *biodiversity enhancements* the ecology report advises that the proposal *will include* swift nest boxes and bat boxes. The planning statement and sustainability statements refer to the

provision of brown and green roofs. The design and access statement indicates that sedum and non-native plants will dominate the rooftop gardens. The Design and Access Statement also makes reference to the provision of bird boxes and planting of native species of trees and landscaping to encourage biodiversity.

7.9.10 Such matters including a Construction Environmental Management Plan, detailed lighting scheme, compliance with the proposed biodiversity enhancement and further details of green roof planting could be dealt with by way of condition, if planning permission were forthcoming.

#### Impact on Air Quality

7.9.11 Whilst the Maidenhead AAP (2011) acknowledges that most of the town centre is covered by an Air Quality Management Area there are no specific Development Plan policies relating to air quality. The NPPF (2018) states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas

7.9.12 Section 10 of the applicant's ES (and associated addendum) identifies the relevant material planning considerations in relation to Air Quality relevant at the time of producing the report.

7.9.13 The main air pollutant of concern relates to road traffic, particularly during operation.

7.9.14 The conclusion of the ES (and associated addendum) are that the effects of development traffic on local air quality are judged to be Not Significant. The assessment is based on the worst-case scenario with the highest traffic flows brought by the Development in close proximity to sensitive receptors. The based on current up to date data the predictions of the ES (and associated addendum) are that during the construction process would be described as not significant and when the proposed development is in place any change would be negligible and as such judge to be not significant.

7.9.15 The Council's Environmental Protection Team has reviewed the information submitted and have agreed that the findings and conclusions of this Assessment are acceptable and have raised no objection subject to conditions, including a final Construction Environmental Management Plan (a draft has been submitted as part of the ES) and further details of dust mitigation. These can be secured by way of condition.

#### Impact on Noise and vibrations

7.9.16 Whilst the Maidenhead AAP (2011) acknowledges that most of the town centre is covered by an Air Quality Management Area there are no specific Development Plan policies relating to air quality. The NPPF (2018) states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas

7.9.17 In assessing the impact on noise and vibrations the applicants have utilised data collected in 2014 which informed the previous application on this site. The applicants have reviewed current site conditions and have concluded that since the last assessment was undertaken that conditions on site have not changed. Officer's site visit concurs with this assessment.

7.9.18 The ES (and associated addendum) demonstrates that during construction works the nearest receptors will likely be subject to substantial to moderate noise levels during the demolition and construction process. However any impact would be temporary. Vibrations from demolition and construction is likely to have a negligible effect.

7.9.19 The proposed development, when built would likely result in increased noise levels, however these are likely to be of minor adverse significance in terms of the proposed use and of negligible significance in terms of the vehicular movements associated with the development. Increased vibrations from the development are also considered to be of a negligible significance.

7.9.20 The potential impact from the redevelopment and construction is not unexpected given the works which would be need to be bring forward the redevelopment of this site. A Construction Environmental Management Plan can be secured through conditions (a draft has been submitted as part of the ES) for details to be submitted to set out how noise impact can be minimised and mitigated. Any impact can also be restricted so it does not cause any undue noise and disturbance during antisocial hours of the day.

7.9.21 In terms of the proposed development, part of the aims of the AAP (2011) seeks to increase activity and vibrancy into the area which will inevitable increase noise. Conditions can deal with matters regarding acoustic glazing and acoustic ventilation for the proposed development. This is to prevent any undue noise from commercial ground floor premises in relation to proposed living accommodation above. Details regarding any fixed plant equipment or ventilation ducts can also be dealt with by way of condition. External flues can have a detrimental impact on visual and residential amenity it is there considered necessary for integrated extraction provided as part of a development. External flues are operational development and require planning permission.

#### Ground conditions and land contamination

7.9.22 Policy NAP4 of the Borough Local Plan seeks to ensure that development will not pose an unacceptable risk to the quality of groundwater. This is supported by paragraph 178 and 179 of the NPPF (2018) which seeks to insure development takes into account proper remediation for contaminated land.

7.9.23 Ground investigations, groundwater monitoring and gas monitoring of the site have taken place and set out as part of the ES. There are contaminants in the ground identified and the ES states that further investigations are required to cover areas that were inaccessible during the first investigations. Appropriate remediation and mitigation measures can be secured by condition. The Environment Agency and the Councils Environmental Protection Team have raised no objections subject to conditions.

### **Issue ix) Other Material Considerations**

#### *Five year housing land supply position*

7.10.1 Paragraphs 10 and 11 of the NPPF (2018) set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

*For decision-taking this means:*

*approving development proposals that accord with an up-to-date development plan without delay;*  
*or*

*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

7.10.2 Footnote 7 of the NPPF (2018) clarifies that policies which are most important for determining the application are out-of-date includes include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

7.10.3 Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted in January 2018. The Borough Local Plan Submissions Version sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory. However as the BLPSV is not yet adopted planning policy, due regard also needs to be given regarding the NPPF (2018) standard method in national planning guidance to determine the minimum number of homes needed for

the borough. At the time of writing, based on this methodology the Council is able to demonstrate a five year rolling housing land supply based on the current national guidance.

### *Public Engagement*

- 7.10.4 Paragraph 128 of the NPPF (2018) states that early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 7.10.5 Section 6 of the officer report sets out the significant level of engagement which the developer has undertaken in the design evolution of this scheme with both members of the public and also Officers. Following concerns expressed by Officers amendments have been provided by the applicant to reduce the height. Whilst Officers still have expressed concerns above the proposed design approach and relevant conflicts with development plans and other material considerations the level and manner of effective engagement, should in accordance with the NPPF (2018) weigh in favour of this scheme.

### *Economic Benefits of the Proposed Development*

- 7.10.6 Section 7 of the ES also looks at the job creation and economic benefits of this scheme.
- 7.10.7 Depending on the delivery of the reserved matters application the proposed development could, as a whole, provide approximately 527 construction jobs. This is slightly higher than that estimated as part of the 2015 planning permission, which was around 500 jobs. However this forms part of the wider benefits associated with the viable delivery of the redevelopment of this site.
- 7.10.8 Once built and occupied depending on the subsequent reserved matters application the ES estimates that the development would result in approximately 1,031 gross operational jobs. This is less than half that estimated as part of the 2015 planning permission which assumed around 2,332 gross operational jobs.
- 7.10.9 This is due to the reduction in proposed office floorspace which reduces the about of job creations as a benefit of this scheme. It is however acknowledged that during the consideration of the planning application the applicants have sought to clarify the level of office floorspace coming forward as part of the redevelopment of this site to provide a more 'balanced' mixed use redevelopment, which remains a residential redevelopment of the site, but also seeks to provide a suitable level of economic floorspace.
- 7.10.10 In view of the above, the economic benefits also weigh in favour of this scheme, however this forms part of the wider arguments regarding the sustainable comprehensive redevelopment of this site and how this will contribute to the regeneration and revitalisation of Maidenhead Town Centre.

### *Viability*

- 7.10.11 A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken. The cost of constructing tall buildings and all ancillary infrastructure needed to support the redevelopment are significant. The applicants in the Design and Access Statement have, in line with the advice of Design South East sought to demonstrate how a scheme of a less height could be accommodated on this site. The applicants claim that this is not a preferred option due to the bulk of the proposed buildings and the loss of the open space. However what the applicants have failed to consider or demonstrate is if a lower density residential led scheme could have the same level of viability as the proposed (not the same quantum of development). Nonetheless this scheme has been considered on its individual merits. The viability appraisal carried out by the developer has been independently reviewed by Jones Lang LaSalle (JLL). JLL have reviewed the values and costs of carrying out this development. The JLL have concluded

that The Landing development is not a viable scheme, irrespective of the amount of affordable housing provision.

7.10.12 In assessing the 2015 planning permission viability was afforded significant weight as a material consideration that the amount of development proposed is required to make the redevelopment viable and the configuration and maximum building envelopes across the site are the best way to achieve a deliverable scheme that will improve the appearance and function of this part of the town centre. However the only evidence before the Council is that the scheme is not viable in its current form, based on current market conditions. The applicants have provided further clarification on this matter and have set out that applicants have taken the internal commercial view to proceed with the development. The applicants claim that the viability and deliverability of the scheme improves significantly with an assumed 6% annual growth due to the construction timescales. The applicant's justification is that it is estimated that 'Phase 1' (assumed to be the detailed application) will be exposed to around 36 months of market growth whilst 'Phase 2' (assumed to be the outline application) will be exposed to around 45 months of market growth. The evidence provided by the applicant's shows that over such a period the development will become viable. This evidence does assist in attributing weight to the assessment that this proposal would deliver the redevelopment of this site as a public benefit. In view of the above and the applicants wider justification for delivering this site it is considered in the interest of this delivery that in the event the application were approved it is recommended pre-commencement conditions be attached requiring the commencement of development of the detailed application to be within two years (as opposed to three) and one year for the detailed application (as opposed to two).

#### **Issue x) Conclusion – Planning Balance**

- 7.11.1 The comprehensive mixed use redevelopment of this site which contributes to the viability and vitality of this town centre site weighs considerably in favour of this scheme. The proposed development is supported by a comprehensive suite of evidence which deals with all matters associated with the application. The proposed development is consistent with the NPPF (2018) in so far as it looks to make efficient use of previously development land in a highly sustainable location to achieve housing at a high density for a mixed use town centre location. The proposed development would also contribute to the delivery of a rolling five year housing land supply. This too weighs significantly in favour of the scheme.
- 7.11.2 The proposed new public open space in the centre of the proposed development and the ability to bring further greening into the centre of the town centre, consistent with the objectives of AAP (2011) is also a benefit which weighs in favour of this proposal.
- 7.11.3 The critical conflict with the development plan is the proposed height and scale of the development outside of the tall buildings area and the implications this has on the Council's spatial strategy and the precedence for a level of height and scale in the town centre. The proposed podium parking along Broadway creates a continuous unbroken 'wall' of development along the road. The applicants design approach is to create a landmark building to the south west tip of the application site (in accordance with policy MTC5 of the AAP (2011)). The height and scale of the proposed buildings then increases along Queen Street and King Street (to limited overshadowing impact). Buildings along Broadway are the greatest in height.
- 7.11.4 The indicative height and scale of the proposed outline elements facing Queen Street at around 30- 33m in height (around 10 storeys) are contrary to the AAP (2011). This too is above the height and scale set out in the AAP (2018) although given the proposed scale, the harm to the character of the area is less than the detailed elements proposed along Broadway.
- 7.11.5 The proposed buildings along Broadway proposed at 15- 16 storeys in height (up to 53- 56m) with the proposed ground floor podium car park is considered to be the element of the proposed development which results in the most significant harm and conflict with the relevant development plan policies (see Section 7.2 regarding design consideration). The applicant's response to concerns raised was to look to reduce the height of the proposed development, whilst also seeking not to undermine the viability of the proposed development which is acknowledged. Nonetheless the proposed development would result in tall buildings of notably greater height

than the prevailing townscape character, outside of the designated tall buildings area. The precedence and impact this would have on the adopted strategy for directing height into the town centre are substantial. In addition the proposed building frontage along Broadway does not achieve exemplar or even high quality design.

- 7.11.6 It is also concluded that the provision of a suitable residential environment in terms of daylighting levels to the proposed flats and also the level of sunlight and daylighting to the amenity areas is poor. Much of the performance and level of amenity resulting from this application is reflective of the level of amenity associated with high density development such as this proposed and the proximity of the buildings to one another within an urban context which has a more historic street pattern and tighter urban grain. This weighs against the scheme too.
- 7.11.7 The proposed development does not raise any significant highway capacity issues and would not prejudice highway safety. Having due regard for the nature and location of the proposal, sufficient residential car and cycle parking would be provided. Indeed it is considered that a lower level of parking provision could be justified on this site, in this location.
- 7.11.8 The proposed development would have a significant impact on the daylighting levels currently received from the nearby residential properties across Queen Street and increased overshadowing and would result in increased overlooking. This weighs against the scheme too.
- 7.11.9 The proposed development is considered acceptable in terms of biodiversity, air quality and noise (subject to the necessary conditions). Biodiversity enhancements sought as part of this proposed development also weigh in favour of this scheme and will be secured by way of conditions. Subject to conditions the proposed development does not raise any significant issues in terms of contaminated land and the design of the proposed development has been informed by renewable and sustainability techniques. This too weighs in favour of the scheme.
- 7.11.10 The proposals make efficient use of the previously developed land, in a town centre location and the amendments made during the course of the application are considered to weigh in favour of this scheme. However it is considered that the substantial adverse impact regarding the proposed layout, height and scale of the proposed buildings along Broadway would significantly and demonstrably outweigh the identified benefits. It would set the benchmark for future development at scale which creates a poor residential environment and runs contrary to the vision for Maidenhead set out in the AAP and would result in a place to be developed at city scale such as seen in central London. On this basis the application is recommended for refusal.

## **8. INFRASTRUCTURE PROVISION**

- 8.1 The site is CIL liable however the CIL rate for Maidenhead Town Centre is set at ?0 per square metre and as such there will be no CIL receipts generate from this development. However the wider affordable housing provision and financial contributions to make this development acceptable in planning terms is set out above. As is the wider regeneration benefits of this proposed development, and the delivery of infrastructure as part of this development, notably the new areas of public open space.
- 8.2 In the event that the application was permitted it is proposed that a section 106 legal agreement will secure the following:
- Residential Travel Plan
  - Office Travel Plan
  - Details of Car Club provision as part of this scheme, including one parking space provided on street
  - Details of waste receptacles to be provided (refuse/recycling/ food wastes bins)
  - Contribution of ?18,308 towards improve cycle links
  - Contribution of ?22,696 towards improved bus links
  - Monitoring costs
  - Timing of delivery of landscaping works
  - Public access across the site and open space
  - Public access across the podium between Block B and D

- Reassess the affordable housing provision as part of any reserved matters application being made over one calendar year after the date of the current viability evidence.

## 9. CONSULTATIONS CARRIED OUT

### Comments from interested parties

- 9.1 480 letters of neighbour's notification were sent out in relation to this planning application, this includes all adjoining premises and any of those notified over the previous planning application at this site. Following the submission of revised plans a further neighbour re-consultation exercise was undertaken.
- 9.2 The planning officer posted 3x site notice advertising the application on the 08 June 2018 (in front of the Corner House Public House, in front of the Cycle Hub (form The proposals make efficient use of the previously developed land, in a town centre location and the amendments made during the course of the application are considered to weigh in favour of this scheme. Therefore, on balance, it is considered that the benefits outweigh the harm. The planning balance, and therefore the Officer recommendation is to approve subject to the resolution of the matters set out at section 1 of this report. er Que Pasa) and opposite the Odeon Cinema on the corner junction between Broadway and King Street). The application was advertised in the Maidenhead & Windsor Advertiser on 14 June 2018.
- 9.3 In response to this 6 letters of comments have been received regarding this application (some of which neither offer support nor objection). This includes letters from the Maidenhead Civic Society and the Chamber of Commerce which raises concerns about the proposal, comments made can be summarised as:

Comment		Where in the report this is considered
1.	There is not a need for more retail and office space	The principle of the development is set out in section 7.1
2.	A greater mix of homes are required with open space and parking.	Para 7.2.4- 7.2.11 deals with density
3.	The area around the application site is quiet and resulting in loss of trade. Supports a prompt decision on this outcome of this site.	The principle of the development including regeneration benefits is set out in section 7.1
4.	The height is contrary to the character of area and human scale has been ignored.	Section 7.2 deals with design including scale
5.	The open space would be dwarfed	Section 7.2 deals with design including scale
6.	Need for more office space.	The principle of the development is set out in section 7.1
7.	Height and scale is excessive and does not reflect building height policy.	Section 7.2 deals with design including height
8.	The residential block is an improvement and the raised garden with parking underneath is a positive feature.	Section 7.2 deals with design including height
9.	Concerns about parking provision	Paragraph 7.6.20-7.6.40 deals with parking
10.	Further concerns about insufficient affordable housing provisions	Paragraph 7.3.10-7.3.9
11.	Lack of permeability and links to Nicholson Centre.	Paragraph 7.2.12-7.2.17

12.	Soft landscaping is an improvement, but management should be considered from the onset.	Paragraph 7.2.39-7.2.45
13.	Concerns about over supply of commercial units.	The principle of the development is set out in section 7.1
14.	Reflection on local heritage and history is a positive feature.	Paragraph 7.2.49-7.2.57

9.4 In addition to the above a letter has been received from the Right Honourably Theresa May, Member of Parliament for this constituency. Comments made can be summarised as follows:

Comment		Where in the report this is considered
1.	The correct and sustainable development of this site is key to the revitalisation of Maidenhead Town Centre	The principle of the development including regeneration benefits is set out in section 7.1
2.	There have been many false starts to the site	
3.	Trust the panel will bear in mind the significance of the site	
4.	Encouraged by the developers approach to the engagement with the community.	Paragraph 7.10.5-7.10.6
5.	One reservation expressed is concern about the height of some of the buildings and the need to ensure the site is integrated with the rest of the town centre	Section 7.2 deals with design including height and scale
6.	A scheme with a mix of uses and increased housing would be a positive addition to this part of Maidenhead	The principle of the development including regeneration benefits is set out in section 7.1

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	The proposal would cause harm to the significance of nearby designated heritage assets and in accordance with paragraph 196 of the NPPF, this harm should be weighed against the public benefit of the proposals.	Paragraph 7.2.49- 7.2.57
Urban Design Consultant	The reduction in height of Blocks A, B and does not overcome the urban design concerns regarding overly tall buildings in a location that does not perform a wider role (such as a gateway) in the town centre. As the public realm and routes through the site remain as in the original submitted material, issues of connectivity to the wider town centre have not been addressed.	Section 7.2 deals with design
Landscape Officer	Full hard and soft landscape details will be required as part of conditions and also all external Material samples A 5 year landscape management plan will also need to be submitted.	Paragraph 7.2.39- 7.2.45
Tree Officer	No objection subject to conditions	Paragraph 7.2.39- 7.2.45
Berkshire	No objections subject to conditions	

<p>Archaeology Historic England</p>	<p>Refer to the response of application 15/00420 which states that:</p>	<p>Paragraph 7.2.49- 7.2.57</p>
	<p>Our principal concern with respect to this application is the effect that it would have on the Maidenhead Town Centre Conservation Area. Despite the extensive development of the surrounding area the town centre manages to retain the something of the character of a historic market town.</p> <p>The current application is for a substantial development on land adjacent to Queen Street, Broadway and King Street comprised of a number of three blocks (A, B and C) arranged around the edge of a large triangular site with building heights of up to 13-15 storeys. This would replace a number of existing historic buildings along the west side of Queen Street, which are visible in views out from the conservation area and thus form part of its setting.</p> <p>The conservation area would become an enclave of historic buildings surrounded by much larger scale development and the natural and historic hierarchy of development of the town centre, in which the scale of building diminishes as you moved away from the centre, would be lost. This would be particularly apparent in views towards the proposed development from the north end of Queen Street, (adjacent to the High Street). In shorter views from the corner of Queen Street and Broadway both proposed buildings B and C would dominate views out from the conservation area and this would be harmful to an understanding that this is the edge of the town centre. We therefore conclude that the proposed development would cause some harm to the significance of the conservation area.</p> <p>We therefore suggest that your Council should not approve the application unless it is satisfied that the public benefits outweigh harm entailed to the significance of the conservation area. Furthermore, your Council should also be satisfied that the scale of Building B is the minimum necessary to ensure the viability of the scheme.</p>	
<p>Viability Consultants</p>	<p>Our analysis supports the applicant's conclusion that the scheme is in fact unviable in its current form. Due to the size of the deficit and unviable nature of the scheme, it is our opinion that the client should be asked to demonstrate in more detail how they are able to bring the scheme forward. Considers a deficit of approximately ?28,564,748.</p>	<p>Paragraph 7.3.10- 7.3.9</p>
<p>Housing Enabling Manager</p>	<p>Current policy requirements are for 30% affordable housing on sites of 0.5Ha or over, or schemes proposing 15 or more net additional dwellings.</p> <p>The required tenure and mix of the affordable housing is informed by the latest Strategic Housing Market Assessment, which informs the emerging Borough Local</p>	<p>Paragraph 7.3.10- 7.3.9</p>

	<p>Plan.</p> <p>If the scheme cannot viably deliver the full 30% provision of affordable housing this must be demonstrated to the Council and independently assessed in order to establish the maximum deliverable provision of affordable housing.</p>	
Highway Authority	Subject to the outstanding queries relating to traffic generation matters being satisfactorily addressed, a review of the servicing arrangement for buildings A and C as well as the submission of a definitive S278 plan, it is likely that the Highway Authority would likely not raise objection	Paragraph 7.6.1- 7.6.43
Lead Local Flood Authority	No objection subject to conditions	Paragraph 7.8.10- 7.8.14
Ecology Officer	No objection subject to conditions	Paragraph 7.9.6- 7.9.10
Environmental protection	No objection subject to conditions.	Paragraph 7.9.11- 7.9.23
Environment Agency	No objections subject to conditions	Paragraph 7.9.22- 7.9.23
Natural England	No comments received	Comments noted
Sport England	It is acknowledged that there is no requirement to identify where those CIL monies will be directed as application. Sport England would encourage the Council to consider the sporting needs arising the needs identified in its Infrastructure Delivery Plan	
RBWM Access Advisory Forum	Supports the inclusive design approach taken by the applicant.	
Thames Water	<p>The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents</p> <p>With regard to surface water network infrastructure capacity, we would not have any objection.</p>	
Highways England	Do not offer any objections to this proposal.	
Buckinghamshire fire and Rescue Service:	Sets out matters which should be incorporated as part of building regulations	
Wokingham Borough Council	No objection	
Bracknell Forest Council	No objections	
Wycombe District Council	No objections	
Runnymede	No objections	

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Ground floor plans
- Appendix C – Elevations

## 10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposed development would result in tall buildings of notably greater density, height and scale than the prevailing character of the area, outside of the designated tall buildings area. The precedence and detrimental impact this would have on townscape and the adopted strategy for directing height in the town centre is considered to be substantial. In addition the layout and form of the proposed podium parking layout prevents any visual breaks or gaps in the proposed building frontage along Broadway, creating an unbroken and visually overbearing wall of development along this part of the street frontage. Furthermore, as a consequence of the overall height of the buildings and their juxtaposition with and resultant proximity to one another and with the nearby residential properties across Queen Street, the proposed development would also result in a level of daylighting to the proposed flats and level of sunlight and daylighting to the proposed amenity areas that would lead to an unacceptable residential environment and would also result in overshadowing and overlooking of the existing properties in Queen Street, detrimental to the residential amenities of the occupants of the properties in Queen Street and those of the future occupants of the proposed development. Overall the proposed development is not considered to deliver a high quality designed scheme and is considered contrary to policies DG1 and H10 of the adopted Local Plan (2003) and policies MTC1, MTC4, MTC5, MTC6, MTC12, OA1 of the Maidenhead Town Centre Area Action Plan which form part of the Borough Development Plan and also the National Planning Policy Framework (2018) and policies SP1, SP3, HO5, TR3 and SP3 of the Borough Local Plan Submissions Version (2018) both of which are material considerations.
- 2 In the absence of a completed legal agreement the proposed development has failed to secure the necessary package of highway mitigation measures as part of the redevelopment of this site to make the development acceptable in highways terms and support a sustainable form of development. This is contrary to policies T5, T7 and P4 of the adopted Local Plan (2003), Policies MTC1 and MTC15 of the Maidenhead Town Centre area action Plan and also the National Planning Policy Framework (2018).

### Informatives

- 1 The development has been considered based on the plans listed below:

Location plan: 0309-SEW-ZZ-00-DR-A-000002 rev 3 received by the Local planning Authority on the 31.05.2018

Site plan: 0309-SEW-ZZ-00-DR-L-301100 rev 00 received by the Local planning Authority on the 31.05.2018

Podium and master plan elevations received by the Local planning Authority on the 18.10.2018

0309-SEW-P1-00-DR-A-001190 rev 3

0309-SEW-P1-01-DR-A-001191 rev 3

0309-SEW-P1-02-DR-A-001192 rev 3

0309-SEW-PP-ZZ-DR-A-001391 rev 3

0309-SEW-ZZ-ZZ-DR-A-001301 rev 8

0309-SEW-ZZ-ZZ-DR-A-001303 rev 6

Building A: received by the Local planning Authority on the 18.10.2018

0309-SEW-AA-00-DR-A-001100 rev 8

0309-SEW-AA-00-DR-A-001101 rev 7

0309-SEW-AA-01-DR-A-001102 rev 8  
0309-SEW-AA-02-DR-A-001103 rev 11  
0309-SEW-AA-05-DR-A-001104 rev 10  
0309-SEW-AA-10-DR-A-001111 rev 9  
0309-SEW-AA-11-DR-A-001112 rev 10  
0309-SEW-AA-12-DR-A-001113 rev 9  
0309-SEW-AA-16-DR-A-001117 rev 7

0309-SEW-AA-ZZ-DR-A-001311 rev 7  
0309-SEW-AA-ZZ-DR-A-001312 rev 7  
0309-SEW-AA-ZZ-DR-A-051210 rev 5

Building B: received by the Local planning Authority on the 18.10.2018

0309-SEW-BB-00-DR-A-001130 rev 7  
0309-SEW-BB-00-DR-A-001131 rev 6  
0309-SEW-BB-01-DR-A-001132 rev 8  
0309-SEW-BB-02-DR-A-001133 rev 9  
0309-SEW-BB-11-DR-A-001142 rev 9  
0309-SEW-BB-12-DR-A-001143 rev 8  
0309-SEW-BB-13-DR-A-001144 rev 8  
0309-SEW-BB-15-DR-A-001146 rev 8  
0309-SEW-BB-19-DR-A-001150 rev 6  
0309-SEW-BB-ZZ-DR-A-001321 rev 7  
0309-SEW-BB-ZZ-DR-A-001322 rev 7  
0309-SEW-BB-ZZ-DR-A-051220 rev 5

Building C: received by the Local planning Authority on the 31.05.2018

0309-SEW-CC-00-DR-A-001160 rev 6  
0309-SEW-CC-01-DR-A-001162 rev 6  
0309-SEW-CC-02-DR-A-001163 rev 7  
0309-SEW-CC-03-DR-A-001164 rev 6  
0309-SEW-CC-04-DR-A-001165 rev 4  
0309-SEW-CC-05-DR-A-001166 rev 4  
0309-SEW-CC-06-DR-A-001167 rev 6  
0309-SEW-CC-07-DR-A-001168 rev 4  
0309-SEW-CC-ZZ-DR-A-001331 rev 5  
0309-SEW-CC-ZZ-DR-A-051230 rev 3

Building D: received by the Local planning Authority on the 18.10.2018

0309-SEW-DD-00-DR-A-001170 rev 6  
0309-SEW-DD-01-DR-A-001171 rev 6  
0309-SEW-DD-01-DR-A-001172 rev 7  
0309-SEW-DD-02-DR-A-001173 rev 9  
0309-SEW-DD-03-DR-A-001174 rev 4  
0309-SEW-DD-04-DR-A-001175 rev 4  
0309-SEW-DD-10-DR-A-001181 rev 7  
0309-SEW-DD-12-DR-A-001183 rev 8  
0309-SEW-DD-13-DR-A-001184 rev 7  
0309-SEW-DD-16-DR-A-001187 rev 6  
0309-SEW-DD-ZZ-DR-A-001341 rev 7  
0309-SEW-DD-ZZ-DR-A-001342 rev 7  
0309-SEW-DD-ZZ-DR-A-051240 rev 4

- 2 the applicant is advised that refusal reason 2 can be overcome by the completion of the relevant legal agreement



**General Notes:**  
 1. All works shall be in accordance with the current edition of the British Standards mentioned herein.  
 2. The Contractor shall be responsible for obtaining all necessary permissions and consents from the relevant authorities.  
 3. The Contractor shall ensure that all works are completed in accordance with the programme of works and that the site is left in a safe and tidy condition.  
 4. The Contractor shall ensure that all materials and workmanship are of a high standard and that all works are completed in a timely manner.  
 5. The Contractor shall ensure that all safety measures are in place and that all workers are trained and competent to carry out the work.  
 6. The Contractor shall ensure that all traffic is kept clear of the site and that all works are completed in a safe and tidy condition.  
 7. The Contractor shall ensure that all works are completed in accordance with the programme of works and that the site is left in a safe and tidy condition.  
 8. The Contractor shall ensure that all materials and workmanship are of a high standard and that all works are completed in a timely manner.  
 9. The Contractor shall ensure that all safety measures are in place and that all workers are trained and competent to carry out the work.  
 10. The Contractor shall ensure that all traffic is kept clear of the site and that all works are completed in a safe and tidy condition.

**Notes:**  
 1. Primary A9/A10 bus stop boundary line.  
 2. Further A9/A10 bus stop boundary line.  
 3. A9/A10 bus stop boundary line.  
 4. A9/A10 bus stop boundary line.

**Material Landscapes:**  
 1. Material landscape boundary line.  
 2. Material landscape boundary line.  
 3. Material landscape boundary line.  
 4. Material landscape boundary line.

**Soil Landscapes:**  
 1. Proposed soil landscape.  
 2. Proposed soil landscape.  
 3. Proposed soil landscape.  
 4. Proposed soil landscape.

**Construction:**  
 1. Proposed construction.  
 2. Proposed construction.  
 3. Proposed construction.  
 4. Proposed construction.

**Other:**  
 1. Proposed other.  
 2. Proposed other.  
 3. Proposed other.  
 4. Proposed other.



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 Email: info@sew.co.uk  
 Website: www.sew.co.uk

**Project:**  
 Rygar Malpashead Limited  
 THE LANDING

**Client:**  
 Rygar Malpashead Limited

**Project Number:**  
 0009

**Project Name:**  
 External Works Grounding Floor Plan

**Date:**  
 22.05.18

**Scale:**  
 1:500

**Drawn by:**  
 TC

**Checked by:**  
 SEW

**Project Number:**  
 0009

**Project Name:**  
 External Works Grounding Floor Plan

**Date:**  
 22.05.18

**Scale:**  
 1:500

**Drawn by:**  
 TC

**Checked by:**  
 SEW

WATER MARK

**General Notes:**

1. All dimensions are in meters unless otherwise stated.
2. All levels are in meters above sea level unless otherwise stated.
3. All areas are to be finished to the level indicated.
4. All areas are to be finished to the level indicated.
5. All areas are to be finished to the level indicated.

**Notes:**

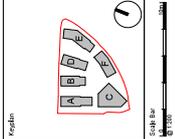
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2. All areas are to be finished to the level indicated.

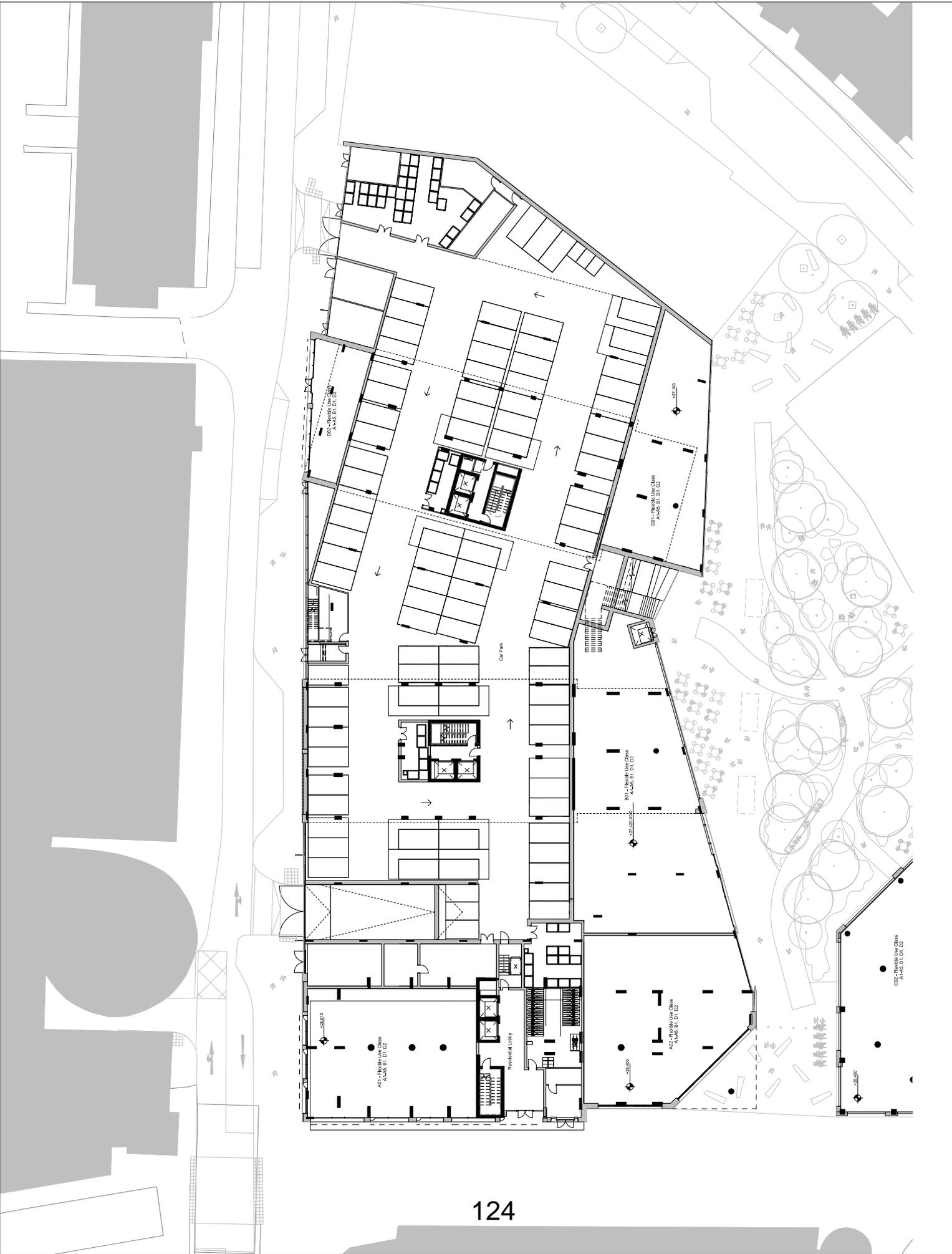
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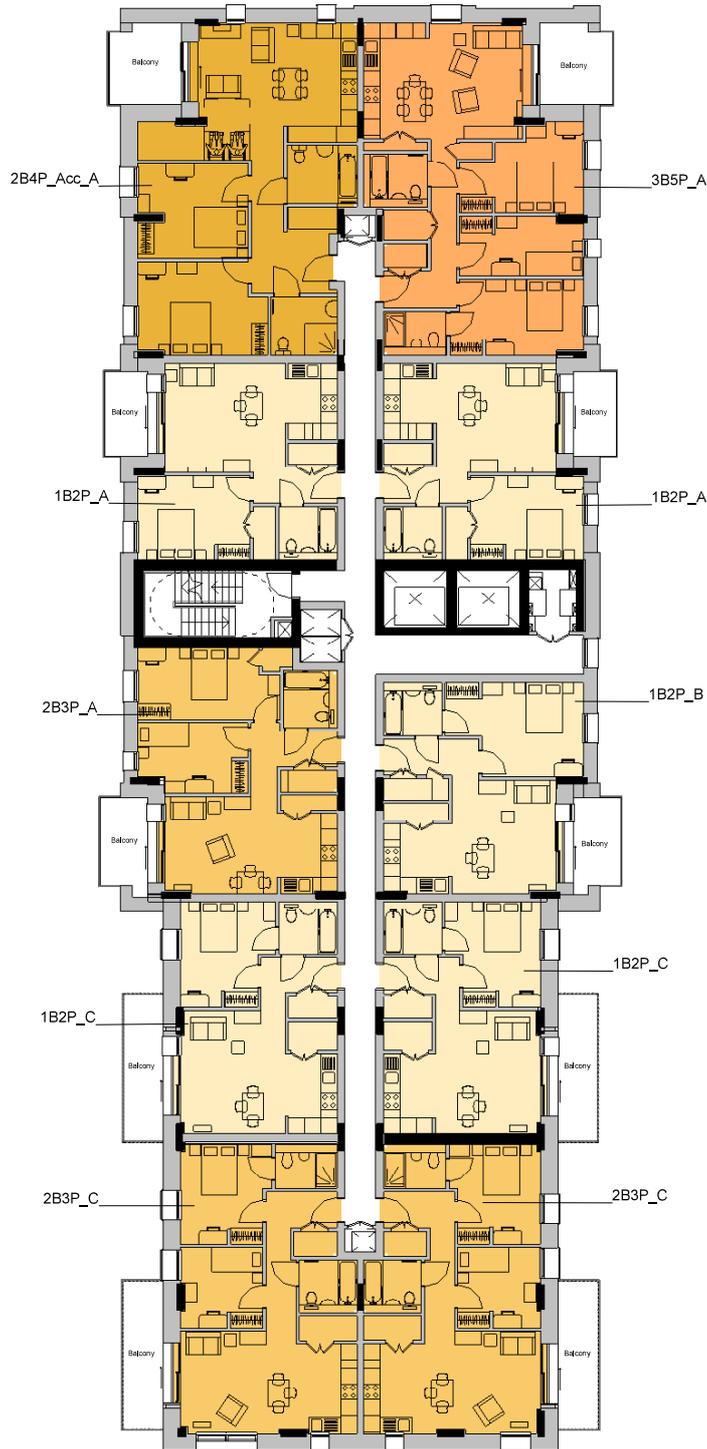
4. All areas are to be finished to the level indicated.

5. All areas are to be finished to the level indicated.



<b>Project Information</b>	
Client:	Regent Hotel Limited
Project Name:	The Landing
Project No.:	0009
Project Date:	12/2018
Project Status:	PLANNING
Project Location:	Phase 01, GFA Podium Level 01
Project Number:	0009
Site No.:	1-2305
Drawn By:	TH
Checked By:	BM
Drawn Date:	12/2018
Revision:	3





Residential C3 Uses:

- Communal Area
- 1B1P
- 1B2P
- 2B3P
- 2B4P
- 3B5P

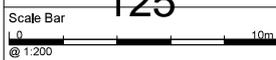
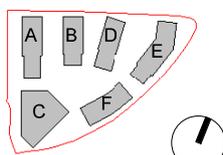
General Notes

No impediment exists. This drawing should not be used to calculate areas for the purposes of valuation.  
 Do not scale this drawing for construction purposes. All dimensions to be checked on site by the contractor and such dimensions to be their responsibility.  
 All work must comply with relevant British Standards and Building Regulations requirements.  
 Drawing errors and omissions to be reported to the architect.

Notes

Projecting balconies on all floors differ from typical plans. Refer to Elevations for balcony locations.  
 Refer to Landscape drawings for design of public realm, podiums and roof terraces.

Keyplan

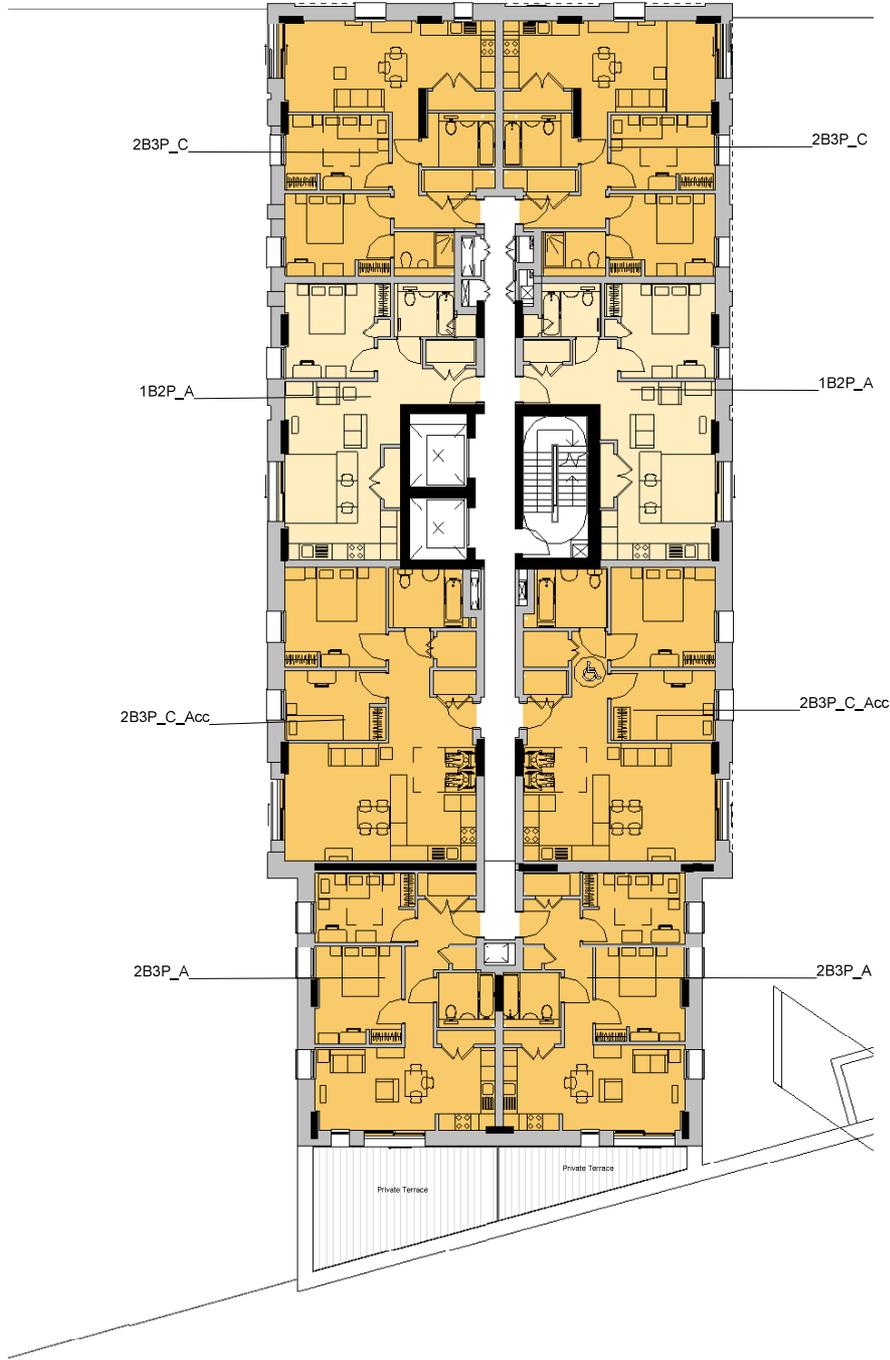


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Client  
**Ryger Maidenhead Limited**  
 Project  
**The Landing**

Drawing Title  
**DETAILED APPLICATION  
 GA Building A Level 02**

Project Number <b>0309</b>	Status <b>PLANNING</b>
Scale at A3 <b>1 : 200</b>	Date <b>23/05/18</b>
Drawn by <b>JC</b>	Checked by <b>BM</b>
Drawing Number <b>0309-SEW-AA-02-DR-A-001103</b>	Revision <b>11</b>



Residential C3 Uses:

- Communal Area
- 1B1P
- 1B2P
- 2B3P
- 2B4P
- 3B5P

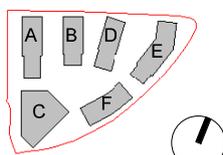
General Notes

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 Do not scale this drawing for construction purposes. All dimensions to be checked on site by the contractor and such dimensions to be their responsibility.  
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Notes

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 Refer to Landscape drawings for design of public realm, podiums and roof terraces.

Keyplan





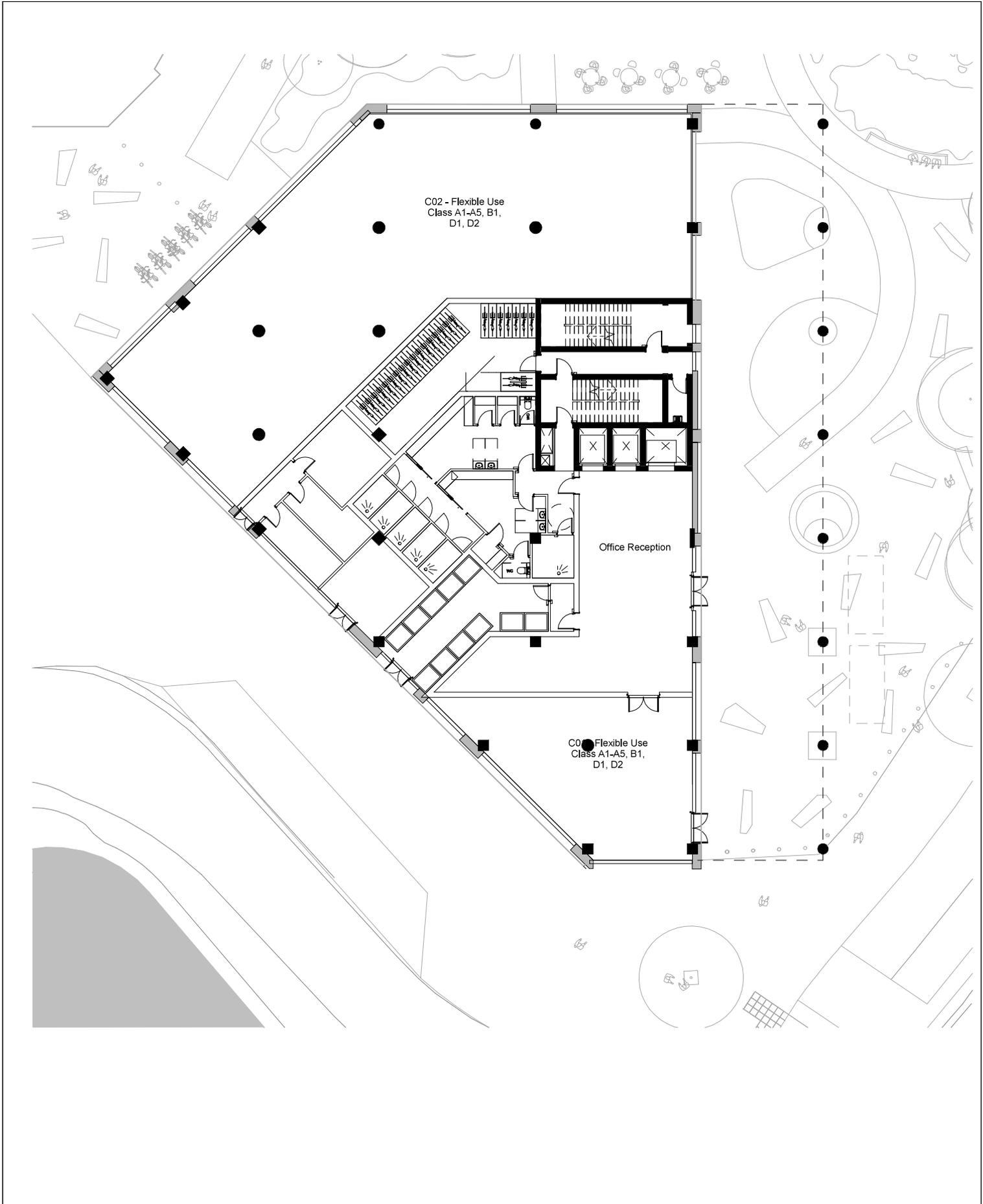
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Client  
**Ryger Maidenhead Limited**

Project  
**The Landing**

Drawing Title	
<b>DETAILED APPLICATION</b>	
<b>GA Building B Levels 02-10</b>	
Project Number	Status
<b>0309</b>	<b>PLANNING</b>
Scale at A3	Date
<b>1 : 200</b>	<b>23/05/18</b>
Drawn by	Checked by
<b>DB</b>	<b>BM</b>
Drawing Number	Revision
<b>0309-SEW-BB-02-DR-A-001133</b>	<b>9</b>



**General Notes**

No implication exists. This drawing should not be used to calculate areas for the purposes of valuation.

Do not scale this drawing for construction purposes. All dimensions to be checked on site by the contractor and such dimensions to be their responsibility.

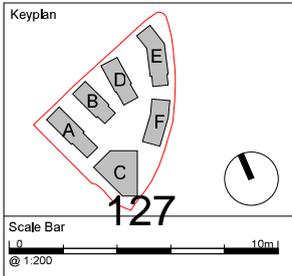
All work must comply with relevant British Standards and Building Regulations requirements.

Drawing errors and omissions to be reported to the architect.

**Notes**

Projecting tabernacles on all floors differ from typical plans. Refer to elevations for balcony locations.

Refer to Landscape drawings for design of public realm, podiums and roof terraces.



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Client  
**Ryger Maidenhead Limited**

Project  
**The Landing**

Drawing Title <b>DETAILED APPLICATION GA Building C level 00</b>	
Project Number <b>0309</b>	Status <b>PLANNING</b>
Scale at A3 <b>1 : 200</b>	Date <b>23/05/18</b>
Drawn by <b>CS</b>	Checked by <b>BM</b>
Drawing Number <b>0309-SEW-CC-00-DR-A-001160</b>	Revision <b>6</b>

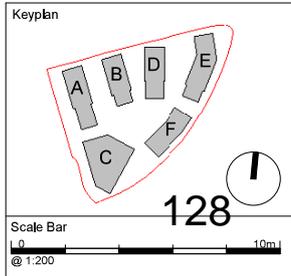


Residential C3 Uses:

- Communal Area
- 1B1P
- 1B2P
- 2B3P
- 2B4P
- 3B5P

**General Notes**  
 No impediments exist. This drawing should not be used to calculate areas for the purposes of valuation.  
 Do not scale this drawing for construction purposes. All dimensions to be checked on site by the contractor and such dimensions to be their responsibility.  
 All work must comply with relevant British Standards and Building Regulations requirements.  
 Drawing errors and omissions to be reported to the architect.

**Notes**  
 Projecting balconies on all floors differ from typical plans. Refer to elevations for balcony locations.  
 Refer to Landscape drawings for design of public realm, podiums and roof terraces.



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Client  
**Ryger Maidenhead Limited**

Project  
**The Landing**

Drawing Title <b>DETAILED APPLICATION GA Building D Level 04-09</b>	
Project Number <b>0309</b>	Status <b>PLANNING</b>
Scale at A3 <b>1 : 200</b>	Date <b>23/05/18</b>
Drawn by <b>TH</b>	Checked by <b>BM</b>
Drawing Number <b>0309-SEW-DD-04-DR-A-001175</b>	Revision <b>4</b>



01.000 - CONCRETE  
 02.000 - BRICK  
 03.000 - CLAY TILE  
 04.000 - METAL PANELS  
 05.000 - GLASS  
 06.000 - WOOD  
 07.000 - STONE  
 08.000 - TERRAZZO  
 09.000 - GRANITE  
 10.000 - MARBLE  
 11.000 - CERAMIC TILE  
 12.000 - POLYMER CONCRETE  
 13.000 - GROUT  
 14.000 - PAINT  
 15.000 - FINISH  
 16.000 - LANDSCAPE  
 17.000 - FURNITURE  
 18.000 - EQUIPMENT  
 19.000 - MECHANICAL  
 20.000 - ELECTRICAL  
 21.000 - PLUMBING  
 22.000 - HVAC  
 23.000 - LIGHTING  
 24.000 - SIGNAGE  
 25.000 - OTHER

NOTE: Colors on this page are for informational purposes only. Final colors will be determined by the manufacturer.

Project: [REDACTED]  
 Date: [REDACTED]  
 Scale: [REDACTED]  
 Drawing No.: [REDACTED]  
 Revision: [REDACTED]





## MAIDENHEAD DEVELOPMENT CONTROL PANEL

21 November 2018

Item: 4

<b>Application No.:</b>	18/01785/OUT
<b>Location:</b>	Zaman House Church Road Maidenhead SL6 1UR
<b>Proposal:</b>	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 eight apartments with access, parking, landscaping and amenity space following demolition of the existing dwelling..
<b>Applicant:</b>	Mr Iqbal
<b>Agent:</b>	Mr Jake Collinge
<b>Parish/Ward:</b>	Maidenhead Unparished/Oldfield Ward
<b>If you have a question about this report, please contact:</b> Susan Sharman on 01628 685320 or at <a href="mailto:susan.sharman@rbwm.gov.uk">susan.sharman@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 This application seeks outline planning permission for a building of 8 flats, together with its associated access, parking and amenity space. The scale, appearance, access and layout are all matters to be considered under this application. Only landscaping of the scheme is omitted, which would be considered under a Reserved Matters application if outline permission were to be granted.
- 1.2 The application site is located within The Fisheries Estate, an attractive and high quality residential area, valued by its residents. While the proposal would make a more efficient use of the land than the existing use, and contribute to the supply of housing within the Royal Borough, it would do so to the detriment of the character and appearance of the area. Furthermore, the application site is located within an area where there is a high probability of flooding, and it has not been sufficiently demonstrated that the proposed development could not be provided on an alternative site with a lower risk of flooding. The tight access to the site, off Bray Road, would limit manoeuvrability of some vehicles causing them to cross and turn into oncoming traffic, to the detriment of highway safety, and the proposal has not demonstrated that it would provide sufficient facilities for refuse and recycling storage or cycle storage.
- 1.3 Overall, the proposal would not be a sustainable form of development, and the benefits of the scheme would be significantly and demonstrably outweighed by its adverse impacts which, as set out in this report, are clearly contrary to Development Plan Policies and National Planning Policy.

**It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):**

1.	<b>Fails the Sequential Test.</b>
2.	<b>Harm to the character of the area.</b>
3.	<b>Detrimental to highway safety.</b>
4.	<b>Lack of appropriate provision for waste management.</b>
5.	<b>Lack of appropriate provision for cycle storage.</b>

### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor G. Hill for the reason that this application proposes a significant change to the nature and style of developments in the Fisheries Estate and needs to be fully debated at Maidenhead Development Management Panel.

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

- 3.1 The application site is located on the north side of Church Road within The Fisheries Estate. It occupies a circa 0.2 hectare corner plot at the west end of Church Road at its junction with Bray Road, and is currently occupied by a two-storey detached house and two large outbuildings along the western boundary. The existing dwelling is positioned behind a mainly solid 2m high wall and gate, with the front of the site predominantly hard-surfaced. There is currently no physical boundary separating Zaman House and Awan House to the east. The application site includes some land that currently forms part of the plot associated with Awan House.
- 3.2 The application site is surrounded to the north, east and south by detached, individually designed and predominantly two-storey, dwellings. These properties are set within fairly spacious plots and positioned back from the highway. Church Road itself is akin to a small lane, with no pavements and serving only four properties. The application site is within an established residential area where low-density development, (the density of development for the area is approximately 7 dwellings per hectare), mature vegetation and trees are key features.

### **4. KEY CONSTRAINTS**

- 4.1 The majority of the site is within Flood Zone 3, where there is a high probability of flooding, (with the exception of an area of land within the centre of the plot and a corner of the site that are within Flood Zone 2). The land surrounding the site is all within Flood Zone 3.
- 4.2 The whole of the site, (including land associated with Awan House) is covered by a Tree Preservation Order.
- 4.3 The application site lies outside the Maidenhead Riverside Conservation Area, the boundary for which runs between Awan House and Hampton Lodge to the east.

### **5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 5.1 The application seeks outline planning permission, with the access, the appearance of the development, the proposed layout and the scale of the development all being considered at this stage. Landscaping of the site is a matter to be reserved for a separate application following any outline permission.
- 5.2 The proposal involves demolishing the existing dwelling, Zaman House, and extending the current plot by approximately 270 m<sup>2</sup> by taking land currently associated with Awan House. A new two-and-a half storey building, that would be approximately 23m wide, by 21m deep and with a maximum ridge height of 10m, is proposed to be constructed roughly within the centre of the plot.
- 5.3 The block of flats would be raised 0.9m above ground level and have a fairly traditional appearance, featuring chimneys, dormer and bay windows, and gable features. The submitted application form indicates that finished materials would include tiles and bricks or render to the LPA approval.
- 5.4 The existing vehicular access off Church Road would be closed with a new access off Bray Road formed. This would lead to a driveway that would wrap around the south and west sides of the property, and from which the 16 car parking spaces would be accessed. Separate cycle and refuse stores would be positioned in the north-west corner of the site and adjacent to the proposed pedestrian access to the south respectively. An amenity area for the flats would be to the rear of the building

- 5.5 The ground and first floors of the proposed development would each comprise three, two bedroom flats. The second floor would have a 2 bed flat and a single bedroom flat. The density of the development is 40 dwellings per hectare.

Planning history:

Reference	Description	Decision
16/03553/FULL	Construction of 16 x two bed apartments with access, parking, landscaping and amenity spaces following demolition of existing 2 x dwellings.	Withdrawn 07.02.2017
15/02530/CONDIT	Details required by condition 2 of 15/01887.	Approved – 18.09.2015
15/01887/FULL	Part two storey, part first floor front extension , and part two storey, part first floor rear extension, with raising of existing roof to facilitate loft conversion with addition of two front dormers.	Approved – 20.07.2015
14/03355/FULL	Two storey and part first floor front extension, part two storey and part first floor rear extension, loft conversion including raising the height of the main roof with two front dormer windows	Approved - 08.01.2015
12/00430/FULL	Two storey front extensions, first floor rear extension and replacement higher roof with loft accommodation and two front dormer windows	Approved – 13.04.2012
10/01336/FULL	Change of use from C3 (residential) to mixed use of C3 and Sui Generis (private hire office)	Refused – 20.09.2010
10/00709/CLU	Certificate of Lawful Use to establish whether the existing use of part of the garage outbuilding as a taxi base incidental to the primary use of the dwelling and curtilage within Class C3 is lawful	Refused – 03.06.2010
08/02424/FULL	Erection of replacement boundary wall to Church Road frontage	Approved – 20.11.2008
03/40209/FULL	New conservatory, breakfast room to rear and two storey extension to side (retrospective)	Approved – 04.03.2004
03/40033/FULL	Construction of single storey rear and first floor rear extension and front ground floor extension with bay	Approved – 06.05.2003
02/38988/FULL	Single storey rear and first floor front extension. Conservatory to side and detached double garage	Approved – 22.08.2002
00/36250/FULL	Demolish existing garage and replace with single storey and two storey side extension, rear dormer window and front boundary wall	Approved – 01.03.2001
96/30700/FULL	Front entrance porch extension to existing garage and new pitched roof to garage	Approved - 02.04.1997

6. DEVELOPMENT PLAN

## Adopted Royal Borough Local Plan (2003)

- 6.1 The main strategic planning considerations applying to the site and the associated policies are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4, T5
Trees	N6

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

## 7. **MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2018)**

Section 2- Achieving sustainable development

Section 4- Decision-making

Section 5- Delivering a sufficient supply of homes

Section 9- Promoting Sustainable Transport

Section 11- Making effective use of land

Section 12- Achieving well-designed places

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

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3, H05
Sustainable Transport	IF2
Trees	NR2

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents were submitted to the Secretary of State for examination in January 2018, with the first phase of examination hearings taking place in June 2018.
- 7.2 The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy.
- 7.3 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Supplementary Planning Documents**

xxxiii. RBWM Interpretation of Policy F1

### **Other Local Strategies or Publications**

7.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

41 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 8<sup>th</sup> August 2018 and the application was advertised in the Local Press on 16<sup>th</sup> August 2018.

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

Comment	Where in the report this is considered
1.	From The Fisheries Residents Association: Strongly objects to the application.
2.	<p><u>Impact on the character of the area:</u>            This application is considered to be particularly harmful. The character of the area comprises large family dwellings in extensive grounds. There is a real concern that the current application is part of a tactic to secure approval for a larger development including Awan House.</p> <p>The impact on the character of the area. No purpose built flats within the area. The proposal will introduce a sizeable apartment block into the estate for the first time – this is in direct contrast to the established character of the area. The flats will impact on the character of the area in terms of visual appearance and in terms of consequential activity, including car parking and associated traffic.</p> <p>The building contains features that are typical of apartment blocks, e.g. large windows. Also provision of a large number of parking spaces on one plot will be entirely new to the area. The provision of 8 apartments will generate a level of activity by virtue of comings and goings – this will be far more intensive than found on any other plot within the estate.</p> <p>The site is close to and visible from the Conservation Area – the proposal will harm the CA.</p> <p>Contrary to Policies H11 and H15 of the Local Plan and Policies SP3, SP4 and HO5 of the BLP.</p>

3.	<p><u>Impact on residential amenity:</u> The activity generated by eight householders will generate far greater levels of noise and traffic movement than the existing. Accordingly there will be a material difference in the ambience of the area.</p> <p>The number of windows from the new development will increase the prospect of overlooking into the gardens of the surrounding properties. Contrary to policies SP3, HO5 and HO6 of the BLP.</p>	9.33
4.	<p><u>Flood risk:</u> The site is in Flood Zone 3. The Residents Association is concerned that the proposal for a large new building plus hardstanding for 16 parking spaces will be harmful in terms of flood risk and increased flood risk to nearby properties.</p>	9.5 – 9.7
5.	<p><u>Traffic:</u> No consideration is given to traffic generation and the implications of this on the surrounding road network. Based on local knowledge and experience the Residents Association is extremely concerned that the increase in traffic as a result of the proposal will unacceptably add to the traffic on Bray Road to the detriment of highway safety.</p> <p>The Highway Authority advice is based on misconceptions. The width of Bray Road is under 5m minimum – This part of the road is not wide enough for two large vehicles to pass one another without climbing the pavement. Buses are already driving on the pavement.</p> <p>The Highway Authority statement regarding the visibility along Bray Road is incorrect. There is a neck in the road, just to the north of the proposed entrance, which makes for limited visibility for existing vehicles. Represents a hazard to traffic and new residents. The application should be refused on highway grounds.</p>	9.22 – 9.32
6.	<p><u>Housing supply:</u> The lack of a five year housing supply is not sufficient justification for granting consent for residential purposes especially if there is conflict with policies in the Development Plan.</p>	9.37 – 9.38
7.	<p>Maidenhead is awash with new build 2 bed apartments. Maidenhead needs large family homes</p>	9.2 – 9.3
8.	<p>Other properties in The Fisheries will put in similar applications resulting in another Shoppenhangers Road scenario.</p>	Case law has established that precedent does not exist in Planning – that each application has to be assessed on its own merits.
9.	<p>The Fisheries roads are un-adopted by the Council and maintained by the residents. The applicant has never contributed to the road fund.</p>	Not a planning matter.
10.	<p>The introduction of a block of flats will change the character of the area.</p>	9.8 – 9.21

11.	Traffic on Bray Road has increased alarmingly during the last 2 years. Cars from the new flats will add to this at a critical point near the bend, causing more delay and the risk of serious accidents.	9.22 – 9.32
12.	If this succeeds development of other sites in the estate will inevitably be encouraged and difficult to refuse. If this is allowed to happen it will not be long before our local roads and public services cannot cope.	Comments noted.
13.	The new building will be larger in scale than the existing house, which has already been extended several times.	Agree.
14.	The property is on the edge of the Conservation Area and within the applied for change of boundary. This level of dense development is out of character for this area.	9.12 & 9.20
15.	The increase in the number of residents and significant numbers of cars will substantially increase noise pollution.	9.34
16.	The area is characterised by private houses, with single family dwellings and this will set an inappropriate precedent	No precedent – see above.
17.	The development will substantially increase flood risk in the area.	9.5-9.7
18.	There is no legal right of way or ownership of the land/verge adjacent to Bray Road. Access has to be granted by the Highways Authority.	Agree, covered in 9.28
19.	Trees on the public highway verge on Bray Road will need to be removed to allow access resulting in loss of amenity. To fell these trees will be contrary to public policy.	Agree.
20.	The existing property has never had direct access onto the Bray Road and there is no justification for the new access when there is one from Church Road.	Noted.
21.	The juxtaposition of a new access to Bray Road close to Church Road will inevitably cause traffic and safety issues.	9.29
22.	If approved, it will set a precedent for a future application on Awan House.	No precedent – see above.
23.	It will significantly undermine the character of the estate.	Agree
24.	Overdevelopment – does not sit comfortably within the plot.	9.8 – 9.21
25.	The proposal will reduce the green nature of Bray Road.	Agree
26.	Flats 6 and 7 will overlook 'September House'	9.33
27.	Bray Road is frequently used by emergency services, but is also a dangerous road, being narrow and with drivers speeding in excess of 30mph.	Noted.
28.	Traffic along the Bray Road has doubled in recent years making it very difficult to access the road. It has become a rat run, made worse by the M4 smart motorway works.	Noted.
29.	The application is designed to benefit the owners with no benefits to The Fisheries community.	Noted.
30.	The Fisheries drainage will not be able to cope with the added pressure.	Noted, but not a major development and no comments received from Thames Water.
31.	It is recognised that there is pressure to meet housing targets, but there is / will be a demand for family housing, not just flats. The site is more appropriate to family housing.	Noted.
32.	The property will be higher than the neighbouring properties.	Agree. 9.14

	Services will be placed under pressure. South-East Water has advised that the demands these flats would necessitate will require the installation of a new water mains pipe. The development will put an unsustainable demand on the local water and sewerage system.	Noted, see comments above.
33.	The implications of such large scale building work breaches the rights of existing householders.	Noted.
34.	The proposed development will look directly into Church House's garden causing serious loss of privacy and appearing overbearing.	9.33
35.	The proposed car park will be 6m from my house causing disturbance by constant noise.	9.34
36.	The hardstanding areas present impermeable surfaces increasing flood risk.	This would be managed using a Sustainable Urban Drainage System (SUDS)
37.	If this is permitted there will be dozens of blue and grey wheelie bins and food recycling bins.	There will be more bins than existing.
38.	Maidenhead Civic Society: The introduction of a large block of apartments would be detrimental to the setting and character of the Conservation Area. The proposal represents overdevelopment with a building of a height, bulk and mass that is completely out of character with the neighbourhood. A new access onto Bray Road should not be cleared. Granting this scheme will encourage similar application. The character of The Fisheries will be threatened by the equivalent of the Shoppenhangers Road effect. This will lead to an increase in surface water run-off. The necessary introduction of an undercroft to accommodate floodwater has increased the overall height, bulk, scale and mass that is detrimental to the character of the area.	9.12  9.14 – 9.21  Noted. No precedent.  Will use SUDS  Agree.

### Consultee responses

Consultee	Comment	Where in the report this is considered
Bray Parish Council	Although the application is not in Bray Parish, The Fisheries will soon be incorporated into our area. In light of this we wish to make the following comments: BPC recommends refusal under Planning Policy H11. The development is in the curtilage of the conservation area and is not compatible with the adjacent buildings or character of the area in general. The height of the new buildings are out of keeping with the properties in the area. There is insufficient highway access and the increase in traffic will place an undue burden on the highway.	9.12  9.20  9.29
Highway Authority	Comments set out in paragraphs 9.22 to 9.27	Paragraphs 9.28 to 9.32.
Environment Agency	Part of the site is within Flood Zone 3 where there is a high probability of flooding. The built footprint is decreasing on site compared to the existing footprint and therefore the proposal is betterment in terms of flood storage. No objections subject to conditions in respect of the finished floor level being set no lower than	Advice noted.

	23.90 metres above Ordnance Datum, and the provision of floodable voids as per the submitted drawings.	
Environmental Protection	Recommends conditions in relation to deliveries to the site, a construction environmental management plan and an air quality assessment.	A condition relating to the deliveries is not enforceable and therefore not appropriate in this case. A CEMP would be acceptable. If air quality is an issue (and given the site's distance from the AQMA it is not considered to be), this is subject that should be dealt with at the design stage rather than as a condition of any permission.

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Flood Risk
- iii Impact on the Character and Appearance of the Area
- iv Highway Issues
- v Residential Amenity
- vi Trees
- vii Other Material Considerations

### The Principle of Development

9.2 As the application site lies outside the Green Belt, there is no objection in principle to the loss of the existing dwelling and redevelopment of the site for flats. Concerns have been raised from local residents over the loss of family housing and the provision of mainly 2-bed flats, but the Council's Strategic Housing Market Assessment (2016) identified that the highest need is for 2 to 3 bed units, which the proposal would help meet.

9.3 Concerns have also been raised by local residents over the proposed density which would be significantly higher than the low density of the surrounding area. However, within the context of the Government's stated aim to significantly boost the supply of homes (paragraph 59 of the NPPF), the proposed density would be a clear benefit of the scheme and may be acceptable provided that there are no adverse impacts arising from the proposal, contrary to the adopted local plan policies, which are consistent with the National Planning Policy Framework (NPPF).

### Flood Risk

9.4 The submitted Flood Risk Assessment (FRA) has identified the site as being within Flood Zone 3. The proposed development is a 'more vulnerable' land use, which is considered acceptable in Flood Zone 3 subject to the Sequential Test and, where necessary, the Exception Test.

### Sequential Test

- 9.5 Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. This is achieved by applying a Sequential Test. Paragraph 158 of the NPPF goes on to state that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 9.6 A Sequential Test has been undertaken by the applicant using 'small sites', (less than 0.25ha), identified as potentially available in the Council's Strategic Housing Land Availability Assessment (SHLAA) 2014. However, the SHLAA does not provide the most up to date information on sites within the Royal Borough and the Housing and Economic Land Availability Assessment (HELAA) 2016 should have been referred to. In addition, the justifications given for dismissing the sites in the majority of cases are far too vague. There is no evidence that attempts to contact relevant landowners or agents has been made or detailed explanations given for why sites are considered either not suitable and/or not available, for example. Accordingly, the application fails to demonstrate that the proposal could not be accommodated on a site with a lower probability of flooding and therefore fails the Sequential Test.
- 9.7 As the proposal does not pass the Sequential Test an assessment of whether it passes the Exception Test, including an assessment of the submitted Flood Risk Assessment, is not required in accordance with paragraphs 157 and 158 of the NPPF, and the application should be refused in accordance with paragraph 158 of the NPPF.

### **Impact on the Character and Appearance of the Area**

- 9.8 The NPPF advises that good design is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities? (paragraph 124). Paragraph 127 further adds that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture , layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish and maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) 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 and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.9 Paragraph 130 of the NPPF advises permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions?.
- 9.10 Local Plan policy DG1 sets out design guidelines to which the Council will have regard in assessing development proposals. Policy H10 requires new residential development to display high standards of design and landscaping, while Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area. Policy SP3 of the Borough Local Plan (BLP) requires new development to contribute towards achieving sustainable high quality design in the Borough and sets out a

number of design principles. Policy HO5 of the BLP sets out assessment criteria for new housing density. Significant weight should be accorded to these BLP policies as a material planning consideration.

- 9.11 Church Road and the wider locality is characterised by large detached single-family houses with variation of scale, form and design set in large gardens which results in a spacious, low-density character. The presence of trees and other vegetation also gives the area a verdant appearance, and indeed the area is identified in the RBWM Townscape Assessment as being a 'Leafy Residential Suburb'.
- 9.12 The existing house is not considered to be of any particular historic or architectural merit, and is neither in, nor adjacent to, the Maidenhead Riverside Conservation Area and therefore not a designated heritage asset. As such, there is no objection to the loss of Zaman House.
- 9.13 With regard to the proposed building, it is material to the assessment that consideration be given to any extant planning permissions that could be implemented and effect the scale and appearance of the existing development on site, against which a comparison of the proposed development can be made. In this case, permission was granted under application 15/01887 for a part two storey, part first floor front extension and part two storey, part first floor rear extension, with raising of the existing roof to facilitate loft conversion with the addition of two front dormers and two rear dormers. Building Regulations application 18/00541/DEXBN was approved in May of this year for a single storey rear extension and Building Control has confirmed that the foundations are sufficient for a two storey extension, in line with that approved under planning permission 15/01887. This development has therefore commenced and the permission remains extant, representing a 'fallback' position in planning terms, relevant to the consideration of the current application.
- 9.14 The applicant has provided a comparison drawing of the elevations of the proposed apartment block against an outline of the elevations of the house if fully extended as approved under 15/01887. In terms of scale and bulk, the south and north elevations show the overall width of the proposed building to have been reduced as it does not include the space where the existing side conservatory is positioned. However, the overall height of the proposed building, as indicated on the east and west elevations would be increased by 2m, (approximately 3m above the existing, un-extended house), with the depth of the building at two-storeys increased by approximately 2.5m compared to the extended house, (approximately 9m compared to the existing, un-extended house). The bulk of the proposed building will be noticeably greater than the extended house when viewed from Bray Road, compared to the majority of the two storey extension proposed under application 15/01887, which is set away from Bray Road and adjacent to Awan House. The bulk of the proposed building is also accentuated as a result of the larger gable features on the front (south elevation facing Church Road), and rear (north elevation).
- 9.15 Associated with the proposed apartment building is a driveway accessed off Bray Road. This drive would follow the west and south boundaries of the site providing access to 16 car parking spaces, a refuse store and cycle store. As the submitted Planning Statement advises a large proportion of the existing site (especially along the Church Road frontage) is hard surfaced and used for vehicle parking (paragraph 6.11). However, while the front of the existing site is hard-surfaced and there are outbuildings in the north-west and south-west corners of the site, the amount of hard-surfacing on the site as a result of the proposal would significantly increase. Furthermore, no details of the proposed cycle store or refuse store buildings have been provided with the application and it is therefore not known if these are fit for purpose or would have to be enlarged; Although the application is in outline, layout, external appearance and scale are matters for this application and therefore it is not appropriate for the details of the refuse and cycle stores to be submitted either as a requirement of a condition or as part of a reserved matters application. Overall the character and appearance of this existing site, currently occupied by a single detached dwellinghouse and associated domestic outbuildings and parking, would be significantly altered by the nature of the overall development and the proportion of the site taken up by hard-surfacing and parking.
- 9.16 In addition, much is made in the submitted Planning Statement of the addition of soft landscaping along the south and west boundaries that would integrate with, and break-up, the appearance of

the development. Replacement and new trees are shown on the submitted plans to be positioned along the inside of these site boundaries. However, it should be stressed that landscaping is not a matter for consideration under this outline application, the applicant having left this issue for a separate reserved matters application. As such, it cannot be taken as read that this illustrative tree planting will form part of any future landscaping scheme. Indeed it is considered that the majority of the tree planting shown, immediately next to car parking spaces and the cycle and refuse stores, would not have sufficient space to mature. Any trees planted would also be expected to comprise native species including deciduous trees, which would likely drop leaves and branches on parked cars underneath, thus threatening the trees longevity.

- 9.17 Although the proposal would result in a much higher density of development than the surrounding area, (40 dwellings per hectare compared to 7 dwellings per hectare), this in itself is not a reason for objecting to the proposal. Indeed, it demonstrates a proposal that is seeking to maximise the use of the land available (as required by point e) of paragraph 127 of the NPPF). Rather, the issue is whether the development as a whole would harm the character of the area. In this case, the area is identified as a 'leafy residential suburb' in which large detached single-family houses set in spacious plots are located. However, the proposal would involve opening up the site, due to the removal of trees and vegetation adjacent to Bray Road, (to facilitate the new access and visibility splays - see Highway comments below,) and the likelihood of new and replacement tree planting within the site being unsuccessful. As a result, views from Bray Road and Church Road would reveal a site dominated by built development, involving a significantly bulkier building surrounded by parked cars and outbuildings, at stark contrast to, and detracting from, the character and appearance of the area. Accordingly, the proposed development would not add to the overall quality of the area over its lifetime, nor be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The proposal is not sympathetic to local character and would not maintain the strong sense of place associated with The Fisheries Estate. It would not improve the character and quality of an area and the way it functions.
- 9.18 For the reasons outlined above, the proposal is contrary to adopted and saved Policies DG1, H10 and H11 of the Local Plan, Policies SP2, SP3 and HO5 of the Borough Local Plan: Submission Version and paragraphs 127 and 130 of the NPPF.

### **Highways**

- 9.19 The Highway Authority has provided the following advice and recommendations:
- 9.20 The development proposes introducing a vehicular access onto Bray Road that provides visibility splays of 2.4m x 43m in both directions, complying with the recommendations of Manual for Streets for a 30mph speed limit. The new access is 4.8m wide with 4.0m kerb radii. However, the Highway Authority would expect minimum 6m kerb radii to aide manoeuvrability to and from the site, especially for service and small delivery vehicles. This can be covered by a planning condition.
- 9.21 The development also proposes the stopping up of the existing vehicular access and providing a separate pedestrian access to Church Road. The applicant is required to provide an uncontrolled pedestrian crossing point on both sides of Bray Road to improve pedestrian permeability from the site, across Bray Road and through to the surrounding areas. The works on the public highway can be secured by a Section 278 Agreement.
- 9.22 Based on the Borough's Parking Strategy the development attracts a demand for 15 car parking spaces: 1 space for a 1 bed; 2 spaces for each two bed apartment. These are provided within the site curtilage.
- 9.23 The development proposes a pedestrian access off Church Road that provides direct access to the refuse and recycling store. The carry distance between the store and refuse vehicle station on Church Road complies with guidelines as set out in Manual for Streets.
- 9.24 The Transport Statement reports that cycle parking spaces will be provided within a cycle storage building. It is recommended that the applicant submits a detailed plan of the storage facility with sufficient capacity to accommodate 8 cycle parking spaces; 1 space per apartment.

- 9.25 The development has the potential to generate between 32 and 48 movements per day or 5 trips during the peak periods. Compared to the existing dwelling the development is likely to result in an increase of between 22 and 38 movements per day. This is unlikely to pose harm to road safety in the surrounding area.
- 9.26 The proposed redevelopment of the property to provide 8 apartments raises no highway concerns. The new vehicular access provides clear views in both directions allowing a driver existing the development to see and be seen by a vehicle proceeding along Bray Road.
- 9.27 In response to the Highway Authority's advice, it should be noted that the access and visibility splays can only be achieved by removing the trees currently growing on the grass verge outside the application site adjacent to Bray Road. Although these trees are outside of the Tree Protection Order for the application site, they are on land owned and maintained by the Council and as such are afforded some protection. The submitted tree survey classes these trees as falling under Category C of BS5837:2012, having a low quality. However, it is considered that when taken together these trees are important and contribute to the leafy character of the area. As identified in this report, it has not been demonstrated that any replacement trees within the application boundaries would be successful in maturing to provide meaningful landscaping. As such, the proposed access and required visibility splays cannot be achieved without harming the character of the area.
- 9.28 The Highway Authority has advised that it expects a minimum 6m kerb radii to aide manoeuvrability to and from the site, especially for service and delivery vehicles, and that this can be covered by condition. However, as the access is a matter for consideration under this application, (together with the layout and the appearance of the development), it is not appropriate for this to be covered by way of a planning condition – even if the minimum 6m radii can be achieved this may affect the proposed layout and external appearance of the proposal. The Government advises that planning conditions be used to enable development proposals to proceed where it would otherwise refuse planning permission (NPPG Use of Planning Conditions 06062014). As such, and as submitted, it has not been demonstrated that the proposed access would not have a detrimental impact on highway safety within the vicinity of the site, contrary to Policy T5 of the Local Plan and paragraph 108 of the NPPF (which requires safe and suitable access to the site for all users).
- 9.29 The Highway Authority has advised that it requires *an uncontrolled pedestrian crossing point on both sides of Bray Road to improve pedestrian permeability from the site, across Bray Road and through to the surrounding areas. The works on the public highway can be secured by a Section 278 Agreement.* However, for a proposed development of 8 flats, this is considered unreasonable because the 'required' works would essentially be improving an existing situation rather than one that has been directly caused by the proposed development. Unless the pedestrian crossing is specifically required / necessary in relation to the proposed development, and would be refused otherwise, a legal agreement for this should not be imposed.
- 9.30 The Highway Authority notes the provision of a refuse and recycling store and the provision of a cycle store. However, in the absence of details, the proposal does not demonstrate that it would make sufficient provision for waste management contrary to paragraph 8 of the National Planning Policy Framework for Waste, October 2014, and it has not been sufficiently demonstrated that the proposal provides appropriate opportunities to promote sustainable transport modes, contrary to paragraph 108 of the NPPF.
- 9.31 While the Highway Authority has not raised any objections to the proposal subject to conditions and a legal agreement for a pedestrian crossing over Bray Road, the access and visibility splays cannot be achieved without harming the character and appearance of the area, contrary to Policies DG1 and N6 of the Local Plan. Furthermore it has not been demonstrated that the

access would not have a detrimental impact on highway safety and that the refuse and cycle storage proposed would be sufficient for the proposed development. As such, the proposal is contrary to Policy T5 of the Local Plan, Policies SP3 and IF2 of the BLPSV and the NPPF.

### **Residential Amenity**

- 9.32 Paragraph 127 of the NPPF advises that planning decisions should ensure new development provides a high standard of amenity for existing and future users. In this case, the proposed building would be a minimum distance of approximately 32m from Fatimah House on the opposite side of Church Road and approximately 36m from September House to the north of the site. As there are no significant differences in site levels between the application site and neighbouring properties, the proposed development would not harm the living conditions of neighbours as a result of loss of privacy, by appearing overbearing or from causing loss of sun or day light. A reasonable sized gap (of approximately 22m) between the first floor and above living room windows and Awan House to the east would be maintained, such that the development would also not harm the living conditions of occupiers of this neighbouring property.
- 9.33 While there would be an increase in intensity and therefore activity of the site, due to the residential use proposed it is not considered that it would result in an unreasonable increase in noise and disturbance that would be materially harmful to neighbouring amenity.
- 9.34 Future residents of the proposed flats would have good sized accommodation and would receive adequate levels of light to, and an acceptable outlook from, habitable rooms. While the proposed amenity space would be of somewhat poor quality due to the limited size, north-facing aspect and sense of enclosure from the proposed building and boundary treatment, given its proximity to Braywick Park and Bray Green this is considered acceptable.

### **Trees**

- 9.35 The Tree Officer's comments on the planning application are awaited and will be provided in an update report to the Panel. However, the submitted Tree Protection Plan shows six trees adjacent to Bray Road to be removed in order to create a new access and, although shown to be retained, more trees to the north and south of the access within or on the required visibility splays. As such, either more trees will need to be removed in addition to those already shown, or the access will not be able to achieve the required visibility. Essentially as explained in the Highways section of this report, the access and visibility splays cannot be achieved without the loss of a number of trees along the Bray Road which would harm the character and appearance of the area. Since it has not been demonstrated that any trees lost as a result of the development could be appropriately replaced, the proposal is contrary to Policies DG1, H10, H11 and N6 of the Local Plan and Policies SP3 and NR2 of the BLPSV.

### **Other Material Considerations**

#### Housing Land Supply

- 9.36 Paragraph 11 of the NPPF makes clear that there is a presumption in favour of sustainable development. All housing applications are required to be considered within the context of this presumption and policies relating to the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
- 9.37 The Borough Local Plan, Submission Version was formally submitted to the Secretary of State in January 2018. The Plan sets out a stepped housing trajectory over the plan period (2013-2033), and, as detailed in the Housing Land Availability Assessment, a five year supply of deliverable housing sites can be demonstrated against this stepped trajectory.

## **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 10.1 In line with the Council's Charging Schedule the proposed development would be CIL liable. The required CIL payment for the proposed development would be 100 per sqm based upon the

chargeable residential floor area. No further action is required until prior to commencement of the development if the proposal is subsequently approved.

## **11. CONCLUSION**

- 11.1 National Planning Policy makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. To achieve this, the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic objectives, social objectives and environmental objectives. Section 11 of the NPPF advises that planning decisions should apply a presumption in favour of sustainable development and that, for decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date, granting permission unless: the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 11.2 In this case, the proposed development would make more efficient use of the land and contribute to the supply of dwellings, and specifically the identified need for 2 bedroom units in the Royal Borough. As such, the proposal would help achieve a social objective, by contributing to the number and range of homes to meet the needs of present and future generations in compliance with paragraph 59 of the NPPF. In addition, the proposal would help achieve an environmental objective by making more effective use of land, in compliance with point e) of paragraph 127 of the NPPF. The construction of the new dwellings would also contribute to an economic objective by providing jobs, albeit on a temporary basis.
- 11.3 In terms of its drawbacks, the application has failed to demonstrate that the development could not be accommodated on a site with a lower probability of flooding than the application site. This is contrary to paragraph 158 of the NPPF. In addition, the proposed development would not add to, or improve, the overall quality of the area, be sympathetic to local character, nor maintain the strong sense of place associated with The Fisheries Estate. Accordingly, the proposal is contrary to adopted and saved Policies DG1, H10 and H11 of the Local Plan and Policies SP2, SP3 and HO5 of the Borough Local Plan: Submission Version, all of which are consistent with National Planning Policy, and paragraphs 127 and 130 of the NPPF.
- 11.4 Further drawbacks of the scheme are that, in the absence of details, the proposal does not demonstrate that it would make sufficient provision for waste management contrary to paragraph 8 of the National Planning Policy Framework for Waste, October 2014, and it has not been sufficiently demonstrated that the proposal provides appropriate opportunities to promote sustainable transport modes, contrary to paragraph 108 of the NPPF. In addition, it has not been demonstrated that the proposed access would not have a detrimental impact on highway safety within the vicinity of the site, contrary to Policy T5 of the Local Plan and paragraph 108 of the NPPF (which requires safe and suitable access to the site for all users).
- 11.5 Having regard to the numbers of dwellings proposed, some weight is given to the social benefits of the scheme and some weight to the environmental benefits. Limited weight is given to the economic benefits. Significant weight is given to the failure of the Sequential Test and significant weight to the harm to the character and appearance of the area. Some weight is given to the highway safety issue and some weight to the failure to demonstrate sufficient provision for waste management and cycle storage.
- 11.6 The adopted policies of the development plan are considered to be up-to-date and should be given significant weight. The relevant policies of the BLP and sections of the NPPF should also be accorded significant weight as material planning considerations. In conclusion, the benefits of the scheme are significantly and demonstrably outweighed by its adverse impacts, and it is therefore not sustainable development and planning permission should be refused.

## **12. APPENDICES TO THIS REPORT**

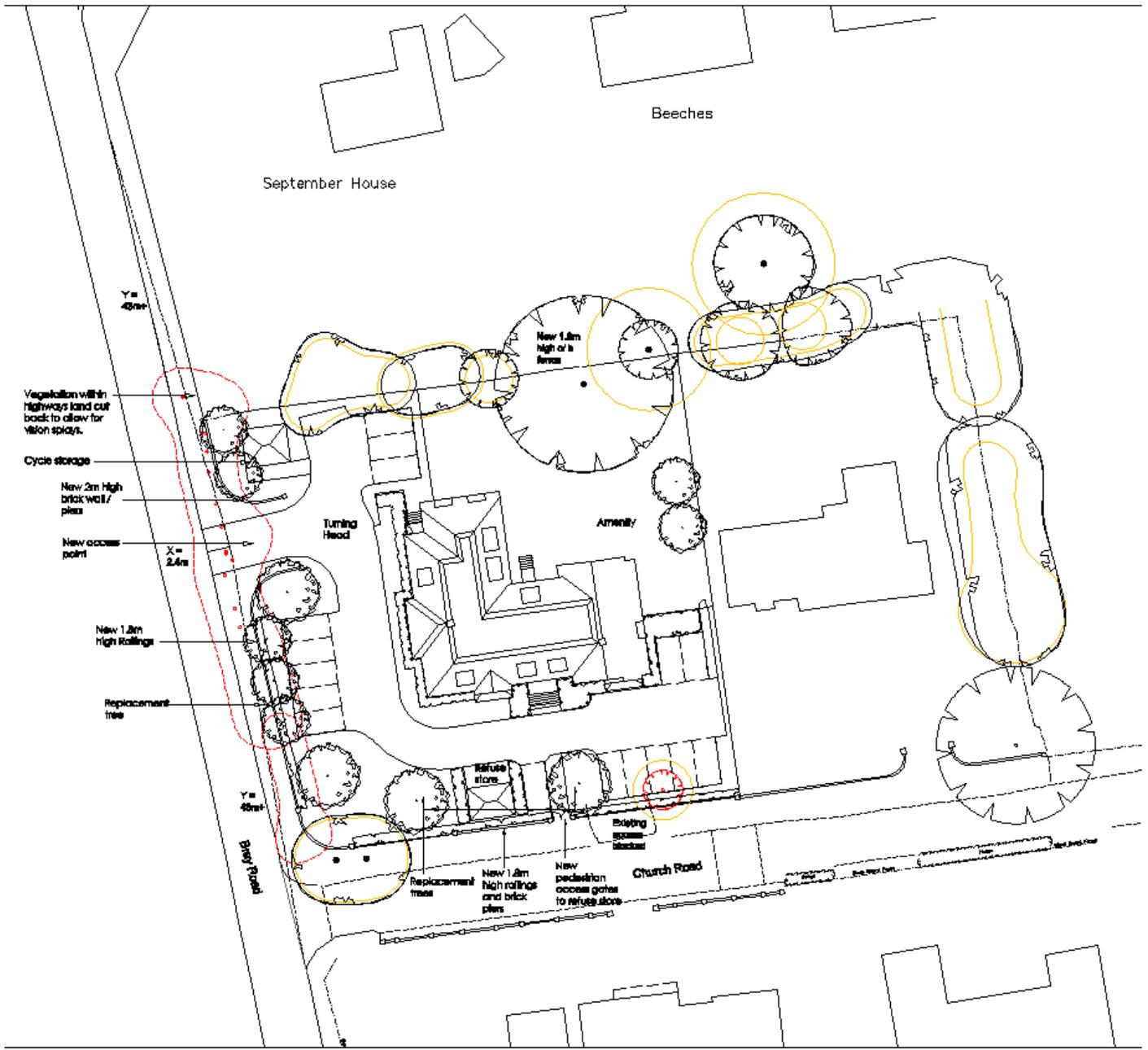
- Appendix A - Site location plan
- Appendix B – Proposed site layout plan
- Appendix C – Proposed floor plans
- Appendix D – Proposed elevations
- Appendix E – Comparison site layout
- Appendix F – Comparison bulk elevations

## **13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

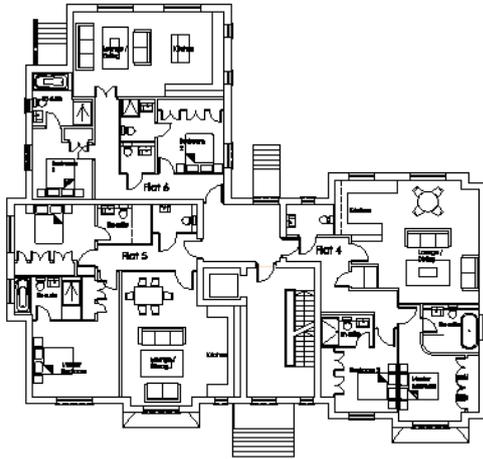
- 1 The application site is located within an area where there is a high probability of flooding. As the proposal involves a more vulnerable form of development, it is required to demonstrate that there are no alternative sites available with a lower flood risk other than the application site. In this case, the applicant has failed to use the most up-to-date data source available on housing land availability in the Royal Borough, and has not provided sufficient evidence to demonstrate that reasonable attempts were made to establish the suitability and availability of potential alternative sites. Accordingly, the application fails the Sequential Test and is contrary to paragraph 158 of the National Planning Policy Framework (NPPF), July 2018.
- 2 The proposal, by reason of the apartment building's siting, height and bulk, together with the amount of hardsurfacing across the site and loss of trees, would not add to, or improve, the overall quality of the area, be sympathetic to local character, nor maintain the strong sense of place associated with The Fisheries Estate, in which the site is located. Accordingly, the proposal is contrary to adopted and saved Policies DG1, H10, H11 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003), Policies SP2, SP3 and HO5 of the Borough Local Plan: Submission Version (BLPSV) January 2018, and paragraphs 127 and 130 of the NPPF.
- 3 In the absence of evidence to demonstrate otherwise, the proposed access would have a detrimental impact on highway safety within the vicinity of the site, contrary to saved Policy T5 of the Local Plan, Policies SP3 and IF2 of the BLPSV and paragraph 108 of the NPPF.
- 4 In the absence of evidence to demonstrate otherwise, the proposal would not make sufficient provision for waste management, contrary to paragraph 8 of the National Planning Policy Framework for Waste, October 2014.
- 5 In the absence of evidence to demonstrate otherwise, the proposal fails to provide appropriate opportunities to promote sustainable transport modes, contrary to paragraph 108 of the NPPF and Policy IF2 of the BLPSV.



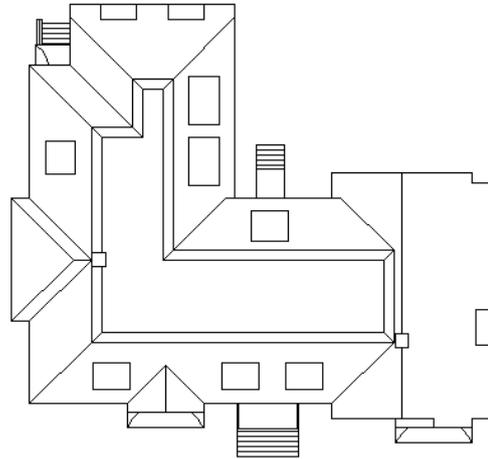
APPENDIX B  
SITE LAYOUT



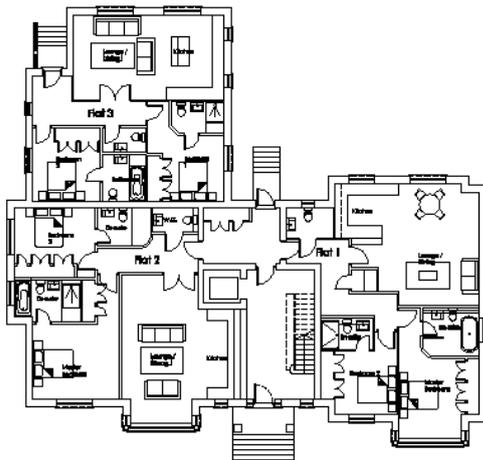
PROPOSED FLOOR PLANS



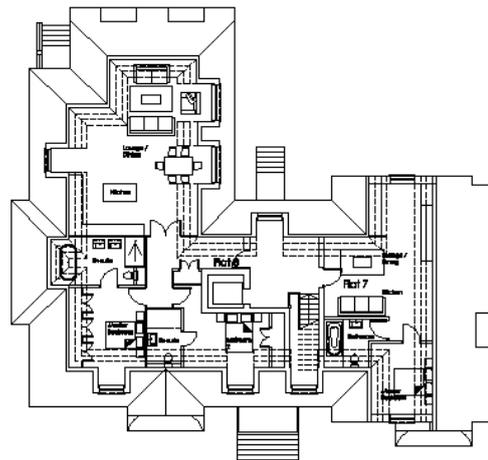
First Floor Plan



Roof Plan



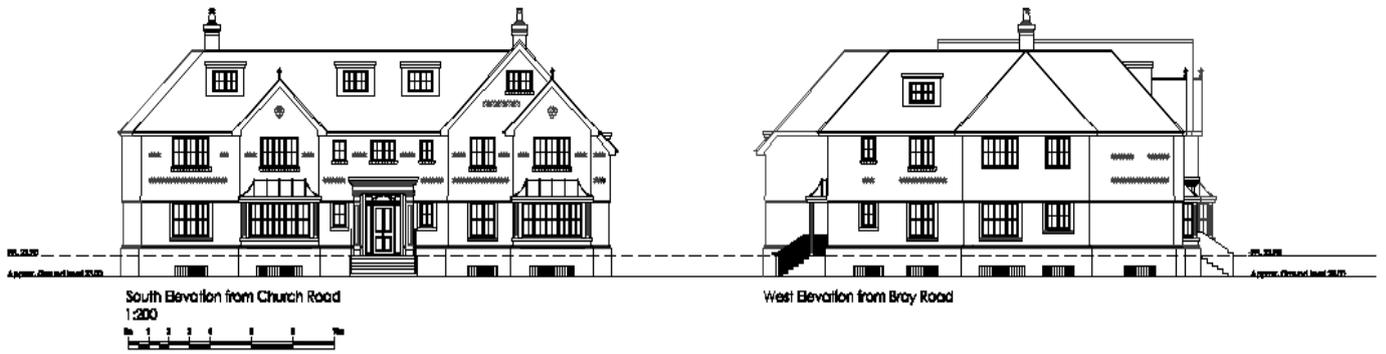
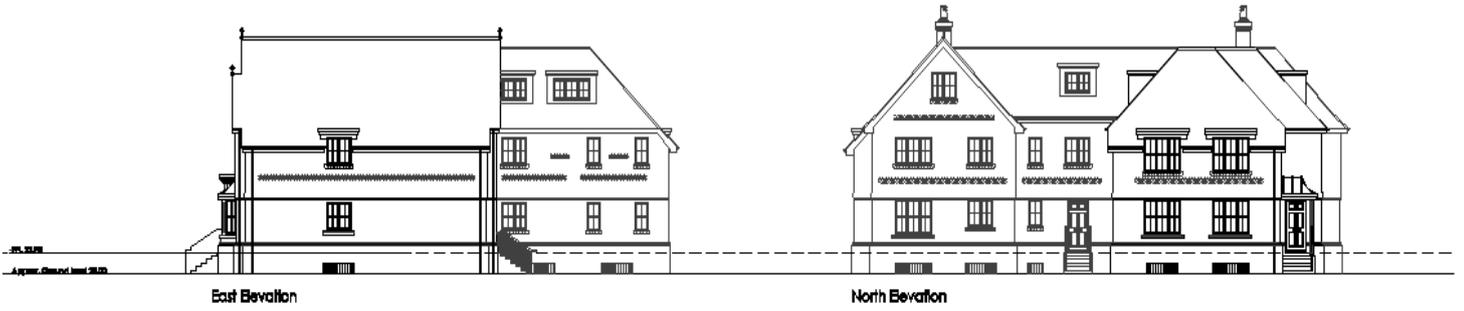
Ground Floor



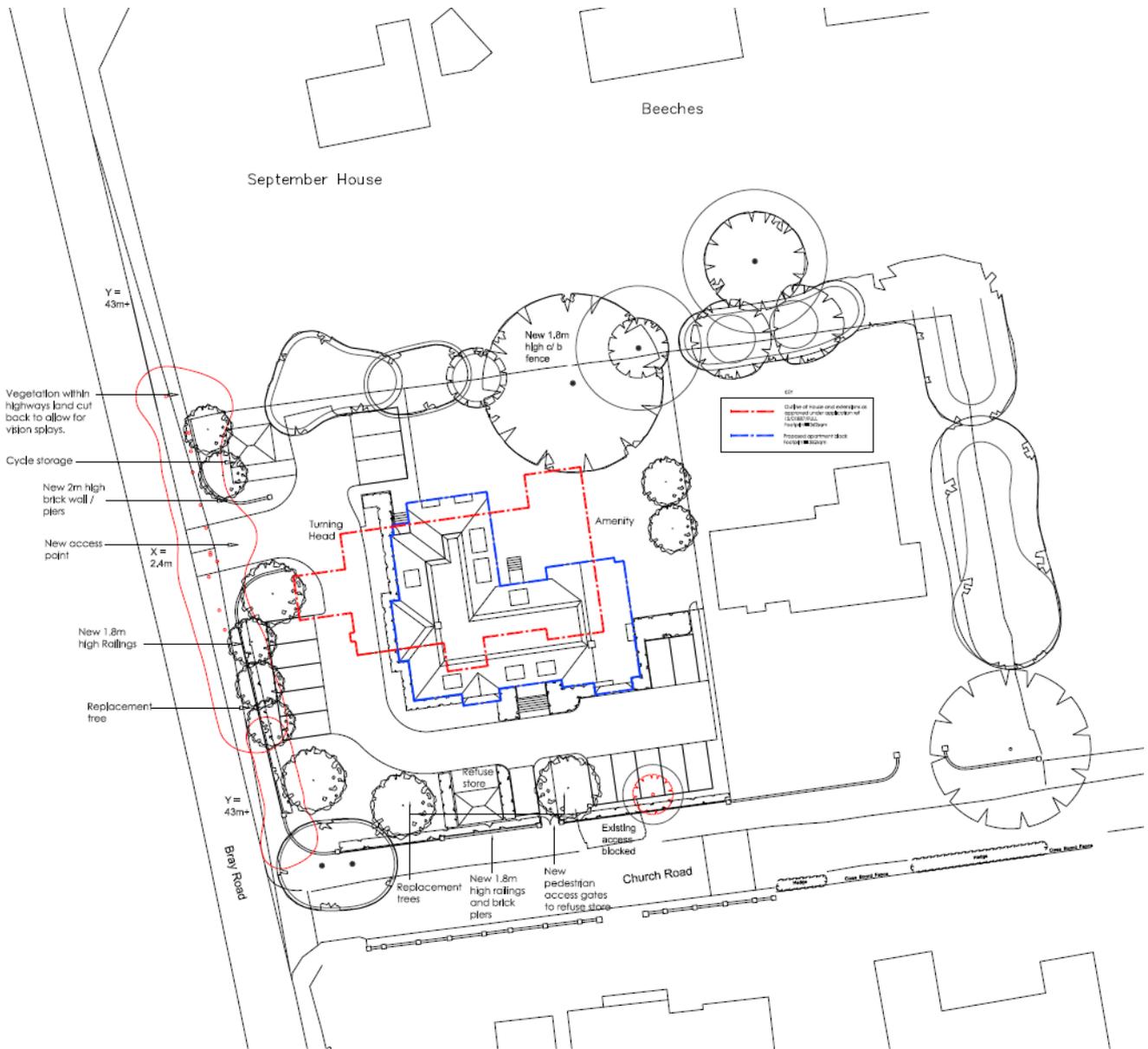
Second Floor

APPENDIX D

PROPOSED ELEVATIONS

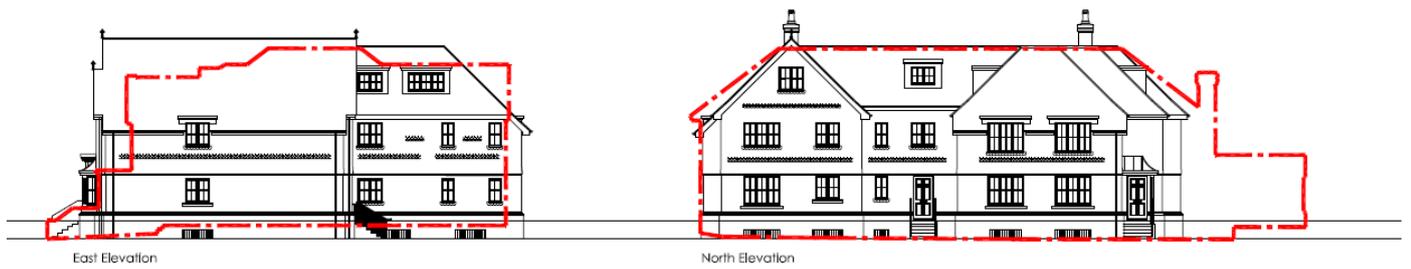
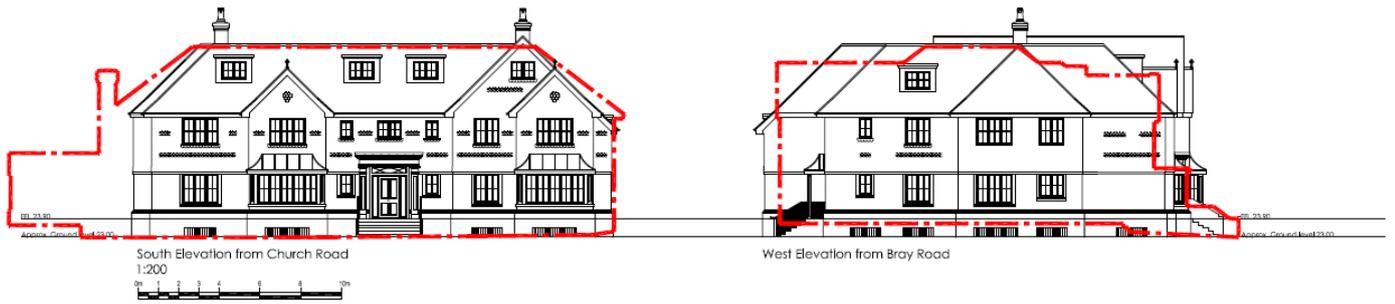


COMPARISON SITE LAYOUT



APPENDIX F

COMPARISON ELEVATIONS



KEY

— — — — —  
Outline of House and extensions as approved under application ref 15/01887/FULL

## MAIDENHEAD DEVELOPMENT CONTROL PANEL

21 November 2018

Item: 5

<b>Application No.:</b>	18/02105/FULL
<b>Location:</b>	Temporary RBWM Car Park Vicus Way Maidenhead
<b>Proposal:</b>	Erection of five storey split-deck multi-storey car park with access and associated landscaping following removal of existing slab and hardstanding (Regulation 3 application)
<b>Applicant:</b>	The Royal Borough of Windsor And Maidenhead
<b>Agent:</b>	Mr Matthew Blythin
<b>Parish/Ward:</b>	Maidenhead Unparished/Oldfield Ward

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

### 1. SUMMARY

- a. This application was reported to September Panel with a recommendation to defer and delegate. The Panel took the view that insufficient information had been submitted to enable the planning authority to be satisfied that the development would be acceptable in planning terms and sought to defer a decision until such time as the information became available. At the time of writing this report no further information has been forthcoming but the applicant has been asked for the following:
- Transport- additional transport information including further detailed modelling work to understand junction operations with the future car park provided.
  - Flooding –updated Flood Risk Assessment covering floodplain storage, to make it clear if the building will be raised out of the 1 in 100 year flood (plus climate change) event, and whether a low hazard escape route from the site to an area outside of the flood zone can be achieved in the 1 in 100 (plus climate change) year flood event.
  - Tree Protection Plan- the Council's Tree Officer raised concerns over the positioning of the cabins on the tree protection plan.
  - CEMP- additional information needed in the CEMP.
  - Crime Prevention/Security Measures detail for consideration.

It is anticipated that information will be available to be reported to the Panel via the Panel Update and will support the decision making process. The original report is reproduced below, without amendment.

- The application proposes a multi-storey car park (5 storeys). The scheme is considered to be of an acceptable scale and appearance within the context of this area, and is considered to have an acceptable impact upon trees of significance. It is acknowledged that the scheme would impact upon neighbouring residential amenity, and this is discussed in more detail within the report.
- The scheme is considered to be acceptable in terms of flood risk, subject to a satisfactory Sustainable Drainage Scheme being agreed. In terms of the impact on the Highway network, the Highway Authority has requested further information to inform their assessment. Both of these matters are recommended to be deferred to the Head of Planning to resolve.
- The proposed multi-storey car park would not conflict with Policy OA6 of the Maidenhead AAP (this forms part of the Adopted Development Plan). The scheme would conflict with policies ED1 and ED2 of the emerging Borough Local Plan, which is a material consideration of significant weight. It is considered that there are material considerations which weigh in favour of the application, which include the need for the car parking to support commuters using Maidenhead

Train Station and to take into account the future Cross rail, and also the need to support Maidenhead Town Centre and its redevelopment. On the basis that the Sustainable Drainage Scheme, and impact on the Highway network is considered to be acceptable, it is considered that planning permission should be granted.

<b>It is recommended the Panel authorises the Head of Planning:</b>	
1.	<b>To grant planning permission subject to: i) The receipt of Sustainable Drainage Scheme; ii) Highways matters being resolved; iii) Planning conditions being resolved, iv) updates to the FRA; and v) crime prevention measures being detailed subject, to the satisfaction of the Head of Planning</b>
2.	<b>To refuse planning permission if it is deemed that the proposed development would have an unacceptable impact on Highways and/or a satisfactory Sustainable Drainage Scheme has not been agreed.</b>

## **2. REASON FOR PANEL 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 Panel. In addition, the Council owns the land.

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

- 3.1 The application site relates to land to the south of Stafferton Way and to the east of Vicus Way. The application site measures circa 0.4 hectares and was last utilised as a temporary staff car park by the site owners (the Royal Borough of Windsor and Maidenhead).
- 3.2 The site is accessed from Vicus Way, a direct route off Stafferton Way, which links to the Braywick roundabout to the west. The Vicus Way and Stafferton Way junction is marked by a mini-roundabout.
- 3.3 The site is situated outside of the Maidenhead town centre boundary, but is within the Maidenhead Town Centre Area Action Plan Area (Adopted Plan).
- 3.4 To the rear (south) of the site is a flatted development of five to six storeys in height. To the west of the site, on the opposite side of Vicus Way are residential properties of 2 storeys in height. The east of the application site is Lock and Store, a commercial premises of 4 storeys in height. On the opposite side of Stafferton Way are retail premises which are relatively low in height, and the Stafferton Way multi-storey car park which is 5 storeys in height.
- 3.5 Beech trees provide screening on the southern boundary of the site (these trees are situated in the neighbouring site).
- 3.6 The application site is in the region of 1-1.5 metres lower than the ground level of the ground level of Stafferton Way and Vicus Way
- 3.7 The application site is within flood zone 2 (medium risk flooding).

## **4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 4.1 The application proposes the construction of a multi-story car park which would be 5 storeys high (open deck). The main built form of the proposed building would have a height of 14-15 metres and a maximum height of circa 17.4 metres to accommodate the cores for the lift access and stairs positioned to the north and south of the proposed building. The proposed layout would

be in the form of a 'split deck' layout where the ramps connecting the levels would be positioned to the southern and northern end of the building.

- 4.2 The car park would provide 516 car parking spaces. Table 4.1 sets out the parking mix proposed throughout the proposed building.

Table 4.1- Car parking mix

Parking Provision	Level					
	Ground	1	2	3	4	Total
Standard Bay	36	107	107	107	109	466
Accessible Bay	24	0	0	0	0	24
Electric charging bay	21	0	0	0	0	21
Accessible bay with electric charging	5	0	0	0	0	5
<b>Total</b>	<b>86</b>	<b>107</b>	<b>107</b>	<b>107</b>	<b>109</b>	<b>516</b>

- 4.3 Since the initial submission the applicant has sought to amend the level of electric vehicle charging points to be reflective of demand, and accordingly some of the proposed information contained in the planning statement, Transport Assessment and Design and Access Statement do not fully align with the above break down of mix of parking spaces.
- 4.4 The existing vehicular access from Vicus Way would be adapted and utilised to serve the development.
- 4.5 The building would be finished in a cladding system; a metal cladding would be used at ground floor level, with a wooden cladding system applied to the upper floors of the building. The cores (to accommodate the lift and stairwell) would be in a natural concrete with a translucent paint finish to the ground floor area for anti-graffiti measures.
- 4.6 There is planning history on the site, but there is no history considered to be of relevance to this application. The Local Planning Authority is currently or has recently considered a number of other planning applications which are considered to be relevant to the context of this application, these are:

York Road redevelopment site:

18/01608/FULL: Mixed use redevelopment of the site comprise of 5 buildings, varying from 4-8 storeys in height to provide a total of 229 new residential dwellings, 1,930 sqm Gross External Area (GEA) of commercial and/or community/cultural floor space (Use Class A1/A3/B1/D1).

The Local Planning Authority resolved to grant planning permission on the 26.09.018. This includes redeveloping on York Road and Grove Road surface car parks.

Ten Pin, Holmanleaze

18/01796/FULL: Demolition of existing building and resurfacing of site with change of use to surface car park and erection of boundary hoarding for temporary 5 year period (100 car parking spaces).

Approved: 02.08.2018

Clyde House, Reform Road:

18/01558/FULL: Resurfacing of site with change of use to surface car park and erection of boundary hoarding for temporary 5 year period following demolition of existing building (60 car parking spaces). Approved: 18.07.2018

- 4.7 These applications are relevant as they show other applications for major town centre redevelopment, or for temporary car parks within the Maidenhead AAP area.

## **5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION**

- 5.1 The National Planning Policy Framework (NPPF) (2018) acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The NPPF is a material consideration of significant weight in the determination of applications.

The sections of the NPPF that are relevant to this application include:

Section 2- Achieving Sustainable Development

Section 6 – Building a strong competitive economy

Section 9- Promoting Sustainable Transport

Section 12- Achieving well designed places

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

Section 15- Conserving and enhancing the natural environment

### **Royal Borough Local Plan**

- 5.2 The Borough's current adopted Local Plan comprises of the saved policies from the Local Plan (Incorporating Alterations Adopted June 2003). The policies which are considered relevant to this site and planning application are as follows:

xxxiv.N6 Trees and development

xxxv. DG1 Design guidelines

xxxvi.NAP3- Noise and Fumes

xxxvii. NAP4 Pollution of groundwater and surface water

xxxviii. E1 Location of Development

xxxix.E2 Industrial and Warehousing Development

xl. E5 Loss of land in Employment Areas

xli. T5 New Developments and Highway Design

xlii. T7 Cycling

xlili. T8 Pedestrian environment

xliv. P4 Parking within Development

xlv. IMP1 Associated infrastructure, facilities, amenities

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

The Maidenhead Area Action Plan (AAP) (2011) forms part of the adopted Development Plan and sets out the Council's vision for the regeneration of the Maidenhead Town Centre. The document focuses on; Place Making, Economy, People and Movement. The AAP also identifies six sites for specific development.

Policies of relevance include:

28. Policy MTC 1 Streets & Spaces

29. Policy MTC 2 Greening

30. Policy MTC 4 Quality Design

31. Policy MTC 14 Accessibility

32. Policy MTC 15 Transport Infrastructure

33. Policy OA6 Stafferton Way Opportunity Area

34. Policy IMP2 Infrastructure & Planning Obligations

## **Borough Local Plan: Submission Version (BLPSV)**

Policies in the BLPSV which are relevant to the consideration of this planning application are:

- SP1 Spatial Strategy
- SP2 Sustainability and placemaking
- SP3 Character and design of new development
- ED1 Economic Development
- ED2 Employment Sites
- ED3 Other Sites and Loss of Employment Floorspace
- NR1 Managing Flood Risk and Waterways
- NR2 Trees, Woodlands and Hedgerows
- NR3 Nature Conservation
- EP1 Environmental Protection
- EP2 Air Pollution
- EP3 Artificial Light Pollution
- EP4 Noise
- EP5 Contaminated Land and Water
- IF1 Infrastructure and Developer Contributions
- IF2 Sustainable Transport

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

Significant weight is to be accorded to Borough Local Plan Submission Version policies all relevant policies, aside from Policy NR1 (Flood Risk). Lesser weight should be accorded to Borough Local Plan Submission Version policy NR1 due to the extent and nature of objections raised to it by representations on the Borough Local Plan Submission Version.

This document can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Supplementary planning documents**

#### **Other Local Strategies or Publications**

Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:
- Thames Valley Berkshire Strategic Economic Plan

More information on the Townscape Assessment and Parking Strategy can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of redevelopment at the site
- ii Flood Risk
- iii Design, including impact on trees and new landscaping
- iv Impact upon neighbouring amenity (including noise and lighting)
- v Impact on highways and parking considerations
- vi Environmental Considerations
- vii Other material considerations

### **Principle of this redevelopment at this site**

- 6.2 Policy OA6 of the Maidenhead Area Action Plan (which forms part of the adopted development plan) states that land to the South of Stafferton Way (which includes this application site) should be utilised to deliver 4,000 sqm of non-office employment floorspace, this includes B1(b), B1(c), B2, B8 and car showroom use.
- 6.3 Policy ED2 of the BLPSV seeks to maintain this application site (as part of a wider allocation) for employment use. This forms part of the wider economic strategy for the BLPSV as set out in policies ED1 and ED2, which are afforded significant weight.
- 6.4 The proposed multi-storey car park is classed in a sui generis use, and so does not fall within the employment uses appropriate to this site as set out in the Adopted Maidenhead AAP, however, Policy OA6 of the AAP specifies that there will be 4000 square metres of non office employment floorspace provided on the land South of Stafferton Way. The Lock and Store (adjacent to the site), which is also situated on land south of Stafferton Way has 8,607m of B8 self storage, which exceeds the figure specified in Policy OA6. As such it is not considered that this scheme would conflict with the requirements Policy OA6. Policy OA6 of the AAP identifies that a multi-storey car park should be located on land to the north of Stafferton Way. However, the land to the north of Stafferton Way is in private ownership, and so it would not be possible to provide a new multi-storey car park in this area. The provision of this multi-storey car park would meet the aims of Policy OA6 which seeks to deliver a multi-storey car park in this Opportunity Area.
- 6.5 The scheme does not comply with Policies ED1 and ED2 of the emerging BLPSV. The application site is on land allocated as a business area, and this scheme would remove land allocated for business purposes. However, within Policy ED2 it is stated that within business areas, development proposals that improve and upgrade the facilities available will be supported. This multi-storey car park will increase car parking and will provide car parking for employees within the area. In this instance the provision of a multi-storey car park would support the aims of Policy OA6 which forms part of the Adopted development plan.
- 6.6 It is acknowledged that the scheme would take away land allocated for employment purposes in the emerging Borough Local Plan. The Borough Local Plan is not part of the adopted development plan, however, it is afforded significant weight in decision making. As such, material considerations have been considered at 6.78-6.83 of this report.

### **Flood Risk**

- 6.7 The application site is situated within flood zone 2 (medium risk flooding). A car park would fall into a less vulnerable use, and according to guidance contained within the NPPF and National Planning Practice Guidance (NPPG), a less vulnerable use is appropriate within this flood zone.
- 6.8 In accordance with the NPPF, it is a requirement for the scheme to pass the Sequential Test. The aim of the Sequential Test is to steer development to areas at the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If the Sequential Test cannot be met, the principle of the development in Flood Zone 2 is not acceptable.
- 6.9 In order to pass the Sequential Test, it is necessary for the application to demonstrate that there are no alternative reasonably available suitable sites at a lower risk of flooding (i.e. outside of the flood zone) that could accommodate this scheme. With regard to the area of search for alternative sites, given that the need for the car park is to support Maidenhead town centre and its regeneration, for workers in the town centre, and for commuters to London, the search for sites should be limited to the Maidenhead Area Action Plan Area. In addition, the need for a multi-storey car park to be accommodated within the Stafferton Way Opportunity Area is set out in the Maidenhead Area Action Plan. With regard to other potential sites within the AAP area, the expansion of the existing Broadway car park is in the pipeline, but the expansion of this car park on its own would not meet the car parking requirements for Maidenhead. Aside from this, within the Maidenhead AAP area, other reasonably available sites are either not at a lower risk of flooding than the application site and so are not sequentially preferable, or those sites that are available and at a lower risk of flooding are earmarked for future residential development. Such alternative sites include:
- Reform Road (is at a higher risk of flooding).
  - The Landing (earmarked for a mixed use development)
  - St Cloud Way (the site is at a lower risk of flooding, but residential development is anticipated for the site)
  - York Road site (situated in flood zone 3)
- 6.10 It is considered that the Sequential Test is passed.
- 6.11 Paragraph 163 of the NPPF (2018) sets out that provided the Sequential Test can be passed, it needs to be demonstrated as part of an application that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 6.12 In this case most of the site is situated in flood zone 2; the proposed use is a less vulnerable use and so the location of the proposed building within the site is considered to be acceptable. In terms of flood resistance and resilience measures, the FRA sets out that it is not feasible to raise the floor level of the car park above the 1 in 100 year flood events, as it would require extensive ramps to make up the difference in levels between the adjacent roads and the finish level of the car park. The FRA sets out that the proposed car park is not expected to flood to depths to cause vehicles to be swept away in extreme events. The evacuation plan seeks to eliminate the chance of vehicles being caught in floods, however, measures to prevent vehicles from being swept beyond the site boundary is not deemed to be required based on the expected flood depth
- 6.13 With regard to the Sustainable Drainage Systems, this is discussed in further detail at sections 6.56-6.57 of this report. In summary, the Lead Local Flood Authority has not agreed to the proposed Sustainable Drainage system at the time of writing, and so this point is yet to be resolved. The recommendation is to delegate resolution of this to the Head of Planning.

- 6.14 With regard to residual risk, the FRA sets out that the site is not located within an area benefitting from flood defences and so is not at risk of flood defence failure.
- 6.15 In terms of safe access and escape routes, the FRA sets out that in an extreme flood event, according to the hazard rating, a flood event could present a danger to all future users. The FRA sets out that to mitigate against this and further manage flood risks across the site, an emergency evacuation plan will need to be put in place. The plan will be designed to eliminate the possibility of people being caught in flooded areas within the site.
- 6.16 The FRA sets out that signage should be included on site to warn users that the car park may be liable to surface water flood and any instructions to register with the car park operator. The FRA sets out how the operator would manage and advise the future users of the car park what steps to follow in the event of a flood. Further detail on the measures and how this would operate in practice would need to be secured by planning condition (see condition 7).
- 6.17 Provided a satisfactory SUDS scheme can be provided, the requirements of paragraph 163 of the NPPF would be passed.

### **Design, including impact on trees**

- 6.18 Policy DG1 of the adopted Local Plan seeks to ensure that development will be of a high standard of design and landscaping, compatible with the area and street scene.
- 6.19 Policies MTC1 and MTC 4 of the Maidenhead Area Action Plan emphasise the need for place making and creating a high quality, town centre environment. Policy OA 6: Stafferton Way Opportunity Area sets out how development proposals should seek to deliver high quality architecture.
- 6.20 Section 12 of the NPPF which is a material consideration of significant weight to this application deals with achieving well designed places and delivery of developments that will function and contribute to the overall quality of the area in the long term. To achieve this development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; they should be sympathetic to local character and history, including the surrounding built environment and landscape setting. The NPPF is clear to emphasise that this should not prevent or discourage change (such as increased densities).
- 6.21 Policies SP1 and SP2 of the BLPSV states that new developments should positively contribute to the places in which they are located and that larger developments should provide a harmonious, integrated mix of uses, where appropriate, that foster a sense of community, vibrancy and activity, along with contributing to the provision of social, natural, transport and utility infrastructure to support communities. The policy further promotes the community integration and sustainable place making. Policy SP3 sets out a number of principles to achieve a suitable high quality design. In reviewing the level of unresolved objections to these policies on the BLPSV significant weight is given to these overarching design principles to ensure appropriate development.
- 6.22 The Stafferton Way Opportunity Area is identified as part of a southern gateway into the town centre (within the Adopted AAP), segregated from the central area by the railway line to the north. The character of the area is mixed and reflective of this edge of centre location.

### *Layout*

- 6.23 Car parks are inevitably essentially a large 'box' in form with large floor plates. The proposed layout looks to maximise the efficiency of the site, whilst having due regard for the site constraints (notably the residential flatted development and line of trees positioned to the south of the application site). Accordingly the proposed car park layout is positioned away from this boundary. The vehicle access is also proposed to the western part of the site, off the existing highway and set back from the main through road of Stafferton Way. Pedestrian Access routes are proposed to the north and west of the application site, to connect to existing pavements and footways. Disabled access Ramps are proposed as part of this. The proposed car park would

also be positioned close to the eastern elevation, which forms the parking area of the adjoining commercial use.

- 6.24 In terms of the proposed internal layout the proposal would utilise a split level with a one-way system circulating traffic around the car park with ramps located to the north and south to connect the split levels. Internally pedestrians would navigate the car park via a series of walkways and crossing points leading to 2 stair cores which provide the vertical circulation and means of escape. The main core is located to the north of the application site opposite Stafferton Way. The southern stair core, adjacent to the car park access is predominantly an escape core.

#### *Scale and mass*

- 6.25 Buildings in the Stafferton Way Opportunity Area comprise a mix of buildings that range between 2-5 storeys in height. The buildings in commercial use, owing to their footprint and design appear as fairly bulky buildings. Lower density two storey residential properties are located to the east of the application site, across from Vicus Way forming Greenfields and Alpine Close. To the rear of the application site is a 5- 6 story residential flatted development.
- 6.26 The Design and Access statement for this scheme sets out the massing arrangement and alternatives which were considered. A split level arrangement between the east and west of the proposed building was considered appropriate as it allows efficiencies of the proposed ramped locations and also enables the ability to concentrate the massing and height towards the eastern boundary with the adjacent commercial premises.
- 6.27 Whilst there are smaller scale buildings to the west of this application site, Vicus Way provides a physical separation between the proposed building, and these nearby buildings. As discussed at section 3.4 of this report, larger scale buildings are present within the vicinity of the site and these contribute to the character of the area, against which this application is assessed.
- 6.28 It is accepted that the building will occupy a large part of the application site, and because of its shape will have a large bulk and mass. However, as the building would be sited on a corner plot, with the roads providing physical separation from other smaller scale buildings, and because of the variety in the scale of buildings that exist within the local area, it is not considered that scale and massing of the building would look at odds within the context of this area. Broadly the proposal would comply with the development plan in this regard.
- 6.29 It is worth noting that the application site is within an edge of centre location. The application site forms part of a wider Opportunity area within the Maidenhead AAP which allocates the site for employment purposes, and a large scale building would have been anticipated for this site.

#### *Proposed architectural approach*

- 6.30 The architectural design of the proposed building has been influenced by its use. The building needs to be functional for its purpose; a car park needs to be designed to be secure. This requirement has influenced the design, and material palette for the building. At ground floor level, this will be enclosed in a metal mesh to allow light and ventilation into this part of the car park, while still providing a rigid, vandalism resistant barrier on the ground floor perimeter of the parking spaces. The upper floors of the building would be in cladding of ventilated facades made up of natural wood panels and the corresponding substructure. Each panel would consist of a high density bakelite core, clad in a veneer of natural wood with a surface treated with synthetic resin and an exterior PVDF film (polyvinylidene fluoride). This material has been selected due to its high resistance, as it does not require the typical maintenance of other woods for exteriors. The Design and Access Statement sets out that the colour of the vertical panels and the building in general is derived from the colour palette of the surrounding development in particular the two residential developments west and south of the site which utilise a range of dark and earthy materials.
- 6.31 Given the use of the proposed building, the rationale for selecting the materials is apparent. In addition, there is a mix of materials and colour within the locality, including colours with an earthy

tone, and as such it is considered the proposed material palette is acceptable. The proposed building has a functional appearance, however, a number of commercial buildings in the locality also have a functional appearance (Lock and Store, the retail units on the northern side of Stafferton Way). As such, the architectural approach is considered to be acceptable within this area.

#### *Other design considerations*

- 6.32 The AAP (2011) and the NPPF (2018) both seek opportunities to design out crime and create safe and accessible areas.
- 6.33 In addition to the proposed design of the facade of the building and use of materials that have been selected in order to provide a vandalism resistant barrier, the proposal incorporates other measures to prevent crime. Within the Planning Submission report, it is stated that CCTV will be installed in all levels of the stairwell and at the entry and exit of the car park. In addition lighting would be installed through all levels of the car park. The locations of the CCTV and lighting have not been finalised, and as such this detail would need to be secured through a planning condition (see condition 8) to ensure compliance with the requirements of the NPPF.

#### *Landscape (including trees)*

- 6.34 As set out above Policies MTC1, MTC 4 and OA6 of the Maidenhead AAP (2011) seek high quality design, and landscaping forms a key part of this. Local Plan policies N6 and DG1 also provide general design policies on the importance of high quality landscaping in delivering successful schemes. Policy N6 of the adopted Local Plan states that plans for new development should, wherever practicable, allow for the retention of existing suitable trees and include an appropriate tree planting and landscaping scheme. Where the amenity value of trees outweighs the justification for development, planning permission should be refused.
- 6.35 BLPSV Policy SP3 requires development to protect trees and vegetation worthy of retention and sets out that comprehensive green and blue infrastructure schemes should be integrated into proposals. Policy NR2 of the BLPSV seeks the protection and retention of trees, and where needed suitable mitigation. Where the amenity value of the trees outweighs the justification for development, planning permission may be refused.
- 6.36 A small group of trees and shrubs to be removed as part of the redevelopment of the site are of limited landscape quality and there is no objection to their loss. Located on the southern boundary of the application site is a row of trees outside of the application site. An arboricultural report and associated tree survey has been submitted as part of the application, however, tree protection measures have not been submitted. It has been requested that the agent submits a tree protection plan and arboricultural method statement so that that these details can be conditioned.
- 6.37 Due to the proposed layout there are some opportunities for tree planting and/or soft landscaping. Recommended condition 9 sets out proposed landscaping conditions, however, it is unlikely that there is space for any meaningful tree planting. Visibility splays are fundamental for this form of development and therefore any form of soft landscaping would likely be low level. This does not weigh in favour of the scheme.

#### **Impact on Neighbouring Amenity (including noise and lighting)**

- 6.38 There are no specific policies in the adopted Local Plan or the Maidenhead Town Centre AAP regarding impact on neighbouring amenity. Paragraph 127 (f) of the NPPF (2018) is a material planning 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?.*

- 6.39 Policy SP3 of the BLPSV states that development will be expected to have 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.
- 6.40 The Daylight and Sunlight Analysis prepared by AECOM Limited looks at the potential impact on adjacent buildings (in residential and non-residential use). The assessment is based on the Building Research Establishment (BRE) guidelines, which are used nationally as guidance and apply equally to rural and urban locations. BRE recommendations are guidelines rather than adopted policy.
- 6.41 The Daylight and Sunlight Assessment sets out the detailed results. For several of the neighbouring buildings, the assessment concludes that there would be a reduction in light to windows, but the reduction in light would be to an acceptable level, in line with the recommendations of the BRE guidelines.
- 6.42 With regard to the impact of the proposed development on the flats to the south of the application site, there would be a significant reduction in light to a number of windows on the northern elevation of a block of flats closet to the application site. This building is shown as Block A within the submitted daylight/sunlight assessment. Although most of the windows on the northern elevation of the building would fail to accord with the guidelines within BRE, those windows impacted are either serving secondary bedrooms, or are secondary windows to living rooms. Given that the windows impacted do not serve primary rooms, or the room has another source of light, it is not considered the proposal would have a significant impact on the amenity of occupiers in this neighbouring building. In addition, there is a row of trees on the boundary which would have some impact on light to some of the lower level windows.
- 6.43 There is another block of flats to the south of the application site (labelled block B in the Daylight and Sunlight Assessment). This building is sited further away from the application site than Block A. Two windows at ground floor level of this building were tested, and the reduction in light was considered to be acceptable in accordance with the BRE guidelines.
- 6.44 It is acknowledged that the views from the windows in the flats to the south of the application site will change, and occupants would have views of the building. However, the flats impacted have other windows which will be free from visual intrusion. In addition, it is considered that there would be a reasonable separation distance so that the building is not unduly overbearing. There would be a minimum distance of 13 metres between the proposed building and the boundary with the block of flats to the south.
- 6.45 Turning to the residential properties to the west of the application site (on the opposite side of Vicus Way), the impact on light to windows is considered to be acceptable, in accordance with the BRE guidelines. There will be a change to the view from these properties, and there is likely to be shadowing cast to these properties and their gardens (the impact will be greater during morning hours), however, the proposed building is set some distance from the boundaries of the dwellings (in excess of 14 metres), and it considered that whilst there would be an impact upon outlook and shadowing to these properties, it would not be of a level that would cause significant harm to residential amenity.
- 6.46 It should be acknowledged that this application site is located in an edge of centre location, close to the town centre. The buildings that exist in this area are reflective of its edge of centre location. The Local Planning Authority would expect that a higher density development would be provided in this location. It is accepted that the scheme's design avoids significant loss of residential amenity, whilst noting that harm does result from some of loss of light and overshadowing that cannot be mitigated. This is addressed in the planning balance section of this report.
- 6.47 Concerns have been raised by residents who live next to the site about their properties being overlooked, and experiencing an invasion of privacy. It is accepted that there would be views from the proposed building towards nearby residential properties. However, the use of the proposed building needs to be taken into account when considering this matter. The scheme is for a car park; users of the car park would park their car and travel on to their next destination, whether it be the town centre, or to travel by train. It is not a building where users will spend a

considerable amount of time, compared to a residential or office use, and so overlooking will be limited. In addition, the cladding used will limit views out from the building. The scheme is not considered to cause an unacceptable level of overlooking to neighbouring residential properties.

### Highways Considerations

- 6.48 Policy T5 of the adopted Local Plan states that all development proposals will be expected to comply with the Council's adopted highway design standards. Policy MTC4 on Quality design sets out that development will be expected to satisfactorily address traffic, movement, servicing and parking impacts. Policies MTC14 and MTC 15 of the AAP (2011) sets out that accessibility to the town centre will be optimised with an emphasis on sustainable modes of transport. Policy MTC15 sets out the transport infrastructure needed to support development, much of these highway improvements sit outside of this application site, although it is worth highlighting that the Stafferton Way Link has now been implemented.
- 6.49 The NPPF (2018) states that developments should promote opportunities for sustainable transport modes (suitable to the type of development and its location), provide safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.50 Paragraph 109 of The NPPF (2018) is clear that:
- 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 6.51 A Transport Statement (TA) (dated July 2018) has been prepared by Robert West and submitted in support of this planning application. The assessment below considers the submitted information against the Development Plan and gives regard to material planning considerations.
- 6.52 The proposed car park would be utilised as a long stay car park for commuters and office workers in the town centre. Based on information on current car park usage, this should allow some long stay parking at Broadway and Hines Meadow to be located here, releasing these spaces for short stay/shoppers car parking. The TA sets out that it is likely that there would be around 730 vehicle movements coming to and from the site on a daily basis, the majority of which will access the car parking between the morning hours of 07:00- 09:00 hours and exit around 17:00- 19:00 hours during the week days.
- 6.53 The TA looks to model the potential impact this could have on the highway network. The Highway Authority has reviewed the Transport Assessment, and has asked for some further information from the agent. If this matter is resolved in advance of the Panel meeting, this will be reported in an update to Panel. If the matter is not resolved by the Panel meeting, it is recommended that this matter is deferred back to the Head of Planning for it to be resolved.
- 6.54 The site is located in an area which is well provided for with an extensive network of footways and quiet routes suitable for cyclists to facilitate ease of movement from the site to the Town Centre and to the Railway Station. This includes the Maidenhead Waterways to the east of the application site. The pedestrian access cores will be provided towards the northern and southern edges of the car park, while the vehicle access and egress points will be provided in the south-west corner of the structure. Off-site highways works propose the provision of a zebra crossing on Vicus Way (onto a footway which is yet to be constructed) and the extension of the footway along the northern edge of the site, along Stafferton Way to ensure suitable and safe pedestrian routes from the site to the wider area. This could be secured by planning condition.
- 6.55 It is recommended that Panel defers of planning conditions relating to highways back to the Head of Planning, on receipt of the Highway Authorities further comments.

## **Issue vi Environmental Considerations**

### Sustainable Urban Drainage

- 6.56 Policy OA 6 relating to the Stafferton Way Opportunity Area sets out that new development should utilise sustainable drainage systems within the site design and layout. Paragraph 165 of National Planning Policy Framework states that all 'major' planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development.
- 6.57 In accordance with The Floods and Water Management Act 2010 the Royal Borough in its role as Lead Local Flood Authority (LLFA), is a statutory consultee for all major applications. The LLFA has considered the proposal and the applicants Sustainable Urban Drainage information submitted as part of this planning application (including the additional information submitted during the course of the application). The LLFA still has a number of queries regarding the proposed sustainable urban drainage strategy. Accordingly, in the event Members are minded to approve this planning application it is recommended that delegated authority be granted to the Head of Planning to allow for SUDs to be satisfactorily resolved in advance of issuing any decision subject to appropriate conditions. The provision of SUDS is also a requirement of paragraph 163 of the NPPF.

### Impact on Air Quality

- 6.58 Whilst the Maidenhead AAP (2011) acknowledges that most of the town centre is covered by an Air Quality Management Area there are no specific Development Plan policies relating to air quality. The NPPF (2018) states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas
- 6.59 An Air Quality Assessment (dated 15.08.2018) has been submitted in support of this planning application. The assessment concludes that the overall operational air quality impacts of the development are judged to not be significant. The approach, methodology and conclusion of the air quality assessment that the effects of development traffic on local air quality are considered to be acceptable.
- 6.60 Environmental Protection advises that to help offset the impact of the proposed development on local air quality a condition should ensure the provision of 5% of electric vehicle charging spaces as part of this proposed development with a further option for another 5% enabling a future increase to 10% within 3 years from when the car park becomes operational. However, given that this is not required to render the development acceptable with regard to air quality, it is not considered reasonable to secure this by planning condition. Electric charging points are proposed as part of this application, 5% active and 5%, passive to align the proposal with future trends for utilising more environmentally friendly modes of transport. A CEMP can secure details of recycling material taken from the site and the sourcing of materials. These matters go towards investing in sustainable technologies and sustainable construction.
- 6.61 The Council's Environment Protection Officer has also recommended conditions regarding dust management during construction. This could be secured by planning condition (see condition 6).

### Sustainability and Energy

- 6.62 The Council's adopted Sustainable Design and Construction SPD (2009) provides further guidance on how new development is expected to incorporate sustainable principles into the development including, construction techniques, renewable energy, green infrastructure and carbon reduction technologies.. However, Sustainable development techniques have moved on since the adoption of this document. Therefore less weight should be attributed to this document in this regard. Nonetheless the SPD sets out measures for achieving sustainable forms of development, including 10% energy being delivered through renewable sources and meeting BREEAM measures.

- 6.63 The NPPF (2018) para 153 states that in determining planning applications developments should comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable
- 6.64 The proposed development is for a car park where it is difficult to meet the requirements of the adopted SPD for utilising renewable energy technologies or the ability to provide measures to reduce water and energy consumption. Therefore and having due regard for the type of development involved and its design it is concluded that it is not practical or feasible to provide other mode of renewable energy as part of this development.

#### Impact on Biodiversity

- 6.65 Policy MTC 3 of the AAP (2011) seek to conserve and enhance biodiversity. Paragraph 170 of the NPPF (2018) states that planning decisions should contribute to and enhance the natural and local environment. The emphasis is on minimising impacts on and providing net gains for biodiversity.
- 6.66 Policy NR 1 of the BLPSV also seeks to ensure development does not reduce the waterways ecological network or habitat. Emerging Policy NR 3 of the BLSV requires proposals to protect and enhance biodiversity. Policy IF 3 of the BLPSV seeks the provision of high quality green and blue infrastructure of river corridors.
- 6.67 An Ecological Appraisal (dated June 2018) prepared by Bioscan has been submitted in support of this planning application. The conclusions establish that the site is of limited ecological value.
- 6.68 The Council's Ecologist has highlighted the location of the Greenway Corridor Local Wildlife Site (LWS) 95m northeast and grassland fields 130m south. To ensure that the nearby LWS is protected during the construction phase and that nesting birds and other wildlife are not harmed as a result of the development, the Council's ecologist has recommended a condition to secure a Construction Environmental Management Plan (CEMP) to secure details on how the construction process will be managed so as not to adversely impact on this site. However given there is no ecology value on this site and the distances to nearby ecology areas the requirements of this recommended condition are not considered to be reasonable or necessary to make the development acceptable.
- 6.69 It is considered to be reasonable and necessary for conditions regarding biodiversity enhancements to be provided, this should be a prior to conditions and is set out in recommended condition 11.

#### Archaeological matters

- 6.70 Paragraph 189 of the NPPF (2018) states that local planning authorities should:
- 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.*
- 6.71 An archaeological desktop assessment has been submitted in connection with this application prepared by Thames Valley Archaeological Services and Project specification for an archaeological evaluation' and dated June 2018 and 29 June 2019. This concludes that that the site has limited archaeological potential. Berkshire Archaeology has been consulted on this application and considers that there is evidence to indicate the application area to have an archaeological interest, the wider area has revealed evidence for prehistoric, Roman and Saxon remains.
- 6.72 The consultation response from Berkshire Archaeology is that the assessment is a reasonable and fair account of the known archaeological resource within and in the vicinity of the application

boundary. The assessment also sets out proposed exploratory archaeological investigation which Berkshire Archaeology consider is an appropriate programme of archaeological work. Recommended condition 10 would secure the implementation.

#### Ground conditions and land contamination

- 6.73 Policy NAP4 of the Adopted Local Plan seeks to ensure that development will not pose an unacceptable risk to the quality of groundwater. This is supported by paragraphs 178 and 179 of the NPPF (2018) which seek to ensure development takes into account proper remediation for contaminated land.
- 6.74 A Phase 1 Geo-environmental Desk Study Report (dated 8 June 2018) has been prepared by AECOM has been submitted in support of this application. Appropriate remediation and mitigation measures can be secured by condition. The Environment Agency and the Councils Environmental Protection Team have raised no objections subject to conditions. These are set out in recommended Conditions 3, 4 and 5.

#### Noise

- 6.75 The Institute of Environmental Management & Assessment provide guidance on noise impact assessment. These documents provide guidance on how to recognise when noise should be considered of concern and affect and impact descriptors for long- and short- term changes to environmental sound conditions.
- 6.76 A Noise Assessment was submitted with the planning application. The report concludes that the operation of the proposed car park is unlikely to have any observable impact on the neighbouring residences. However, due to the proximity to residential buildings, it is recommended that appropriate signage is put up to remind car park users to drive at low speeds and be respectful of the neighbours. This could be secured by planning condition, if Environmental Protection considers these measures necessary to make the development acceptable.
- 6.77 Comments from the Environmental Protection Officer in respect of the noise assessment will be reported in update report to Panel, and it is recommended this matter is deferred back to the Head of Planning.

#### **Other Material Considerations**

- 6.78 The proposal would not conflict with Policy OA6 of the AAP (which forms of the adopted Development Plan), however, the scheme does conflict with policies ED1 and ED2 of the emerging Borough Local Plan, which allocates the site for employment purposes. The most recent evidence base for employment floorspace highlights the importance of retaining employment land. As such, it needs to be considered whether there are material considerations which support allowing the loss of employment land in this instance. The material considerations are set out below.

#### The Need for Car Parking in this location

- 6.79 This proposal is part of a wider programme of temporary and permanent car parking across the town to provide mitigation during the regeneration programme where spaces are lost. Overall this proposal would be one of a number of car parks near the centre to accommodate the town's needs and growth and support employment and economic growth. The site is located within a reasonable walking distance of the town centre and railway station, and so is a good location to accommodate long stay commuter and town centre employee parking, and would help mitigate the loss of other car parks within the Maidenhead AAP area as well as maintain continuity of car parking availability while other car parks are redeveloped in the town. It would also release car parking closer to the centre for shopper's to use during the day
- 6.80 The need for a multi-storey car park has been recognised within the Stafferton Way Opportunity Area within Maidenhead AAP, which notes that with the arrival of Crossrail, and substantial development planned for the town centre, that a new multi-storey is required to service this

additional growth as well as meet unmet parking demand from existing employers in the town. At paragraph 7.95 of the AAP it sets out that to ensure the station's continued success it is important that the AAP promotes good access to the transport hub at the station, including the provision of suitable car parking facilities for commuters within this Opportunity Area. The council has secured ?3.75 million of Local Growth Fund support for a project to improve access to / interchange at Maidenhead Station; this forms part of the overall strategy for town centre regeneration.

The scheme has four elements:

1. Construction of a multi-modal transport interchange on Maidenhead Station forecourt to improve connections between journeys made on foot, bicycle, bus, train, taxi and car.
2. Improved pedestrian and cycle linkages between the rail station and the town centre, with environmental enhancements for the station forecourt that will transform the area and create a proper gateway to the town centre.
3. Construction of replacement parking for that displaced from the station forecourt within an additional floor on Stafferton Way car park multi-storey car park.
4. Traffic management improvements (converting Broadway to two-way operation).

- 6.81 The project is needed to cope with the predicted increase in passengers and vehicles accessing the station as a result of modernisation of the Great Western Main Line, the opening of the Elizabeth Line (Crossrail) in December 2019 and the future construction of the Western Rail Link to Heathrow. The scheme is recognised as part of a wider phased re-development of Maidenhead town centre as set out in the Maidenhead Town Centre Area Action Plan (AAP); this proposal also falls to be considered as part of that wider programme for regeneration which will bring forward housing and employment uses across the plan period.
- 6.82 Although Policy OA6 of the AAP identifies land to the north of Stafferton Way to accommodate a multi-storey car park, this site is not within the Council's control, and as such is not deliverable. As such, this application site is likely the only available site within the Stafferton Way Opportunity area to accommodate this multi-storey car park. The Council has undertaken significant work to identify opportunities to provide continuity of parking and additional capacity and has identified this site as the most appropriate and deliverable option.
- 6.83 Feasibility works have been undertaken in relation to putting additional floors on the existing Stafferton Way multi-storey car park, however, the building is unable to structurally take this load. This car park will need to be redeveloped to increase parking capacity, but this will exacerbate problems for commuters using the railway station. It does form part of the long term plan.

#### The benefits of providing long stay car parking

Long stay car parking supports town centre business in the following ways:

- It provides parking for employees, ensuring staff retention and successful operation of businesses and supporting employment uses in Maidenhead.
- It frees up town centre short stay parking more suited to shoppers and leisure visitors who are vital to the town centre economy
- It cements Maidenheads status as a key commuter town, which brings significant expenditure to the area as commuters are incentivised to live in the area, which has indirect benefits to secondary services and other business.

#### Planning balance

- 6.84 It is considered that the building would be of an acceptable scale and appearance within the context of this area, and that it would have an acceptable impact upon trees to be retained. The scheme is considered to pass the Sequential Test in respect of Flood Risk.
- 6.85 The scheme would impact upon neighbouring residential properties. Policy DG1 of the Adopted Local Plan is relevant. It is accepted that the design of the building has limited the impact on residential amenity as much as it is possible, but nevertheless harm does result through some loss of light and overshadowing. It is however, considered that this, in itself is

not significant enough to warrant refusal on this ground alone. As such this harm needs to be weighed against any benefits.

6.86 At the time of writing, the acceptability of the scheme in respect of providing adequate Sustainable Drainage Scheme, and the impact on the Highway network is not known, and these are matters that need to be resolved, and weighed in the planning balance.

6.87 The scheme would not conflict with Policy OA6 of the Maidenhead AAP (the adopted development plan). The scheme would conflict with Policies ED1 and ED2 of the emerging Borough Local Plan as it would result in the loss of employment land, which is a material consideration of significant weight. However, in this instance it is considered that there are material considerations which weigh in favour of the application that is the need to have this car parking to support the train station as an important transport hub, and provide commuters using the train with car parking spaces, and to support the need for parking arising from the town centre redevelopment. It is evident that there are limited opportunities within the AAP area to accommodate a multi-storey car park, and this site would provide a car park in the Stafferton Way Opportunity Area, which is identified as a requirement in the Maidenhead AAP. The Table below sets out development plan policies and material considerations for the application, and those against. This table assumes SUDS and Highways have been resolved.

<b>Development Plan Policies for the application</b>	<b>Development Plan Policies against the application</b>
<p>Trees Landscaping AAP vision for Maidenhead, and the requirement for a car park in the Opportunity Area Air Quality Design Overlooking</p>	<p>Overshadowing and loss of light to residential properties.</p>
<p><b>Material Considerations for</b> Capturing trips on the edge of town Passes the Sequential Test Support Economic Development Strategy Support wider SEP/LEP including Maidenhead Station forecourt scheme. (LEP funding agreed). Support Maidenhead as a commuter town which brings secondary expenditure. Support employment uses in the Opportunity Area Support the planned regeneration of Maidenhead Town Centre. If the Council does not provide this car park, a car park will not come forward Maximising efficient use of sites- sequentially preferable sites are being brought forward to provide housing.</p>	<p><b>Material considerations against</b> The site is allocated for employment purposes in the emerging Borough Local Plan, which is afforded significant weight.</p>

6.88 If it is the case that an acceptable SUDS scheme can be provided, and it is concluded that the development would not result in a severe impact on the highway network, it is considered that there are development plan policies, and a number of material considerations which weigh in favour of approving the application.

## 7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

7.1 The development is not CIL liable.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

126 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 25<sup>th</sup> July 2018 and the application was advertised in the Maidenhead Advertiser on the 26<sup>th</sup> July 2018.

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

Comment		Where in the report this is considered
1.	The size of the building will impact residents (to the south) behind it majorly. Will result in a lack of privacy.	6.38-6.47
2.	Excessive noise. As it stands we can already hear the noise between 22:00 - 1:00am in the current car park across Stafferton Way, when teenage joy riders do "donuts" in the car park.	6.38-6.47
3.	Serious loss of daylight to the residential units to the south of the site.	6.38-6.47
4.	Excessive traffic on a small road. The highway network cannot accommodate the additional traffic arising from the proposed car park.	6.53
5.	Adverse effect on road safety. The road Vicus way has a major blind spot and does not need the increase of traffic. Additionally it will make it hard for residents to access their own homes.	6.53
6.	Light and views from flats to the south will be adversely affected.	6.38-6.47
7.	It is going to look aesthetically awful.	6.18-6.37
8	The air quality/ noise is going to be unacceptable, especially during construction (groundworks).	6.58-6.61
9.	Object to the fact that prime land near other retail areas is being used for a car park for commuters, rather than investing in the area with more retail or commercial building of us to local residents.	Noted.
10.	It states this application is to ease future car park worries, it feels much more like its easy money and until we see any positive change in the town (rather than shops just shutting down). It is hard to see this plan not just being done regardless of its residents.	6.78-6.83
11	The entire case is a single solution to potential additional demand and displacement of existing parking capacity across the borough. More efficient would be a borough wide approach, finding a collection of solutions that promote economically beneficial and environmentally friendly methods of transport.	Noted.
12	The current government is committed to phasing out petrol and diesel cars in the next 20 years and yet you are proposing a car park with a shockingly low 10% provision and a further 10% passive provision.	6.58-6.61

13	The planning application does not even validate the Stafferton Way/ Vicus Way mini-roundabout, the junction that is most affected by this proposal. In addition the 2032 baseline model is based on an uplift from 2016 and committed developments at this stage. There is no evidence that the 2032 base model has taken into account the significant additional dwellings under construction on Vicus Way (Loftings site). Therefore the transport assessment is fundamentally flawed and cannot support this application.	6.53
14	The proposal contains no plan to enhance the road layout surrounding the proposed car park. The only highway modification referenced within this application is those planned by Redrow as part of their planning application for the new Lofting's site.	6.53
15	A proposal of a 5 storey car park to be built, when there is a large car park directly opposite, is astonishing.	6.78-6.83
16	The land was originally used at ground level & is shocking how the proposal is to build a 5 storey building which will overshadow our homes	6.38-6.47
17	Better public transport should be considered rather than incentivising traffic & pollution.	Noted.
18	Maidenhead is an up and coming vibrant town and I personally feel that a multi-storey car park sends the wrong message to current and future developers and residents.	6.78 -6.83
19	The roundabout on the corner where you are building the car park is dangerous due to how the people drive down the road and the noise from the drug dealers ( which you do nothing about) in the car park adjacent to this area is horrendous and upsetting so I would hate to encourage a similar situation	6.53
20	I ask you to either reconsider the height of the building completely or at least how the car park is managed by adding barriers so people can't drive in to the car park freely	The proposal put forward has to be considered. Barriers are not proposed on the car park.
21	Concerns over lighting from the car park, and the impact this will have on neighbouring residential properties.	The final position of lighting will be subject to consultation with Environmental Protection.
22	We are concerned about the security of the car park, having to hear the alarms of the cars and this will increase the risk of traffic accidents around the area	6.33
23	The car park will increase the number of commuters to London, therefore, not increasing employment in the town. The regeneration plans in Maidenhead town will have an impact on weekends and night activity and other car parks are closer to the proposed The Landing development.	6.78-6.83
24	The proposed 'minor realignment works' in the form of a zebra crossing will add more confusion to the junction with a real possibility of physical/permanent harm to those using Vicus Way either in a vehicle or on foot. I have experienced 2 near misses in a month (on foot and in a car).	6.53

25	The recommended signage inside the car park 'reminding people to drive at slow speeds and be respectful of neighbours' is reliant upon human behaviour. Furthermore, being reliant upon a report to assess noise impact on neighbouring properties is not reflective of lived experiences and I disagree with the findings that 'short-term noise events...will not be noticeable or intrusive.	6.52-6.77
26	There is already a multi storey car park a minutes' walk away from the proposed building. I walk past this multi storey car park every day and not once have I seen that the lower floor is full.	6.78-6.83
27	The development will result in the loss of significant trees.	6.34-6.37
28	It would be extremely unhealthy to open our windows and doors with the carpark in front of us, all the pollution from hundreds of cars starting and stopping their engines, simply filtering into our home.	6.58-6.61
29	Many young families bought their first home here and the planned parking will adversely affect their biggest investment	Not a planning consideration.
30	Multi-storey carpark will make almost impossible for Redrow residents getting in and out by car (and not only) during rush hours	6.53
31	Multi-storey carpark directly opposite - why not trying to improve its management	The application submitted has to be considered.
32	The development of the car park would not benefit the regeneration of Maidenhead, instead it would serve as a park and ride for commuters to travel into London instead of increasing jobs within the local area.	6.78-6.83
33	There are already 2 car parks next to the site: a (i) multi story car park and (ii) retail car park, both on Stafferton Way.	6.78-6.83
34	In addition to the loud noises and unsafe environment, cars often enter and exit the car parks at relatively high speeds making the roads around the car parks dangerous.	6.53
35	Alternatively PLEASE could the Borough CONSIDER building and underground garage and building a park (or other safe community enhancement facility) on top instead?	The application submitted has to be considered.
36	What security measures will be put in place to prevent cars racing and back firing their engines (which is very loud)?	This is not within the control of planning.
37	I have concerns about traffic management in the immediate vicinity. The existing pedestrian crossing points in the area are inadequate. While there is a traffic light crossing next to Lidl supermarket, the zebra crossing just beyond the mini roundabout is dangerous. Frequently I have been trying to cross on that zebra crossing and cars either do not stop or stop at the very last second. As part of the planned works, I would hope that this zebra crossing be upgraded to a traffic light crossing as at present it is a danger.	6.53
38	The scheme would decrease property values within the area.	Not a planning consideration.
39	If the Council believes there is a need for other car parks in Maidenhead, they should put these in non- residential areas. This use is not compatible in a residential area.	This area is not purely a residential area.
40	The proposed building would sit within the streetscene between the four storey building and two storey terrace dwelling houses to the west. The proposed building would fail to respect the existing building heights, and would appear out of character and significantly overbearing to neighbouring properties.	6.18-6.37

41	A prevailing characteristic of the area on Stafferton Way is buildings being set back from the road; this building would be out of keeping with this.	6.18-6.37
42	Owing to the size of the building, there is no opportunity to put in meaningful landscaping, which will be of detriment to the character of the area.	6.37
43	An assessment on overshadowing has not been submitted.	Noted, it is not considered necessary
44	Given the pathway of the sun, significant overshadowing would occur to Lock and Store and residential properties to the west in the morning and evenings.	6.38-6.47
45	The proposed building would be significantly overbearing to neighbouring properties.	6.38-6.47
46	Owing to the scale of the proposed building, it would make the car park area and general approach to Lock and Store unwelcoming.	Not a relevant planning consideration.
47	The building would block views of Lock and Store and Lidl, and this would impact upon trade to Lock and Store which relies a lot on passing trade.	This is not a planning consideration.
48	Lock and Store (as a neighbouring user) would not support construction work overhanging their boundary; it would be dangerous.	Noted, this is not relevant to the planning assessment.
49	The proposed building will cross a ROW to the south of the site; Lock and Store benefit from a right of access along this and would not permit this ROW being built on/impeded.	Noted, this is not relevant to the planning assessment.
50.	My house is directly opposite the proposed site; my front drive is used as a crossing point and a pavement by people who are too lazy to the use of existing pavements. I anticipate that with the erection of the car park that many more people will use my property as a pavement' I request the Council to find a solution to this.	The Transport Assessment does show a new footway to go on the western side of Vicus Way (to be secured by the Redrow scheme), with a new pedestrian crossing put in on Vicus Way.

A petition has been submitted to the Council in relation to the application, setting out objections to the planning application. The objections are:

- A third car park so close to a residential area will add to the existing issues from antisocial behaviour originating from the existing car parks in the area. This will make the area a more dangerous place to live in.
- The air pollution in the area will increase, having a negative impact on the residents' health.
- The surrounding roads will become more dangerous for pedestrians and will not cope with the additional traffic, especially as there is a recycling centre next door and hundreds of new residential dwellings on Vicus Way.
- The noise in the area will increase and will exist 24 hours a day. This will impact on the residents' lives, health and ability to function properly. Young children need to sleep early, adults need to rest so that they can work the next day.

- RBWM has already permitted the erection of hundreds new residential dwellings in Vicus Way. A residential area does not mix well with a multi storey car park so close.
- It will make the area look aesthetically ugly, noisy and over polluted

### Consultees

Consultee	Comment	Where in the report this is considered
Ecology Officer	No objection, subject to conditions for a Construction Environmental Management Plan to be submitted, and a condition to secure biodiversity enhancements.	6.65-6.69
Environment Agency	No objection, subject to conditions regarding ground investigation works should be undertaken across the site.	See recommended condition.
Berkshire Archaeology	Offers no objection, subject to a condition being imposed to ensure that the recommendations in the submitted archaeological report are followed.	6.70-6.69
Council's Tree Officer	No objections subject to conditions.	6.34-6.37
Environmental Protection	Recommends conditions. Does not consider the scheme will have an adverse impact on air quality. Recommends a condition for ground contamination.	6.58-6.61 6.73-6.74

### Other responses

	Comment	Where in the report this is considered
Access Advisory Forum	<p>The AAF supports the provision of disabled parking within the temporary car park - 28 Blue Badge spaces out of the total 515 parking spaces. All Blue Badge spaces have rear and shared side access zones and are on the ground floor of the car park.</p> <p>However we do have a concern about disabled users of the proposed car park safely crossing Stafferton Way to access the town centre, retail park or station.</p> <ul style="list-style-type: none"> <li>• Of the two existing nearby pedestrian crossings, the zebra crossing enables Greenfields residents to cross Stafferton Way while the more recent Toucan crossing provides a crossing point of Stafferton Way to users of the Green Way and shoppers using the Retail Park / Lidl.</li> <li>• Neither existing pedestrian crossing would enable a user of the temporary car park to cross Stafferton Way without first having to navigate either the junction of Vicus Way &amp; Stafferton Way or the entrances to Lidl and Retail Park car parks</li> </ul>	This is not a requirement of Policy in the Adopted Local Plan, however, it is an important consideration. This will be addressed in the update report to Panel.

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan

- Appendix B – Proposed site layout
- Appendix C – Elevations
- Appendix D – Floor plans

## 10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 Prior to the construction of the building hereby approved, samples of the materials to be used on the external surfaces of the building shall be submitted to and approved in writing by the LPA. The building shall be constructed in the approved materials.  
Reason: To ensure the materials used have an acceptable appearance.

3 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, adjoining land, groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme .A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification

report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting Unexpected Contamination in the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is the subject of the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of (x) years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4.

4 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 180, 178.

Prior to the first use of the car park hereby approved, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall have been submitted to and approved, in writing, by the local planning

authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 180, 178.

- 5 No infiltration of surface water drainage into the ground (i.e. soakaways) at the application site is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: : To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 180, 178.

- 6 No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:  
Procedures for maintaining good public relations including complaint management, public consultation and liaison

Arrangements for liaison with the Environmental Protection Team

All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

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

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

Procedures for emergency deviation of the agreed working hours.

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

Measures for controlling the use of site lighting whether required for safe working or for security purposes.

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

- 7 Prior to the first use of the car park hereby approved, a Flood Evacuation Plan which sets out the measures to manage risk in a flood event shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved Flood Evacuation Plan shall be adhered to, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To manage flood risk for future users.

- 8 Prior to the first use of the car park hereby approved, details of the security measures, including but not limited to details of the positions of CCTV and the location and type of lighting to be used shall be submitted to and approved in writing by the Local Planning Authority. The approved security measures shall be implemented prior to the first use of the car park and shall be retained in perpetuity.

Reason: To ensure measures incorporated to help prevent crime and create a secure environment.

- 9 Prior to completion of the development here by approved details of soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details following the

completion of the development and retained thereafter in accordance with the approved details. Where proposed hard surfaces/structures/ground levels are to be altered within, or introduced into the root protection areas of retained on/off site trees, scaled cross-section construction drawings and supporting method statement will be required to support the hard landscape plan/specifications.

B) Soft landscaping - These details shall include; A) a detailed soft landscaping plan to a recognised scale clearly illustrating the location of all trees/shrubs/hedges/plants to be planted and areas of turf to be laid; B) a detailed written soft landscape specification detailing the quantity, density, size, species, position and the proposed time or programme of planting of all trees/shrubs/hedges/plants. This specification shall include details of ground preparation/cultivation within and adjacent to root protection areas of retained on/off site trees, and other operations associated with, tree/shrub/ hedge/plant establishment.

If within a period of five years from the date of planting of any tree/shrub/hedge/plant shown on the approved plan(s), or any tree/shrub/hedge/plant in replacement for it is removed, uprooted, destroyed, dies, or becomes seriously damaged or defective, another tree/shrub/hedge/plant of the same species and size as that originally planted, shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1

- 10 The development shall be carried out in accordance with the programme of archaeological work set out in the 'Project specification for an archaeological evaluation' prepared by Thames Valley Archaeological Services and dated 29th June 2018. The condition may not be fully discharged until the full programme of archaeological work has been implemented in accordance with the agreed programme.

Reason: The site lies in an area of archaeological potential, particularly in relation to the prehistoric, Roman and post-Roman settlement and land use of the Middle Thames Valley. The potential impacts can be mitigated by a programme of archaeological work in accordance with national and local planning policy.

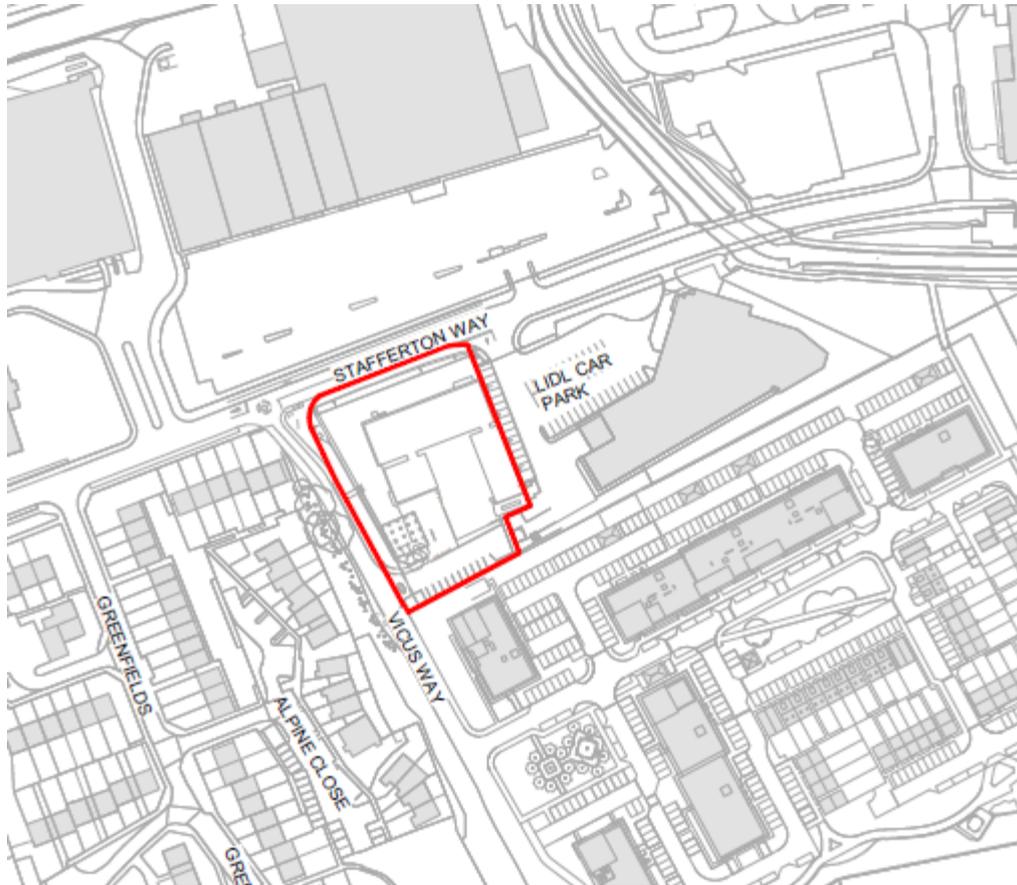
- 11 Prior to the first occupation of the car park hereby approved, details (to include specifications and locations) of biodiversity enhancements on and around the development shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first use of the car park hereby approved.

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

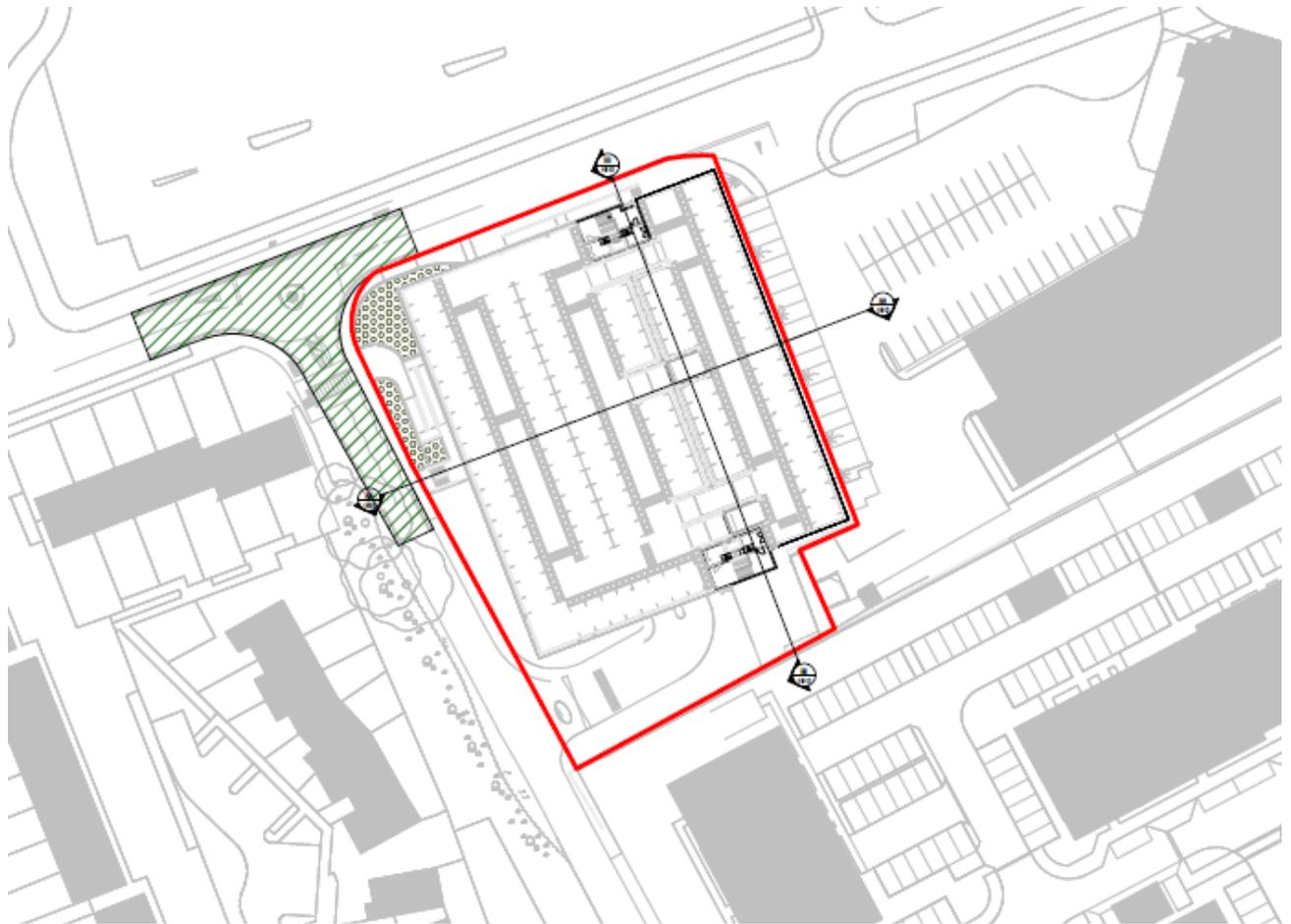
- 12 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

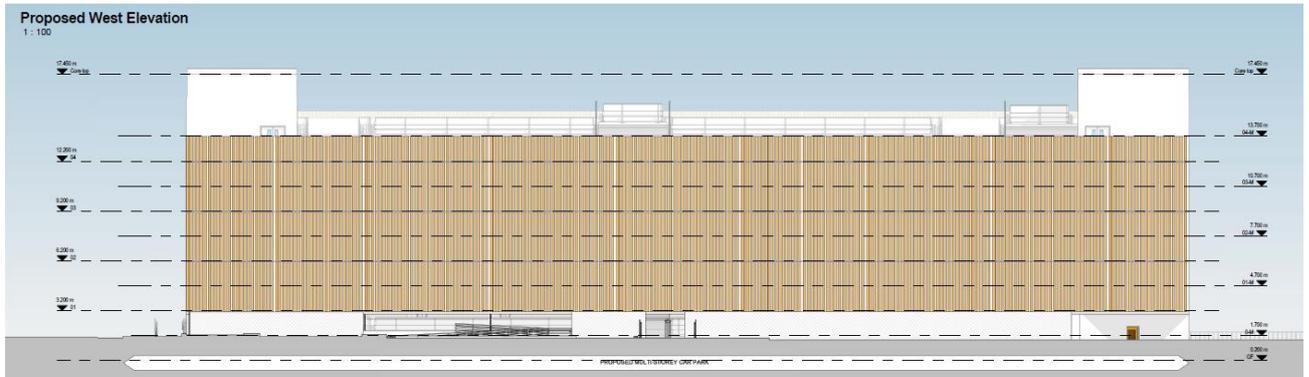
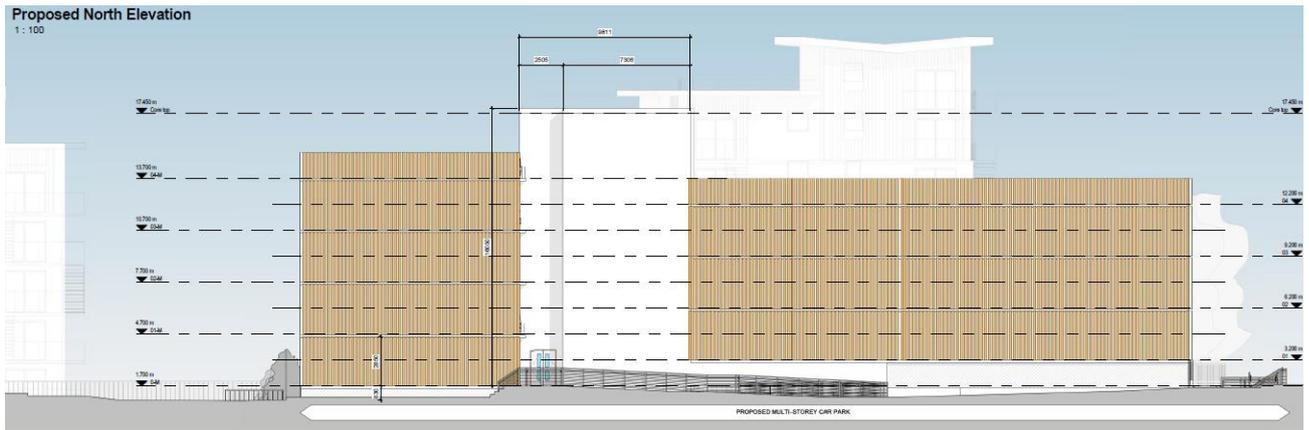
Appendix A- Site location plan



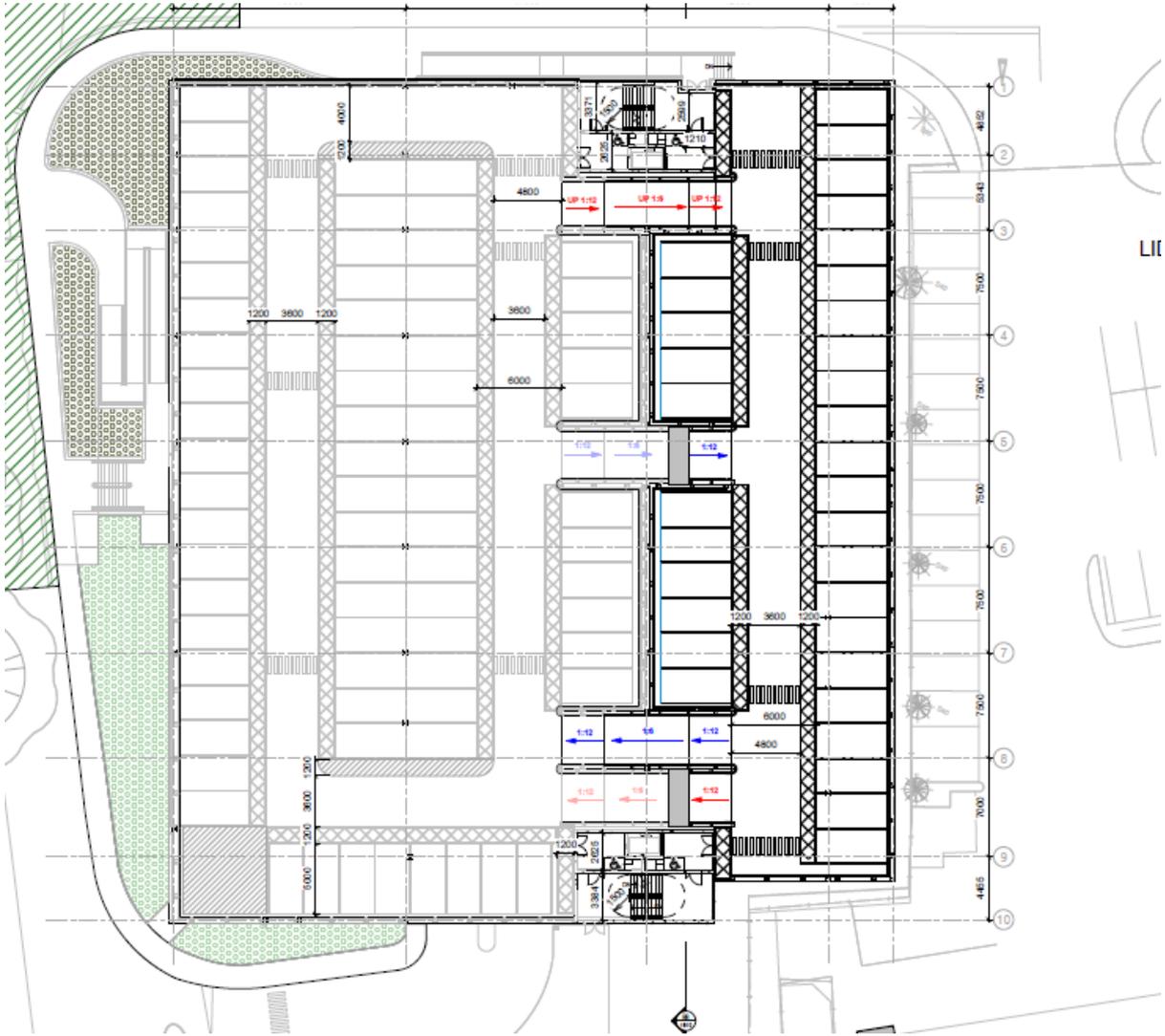
**Appendix B- Proposed site layout plan**



# Appendix C- Proposed Elevations

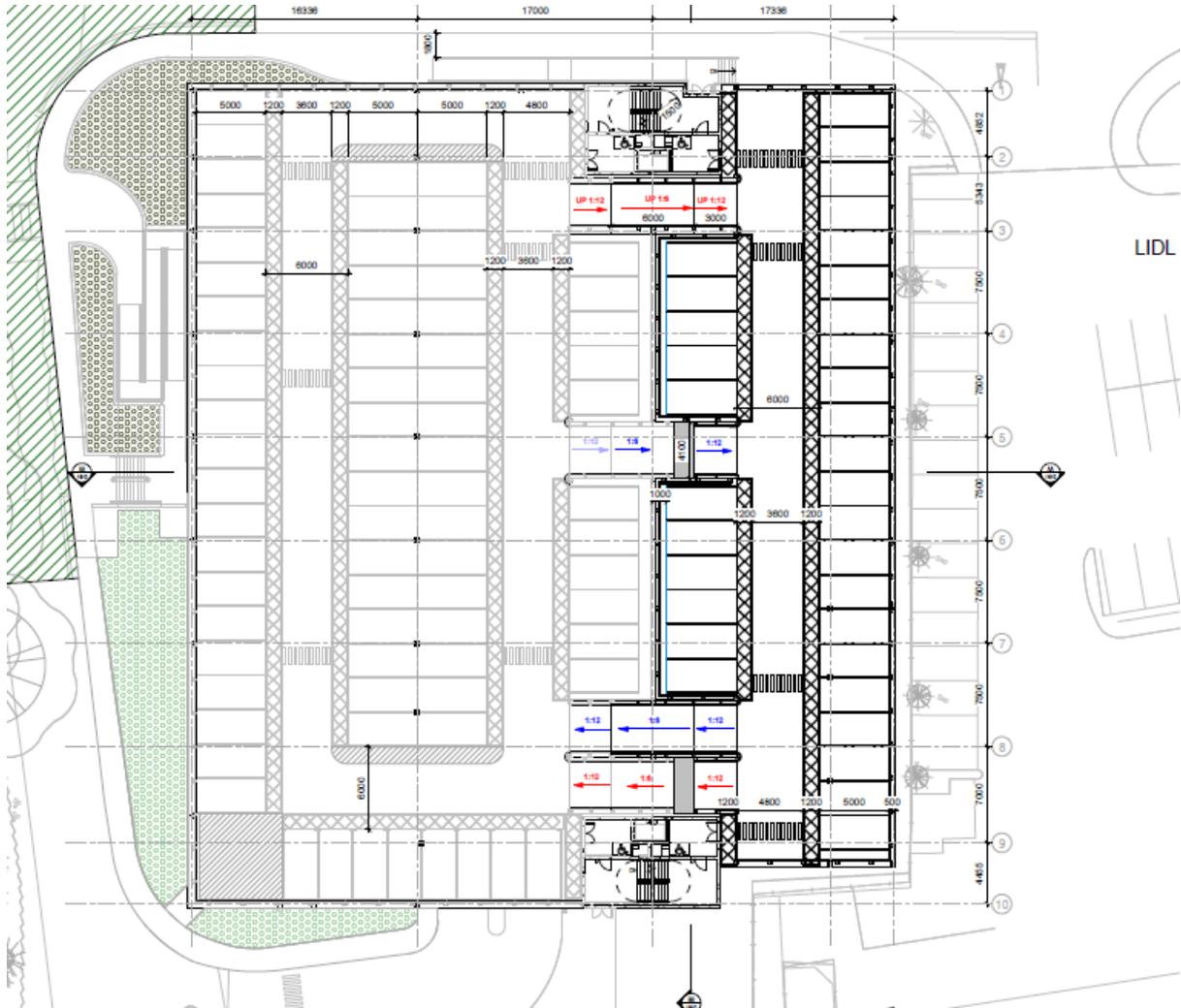




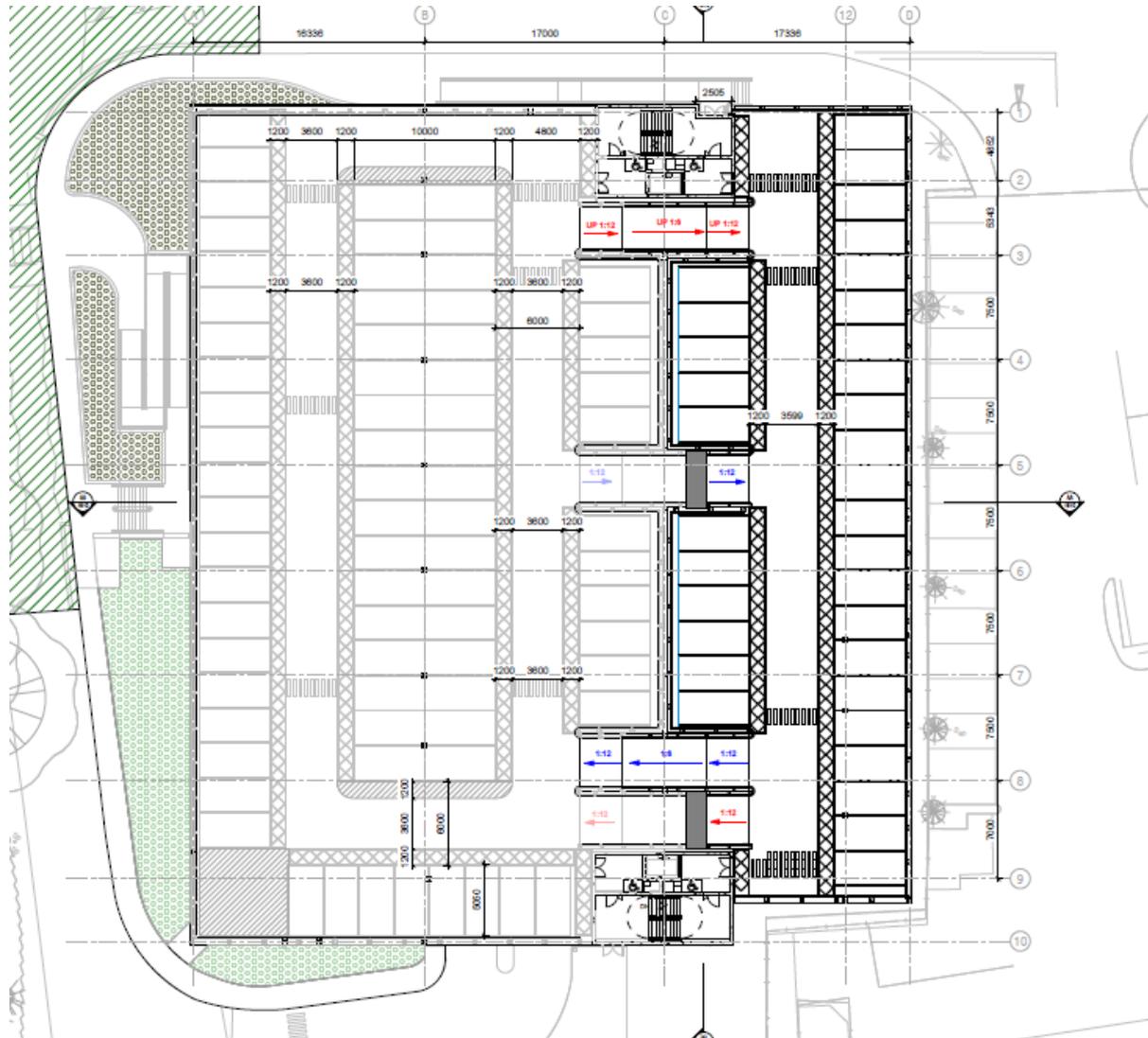


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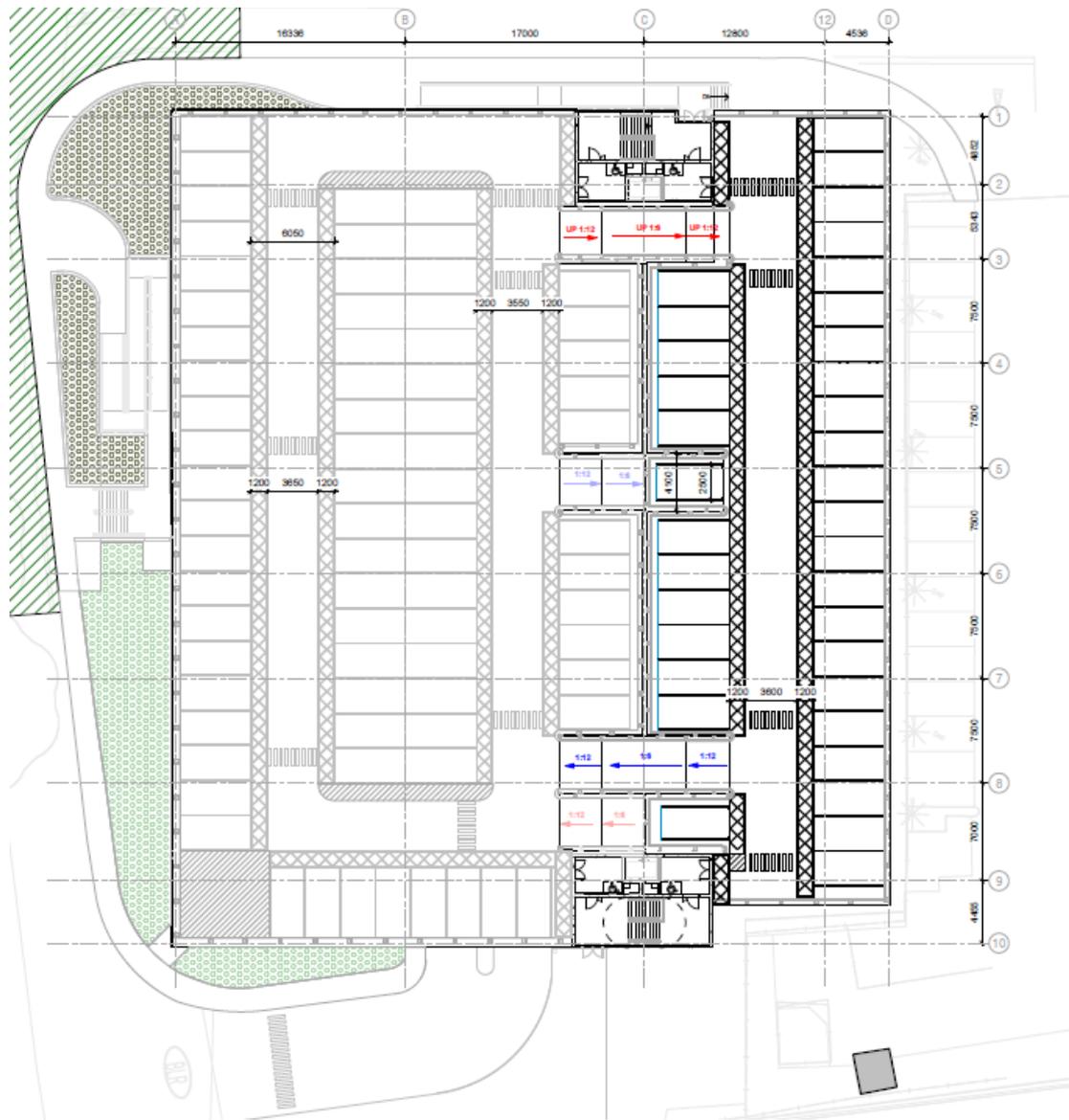
Proposed second floor



Proposed third floor



# Proposed fourth floor



## MAIDENHEAD DEVELOPMENT CONTROL PANEL

21 November 2018

Item: 6

<b>Application No.:</b>	18/02254/FULL
<b>Location:</b>	Equestrian Site Hardings Farm Hills Lane Cookham Maidenhead
<b>Proposal:</b>	Two detached dwellings following demolition of existing stables and equestrian storage buildings
<b>Applicant:</b>	Mr & Mrs Richards
<b>Agent:</b>	Miss Stefania Petrosino
<b>Parish/Ward:</b>	Cookham Parish/Bisham And Cookham Ward

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

### 1. SUMMARY

- 1.1 This application follows on from a previously refused application for 3 dwellings. The application site is considered to be previously developed land, and the proposal is considered not to have a greater impact on the openness of the Green Belt than the existing development. As such the proposal is considered to be appropriate development in Green Belt, in accordance with paragraph 145 (g) of the NPPF.
- 1.2 The layout, siting, scale, design and appearance is considered not to be unduly out of keeping with the character of the area or adversely affect the setting of Cookham Dean Conservation Area.
- 1.3 The proposal can provide adequate visibility splays for its new access, and sufficient turning and parking space within the site. The proposal is not considered to generate vehicular movements significantly over and above the existing situation that would warrant refusal in terms of highway safety or impact on the local highway infrastructure. Due to the nature of the proposal, it would not have a significant adverse impact on the public footpath either in terms of the views from the footpath or the extent of vehicular use of the footpath/farm track as access to the property.

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

### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Gerry Clark, for the following reasons:
  - Overdevelopment
  - Green Belt
  - Impact on a conservation area
  - Local access and impact

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site measures approximately 0.23ha and forms part of the southern section of Hardings Farm which lies towards the eastern outskirts of Cookham Dean. The site lies adjacent to Kennel Lane and is currently used for equestrian purposes including stabling of horses, storage and menage. The land slopes downwards in an easterly direction.
- 3.2 To the north and east are associated paddocks while to the south, separated from the site by Kennel lane, are un-associated paddocks. Kennel Lane links Church Road to the west and Whyteladyes Lane to the east. The site lies within designated Green Belt and is Grade II

Agricultural Land, but outside of Cookham Dean Conservation Area which lies within 50m to the north and west.

#### 4. KEY CONSTRAINTS

- Green Belt

#### 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 The proposal is for 2, 3 bedroom detached dwellings, following the demolition of existing stables and equestrian storage. The dwellings would have a ridge height of 6.5 metres, and would have dormer windows. The dwellings would be finished in stained timber feather boarding, and the roofs would be in grey slate tiles.

5.2 The submitted section drawing shows the land where the dwellings would be sited would be lowered, varying between 1 and 3 metres.

Reference	Description	Decision
03/40986/FULL	A new stable block following demolition of existing and creation of a horse manege	Approved – 15.12.2003
16/03793/FUL	Three detached dwellings following demolition of existing stables and equestrian storage buildings	Withdrawn – 06.02.2017
17/02640/CLU	Certificate of Lawfulness to establish whether equestrian use, incidental to the main dwellinghouse at Hardings Farm, is lawful	Approved – 16.10.2017
17/00619/FULL	Three detached dwellings following demolition of existing stables and equestrian storage buildings	Refused- 29.11.2017 Appeal in progress

#### 6. DEVELOPMENT PLAN

##### Adopted Royal Borough Local Plan (2003)

6.1 The main strategic planning considerations applying to the site and the associated policies are:

Issue	Adopted Local Plan Policy
Design	DG1, H10,H11
Highways	P4 AND T5
Green Belt	GB1, GB2 (part A)

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

#### 7. MATERIAL PLANNING CONSIDERATIONS

##### National Planning Policy Framework Sections (NPPF) (2018)

- Section 4- Decision-making
- Section 9- Promoting Sustainable Transport
- Section 12- Achieving well-designed places
- Section 13- Protecting Green Belt land

## Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design	SP2, SP3
Sustainable Transport	IF2
Green Belt	SP1, SP5

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. All relevant Borough Local Plan policies to this application, aside from Policy SP5 are given significant weight. Policy SP5 (Green Belt) is not fully consistent with the NPPF (2018) and so is given moderate weight.
- 7.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### Supplementary Planning Documents

- xlvi. Cookham Village Design Statement

### Other Local Strategies or Publications

- 7.3 Other Strategies or publications relevant to the proposal are:
- RBWM Townscape Assessment
  - RBWM Parking Strategy

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

5 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 23<sup>rd</sup> August 2018. A notice was placed in the Maidenhead Advertiser on the 23<sup>rd</sup> August 2018.

## Consultees

Consultee	Comment	Where in the report this is considered
Ecologist	<p>The bat survey report concludes that one of the buildings on site supports a small common pipistrelle non-maternity roost. The results of the survey can still be considered to be valid. However, the applicant should note that should works commence after 2018, it may be the case that an update bat survey will be required.</p> <p>The proposals will result in the loss of a bat roost, and unmitigated, the works may disturb or harm roosting bats. As such, a licence for development works affecting bats will need to be obtained from Natural England - for derogation from the provisions of the Habitat Regulations - before works which could impact upon the roost can commence. A copy of the licence should be submitted to the council – this should be set via a planning condition.</p> <p>The provision of a bat licence as well as biodiversity enhancements (in line with the NPPF) should be secured via suitability worded planning conditions. Subject to this, there are no objections to this application on ecological grounds.</p>	<p>See report and recommended condition.</p> <p>It is not considered necessary to secure the submission of the licence from Natural England by planning condition, as Natural England will be responsible for granting the licence.</p>
Berkshire Archaeology	Berkshire Archaeology recommends that, should this application be permitted, archaeological monitoring and recording (a watching brief) is undertaken during the construction of the new dwellings. This is in accordance with Paragraph 141 of the NPPF which states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'.	See recommended condition
Highways	No objection, subject to planning conditions.	See assessment and recommended conditions. (8-13) A Construction Management Plan is not deemed necessary.
Parish Council	Over development in the Green Belt.	See assessment
Environmental Protection	No objection subject to conditions for construction working hours and collection during construction.	Covered by separate legislation.

## Others

Consultee	Comment	Where in the report this is considered
Ramblers	We, East Berks Ramblers, object to this planning application concerning a proposed housing development, on the	See assessment

	<p>following grounds:  Inappropriate development in the Green Belt.  The detrimental effect on a public right of way, contrary to Saved Policy R14.  Access to the site is via Kennel lane (Cookham FP 22) which is a rural footpath not suitable for any increased use by vehicles.  Putting a housing development next to the path would detract from the rural aspect and visual enjoyment of users of the public right of way.</p>	
Cookham Society		

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Development within the Green Belt
- ii Design and Appearance and Impact on Special Character
- iii Highways
- iv Residential Amenity
- v Ecology
- vi Archaeology
- vii Other material planning considerations

### Development within the Green Belt

9.2 The site is situated within the Green Belt. The relevant development plan policies are policies GB1, and GB2 of the Adopted Local Plan. Policy GB1 does not list the redevelopment of previously developed land as an exception to inappropriate development in the Green Belt, and this is not consistent with the NPPF which does list it. Policy GB1 is therefore given limited weight in the determination of this application. Policy GB2 is partly consistent with the NPPF, in that part A of the policy requires consideration to the impact on the openness of the Green Belt, but part B of the Policy is not consistent with the NPPF. Policy GB2 is therefore given some weight.

9.3 The NPPF (2018) provides the most recent up to date guidance on development within the Green Belt, and is a material consideration of significant weight in the determination of this planning application. One of the exceptions in the NPPF (paragraph 145) is the development of previously developed sites (brownfield land) which would not have a greater impact on the openness of the Green Belt than the existing development. Annex 2 of the NPPF defines previously developed land as land which is or was occupied by a permanent structure including the curtilage of the development land and any associated fixed surface infrastructure.

9.4 In this case a stable block and menege was granted planning permission in 2003, subsequently implemented and stands today at the application site. The definition of previously developed land excludes a number of land uses including land that has been occupied by agriculture buildings. Historically the application site formed a dairy as part of the wider agricultural land holding at Hardings Farm. It would therefore be necessary to assess whether the agricultural use has genuinely ceased and moved on. Consequently, to clarify the situation an application for a Certificate of Lawful Development was submitted and subsequently granted in October 2017

which established that the existing equestrian use, incidental to the main dwellinghouse at Hardings Farm, was lawful. As such, the application site is considered not to be in agricultural use, which ceased over 10 years ago.

- 9.5 The site can be regarded as previously developed land, in accordance with paragraph 145 of the NPPF, and as such it is necessary to consider whether the proposed development would have a greater impact on the openness of the Green Belt than the existing development.
- 9.6 Planning application 17/00619 proposed 3 dwellings on the site. This scheme was refused by the Local Planning Authority. One of the reasons for refusal was that the scheme of 3 dwellings at the scale proposed would have a greater impact on the openness of the Green Belt than the existing development, and, as such constituted inappropriate development in the Green Belt. It is relevant to consider if this current scheme overcomes this reason for refusal.
- 9.7 As the proposal would comprise of redeveloping previously developed land and it would not extend beyond the boundary of what is considered to be previously developed it is considered that the proposal would not conflict with the 5 purposes of the Green Belt identified in the NPPF. In terms of impact on openness the table below sets out the footprint and volume of the existing and proposed buildings. The Table also sets out the footprint and volumes of the buildings in the previously refused scheme:

<b>Existing</b>	<b>Footprint (square metres)</b>	<b>Volume (cubic metres)</b>
Building 1	46	136
Building 2	48	152
Building 3	208	838
Building 4	64	208
Building 5	109	402
Building 6	65	151
<b>Total</b>	<b>543</b>	<b>1887</b>
<b>Proposed</b>	<b>Footprint (square metres)</b>	<b>Volume (cubic metres)</b>
Plot 1	91	487
Plot 2	91	487
<b>Total</b>	<b>182</b>	<b>974</b>
<b>Previously refused scheme</b>	<b>Footprint (square metres)</b>	<b>Volume (cubic metres)</b>
Plot 1	91	487
Plot 2	91	459
Plot 3	91	459
<b>Total</b>	<b>273</b>	<b>1405</b>

- 9.8 From these figures there would be a reduction of approximately 66% in building footprint and 48% in building volume. The existing buildings on site are all single storey of varying heights, the maximum being approximately 5.7m high. The proposed dwellings being 1 and half storeys would be higher than the existing buildings, with an approximate 6.5m maximum ridge height for both proposed dwellings. However, the scheme also proposes to lower the ground level on part of the site where the dwellings would be sited. Therefore as shown on drawing ref PL-301 the ridge of the proposed dwellings would be comparable in height with the existing buildings. Crown roofs are proposed, but given the low eaves and small flat area on top, together with the relatively simple plan form, the design of the proposed dwellings is considered to minimise bulk. The proposed dwellings would also be sited in approximately the same location as the existing buildings. This scheme, is significantly less in built footprint and volume than the previously refused scheme. In addition, this scheme would have significantly less built development than

the existing development on site. As such, it is considered that the proposed development would not have a greater impact on the openness of the Green Belt than the existing development.

- 9.9 The alteration to the profile of the land by excavation is considered as an engineering operation, which paragraph 146 of the NPPF states is not inappropriate in Green Belt provided the development preserves the openness of the Green belt and does not conflict with the purposes of including land in Green Belt. Given the nature of regrading works to alter the profile of the lane and the extent of excavation it is considered that these works would have a limited impact on openness and would not involve encroachment into the countryside.
- 9.10 For these reasons, it is considered that the proposal would constitute appropriate development within the Green Belt in accordance with the NPPF and there would be no conflict with Local Plan policy GB2(a).

### **Design and Appearance and Impact on Special Character**

- 9.11 The site is one of a number of small farmsteads dotted around the village of Cookham Dean and lies adjacent to Kennel Lane. In terms of character, the Cookham Village Design Statement states that in general nowhere in Cookham Dean is there any intense area of housing development, and on all roads and lanes the houses are well separated or sporadically grouped, punctuated by meadows or woodlands. Very frequently where groups of homes are situated, they are on one side of the road or lane only. On boundaries, hedging and wide green verges or green banks are the norm. The appearance of buildings are characterised by their individual design but dominated by 'country style' and homes are situated discreetly, usually well back from the road with long private driveways to a single home or small cluster of homes not being uncommon. Specifically, the amount of unbuilt land adjoining Kennel Lane helps engender a sense of peace and informality and within the general vicinity of Kennel Lane there is a prominence of rustic black-stained boarding giving it a particular appearance.
- 9.12 In the previously application for three dwellings, the scheme was refused for the following reason:
- 'The proposed form of development including changes to the levels of the site and loss of trees and vegetation would result in the development appearing unduly prominent when viewed from the east. Furthermore the associated residential paraphernalia including lighting would result in the site appearing incongruous to the detriment of the characteristic rural landscape.'*
- 9.13 It is necessary to consider if this scheme overcomes the previous reason for refusal. This scheme has less buildings than the previously refused scheme, and the dwellings would be sited towards the rear of the site, rather than spread throughout as they were in the previous scheme. This is a significant change.
- 9.14 With regard to ground levels, the scheme seeks to regrade the land in order to facilitate the residential development. The changes to the levels would differ from that proposed in the previous scheme. As shown on drawing PL-301, it is not proposed to regrade the land on the western part of the site (where the internal access will be located). In the previous scheme for 3 dwellings, this would have required quite substantial lowering of the land to accommodate the third dwelling. Turning to the eastern part of the site (where the proposed dwellings would be located), the land on plot 2 would be lowered by circa 2 metres, which is similar to what was proposed in the previous refused application. The land on plot 1 would be lowered by 2.5-3 metres, and this is circa half a metre lower than that proposed in the refused scheme. There will be changes to ground levels in this scheme, however, as a third dwelling is not proposed to the western part of the site, the ground levels in this area will not be regraded.
- 9.15 With regard to the loss of trees and vegetation, the proposed site plan indicates the same trees to be retained and lost as in the previously refused scheme, however, more new trees are proposed to be planted in this scheme, with a lot of new trees proposed along the eastern boundary of the site. This planting will help screen views of the site from the east.

- 9.16 With regard to the residential paraphernalia and external lighting, the scheme proposes one less dwelling than in the previous scheme, and so the amount of external lighting and residential paraphernalia associated with the scheme, would be proportionately less than in the refused scheme.
- 9.17 In addition, details of external lighting can be controlled by planning condition (see condition 16), to ensure the lighting scheme and illumination is appropriate to the setting of this area.
- 9.18 In this context the layout comprising of two detached buildings located on one side of the lane and served by a long private driveway would be in keeping with the prevailing pattern of development. Due to the limited number of houses and their modest scale, the proposed houses are not considered to result in a density that is excessive nor cramped within the site or disproportionate to their plots. The houses would be well-spaced from each other, leaving sufficient space to accommodate meaningful soft landscaping.
- 9.19 The amount of hardstanding at the site in comparison to the existing situation would also be reduced by approximately 191sqm, which is a reduction of approximately 30%. Overall, the vernacular design of the houses would reflect the traditional rural character and they include key characteristics such as varied, asymmetrical elevations, pitched roofs and chimneys. The proposal incorporates naturally stained timber boarding, rather than black-stained, which is not a major characteristic of buildings along Kennel Lane other than for barns but it is considered that the natural stain would not be overly disharmonious with the material and colour pallet of the area and would not result in an overly obtrusive appearance. Details and approval of materials can be secured by condition (see condition 2). The proposed site plan shows new trees and soft landscaping to be planted within the site and on the site boundaries. Details of new trees and soft landscaping could be secured by planning condition (see condition 15). For these reasons the proposal is considered to meet the aims and objectives of paragraph 127 of the NPPF, Local Plan policies DG1, H10 and H11, and policies G6.1, G6.2, G6.3, G6.4, G.6.5, G.6.6, G6.8, G.16, G.19 and G.21 of the Cookham Village Design Statement.
- 9.20 The scheme is considered to be of an acceptable design and is considered to overcome the previous reason for refusal.
- 9.21 Cookham Dean Conservation Area does not adjoin but lies to the west of the application site. Given the acceptability of its layout, siting, scale, design and appearance it is not considered to adversely affect its setting in accordance with Local Plan policy CA2.

### **Highway Issues**

- 9.22 The site is located off of Kennel Lane which measures approximately 2.5m in width. Past Harding's Farm, Kennel Lane narrows further into a footpath which leads eastwards to Whyteladyes Lane and is a Public Right of Way.
- 9.23 The site benefits from an existing vehicular access off Kennel Lane which is proposed to be stopped up and a new 5m wide access is proposed to the west which will lead onto a new internal access. With regard to visibility splays at the access, drawing ref: PL012C shows the required visibility splays of 2.4m x 15m to the left and right can be achieved, however to achieve adequate visibility splays to the left the hedge should be at a height of no more than 600mm from the carriageway level. As the hedge is within the application site this can be secured by condition (see condition12). The widths provided along the new internal road will enable a two way flow and enable a vehicle to easily manoeuvre within the site to enter and exit the site in a forward gear.
- 9.24 In line with the current Parking Strategy the 3-bed dwelling will require 2 car parking spaces. Drawing number PL-102A shows that each dwelling will comply with the Local Authorities maximum parking standard.
- 9.25 The development has the potential to generate a total of 12 to 24 vehicle movements per day, which is not considered to have a detrimental effect on the local highway network.

- 9.26 A Public Right of Way footpath (Cookham Footpath 22) follows Kennel Lane from Church Road in Cookham Dean to the application site. The footpath then narrows and continues to Whyteladyes Lane. Due to its residential nature it is considered that the proposed change of use would not have a significant adverse impact on the public footpath either in terms of the views from the footpath or the extent of vehicular use of the footpath/farm track as access to the property.
- 9.27 The proposal is therefore considered to comply with Local Plan policies T5, T7 and P4 of the Local Plan.

### **Residential Amenity**

- 9.28 The NPPF seeks to ensure a good standard of amenity. In this case, the separation distance from the nearest neighbouring property (Huntsman Cottage) is such that the proposed houses are unlikely to result in material loss of light, loss privacy or visual intrusion. The change of use to residential is not considered to give rise to undue noise and disturbance to the detriment of neighbouring amenity.

### **Ecology**

- 9.29 The NPPF advises that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 9.30 A Phase 2 Bat Assessment has been submitted as part of the application. No evidence of bats was recorded within any of the buildings, but 2 buildings were assessed as having potential to support roosting bats and a further survey was recommended. During the further survey, two common pipistrelle bats were recorded returning to roost from one building and the applicant's ecologist has provided an outline bat mitigation strategy which includes sensitive timing of works to building, careful removal and inspection of cladding, sensitive lighting and installation of bat boxes onto retained mature trees within the site, all of which will be detailed within a method statement to accompany a European Protected Species licence (EPSL). Owing to the date that the surveys were undertaken, if the development does not start before the end of 2018, it would be necessary for a new survey to be undertaken. As such, condition 3 seeks to get an updated bat survey to be undertaken if development is not commenced before the end of 2018.
- 9.31 The submitted ecology report also makes a number of recommendations for enhancements including incorporation of wildflower areas, native species planting, sensitive lighting, and installation of bird and bat boxes onto the new buildings or retained mature trees, which would meet the aims and objectives of the NPPF. It is recommended that these are secured by condition (see condition 7).

### **Archaeology**

- 9.32 The proposal lies in an area of archaeological interest, in particular to the prehistoric settlement and land use of this part of the Thames Valley, as evidenced by Berkshire Archaeology's Historic Environment Record (HER). In addition, while the site is currently occupied by buildings, these are generally slight structures that are likely to have had little impact on below ground deposits. The NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. As such, there are no objections in principle subject to condition 6 to secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be submitted and approved by the Local Planning Authority.

## Housing Land Supply

- 9.33 Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that there will be a presumption in favour of Sustainable Development and that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted in January 2018. The Borough Local Plan sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory.

## **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 10.1 The development is CIL liable. The proposed floorspace of the dwellings is 296 square metres.

## **11. CONCLUSION**

- 11.1 The scheme is considered to be appropriate development within the Green Belt and is considered to comply with PolicyGB2 (part A) of the Adopted Local Plan and paragraph 145 of the NPPF. The scheme is considered to be of an acceptable design, and is considered to have a sufficient level of new tree planting. The scheme is also considered to have an acceptable impact on Highway Safety, and would be in accordance with policies H10, H11, DG1, N6, P4 and T5 of the Adopted Local Plan.

## **12. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – Proposed site layout
- Appendix C – Proposed Elevations and Floor plans
- Appendix D – Previously refused site layout for 3 dwellings

## **13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Prior to the construction of the dwellings, hereby approved, samples of the materials to be used on the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.  
Reason: To ensure a satisfactory appearance.
- 3 If the development hereby permitted does not commence before the 1st January 2019, an updated bat survey shall be undertaken. The survey and the results and any mitigation from the updated survey shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.  
Reason: In the interests of biodiversity
- 4 Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwellinghouse the subject of this permission shall be carried out without planning permission

having first been obtained from the Local Planning Authority.

Reason: The site is in the Green Belt and whilst the development subject to this permission complies with the Green Belt policy further development would be unlikely to do so, Relevant Policies - Local Plan GB1, GB2,

- 5 Within one month of the completion of the development the building shown to be removed on the approved plans, shall be demolished in its entirety and all materials resulting from such demolition works shall be removed from the site.

Reason: To prevent the undesirable consolidation of development on the site having regard to its Green Belt location. Relevant Policies - Local Plan GB1, GB2,

- 6 No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site lies in an area of archaeological potential, particularly in relation to the prehistoric settlement and land use of this part of the Thames Valley. The potential impacts can be mitigated by a programme of archaeological work so as to record and advance understanding of the significance of any heritage assets in accordance with national and local planning policy.

- 7 The development shall be carried out in accordance with the recommendations for for biodiversity enhancements within the Preliminary Ecological Appraisal report (ECOSA, November 2016) and retained thereafter.

Reason: To secure biodiversity enhancements.

- 8 Prior to the first occupation of the dwelling hereby approved, the access shall be constructed in accordance with the approved drawing. The access shall thereafter be retained as approved.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1

- 9 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.

- 10 No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.

- 11 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

- 12 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1.

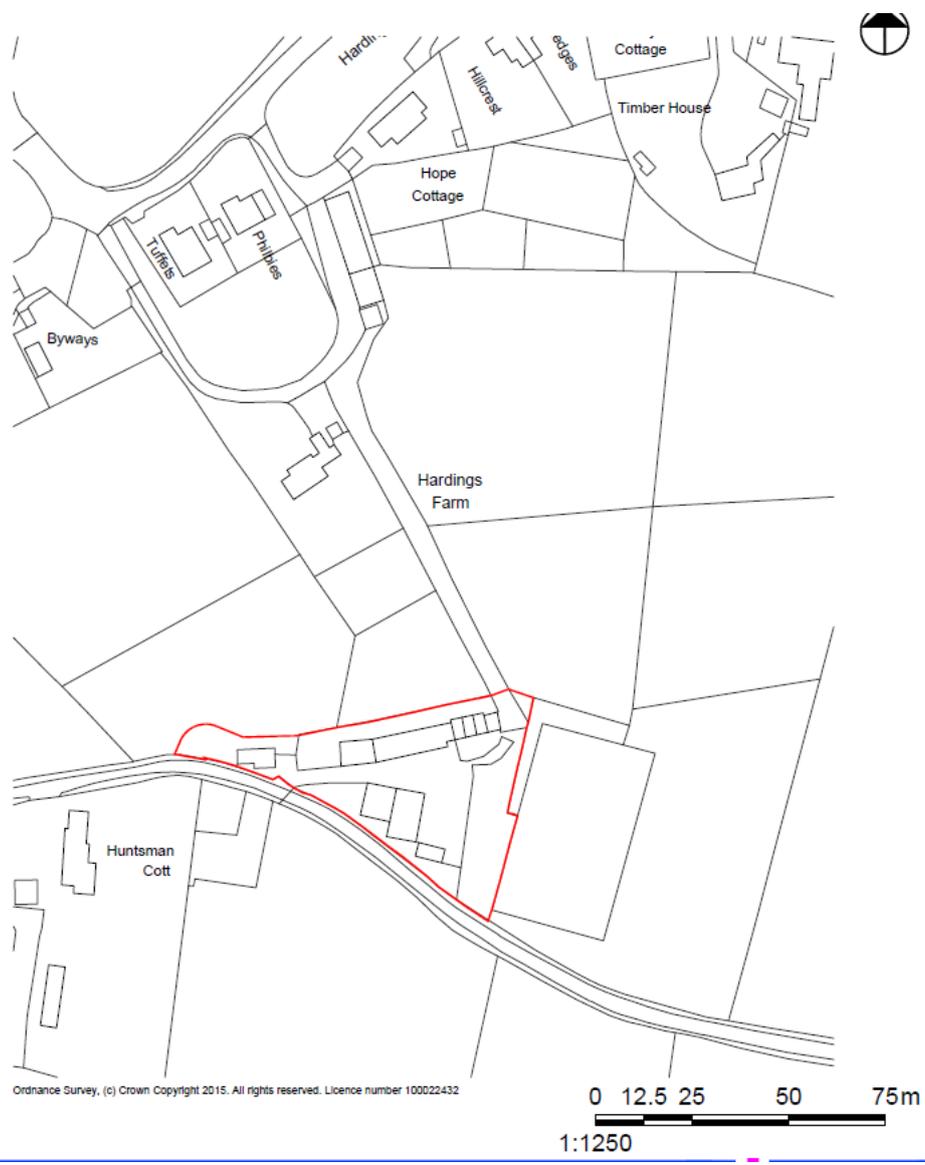
- 13 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in

writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1

- 14 No tree or hedgerow shown to be retained in approved drawing PL02-C shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 15 Prior to the completion of the development hereby approved, details of both hard and soft landscape works, shall be submitted to and approved in writing by the Local Planning Authority. There works shall be carried out as approved within the first planting season following the 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, unless the Local Planning Authority gives its prior written consent to any variation.  
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 16 Prior to the installation of external lighting, details of its positioning, type, and level of illumination shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
Reason: To ensure the lighting is appropriate in this rural area.
- 17 The development hereby permitted shall be carried out in accordance with the approved plans listed below.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Appendix A- Site location plan



# Appendix B- Proposed site layout



**Appendix C- Elevations and Floor plans**

**Plot 1**



Front Elevation



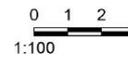
Side Elevation



Side Elevation



Rear Elevation



**Plot 2**



Front Elevation



Side Elevation



Side Elevation

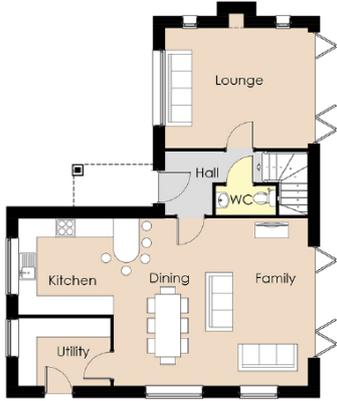


Rear Elevation

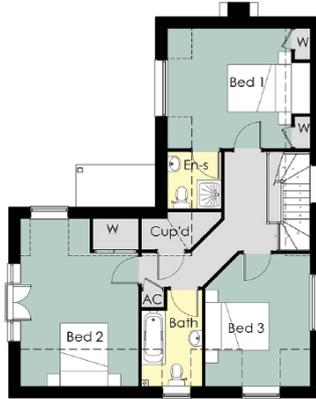


# Floor Plans

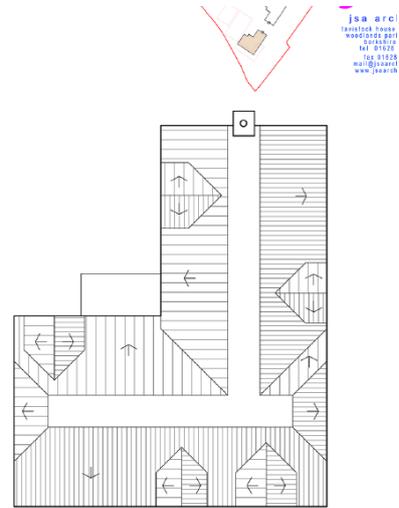
## Plot 1



Ground Floor Plan

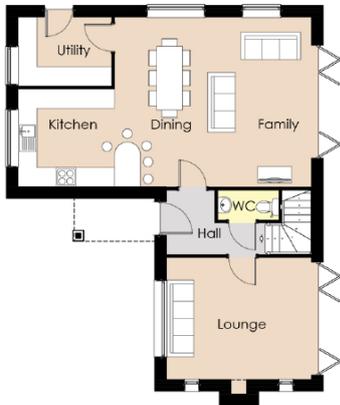


First Floor Plan

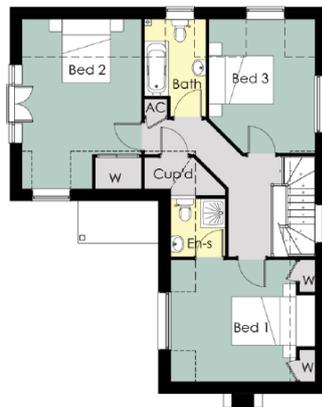


Roof Plan

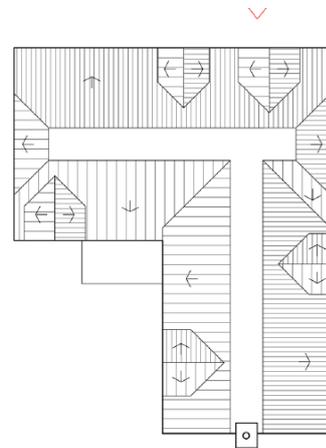
## Plot 2



Ground Floor Plan



First Floor Plan



Roof Plan

# Appendix D- Previously refused scheme



## MAIDENHEAD DEVELOPMENT CONTROL PANEL

21 November 2018

Item: 7

**Application No.:** 18/02289/FULL

**Location:** Land To The West of Mullberry Coningsby Lane Fifield Maidenhead

**Proposal:** Change of use of the land to joint agricultural and equestrian use.

**Applicant:** Mrs Kendall Smith

**Agent:** Tom McArdle

**Parish/Ward:** Bray Parish/Bray Ward

**If you have a question about this report, please contact:** Alys Hughes on 01628 796040 or at [alys.hughes@rbwm.gov.uk](mailto:alys.hughes@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 Planning permission is sought for the change of use of land to mixed agriculture and equestrian use.
- 1.2 The proposal, in accordance with paragraph 146 of the NPPF and policy GB1, would constitute an appropriate form of development within the Green Belt having no greater impact on openness and not conflicting with any of the listed purposes.
- 1.3 The proposed development is not considered to have any detrimental impact on the character and appearance of the area and complies with policy DG1 and paragraphs 127 and 130 of the NPPF.
- 1.4 It is not considered that the change of use would have any direct impact on the amenities of neighbouring properties.

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

### 2. REASON FOR PANEL 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 Panel.
- At the request of Councillor Coppinger to discuss overdevelopment in the Green Belt

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The proposal site consists of land to the north of Coningsby Lane. The land used to form part of Coningsby Farm but has now been sold off. The land is in agricultural use and permission has recently been granted on site for the construction of agricultural livestock/storage buildings.
- 3.2 The proposal site is situated within the Green Belt.

### 4. KEY CONSTRAINTS

- 4.1 Green Belt

## 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 Planning permission is sought for the change of use of the land to mixed agricultural and equestrian use. This application has arisen from the currently pending application for stables, reference 17/03581/FULL. The horses which are proposed to be located on the site would not be purely grazing on the land and would not therefore fall under the definition of agriculture, thereby leading to a requirement for a mixed agricultural and equestrian use.

5.2 18/02886/AGDET - Notification to determine whether prior approval is required for the construction of a new agricultural barn. Refused.

18/02513/FULL - Construction of permanent essential workers dwelling, new access and track with entrance gates, hard standing and new boundary treatment. Refused. 24.10.18

18/02510/FULL - Construction of an agricultural building. Pending consideration

18/02070/CONDIT - Details required by condition 4 (construction management plan) and 11(external lighting) of planning permission 17/03579. Approved. 06.09.18

18/02059/CONDIT – Details required by condition 4 (construction management plan) and 11(external lighting) of planning permission 17/03580. Approved. 06.09.18

18/01699/CONDIT – Details required by condition 9 (archaeology works) of planning permission 17/03580/FULL. Approved. 27.07.18

18/01698/CONDIT – Details required by condition 9 (Archaeology works) of planning permission 17/03579/FULL. Approved. 26.07.18

17/03596/FULL – Construction of permanent essential workers dwelling, garage and multi-use agricultural building/farm shop, new access and track with entrance gates, hard standing and new boundary treatment. Refused. 06.06.18

17/03579/FULL – Erection of two agricultural livestock buildings, new access, gates and track, agricultural hardstanding and boundary treatment. Approved. 09.04.18

17/03580/FULL – Erection of agricultural storage building, new access, gates and track, agricultural hardstanding and boundary treatment. Approved. 09.04.18

17/03581/FULL – Erection of American barn stables, new access, gates and track, agricultural hardstanding and boundary treatment. Pending consideration. Pending consideration

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

6.1 The main strategic planning considerations applying to the site and the associated policies are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Acceptable impact on Green Belt	GB1, GB2
Highways	P4 AND T5
Trees	N6

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

## 7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2018)

**Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2

7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

7.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

**Other Local Strategies or Publications**

7.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:  
[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

**8. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

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

Comment	Where in the report this is considered
1. Will be used as a breeding stud farm and not for personal leisure equestrian use	Noted.
2. No detailed plan of stables	This applied for under separate application
3. Affects public right of way	See 9.14
4. Land prone to flooding	See 9.10

5.	Impact on openness of Green Belt	See Issue i
6	Should not be considered acceptable just because it's a relocation	Full assessment carried out, the same as any other application for this proposed change of use.
7.	Access road is narrow	This has already been approved under separate applications. Please see planning history section.

## Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	'The recommendation of Bray Parish Council for the above application is to refuse. The land is not suitable to sustain equestrian use for up to 7 months of the year due to flooding'.	9.10
Right of way	'Bearing in mind that the public footpaths are adequately signed and waymarked and there is good visibility at those points where the footpaths cross or pass close to the canter track, I have no objection to the application on public rights of way ground'.	9.14
Ecologist	'Since the proposals do not concern any physical development, and as the relevant ecological recommendations in regard to the proposed stables should be secured under 17/03581, there are no objections to this application on ecological grounds'.	9.13
Highways	'The Highways Authority offers no objection to the proposals'. Infomatives recommended.	9.11
Trees	No objection subject to conditions.	9.12
East Berkshire Ramblers	'This application concerns the Change of Use to joint Agricultural and Equestrian use of a parcel of land previously used for agriculture. Two public footpaths cross the land, namely Bray 45 and 46, and I am concerned that extended equestrian use will adversely affect public access on foot to these paths. Footpath 45 is already bisected by an exercise track and paddock fencing and I suspect that more fences are planned. It is important that if this application is allowed there must be a condition that the public rights of way are properly signposted and unobstructed. Also, on safety grounds, steps should be taken to keep the horses away from the rights of way.'	9.14

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i whether the proposal is an acceptable form of development within the Green Belt
- ii impact on the character and appearance of the area

iii impact on neighbouring amenities

iv other considerations

### **Issue i – whether the proposal is an acceptable form of development within the Green Belt**

- 9.2 The proposal site is situated within the Green Belt where development is restricted to protect its open and undeveloped character. Inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 lists certain developments relating to buildings that do not constitute inappropriate development. The proposed development does not include the construction of any buildings and therefore does not fall under any of the exceptions listed under paragraph 145. Paragraph 146 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of these includes under e) the material changes in the use of land (such as change of use for outdoor sport or recreation, or for cemeteries and burial grounds).
- 9.3 Local Plan Policy GB2 states that permission will not be granted for a change of use within the Green Belt if it would have a greater impact on the openness of the Green Belt or the purposes of including land in it than an existing development of the site, or would harm the character of the countryside.
- 9.4 The proposed development is for the change of use of the land from agriculture to mixed agriculture and equestrian. Equestrian use is considered to be an outdoor sport whether a public use or private. The assessment is therefore based on whether the proposed change of use would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The purposes of the Green Belt are outlined under paragraph 134 of the NPPF as follows:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.5 Paragraph 141 of the NPPF states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt through looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity, or to improve damaged and derelict land.
- 9.6 The proposed change of use would not alter the character and appearance of the site and the area would remain as open countryside. Whilst it is noted, as also raised as a concern by neighbours, equestrian uses are likely to result in the need for ancillary buildings such as stables, this is not dissimilar to the need that would also likely arise from an agriculture use such as for livestock buildings or storage barns. Any proposed ancillary buildings on the site would be subject to planning permission. A canter track already exists on site and the plan submitted demonstrates that all existing hedges and trees would remain. There is no suggestion on the plans that any additional fencing is required and the supporting letter explains that the existing fencing and hedges on site would be utilised to separate livestock. It is not therefore considered that the proposed change of use would have any greater impact on the openness of the Green Belt than the existing use for solely agriculture and neither would it conflict with any of the purposes of the Green Belt as listed under paragraph 9.4 above.

### **Issue ii – impact on the character and appearance of the area**

- 9.7 Paragraph 127 c) of the NPPF states that decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 30 of the NPPF states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Local Plan Policy DG1 is consistent with this.
- 9.8 The main characteristics of the site due to it being in the Green Belt are its openness and permanence. The impact of the proposal on this character has already been discussed under paragraph 9.6 where it was concluded that the proposed change of use would not alter the appearance of the site and would not cause any additional harm to the openness. As such, the proposal is considered to preserve its existing character, rather than cause harm and is therefore in compliance with the NPPF and policy DG1.

### **Issue iii – impact on neighbouring amenities**

- 9.9 The proposed change of use would not have any impact on the amenities of neighbouring dwellings. The equestrian use is private and it is not anticipated that there would be any significant increase in the level of disturbance/noise. The Highways Authority have confirmed that they do not consider that the proposal would generate a significant amount of additional vehicular activity.

### **Issue iv – other material considerations**

- 9.10 The site is situated within Flood Zone 1 (low risk) and is not identified as being an area that has critical drainage issues.
- 9.11 The site benefits from a newly permitted vehicle access from Coningsby Lane. It is not considered that the proposal would generate a significant amount of vehicular activity and therefore is not considered to have a detrimental effect on the local highway network.
- 9.12 The Council's Tree Officer has recommended conditions which includes the submission of tree protection details and a landscaping scheme. As the development is for the proposed change of use, it is not considered necessary to request tree protection measures and it is not considered necessary to request a landscaping scheme as this would likely encourage changes to the existing landscaping of the site which the Council would want to keep to a minimum due to its Green Belt location.
- 9.13 The Council's Ecologist has been consulted on the application and has advised that as the proposal does not include any physical development, no concerns are raised on ecological grounds.
- 9.14 There are two public footpaths crossing the site, Bray Footpaths 45 and 46. The proposed development would not result in the need to divert or relocated the route of the public footpaths and therefore no objection is raised in this regard.

## **10. CONCLUSION**

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that applications for development should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the scheme accords with the policies of the adopted development plan and material considerations do not lead to a different conclusion.
- 10.2 **Recommend approval**

## **11. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – Proposed block plan

**12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed below.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Appendix A – Site location plan

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www.streetwise.net  
Licence No: 100047474

- NOTES:
1. This drawing and its design is the copyright of Cotswold Architects Ltd, and may not be reproduced in any form without their prior consent.
  2. Do not scale off this drawing.
  3. Dimensions to be checked on site.

CLIENT:  
**Kensmyth Stud**

**cotswold architects.**  
RIBA CHARTERED ARCHITECTS  
www.cotswoldarchitects.com  
info@cotswoldarchitects.com

tel. 01285 238528

PROJECT:  
Land off Coningsby Lane  
Maidenhead  
Berkshire  
SL6 2PF

TITLE:  
**Site Location Whole**  
Land Owned Affected by the Proposal

DRAWING NO.	REV.
17-079-E-COU-02	



## MAIDENHEAD DEVELOPMENT CONTROL PANEL

21 November 2018

Item: 8

<b>Application No.:</b>	18/02745/FULL
<b>Location:</b>	Telecommunications Mast At Junction of Boyn Hill Road And Clare Road Maidenhead
<b>Proposal:</b>	Installation of a replacement 15m slimline pole supporting 3no shrouded antennas together with ancillary development thereto.
<b>Applicant:</b>	CTIL And Telefonica UK Ltd
<b>Agent:</b>	Ms Dianne Perry
<b>Parish/Ward:</b>	Maidenhead Unparished/Boyn Hill Ward

**If you have a question about this report, please contact:** Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk

### 1. SUMMARY

- 1.1 This application is for the replacement of a telecommunications mast at the corner of Boyn Hill Road and Clare Road in Maidenhead with another mast of the same height and almost the same dimensions. The land is Highways land, and there has been one objection to the proposal. It is considered that the proposal is acceptable in terms of all the relevant material planning considerations.

**It is recommended the Panel grants planning permission with the conditions listed in Section 12 of this report.**

### 2. REASON FOR PANEL DETERMINATION

- The Council has a land ownership interest in the site. 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 Panel.

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is a footpath adjacent to a triangular landscaped section of verge at the junction of Boyn Hill Road and Clare Road. There is a 7m high mature tree on the grass verge, and a number of 12m high mature trees within the site of the former East Berkshire College, which has been redeveloped and now contains flats at this end of the site.

### 4. KEY CONSTRAINTS

- 4.1 The site already contains a 15m high telecommunications mast, which this application proposes to replace. It is on highways land near a road junction, and is a short distance from the All Saints, Boyn Hill Conservation Area. Local Plan Policy TEL1 is relevant to the application.

### 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal involves the removal of the existing 15m slim-line monopole supporting 6 shrouded antennas and the installation of a replacement 15m slim-line monopole supporting 3 shrouded antennas and ancillary development thereto, including the internal refreshment of an existing cabinet. The shroud at the top of the pole will be slightly wider than the existing shroud, at 0.58m diameter compared to the existing 0.4m. The colour is proposed to be brown, the same as the existing mast.

Reference	Description	Decision
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14/02424/TLDDT	Application for determination as to whether prior approval is required for the replacement of the existing 13.5m monopole with 15m monopole and installation of 1x new equipment cabinet with associated works.	Permitted 8.9.2014
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## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

6.1 The main strategic planning considerations applying to the site and the associated policies are:

Issue	Adopted Local Plan Policy
Telecommunications development	TEL1

This policy can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2018)

Section 10- Supporting high quality communications

### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Telecommunications	IF8

7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

7.2 This document can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### Supplementary Planning Documents

xlvi. RBWM Telecommunications SPD

[https://www3.rbwm.gov.uk/info/201039/non-development\\_plan/494/supplementary\\_planning\\_documents/18](https://www3.rbwm.gov.uk/info/201039/non-development_plan/494/supplementary_planning_documents/18)

## 8. CONSULTATIONS CARRIED OUT

## Comments from interested parties

15 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 4.10.2018

One email was received objecting to the application, summarised as:

Comment	Where in the report this is considered
The existing mast interferes with my television reception and the proposed one will do the same.	9.7

## Consultees

Consultee	Comment	Where in the report this is considered
Highways Officer	No objection, suggested informatives	N/A
Environmental Protection	No objection	9.6

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i whether the proposal complies with the Council's policy on telecommunications development;
- ii whether there are any relevant environmental health issues; and
- iii amenities of nearby residents.

### Telecommunications development

9.2 The relevant Development Plan Policy is TEL1 and the Borough Local Plan Submission Version Policy IF8 is also relevant as a material planning consideration in this case. Policy TEL1 states that the Borough Council will only grant planning permission for telecommunications development where: 1) There is no reasonable possibility of sharing existing facilities; 2) In the case of radio masts, there is no reasonable possibility of erecting antennae on an existing building or other structure where there is little or no adverse environmental damage; 3) The proposed development does not have significant adverse visual impact and is sited and designed so as to minimise obtrusiveness; 4) (not relevant – Green Belt) 5) There is no conflict with other policies of the Plan. Policy IF8 of the Borough Local Plan Submission Version states, inter alia, that the siting and appearance of the proposed apparatus and associated structures should seek to minimise harm to the visual amenity, character and appearance of the surrounding area. The proposal would comply with adopted policy TEL1, which is considered to be up-to-date and should be given greatest weight. The Borough Local Plan Submission Version policy IF8 is in accord with National policy and should be accorded significant weight as a material planning consideration.

9.3 The proposed development would be an almost identical replacement of an existing mast of the same height. There will be a slight increase in the diameter of the shroud at the top, but this is

likely to be virtually imperceptible. The mast would be brown like the existing. The mast would be jointly operated by Telefonica UL Ltd and Vodafone Ltd, so will constitute mast sharing. In this case, the mast would blend in with the tall trees near the site, and would not stand out as being an obtrusive piece of street furniture, given the similarity of the siting and design to the existing mast which it would replace. There would be no adverse visual impact as a result of the development.

- 9.4 The Council needs to pay special attention to the desirability of preserving or enhancing the character or appearance of the nearby All Saints, Boyn Hill Conservation Area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. All Saints Church is located approximately 150m to the north of the site. It is considered that given the distance and the local tree cover, and the similarity of the proposal to the existing situation, that the proposal would conserve the character of this conservation area.
- 9.5 The proposal complies with the relevant policies.

### **Environmental Health**

- 9.6 Health issues affecting telecommunications equipment have been considered at Government level, which set up an Independent Expert Group under the chairmanship of Sir William Stewart. The conclusion of this Group, which has been accepted by the Government, is that the balance of evidence suggests that exposure to RF radiation below International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines does not cause adverse health effects to the general population. The applicant has confirmed that the proposal would comply with these guidelines. It is therefore not appropriate to consider health issues further in relation to the present application.

### **Amenities**

- 9.7 The mast would be visible from some of the windows in the new flats on the former East Berkshire College site and from the other nearby houses, but views would be softened by the existing trees, and it would be sufficiently far away so as not to be overbearing. It is not considered that the proposal would have any adverse effect on the amenities of nearby residents. The objection of one of the neighbours on the grounds that the mast interferes with her television reception is not a material planning consideration. The objector has been referred to the relevant bodies for assistance with this problem.
- 9.8 Though not a planning matter, the applicant has supplied the following statement regarding television interference:

*'All operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the condition of their licence. Operating any transmitters in accordance with the conditions of the licence fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumentation or air traffic systems. The conditions of the licence are mandated by Ofcom, an agency of national government. The remit of Ofcom also includes investigation and remedy of any reported significant interference. Mobile phone base stations that provide 4G services have a small potential to cause interference with digital TV reception. This is because the 800 MHz part of the electromagnetic frequency (EMF) spectrum, which some mobile network operators use for 4G services, is close to the frequency used for digital terrestrial television (the UK Freeview UHF frequency range is between 470 & 854MHz).*

*EE, Telefónica O2, Three and Vodafone have now formed a jointly-controlled company – at800 – that is responsible for ensuring that consumers continue to receive clear Freeview TV signals following the roll out of 4G mobile services. The funding for this company has come directly from proceeds of the Government's auction of the 4G licences. If (the objector) wishes to discuss (their) freeview reception with at800 please find their home page here: <https://at800.tv/>. At800 can also be contacted by telephone on 0808 13 13 800.'*

## **10. CONCLUSION**

10.1 This proposal complies with the relevant policy of the adopted development plan and the Borough Local Plan Submission Version (as a material planning consideration), and the proposal would result in improvements to the telecommunications networks, and should be supported.

## 11. APPENDICES TO THIS REPORT

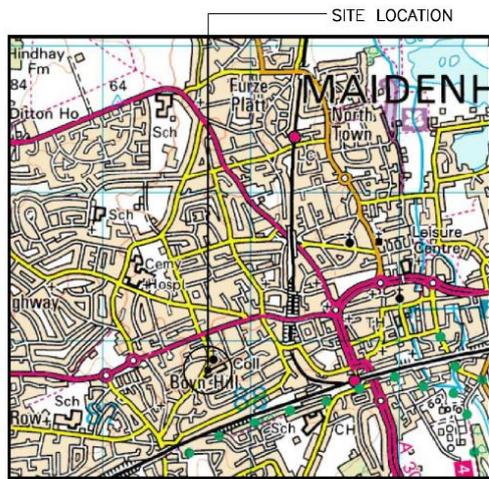
- Appendix A - Site location plan
- Appendix B – Proposed site plan
- Appendix C - Existing elevation
- Appendix D - Proposed elevation

## 12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed below.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

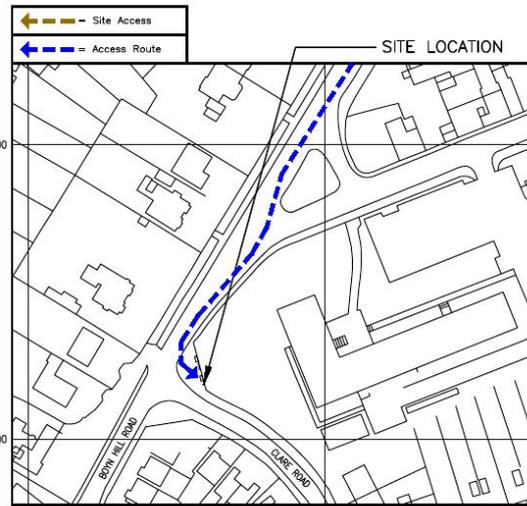
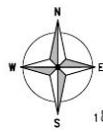
### Informatives

- 1 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 2 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 3 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.



**SITE LOCATION**  
(Scale 1:50000)

Ordnance Survey map extract based upon Landranger map series with the permission of the controller of Her Majesty's Stationary Office. Licence No. 0100023487. Crown copyright.



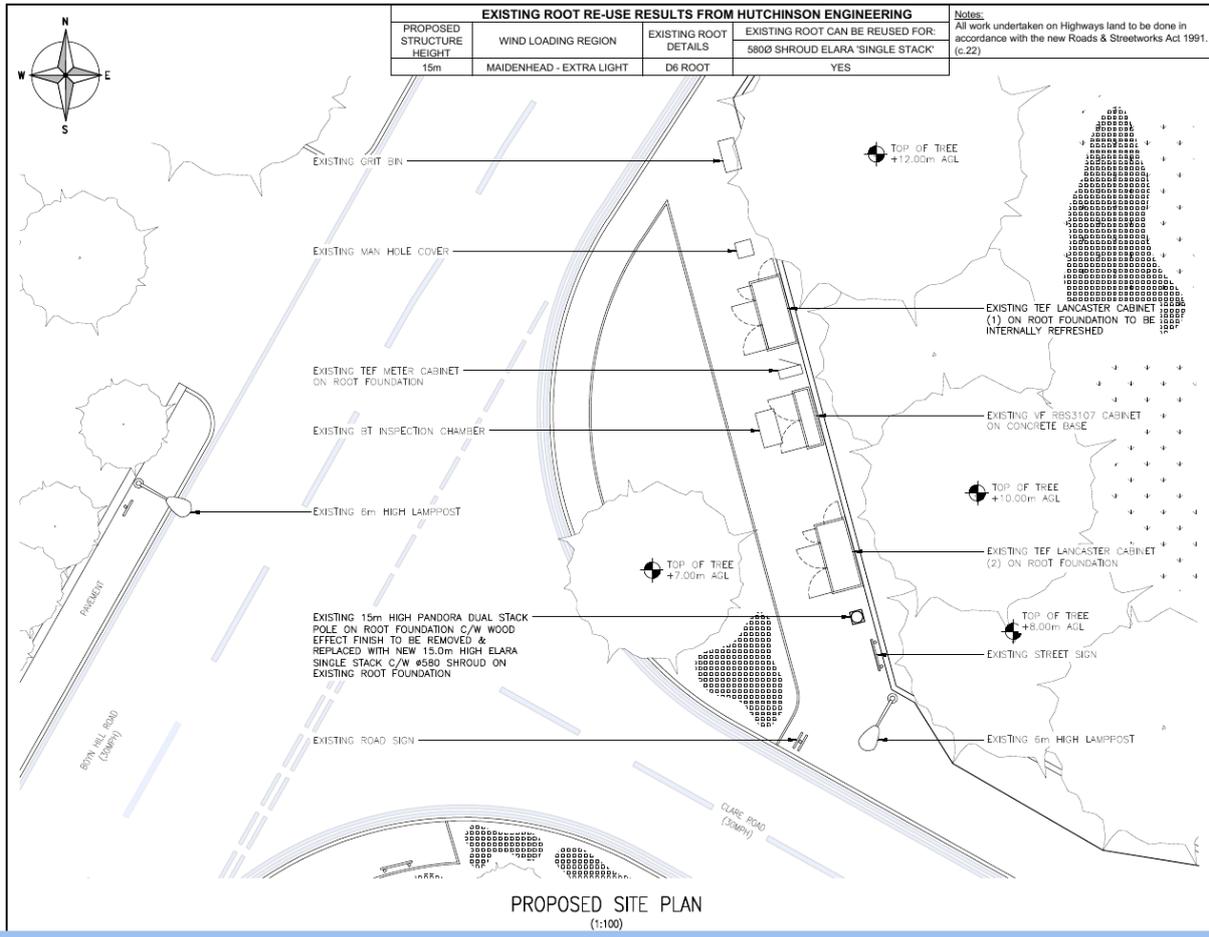
**DETAILED SITE LOCATION**  
(Scale 1:1250)

Based upon Ordnance Survey map extract with the permission of the Controller of Her Majesty's Stationary Office. Crown copyright. Licence No. 100020449

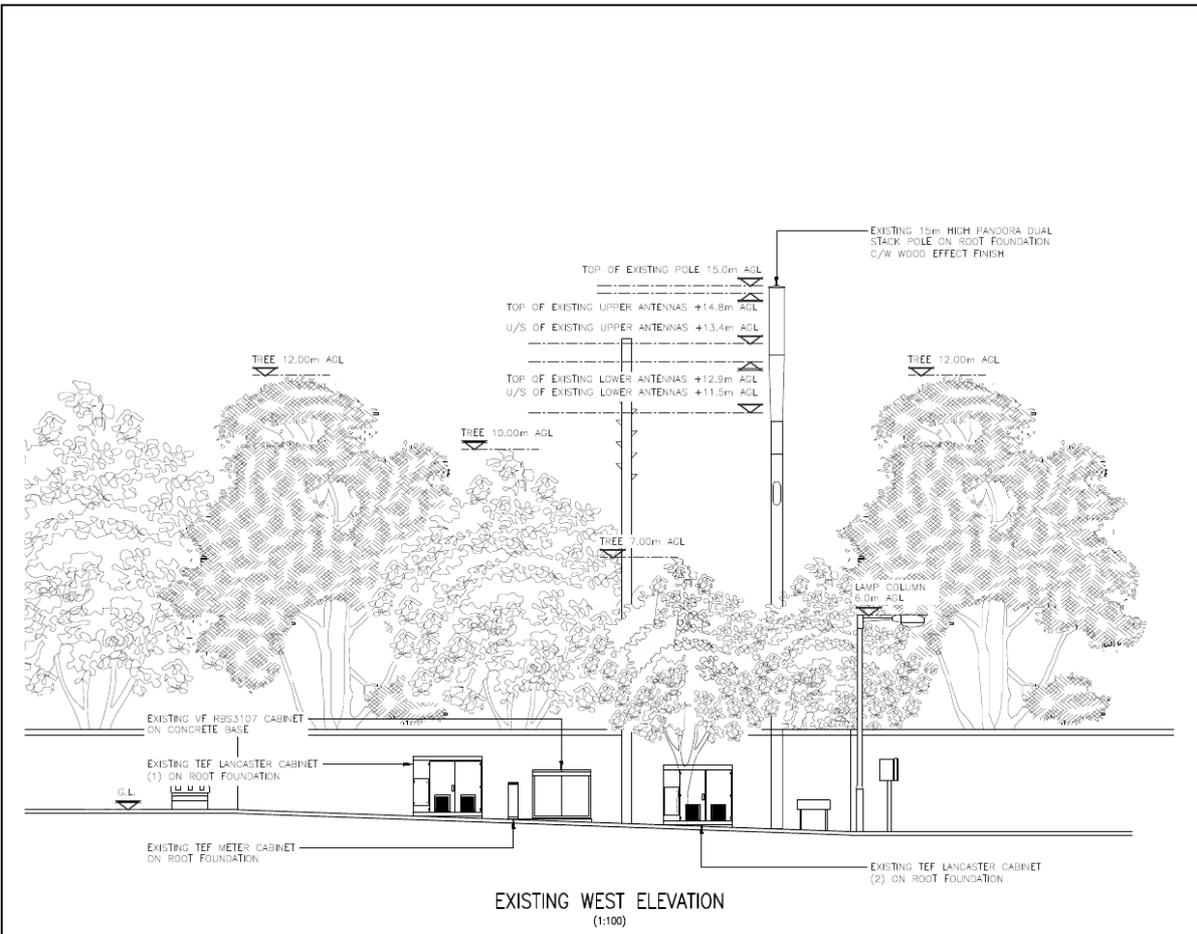


12/02723/VAR Former East Berkshire College Site

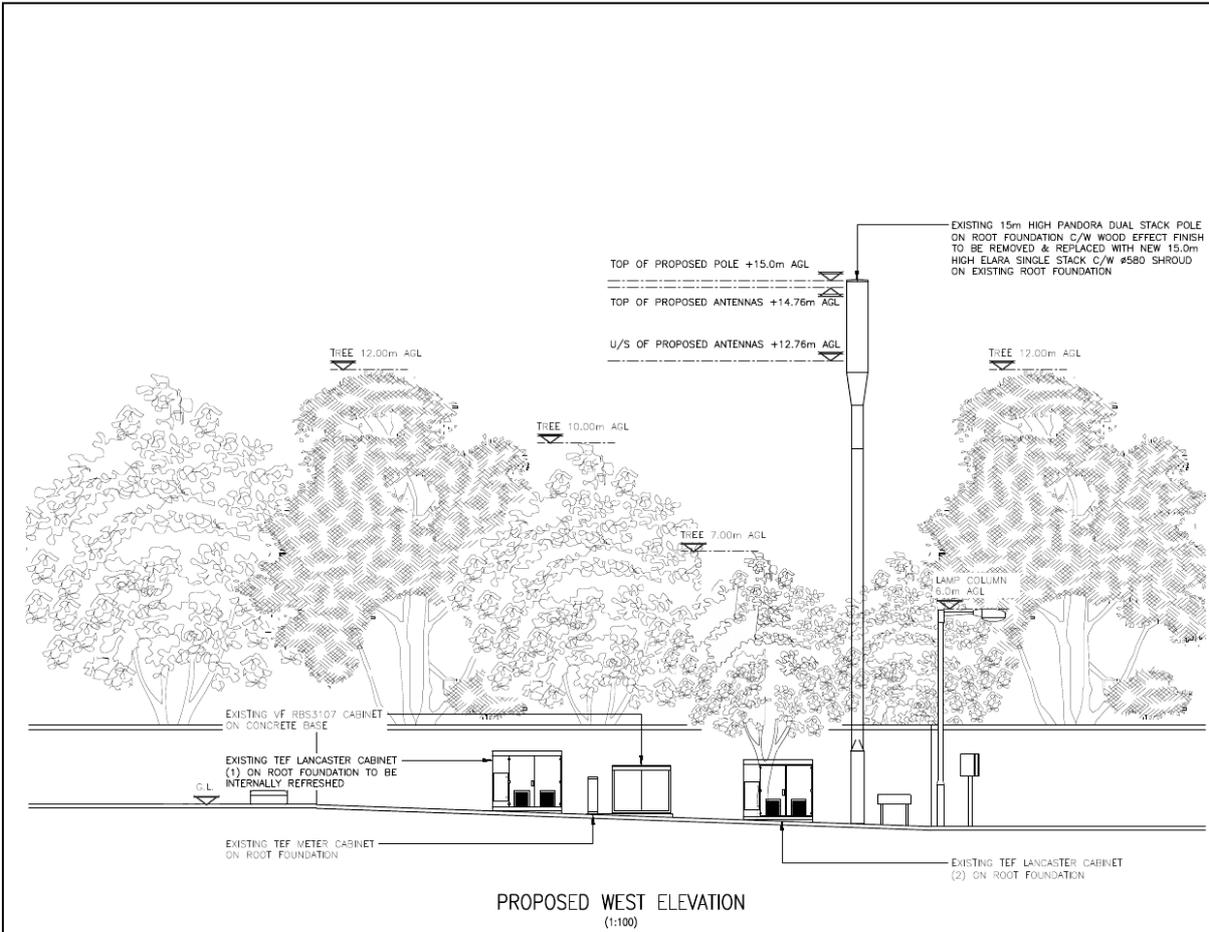
Appendix A



Appendix B



Appendix C



Appendix D

## Planning Appeals Received

17 October 2018 - 12 November 2018

www.rbwm.gov.uk



### MAIDENHEAD

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Should you wish to make additional/new comments in connection with an appeal you can do so on the Planning Inspectorate website at <https://acp.planninginspectorate.gov.uk/> please use the PIn reference number. If you do not have access to the Internet please write to the relevant address, shown below.

**Enforcement appeals:** The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

**Other appeals:** The Planning Inspectorate Temple Quay House, 2 The Square Bristol BS1 6PN

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 18/60120/REF      **Planning Ref.:** 18/01627/FULL      **PIns Ref.:** APP/T0355/D/18/3212070  
**Date Received:** 16 October 2018      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder  
**Description:** Conversion of existing part hipped ends to front and flank elevations. New front gable feature 2x front and 6 x rear rooflights and conversion of garage into habitable accommodation.  
**Location:** **1 White Rock Maidenhead SL6 8UD**  
**Appellant:** Mr And Mrs Neal Shipman **c/o Agent:** Edward Caush And Associates 11 Southdown Road Cosham Portsmouth P06 2EB

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 18/60125/ENF      **Enforcement Ref.:** 16/50447/ENF      **PIns Ref.:** APP/T0355/C/18/3210212  
**Date Received:** 24 October 2018      **Comments Due:** 5 December 2018  
**Type:** Enforcement Appeal      **Appeal Type:** Written Representation  
**Description:** Appeal against the Enforcement Notice: Without planning permission the material change of use of the land and building from C1 (Guesthouse) to C2 (Residential Institution).  
**Location:** **15 Ray Drive Maidenhead SL6 8NG**  
**Appellant:** Coghlan Lodges **c/o Agent:** Mr Chris Sawden S.T.P.C Maksons House 52 Station Road West Drayton Middlesex UB7 7BT

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 18/60131/REF      **Planning Ref.:** 18/00263/FULL      **PIns Ref.:** APP/T0355/W/18/3211780  
**Date Received:** 31 October 2018      **Comments Due:** 5 December 2018  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Construction of 7 x 1 bed and 9 x 2 bed apartments with associated parking with access off Braywick Road and Greenfields following demolition of 2 x dwellings.  
**Location:** **25 - 27 Braywick Road Maidenhead**  
**Appellant:** Mr & Mrs Goyal **c/o Agent:** Paul Dickinson Highway House Lower Froyle Hants GU34 4NB

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 18/60132/REF      **Planning Ref.:** 17/01993/FULL      **Plns Ref.:** APP/T0355/W/18/  
3207932  
**Date Received:** 31 October 2018      **Comments Due:** 5 December 2018  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Proposed extension and conversion of the existing dwelling to provide 5 No. flats with associated parking and amenity space  
**Location:** **107 Blackamoor Lane Maidenhead SL6 8RW**  
**Appellant:** Dr Courtenay-Smith **c/o Agent:** Miss Stefania Petrosino JSA Architects Ltd Tavistock House Waltham Road Maidenhead SL6 3NH

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 18/60133/REF      **Planning Ref.:** 18/01482/OUT      **Plns Ref.:** APP/T0355/W/18/  
3211768  
**Date Received:** 31 October 2018      **Comments Due:** 5 December 2018  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Outline application (access, layout and scale) for the construction of x3 detached dwellings  
**Location:** **35 Havelock Road Maidenhead SL6 5BJ**  
**Appellant:** Mr J Parton **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates Highway House Lower Froyle Hants GU34 4NB

**Ward:**  
**Parish:** Bray Parish  
**Appeal Ref.:** 18/60135/REF      **Planning Ref.:** 18/02064/FULL      **Plns Ref.:** APP/T0355/D/18/  
3213537  
**Date Received:** 8 November 2018      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder  
**Description:** Single storey front and rear extensions, conversion of garage into habitable accommodation including raising the roof and alterations to fenestration.  
**Location:** **Willow Field Barn Belmont Farm Sturt Green Holyport Maidenhead SL6 2JH**  
**Appellant:** Mr & Mrs Mackay **c/o Agent:** Mr Duncan Gibson Duncan Gibson Consultancy 74 Parsonage Lane Windsor SL4 5EN

# Appeal Decision Report

17 October 2018 - 12 November 2018

MAIDENHEAD

**Appeal Ref.:** 18/60028/ENF      **Enforcement Ref.:** 16/50424/ENF      **Plns Ref.:** APP/T0355/C/17/3 188329

**Appellant:** Mr Timothy Smee **c/o Agent:** Mrs Jan Molyneux Molyneux Planning 38 The Lawns Brill Aylesbury Buckinghamshire HP18 9SN

**Decision Type:**      **Officer Recommendation:**

**Description:** Appeal against the Enforcement Notice: Without planning permission the material change of use of the land from A4 (Drinking Establishment) to a mixed use; namely a cafe/retail use/cycle repairs and meeting place (Sui Generis).

**Location:** **The Snooty Fox Warren Row Road Warren Row Reading RG10 8QS**

**Appeal Decision:** Part Allowed      **Decision Date:** 30 October 2018

**Main Issue:** The appeal is allowed insofar as it relates to the material change of use of the land from A4 (Drinking Establishment) to a mixed use as a café and use for: cycle repairs; and planning permission is granted on the application deemed to have been made under s177(5) of the Act, for the material change of use of the land from A4 (Drinking Establishment) to a mixed use as a café and use for cycle repairs subject to the following conditions: (i) The premises shall only be open for customers between the hours of 09:00 and 19:00 on any day. (ii) No more than 25% of the total floor area within the ground floor of the building (including the floor space behind the bar, hallways and toilets) shall be used for and in connection with cycle repairs. The appeal is dismissed and the enforcement notice is upheld as corrected insofar as it relates to the use of the land for retail and as a cyclists meet, and planning permission is refused in respect of the material change of use of the land to use for retail and as a cyclists meet on the application deemed to have been made under s177(5) of the Act.

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**Appeal Ref.:** 18/60039/REF      **Planning Ref.:** 17/03466/FULL      **Plns Ref.:** APP/T0355/W/18/3196952

**Appellant:** Shanly Homes Ltd **c/o Agent:** Mrs Rosalind Gall Kevin Scott Consultancy Ltd Sentinel House Ancells Business Park Harvest Crescent Fleet Hampshire GU51 2UZ

**Decision Type:** Committee      **Officer Recommendation:** Refuse

**Description:** Erection of 1 No. 8 storey building and 2 No. 7 storey buildings to provide 154 apartments with associated access and servicing, landscaped courtyards and podium level and 176 car parking spaces following demolition of existing buildings.

**Location:** **Desborough Bowling Club York Road Maidenhead SL6 1SF**

**Appeal Decision:** Withdrawn      **Decision Date:** 26 October 2018

**Appeal Ref.:** 18/60051/REF      **Planning Ref.:** 17/00336/OUT      **Plns Ref.:** APP/T0355/W/17/3188237

**Appellant:** Mr Millen **c/o Agent:** Mr Andy King Andrew King And Associates 15 The Mill Tring Road Wilstone Tring HP23 4FP

**Decision Type:** Delegated      **Officer Recommendation:** Refuse

**Description:** Outline application (access and layout only) for the construction of a detached dwelling.

**Location:** **Land At Nutfield Altwood Bailey Maidenhead**

**Appeal Decision:** Allowed      **Decision Date:** 5 November 2018

**Main Issue:** Main issues included the character and appearance of the area, the future health and longevity of protected site trees and the living conditions of occupiers of Russley with particular regard to outlook and overlooking. The Inspector did not consider that the proposal would cause harm to the character or appearance of the area. Whilst it was acknowledged that the proposed dwelling's plot would be smaller than the plots of some other dwellings in the area, it would still be comparable to the plot of neighbouring Omega and it was considered that the plot was large enough to contain another dwelling without undermining the enclosure or privacy of Nutfield or other dwellings in the vicinity. The Inspector concluded that the density in the vicinity of the appeal site is irregular and therefore the proposal would not be out of keeping. Whilst it was not satisfied that the proposal was sufficiently detailed to safeguard the future of health of these protected trees to the front of the site, the Inspector concluded that there was nothing to suggest that a more detailed tree protection proposal could not provide adequate mitigation that could be secured by condition. The Inspector considered that although the development would give some enclosure to views from the rear of Russley, the propose dwelling would be sited to maximise the distance between it and Russley. As such, it was concluded that there would not be an adverse effect on outlook and any concerns with overlooking can be overcome at reserved matters and through condition by the careful placement of windows and obscure glazing.

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**Appeal Ref.:** 18/60073/REF      **Planning Ref.:** 18/00261/CPD      **Plns Ref.:** APP/T0355/X/18/3201035

**Appellant:** Mr & Mrs J Powell **c/o Agent:** Mr David Holmes Progress Planning Burkes Court Burkes Road Beaconsfield HP9 1NZ

**Decision Type:** Delegated      **Officer Recommendation:** Refuse

**Description:** Certificate of lawfulness to determine whether a single storey rear extension is lawful

**Location:** **Glimpses The Pound Cookham Maidenhead SL6 9QD**

**Appeal Decision:** Allowed      **Decision Date:** 6 November 2018

**Main Issue:** The appellant and the Council agree that the proposal complies with paragraph A.1(f)(i). However, having regard to the gap of 150mm between the proposal and an existing extension, the Council considered these elements to be joined and hence, with a combined width greater than half the width of the original dwellinghouse, contrary to paragraphs A.1(j)(iii) and A.1(ja). The Inspector notes that whether this 150mm gap is sufficient to separate the extensions is not defined within statute or 'Technical Guidance' and is a question of fact and degree. The Inspector does not regard 'The Watford Case' as being directly applicable as, in the Glimpses application, there would be no eaves overhang and the gap is significantly greater. The Inspector concludes this gap would be noticeable, materially separating the proposed and existing extensions and even if it has been designed to circumvent limitations of the GPDO, it nevertheless complies.

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**Appeal Ref.:** 18/60083/REF      **Planning Ref.:** 17/03583/OUT      **Plns Ref.:** APP/T0355/W/18/3200818

**Appellant:** Punto Oeste Company Ltd **c/o Agent:** Mr Tom Mcardle Pike Smith And Kemp Rural The Old Dairy Hyde Farm Maidenhead Berkshire SL6 6PQ

**Decision Type:** Delegated      **Officer Recommendation:** Refuse

**Description:** Outline application with all other matters to be reserved for the demolition of existing equestrian barn and replacement with new equestrian building

**Location:** **Land At Noel Farm At Junction of Forest Green Road And Long Lane Maidenhead**

**Appeal Decision:** Allowed      **Decision Date:** 6 November 2018

**Main Issue:** The Inspector did not consider the proposed replacement building to be materially larger than the existing. Whilst he noted the Council's point regarding the increase in footprint, he concluded that overall the proposed building due to being lower in height than the existing would not be materially larger. The proposal was therefore considered to be an appropriate form of development within the Green Belt complying with NPPF paragraph 145 as well as local plan policies GB1 and GB2, although not afforded full weight.

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**Appeal Ref.:** 18/60086/REF      **Planning Ref.:** 18/00939/FULL      **Plns Ref.:** APP/T0355/D/18/3206438

**Appellant:** Mr & Mrs Robb & Patel **c/o Agent:** Mr Jonathan Jarman Bell Cornwell LLP Unit 2 Meridian Office Park Osborn Way Hook Hampshire RG27 9HY

**Decision Type:** Delegated      **Officer Recommendation:** Refuse

**Description:** Erection of a two-storey side extension and alterations to existing dwelling

**Location:** **May Cottage Lutmans Haven Knowl Hill Reading RG10 9YN**

**Appeal Decision:** Allowed      **Decision Date:** 16 October 2018

**Main Issue:** The dwelling at the development site has had extensive development works in the past, however much of the enhancement has been undertaken within the original building's envelope, adding dormer windows, for example to make better use of the roof space. Thus, the cumulative increase in the volume of the building is not reflected in a simple floorspace calculation. Considering the overall impact of the proposed new extension, in conjunction with previous extensions, it can be concluded that the scheme would not result in "disproportionate" additions to the building as originally constructed (taking account of approved minor amendments). In reaching that conclusion, it is observed that an assessment of the "size" of the building is not merely a matter of measuring floor areas but involves a broader judgement. Hence it can be concluded that the proposed development does not amount to "inappropriate development" in the Green Belt. The proposed extensions and alterations would harmonise well with the existing building and it would not be more intrusive in the landscape. Indeed, the scheme would have a minimal impact on the openness of the setting. The appeal scheme would not be contrary to Paragraphs 144-145 of the revised NPPF, Policy GB1 and GB4 of the Council's Local Plan and Policy SP5 of the Borough Local Plan: Submission version. In terms of the cost reimbursement application, the Planning Inspectorate concluded that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the 'Planning Practice Guidance', has not been demonstrated. Therefore the application for an award of costs against the Royal Borough of Windsor & Maidenhead Council was refused.

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**Appeal Ref.:** 18/60095/REF      **Planning Ref.:** 17/03477/FULL      **Plns Ref.:** APP/T0355/W/18/3202531

**Appellant:** Mr & Mrs Richards **c/o Agent:** Mr Al Morrow Phillips Planning Services Ltd Kingsbrook House  
7 Kingsway Bedford MK42 9BA

**Decision Type:** Committee      **Officer Recommendation:** Refuse

**Description:** Construction of a new dwelling following removal of redundant sewerage works and associated infrastructure

**Location:** **Site of Former Sewage Works Terrys Lane Cookham Maidenhead**

**Appeal Decision:** Dismissed      **Decision Date:** 9 November 2018

**Main Issue:** The Inspector considered that the proposed development would be inappropriate development which would be by definition be harmful to the Green Belt. The Inspector considered that the proposal would lead to a significant loss of openness, but would cause no harm to the character and appearance of the area, PROW, or foul drainage. It was the view of the Inspector that cumulatively, the other considerations put forward in favour of the proposed development have only modest weight. They did not clearly outweigh the totality of harm to the Green Belt, and other harm in respect of flood risk. Consequently, very special circumstances which are necessary to justify inappropriate development in the Green Belt did not exist, as set out in the Framework.

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**Appeal Ref.:** 18/60103/NOND      **Planning Ref.:** 17/03529/FULL      **Plns Ref.:** APP/T0355/W/18/3202533

**Appellant:** Mr S Westwell **c/o Agent:** Mr Jake Collinge JCPC Ltd 5 Buttermarket Thame Oxfordshire OX9 3EW

**Decision Type:** Delegated      **Officer Recommendation:** Would Have Refused

**Description:** Erection of detached house and triple garage following demolition of existing dwelling and garage

**Location:** **The Thatched House Cottage Bisham Road Bisham Marlow SL7 1RL**

**Appeal Decision:** Withdrawn      **Decision Date:** 19 October 2018