

NOTICE
OF
MEETING

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**ROYAL BOROUGH DEVELOPMENT
MANAGEMENT PANEL**

will meet on

WEDNESDAY, 18TH NOVEMBER, 2020

At 6.15 pm

in the

VIRTUAL MEETING - ONLINE ACCESS

**THE MEETING WILL BE AVAILABLE ON OUR WEBSITE PRIOR TO THE MEETING
TO VIEW THE MEETING PLEASE GO TO OUR RBWM YOUTUBE PAGE –
[HTTPS://WWW.YOUTUBE.COM/USER/WINDSORMAIDENHEAD](https://www.youtube.com/user/windsormaidenhead)**

TO: MEMBERS OF THE ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS PHIL HASELER (CHAIRMAN), JOHN BOWDEN, DAVID CANNON
(VICE-CHAIRMAN), GEOFF HILL, DAVID HILTON, NEIL KNOWLES,
JOSHUA REYNOLDS, AMY TISI AND LEO WALTERS

SUBSTITUTE MEMBERS

COUNCILLORS GURPREET BHANGRA, MANDY BRAR, KAREN DAVIES,
ANDREW JOHNSON, GREG JONES, JULIAN SHARPE, SHAMSUL SHELMIM AND
HELEN TAYLOR

Karen Shepherd – Head of Governance - Issued: 10 November 2020

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 or contact the Panel Administrator **Shilpa Manek** 01628 796310

Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain.

If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>To receive any apologies for absence.</p>	
2.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>To receive any declarations of interest.</p>	5 - 6
3.	<p><u>MINUTES FROM 21 OCTOBER 2020</u></p> <p>The Panel to agree the minutes of the last meeting held on 21st October 2020 to be a true and accurate record.</p>	7 - 10
4.	<p><u>18/03348/OUT - GROVE PARK INDUSTRIAL ESTATE - WALTHAM ROAD - WHITE WALTHAM - MAIDENHEAD - SL6 3LW</u></p> <p><i>PROPOSAL: Outline application for access, layout and scale only to be considered at this stage with all other matters to be reserved for the erection of up to x79 dwellings and erection of a nursery building (D1) following demolition of a number of existing buildings.</i></p> <p>RECOMMENDATION: Permit</p> <p>APPLICANT: Sorbon Estates Ltd</p> <p>MEMBER CALL-IN: N/A</p> <p>EXPIRY DATE: 31 May 2019</p>	11 - 36
5.	<p><u>20/00839/FULL - STUDIO HOUSE - SCHOOL LANE - COOKHAM - MAIDENHEAD - SL6 9QJ</u></p> <p><i>PROPOSAL: Landscaping to the front garden, new replacement front boundary treatments, with vehicular and pedestrian entrance gates, new external finishes, alterations in fenestrations and part single part two storey side/rear extension, following demolition of existing buildings.</i></p> <p><i>RECOMMENDATION: Permit</i></p> <p><i>APPLICANT: Mr Keegan</i></p> <p><i>MEMBER CALL-IN: N/A</i></p> <p><i>EXPIRY DATE: 27 May 2020</i></p>	37 - 52
6.	<p><u>20/00935/FULL - ESSEX LODGE - 69 OSBORNE ROAD AND</u></p>	53 - 80

ANNEXE - ESSEX LODGE - 69 OSBORNE ROAD - WINDSOR

PROPOSAL: Construction of x10 flats with associated landscaping, parking and bin store and alterations to the existing access, following demolition of the existing building.

RECOMMENDATION: Permit

APPLICANT: Sorbon Estates Ltd

MEMBER CALL-IN: Councillor Mrs Lynne Jones

EXPIRY DATE: 20 November 2020

7.	<p><u>20/01129/FULL - MOORBRIDGE COURT AND LIBERTY HOUSE AT 29 TO 53 MOORBRIDGE ROAD - MAIDENHEAD</u></p> <p><i>PROPOSAL: Construction of 5 residential blocks comprising of 129 residential units together with associated landscaping, car parking and infrastructure works following the demolition of the existing buildings.</i></p> <p>RECOMMENDATION: DD (Defer and Delegate)</p> <p>APPLICANT: Bellway Homes</p> <p>MEMBER CALL- IN: N/A</p> <p>EXPIRY DATE: 17 August 2020</p>	81 - 128
8.	<p><u>20/01463/FULL - ST CLOUD GATE - ST CLOUD WAY - MAIDENHEAD - SL6 8XD</u></p> <p>PROPOSAL: Demolition of the existing office building, and the construction of a new grade A office building with associated cafe, communal roof terrace, car parking, new pedestrian access and landscaping.</p> <p>RECOMMENDATION: DLA (Defer Legal Agreement)</p> <p>APPLICANT: Ms Broughton</p> <p>MEMBER CALL-IN: N/A</p> <p>EXPIRY DATE: 21 September 2020</p>	129 - 166
9.	<p><u>ESSENTIAL MONITORING REPORTS (MONITORING)</u></p> <p>The Panel to note the reports.</p>	167 - 176

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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.***

Agenda Item 3

ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 21 OCTOBER 2020

PRESENT: Councillors Phil Haseler (Chairman), David Cannon (Vice-Chairman), John Bowden, Geoff Hill, David Hilton, Neil Knowles, Joshua Reynolds, Amy Tisi and Leo Walters

Also in attendance: Also in attendance: Councillors Baldwin, Brar, Da Costa, Davey, Shelim and Werner

Officers: Mark Beeley, Victoria Gibson, Rachel Lucas, Shilpa Manek, Haydon Richardson, Susan Sharman and Adrien Waite

APOLOGIES FOR ABSENCE

No apologies for absence were received.

DECLARATIONS OF INTEREST

Councillors Bowden, Cannon, Hill, Hilton, Knowles and Walters all declared a personal interest that they all knew Mr Bathurst, a speaker, as he was previously a councillor. All were attending the meeting with an open mind.

Councillor Bowden declared a personal interest that he did not know speaker Mr Endacott but had had discussions with him as Chairman of the Windsor Town Forum. Councillor Bowden also declared that he was a Panel Member when the first application had been previously brought to Panel but was attending with an open mind.

Councillors Cannon, Hill and Knowles declared a personal interest that they knew speaker Mr Endacott but was attending the Panel with an open mind.

Councillor Tisi declared a personal interest that she knew Mr Endacott and that she had campaigned for the green belt at the garden centre, before he had been elected as a councillor but was attending with an open mind.

Councillor Walters addressed the Panel and informed them that he was attending the Panel with an open mind for item 5, Zaman House, having voted to refuse at the last panel. Councillor Walters informed the Panel that a code of conduct complaint had been made against him and Councillor Hill but all allegations had been dismissed.

MINUTES FROM 16 SEPTEMBER 2020

RESOLVED Unanimously: that the minutes of the meeting held on 16 September 2020 be a true and accurate record after the amendment as below:

To add: A motion to Refuse the application for Zaman House that was proposed by Councillor Walters and seconded by Councillor Hill, which was then withdrawn.

This was proposed by Councillor Haseler and seconded by Councillor Cannon.

19/03287/FULL - RUDDLES POOL - MAIDENHEAD ROAD - WINDSOR - SL4 5TW

A motion was put forward by Councillor Knowles to Approve the application, contrary to the Officers recommendation. This was seconded by Councillor Hill.

A named vote was taken.

19/03287/FULL - Ruddles Pool, Maidenhead Road, Windsor, SL4 5TW (Motion)	
Councillor Phil Haseler	Against
Councillor David Cannon	For
Councillor John Bowden	Against
Councillor Geoffrey Hill	For
Councillor David Hilton	Against
Councillor Neil Knowles	For
Councillor Joshua Reynolds	For
Councillor Amy Tisi	Abstain
Councillor Leo Walters	Against
Councillor Phil Haseler	Against (Casting Vote)
Rejected	

The Chairman had his casting vote and this motion fell.

A second motion was put forward by Councillor Bowden to Reject the application, as per Officers recommendation. This was seconded by Councillor Hilton.

A named vote was taken.

19/03287/FULL - Ruddles Pool, Maidenhead Road, Windsor, SL4 5TW (Motion)	
Councillor Phil Haseler	For
Councillor David Cannon	Against
Councillor John Bowden	For
Councillor Geoffrey Hill	Against
Councillor David Hilton	For
Councillor Neil Knowles	Against
Councillor Joshua Reynolds	Against
Councillor Amy Tisi	Abstain
Councillor Leo Walters	For
Councillor Phil Haseler	For (Casting Vote)
Carried	

The Chairman had his casting vote and this motion was passed.

RESOLVED: It was agreed to REFUSE the application.

20/00313/FULL - ZAMAN HOUSE - CHURCH ROAD - MAIDENHEAD - SL6 1UR

A motion was put forward by Councillor Walters to Refuse the application, contrary to Officers recommendation. This was seconded by Councillor Hilton. The reasons for wanting to refuse this application were mainly due to the bulk and scale that caused damage to the local character and the exception test not being passes, have no low-hazard escape route which would put a number of households at risk. The policies quoted by both panel members included H11, DG1, H10, SP2, SP3, H05 and paragraphs 127, 160 and 163 of the NPFF.

A named vote was carried out. Councillor Cannon did not vote as he had not heard the entire discussion and debate.

20/00313/FULL - Zaman House, Church Road, Maidenhead, SL6 1UR (Motion)	
Councillor Phil Haseler	Against
Councillor David Cannon	No vote recorded
Councillor John Bowden	Against
Councillor Geoffrey Hill	For

Councillor David Hilton	For
Councillor Neil Knowles	Against
Councillor Joshua Reynolds	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Carried	

RESOLVED: it was agreed to REFUSE the application.

20/01145/FULL - WINDSOR GARDEN CENTRE - DEDWORTH ROAD - WINDSOR – SL4 4LH

A motion was put forward by Councillor Bowden to permit the application, as per Officers recommendation and with the addition of a condition that there was to be no parking or storage of goods in association with Aldi at the rear of the site. This was seconded by Councillor Reynolds.

A named vote was carried out.

20/01145/FULL - Windsor Garden Centre, Dedworth Road, Windsor SL4 4LH (Motion)	
Councillor Phil Haseler	For
Councillor David Cannon	For
Councillor John Bowden	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Joshua Reynolds	For
Councillor Amy Tisi	For
Councillor Leo Walters	Abstain
Carried	

RESOLVED: It was agreed to PERMIT the application.

A named vote was taken on whether to continue the meeting.

RESOLVED UNANIMOUSLY: To continue and complete the agenda.

20/01207/FULL - LAND TO THE NORTH OF CRUCHFIELD MANOR - ASCOT ROAD - WARFIELD - BRACKNELL

A motion was put forward by Councillor Bowden to permit the application, as per Officers recommendation. This was seconded by Councillor Walters.

A named vote was carried out.

20/01207/FULL - Land to the North of Cruchfield Manor, Ascot Road, Warfield, Bracknell (Motion)	
Councillor Phil Haseler	For
Councillor David Cannon	For
Councillor John Bowden	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Joshua Reynolds	For
Councillor Amy Tisi	For

Councillor Leo Walters	For
Carried	

RESOLVED: It was Unanimously Agreed to PERMIT the application.

ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel noted the essential monitoring reports.

The meeting, which began at 6.15 pm, finished at 10.10 pm

CHAIRMAN.....

DATE.....

Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

18 November 2020

Item: 1

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

1. SUMMARY

- 1.1 The proposal is for outline planning permission for up to 79 dwellings and replacement nursery building (D1) following demolition of existing buildings on the site with access, layout and scale submitted for consideration, and appearance and layout as reserved matters.
- 1.2 The proposal would result in the loss of employment use, including small to medium size units. However, the principle of redeveloping the site for housing is in accordance with Hurley and Walthams Neighbourhood Plan Policy WW1. In accordance with National Planning Policy Guidance, the most recent plan policy takes precedence in decision making therefore the support for housing development is given greater weight than the loss of employment opportunities for the purposes of this application. There would be no loss of community facilities with the re-provision of the D1 nursery use within the site.
- 1.3 The proposal is considered to represent appropriate development in the Green Belt as the redevelopment of previously developed land which does not have a greater impact on the openness of the Green Belt than the existing. The proposal is considered acceptable in relation to efficient use of land, housing mix, affordable housing, open space, local character including the setting of St Mary's Church and Bury Court Conservation Area, residential amenity for future occupants and neighbouring amenity, highway safety and impact on local highway infrastructure, archaeology, sustainable drainage and ecology.
- 1.4 With reference to paragraph 11 of the National Planning Policy Framework the 'tilted balance' is engaged. This means planning permission should be granted unless 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. There would be some harm to the trees within the site which should be afforded moderate weight against the development in the planning balance. However, weighing in favour the proposal would contribute towards meeting the need for housing within the Borough, which should be given great weight. On this basis, the benefits of the proposal would demonstrably outweigh the harm.
- 1.5 To help delivery of infrastructure to support growth of an area, the Council has approved a Community Infrastructure Levy (CIL). In line with the Council's Charging Schedule the proposed development would be CIL liable.

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

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application, such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises of Grove Park Industrial Estate, which lies to the northeast of the settlement boundary of White Waltham as identified in the Hurley and the Walthams Neighbourhood Plan, excluding Grove House which lies in the south-western corner of the estate and the three large commercial buildings on the eastern side of the estate.
- 3.2 Access is via Waltham Road which runs parallel to the southern boundary of the site. There are three two-storey buildings to the south of the site near the entrance of the park (Beechwood, Oakwood and Ashwood House) and two two-storey buildings to the north-east corner of the site (Maple Court and Cedar Court) with the remaining buildings comprising of single storey buildings sited perpendicular or parallel to the internal access road. There are areas of soft landscaping with trees and parking which intercept the buildings. The buildings are predominately in B use classes (B1, B2 and B8), however there is a nursery (D1) sited towards the centre of the site.
- 3.3 The site originally formed part of White Waltham Airfield which was used by the RAF during World War 2. Maple and Cedar Court were originally built as dormitories in conjunction with the original Airfield use, and some of the single storey buildings also remain as constructed by the RAF. The other single storey buildings, along with Beechwood, Oakwood and Ashwood House are purpose-built brick buildings.
- 3.3 To the west and north of the site are agricultural fields, while to the east of the site is a yard for Carters Steam Fayre with agriculture beyond. White Waltham Airfield lies to the north-east. To the south is more agricultural land and Bury Court and St Mary's Church. White Waltham lies to the south-west.

4. KEY CONSTRAINTS

- 4.1 The site lies entirely within the Metropolitan Green Belt. It is also designated as contaminated land with an historic landfill to the west (Cherry Garden, White Waltham). Within the site are a number of trees along the northern, southern, western and eastern boundaries and within the site, which are protected by Tree Preservation Orders. To the southeast of the site, on the opposite side of Waltham Road is St Mary's Church and Bury Court Conservation Area.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application is for outline consent for the principle of development and details of access, layout and scale for the erection of up to 79 dwellings and replacement nursery building. All other matters (appearance and landscaping) are reserved.
- 5.2 Based on the proposed layout, the three two-storey buildings (Beechwood, Oakwood and Ashwood House) would be retained with an amended layout for associated parking, and the remaining buildings within the site are to be demolished. The replacement nursery building would be relocated to the south of Beechwood, Oakwood and Ashwood House, to the east of the

proposed access which will serve the development. The residential dwellings comprise of 23 x 2-bed houses, 40 x 3-bed houses, 14 x 4-bed houses and 2 x 5-bed houses. The houses are generally arranged in linear or perimeter blocks along the internal access road. There are areas of soft landscaping with trees and parking sited between the buildings with two larger areas of open space to the south of the site.

- 5.3 There is extensive planning history relating to alterations to existing buildings and advertisement consent. The following planning history relates to redevelopment within the site:

Reference	Description	Decision
13/01648/FULL	Change of use of Unit 5 from B1 (business) to D1 (nursery) as an extension to day nursery at units 3a, 3b and 4	Approved – 12.11.2013
10/02841/FULL	Change of use of unit 3a from B1 (business) to B1 (nursery)	Approved – 26.01.2011
09/01007/FULL	Change of use of unit 3b and 4 from B1 (business) to B1 (nursery)	Approved – 21.07.2009
08/03081/FULL	Change of use of unit 19 from B1 (business) to D1 (nursery / creche)	Approved – 17.02.2009
04/41593/FULL	Demolition of units 1 to 6, 24 and 25 and erection of 6 new office buildings plus shower and locker building	Approved - 06.08.2004
00/35838/FULL	3 No. 2-storey office buildings with associated car parking (Amendment to planning approval 97/32002)	Approved - 16.11.2000
99/34098/FULL	Estate Road Extension and Revised Parking Layout	Approved – 05.04.200
97/32002/FULL	2 No. 2 Storey office buildings and associated car parking	Approved - 05.11.1998
90/01573/FULL	Change of use of existing development from use class 3 to B1, units 1-7, 18, 19, 21-24 and 26	Approved – 19.02.1991

6. DEVELOPMENT PLAN

6.1 Adopted Royal Borough Local Plan (2003)

The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Green Belt	GB1, GB2
Housing Development	H3, H8, H9, H10
Employment Land	E6
Community Use	CF1, CF2
Open Space	H10, R3, R4, R5
Character and Appearance, including Special Character	DG1, CA2
Trees and Hedgerows	N6, N7
Environmental Protection	NAP1, NAP2, NAP4
Highways and Parking	P4, T5, T7
Archaeology	ARCH2, ARCH3, ARCH4

These policies can be found at: <https://www.rbwm.gov.uk/home/planning/planning-policy>

6.2 Adopted Hurley and the Waltham's Neighbourhood Plan (2015-2030)

Issue	Neighbourhood Plan Policy
Sustainable Development	ENV1
Climate Change, Flood and Water Management	ENV2
Housing Development	WW1
Community Facilities	Gen 5
Character and Appearance, including Special Character	Gen2
Highways and Parking	T1

These policies can be found at

https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2

7. MATERIAL PLANNING CONSIDERATIONS

7.1 National Planning Policy Framework Sections (NPPF) (2019)

Section 2 – Achieving Sustainable Development

Section 4 – Decision Making

Section 5 – Delivering a Sufficient Supply of Homes

Section 6 – Building a Strong, Competitive Economy

Section 9 – Promoting Sustainable Transport

Section 12 – Achieving well-designed places

Section 13 – Protecting Green Belt land

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

Section 16 – Conserving and enhancing the historic environment

National Design Guide

7.2 This document was published in October 2019 and seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The focus of the design guide is on layout, form, scale, appearance, landscape, materials and detailing. It further highlights ten characteristics which work together to help to create physical character, these are context, identity, built forms, movement, nature, public spaces, uses, homes and buildings, resources and life span.

7.3 Borough Local Plan: Submission Version

Issue	Local Plan Policy	Proposed Changes
Green Belt	SP1, SP5	SP1, QP5
Housing Development	HO1, HO2, HO3, HO5	HO1, HO2, HO3
Employment Land	ED3	ED2
Community Use	IF7	IF6
Open Space	IF4	IF4
Character and Appearance, including Special Character	SP2, SP3	QP1, QP3
Heritage	HE1	HE1
Trees and Development	NR2	NR3
Ecology	NR3	NR2
Environmental Protection	EP1, EP3, EP4, EP5	EP1, EP3, EP4, EP5
Sustainable Transport	IF2	IF2

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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. The Inspector has resumed the Examination of the BLPSV with hearings ongoing. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

These documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

7.4 **Supplementary Planning Documents**

- RBWM Interpretation of Policy F1
- Planning Obligations and Development Contributions
- Borough Wide Design Guide

7.5 **Other Local Strategies or Publications**

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance
- Interpretation of Policies R2, R3, R4, R5 and R6

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. **CONSULTATIONS CARRIED OUT**

Comments from interested parties

8 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 26.11.2018 and the application was advertised in the Local Press on 29.11.2018.

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

Comment	Where in the report this is considered
Loss of small to medium business premises in short supply, loss of employment	Section 9(i)
Density of residential development is too high, overdevelopment of the site	Section 9(iii)
Limited infrastructure and amenity within the locality to support new residential development	Section 10 Section 9(viii) bus contribution
Lack of affordable housing provision	Section 9(iii)
Increase in traffic resulting in congestion, harm to highway safety	Section 9(viii)
Insufficient parking for proposed nursery	Section 9(viii)
Noise sensitive development next to airfield and working yard would be prejudicial to the operation of existing airfield / business; harm to amenity for future residents	Section 9(vii)

Noise survey under-represents actual noise and there are higher noise implications	Section 9(vii)
Increase in surface water flooding, increase in flood risk	Section 9(x)
Harm to setting and character of St Mary's Church and Bury Court Conservation Area, streetscene, White Waltham village and wider locality	Section 9(v)
Nuisance from leaf fall / leaf clutter from proposed trees planting	Section 9(vi)
Owner of Cherry Garden Lane objects to access from development onto Cherry Garden Lane	No planning objections, rights of access and rights of way are not a material consideration and outside the remit of planning.
Application should be withdrawn and re-submitted as proper notice has not been served on landowners, reference to Stowhelm Ltd who own access	Email dated 31 July 2019 received from Stowhelm Ltd confirming receipt of notice and ownership of access road. Given that Stowhelm have had the statutory period to comment and have comments taken into consideration, it is considered that there has been no prejudice to this party.
Increase in number of people at risk from aircraft crashes in comparison with current use and layout of site	Airside safety management responsibility comes under the remit of Civil Aviation Authority

Consultees

Consultee	Comment	Where in the report this is considered
Berkshire Archaeology	No objection subject to a condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation.	Section 9(xi)
Ecology	No objection subject to conditions to secure a wildlife friendly lighting scheme and construction environmental management plan.	Section 9(ix)
Environment Agency	No comments received.	Noted.
Environmental Protection	No objection subject to conditions to minimise plant noise; details of kitchen extraction systems; limit of hours for the repair or maintenance of plant, machinery or equipment; details of measure to acoustically insulate all habitable rooms against aircraft noise; a site specific construction environmental management plan. Informative relating to contaminated land and smoke control.	Noted. Conditions relating to plant noise, kitchen extraction systems, and hours to limit repair or maintenance of plant, machinery or equipment is not considered necessary or reasonable for the proposed uses and thereby fail the statutory test for a condition. Other conditions and informatives recommended.
Highways	No objection subject to condition requiring no occupation prior to the access being construction in accordance with approved details.	Section 9(viii)
Lead Local Flood Authority	No objection, no concerns with proposed SUDS scheme. No conditions recommended.	Section 9(x)

Planning Policy	Raises objection to the scheme as site allocation HA50 has been removed from BLPSV Policy HO1 in the BLPSV Proposed Changes (2019) to protect existing employment floorspace. In BLPSV Proposed Changes the site is identified as a protected employment site in Policy ED2.	Section 9(i)
Shottesbrooke Parish Council	Raises objections due to lack of affordable housing and increase in traffic.	Section 9(iii) and (vii)
Thames Water	No objection in relation to Foul Water sewage network infrastructure capacity, and as the applicant indicates that surface water will not be discharged into the public network. Informative recommended in relation to public sewers crossing or close to the development and available guidance on working near or diverting pipes.	Noted. Informative recommended.
Arboriculture Officer	<p>Raises objections:</p> <ul style="list-style-type: none"> - Conflict between trees and buildings in plots 26, 27, 28, 29 and 30 resulting in pressure to detrimentally prune or fell. - Reduction in viability of the hedge from parking bay serving plot no. 24. - Intrusion of proposed access into root protection area of Ash T91 and a Sycamore T92. further details regarding construction will need to be provided for approval. - Allowance must be given to increase the RPA's of the Pear trees across existing areas of soft ground and paths due to rooting constraints of existing access. - Conflict between trees and buildings in plots 10, 15-20 resulting in pressure to detrimentally prune or fell. - Loss of trees and parkland type character in the eastern sector and the new access. - Utilities and surface water drainage may further impact on retained trees or new planting. - Insufficient new or replacement planting. - Details of management of open areas need to be secured. 	Section 9(iv)(v)(vi)
White Waltham Parish Council	Raises objections to the scale and density of development which would be a 66% increase in development and would be harmful to the existing character of White Waltham; impact on local infrastructure (schools, shops, health, public transport etc.); increase in surface water flooding due to additional hardstanding; harm to views and	Section 9 (i)(iii)(v)(vi)(viii)(x) and Section 10

	landscape of conservation area and streetscene due to the siting of the nursery building; loss of small business units; inadequate access in terms of safety and suitability; increase in traffic result in in a severe impact on highway safety and congestion; impact on climate change and carbon footprint of development; lack of affordable housing; and removal of trees.	
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Loss of Employment Land
- ii Green Belt
- iii Residential Development
- iv Open Space
- v Design Considerations
- vi Trees
- vii Residential Amenity
- viii Highway Safety and Parking
- ix Ecology
- x Sustainable Drainage
- xi Archaeology
- xii Housing Land Supply

i Principle of Development

Loss of Employment

9.1 Local Plan policy E6 states that proposals for a change of use from business use in areas which are not identified 'Employment Areas', such as the application site, will be supported in appropriate circumstances. The supporting text of Local Plan policy E6 goes on to state that appropriate circumstances include redevelopment to housing or community uses, subject to the proposal having no unacceptable adverse impact on locally available employment opportunities and their compatibility with other policies.

9.2 While the proposal would retain approximately 2950sqm office floorspace with the retention of 'Ashwood', 'Oakwood' and 'Beechwood', which were granted planning permission under 00/35838/FULL (as amended), the proposal would also result in the loss of approximately 4823sqm of employment floorspace following the demolition of the remaining existing units which include units 1-2, 6-11, 15-28. This calculation excludes the nurse occupying units 3-5 as the proposal includes its re-provision as the part of the scheme. After factoring in known pipeline losses and gains the Council's Employment Topic Paper 2019 concludes that the Borough can meet the identified need for office, industrial and warehousing floorspace / sites through allocation, but this is subject to no significant loss of existing employment uses. Concerns have also been raised by local residents over the loss of small to medium size units with anecdotal

evidence given on the difficulties of finding small to medium sized units that are affordable within Maidenhead and surrounds.

- 9.3 However, the principle of redeveloping the site for housing is in accordance with HWNP Policy WW1 which states that proposals for the redevelopment of Grove Park to provide housing will be supported subject to type, impact on character and safe access. The HWNP was formally adopted by RBWM on 12th December 2017. The NPPG advises that if there is conflict with policies in a local plan covering the neighbourhood area, in such cases the more recent plan policy takes precedence in decision making. Therefore, the support for housing development is given greater weight than the loss of employment opportunities for the purposes of this application.
- 9.4 Planning Policy have raised objections on the basis that while the BLPSV (2018) allocated the site for 66 residential units as part of a mixed use site (allocation HA50, policy HO1) this was subsequently changed in the BLPSV (2019) which allocates the site as a protected employment site. However, the BLPSV (as amended) does not currently form part of the Development Plan and is currently given limited weight.

Community Facility

- 9.5 Local Plan policy CF1 states that the Council will not permit the loss of existing community facilities unless an acceptable alternative provision is made. A nursery is considered to be D1 use and a community facility. The proposal involves the demolition of the existing nursery, but an acceptable replacement is proposed within the site. The re-provision can be secured by a S106 agreement.

ii Green Belt

- 9.6 The entire site lies within the Metropolitan Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Local Plan policy GB1 sets out forms of appropriate development in the Green Belt but was prepared in accordance with the cancelled PPG2: Green Belts which has since been replaced by the NPPF. While broadly reflective of current national Green Belt policy at a strategic level, it is more prescriptive and therefore policy GB1 is given less weight. The NPPF is a material consideration of greater weight and it sets out what comprises appropriate development in the Green Belt in paragraphs 145 and 146.
- 9.7 In this context, paragraph 145 (g) of the NPPF states that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on openness than the existing development would be appropriate development in the Green Belt.
- 9.8 Appendix 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 (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure'. Based on this definition it is considered that the site would fall under the definition of previously developed land.
- 9.9 Turning to the impact on openness, the NPPG advises that openness has both a spatial and visual aspect. The proposal for up to 79 permanent two-storey dwellings would comparatively result in a greater volume across the site. However, the existing site is defined primarily by commercial uses and car parking within the industrial estate. The existing buildings are permanent and spread throughout the site. Car parking covers approximately 6,530sqm and while motor vehicles are not permanent structures, they have a solidity and mass and given that the car parking spaces would be used by the staff of the buildings they would likely be occupied for a lengthy period during the working day. To the east are commercial buildings that form the remaining part of Grove Park Industrial Estate, and the service yard for Carters Steam Fayre. The western and southern boundary comprises of mature TPO trees and vegetation, which serve as a screen and visual separation from the site to the wider countryside beyond. Grove House is also

sited to the south-west. To the north, the TPO trees and vegetation along the boundary is sparser, but there would be no public views of the proposal from the north. Therefore, the existing openness of this particular part of the Green Belt is limited and the spatial and visual impact of the proposal to openness would consequently be limited.

- 9.10 On balance, the proposal would be redevelopment of previously developed land and would not have a greater impact on openness than the existing development. The proposal is therefore considered to represent appropriate development in the Green Belt.

iii Residential Development

Efficient Use of Land

- 9.11 Paragraph 117 of the NPPF states that planning decision should promote an efficient use of land in meeting the need for homes and other uses, while paragraph 122 of the NPPF states that where there is an existing shortage of land for meeting identified housing need, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 9.12 The proposed density for the residential development is approximately 16.5 dwellings per hectare (dph) which is conventionally considered to be low density development. However, given the location of the site within the Green Belt (section 9(ii)) and regard to the character of the area (section 9(v)), the quantum of development and resulting density is considered to represent an efficient use of land and is acceptable in principle.

Housing Mix

- 9.13 Local Plan policy H8 states that the Council will expect development to contribute towards improving the range of housing accommodation within the Borough and will favour proposals which include dwellings for small householders and those with special needs. Furthermore, HWNP Policy WW1 states that proposals for the redevelopment of Grove Park to provide housing will be supported subject to the majority of dwellings comprising of smaller 2 and 3 bed dwelling, providing a range of housing including dwellings for downsizers and first time buyers.
- 9.14 The proposed housing mix comprises of:
- 23 x 2-bed
 - 40 x 3-bed
 - 14 x 4-bed
 - 2 x 5-bed
- 9.15 The most up-to-date evidence on identified need is set out in the Berkshire Strategic Housing Market Assessment (SHMA) (2016) which identifies the upmost need being 3-bed units. The table below summaries the completions by housing size for the for the past 6 years taken from the Monitoring Report 2019, Table 8, while the Council's 5 Year Housing Land Supply Statement (March 2019) reports a housing delivery rate of 97% based on the 2018 Housing Delivery Test. On this basis, the proposed housing mix is considered to be acceptable and complies with Local Plan Policy H8.

	1 bed	2 bed	3 bed	4+ bed
Need (2013 – 2036) (Market Sector)	966 7.9%	3,508 28.6%	4,737 38.6%	3,074 25.0%
Completions (2013 – 2019) (Total)	818 24.9%	1,429 43.5%	538 16.5%	499 15.1%

- 9.16 With the focus on 2-bed and 3-bed dwellings the proposal would also comply with HWNP Policy WW1.

Affordable Housing

- 9.17 For residential development sites of 0.5ha or over or schemes proposing 15 or more net additional dwellings, such as this, Local Plan policy H3 requires the provision of 30% of the total units provided on site as Affordable Housing. On this basis 24 units should be affordable as part of this proposal. A viability assessment has been submitted to demonstrate a policy compliant scheme would affect the viability of the scheme. However, as a material consideration, Paragraph 64 of the NPPF states that at least 10% of the overall homes are expected to be available for affordable home ownership as part of the affordable housing contribution from the site unless this would exceed the level of affordable housing required in the area or prejudice the ability to meet the identified affordable housing need within the Borough.
- 9.18 'Affordable homes ownership' is not defined but on the basis of the definition of affordable housing in Appendix 2 of the NPPF the indication is that this would be made up of starter homes, discounted market sales housing or other affordable routes to home ownership (shared ownership or shared equity units). In terms of identified affordable housing need within the Borough, Policy H3 of the adopted Plan is silent on tenure, but it makes reference to identified local need which the SHMA sets out in detail. The SHMA sets out a tenure of 80% of social/affordable rented and 20% intermediate housing to meet.
- 9.19 The applicant has agreed to provide an on-site affordable housing contribution following analysis of the viability impact of a range of options. Final agreement on the exact number and tenure of units to be provided is still being negotiated and will be reported to Panel in an update. However, it is considered that the scheme can be recommended for approval as the affordable housing contributions are supported by viability evidence. affordable housing provision can be secured by a S106 agreement.

iv Open Space

- 9.20 Local Plan policy R3 states that the new housing development should provide appropriate provision for open space while policy R4 goes on to state that the minimum provision of open space for sites measuring over 1ha, such as the application site, would be 15%. Furthermore, Local Plan policy R5 requires new development of family houses on sites larger than 0.4ha or 15 units (whichever is the smallest) to provide a Local Area for Play (LAP) and for sites larger than 0.8ha or 50 units to provide a Local Equipped Area for Play (LEAP).
- 9.21 The proposed layout indicates two areas of open space measuring approximately 1330sqm and 1855sqm which equates to approximately 6% of the site. However, while not in compliance with the minimum standards set out in Local Plan policies, policy R3 sets out a minimum on-site open space provision of 4.3ha per 1000 population, which is well in excess of the requirements set out in current national guidance (Guidance for Outdoor Sports and Play: Beyond the Six Acre Standards, 2015) which sets out guidelines of 0.59ha per 1000 population for amenity greenspace. Furthermore, the supporting text for policy R3, R4 and R5 states that the minimum provision can be applied flexibly. As such, it is considered that a reason for refusal on this ground could not be robustly supported.
- 9.22 In relation to the provision of a LAP and Leap, guidance in 'Beyond the Six Acre Standard', which supersedes the standards for a LAP and LEAP set out in Appendix 2 of the Local Plan, sets out the minimum dimensions for a LAP (10 x 10m) and LEAP (20 x 20m). It is considered that the proposed space as shown is sufficient in size to accommodate such provision.
- 9.23 In this case, both areas of open space lie adjacent to the main access road and are therefore considered to be accessible and visible and thereby visible and, with passive surveillance, safe in accordance with the Borough Wide Design Guide SPD. The management of open space (including trees) can be secured by an appropriate condition (condition 15).

v Design Considerations

- 9.24 While there is a requirement to ensure efficient use of land, as set out in section 9(iii) of this report, paragraph 122 of the NPPF states that this should consider the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed places.
- 9.25 Local Plan policy DG1 resists development which is cramped or which results in the loss of important features which contribute to local character, policy H10 states that new residential schemes will be required to display a high standard of design and landscaping and where possible enhance the existing environment. HWNP policy Env1 states that development proposals should respect the intrinsic character and beauty of the countryside, while Gen2 states that scale, density, massing, height, landscape design, layout and materials should reflect the architectural and historic character and scale of the building and landscape of the respective Parishes.
- 9.26 The Borough Wide Design Guide SPD, which supports the aims and objectives of the above policies, sets out the over-arching specific design considerations for all scales and types of development from strategic design principles to detailed matters.
- 9.27 As a material consideration, paragraphs 124 and 130 of the NPPF advise that high quality buildings and places is fundamental to what planning should achieve and permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of the area and the way it functions. The National Design Guide also sets out the characteristics of well-designed places and what good design means in practice.
- 9.28 Although appearance and landscaping are reserved matters, layout and scale have been submitted for consideration as part of this outline application.

Density, Layout and Scale

- 9.29 To the south-west of the application site is the settlement of White Waltham, which has an approximate density of 8dph. To the north-east is a group of houses at Church View which has an approximate density of 18dph. The proposed density for the residential development is approximately 16.5dph which, given the existing low density of development on either side of the site, is not considered unduly out of character.
- 9.30 Within the site, being served and fronting the existing access road the commercial office buildings and nursery are clearly separated from the residential development, which is considered to distinguish and reinforce the character of the two different areas.
- 9.31 The residential layout comprises of houses fronting the new access road which loops around creating a central perimeter block to the north. To the south of the perimeter block are two short cul-de-sacs leading off the primary access road. Overall, the proposed layout results in a defined and legible hierarchy of streets. The looped access road is considered to create a degree of permeability and connectivity, and the created perimeter block is proportionate to the site.
- 9.32 The scale of the proposed houses is residential in nature and would sit comfortably in the proposed plots. The proposed plots are largely regular in shape and consistent in size. This creates a harmonious rhythm that can be appreciated within the streetscene. Overall, the pattern and grain of development is considered comparable within the wider locality.
- 9.33 The layout includes grass verges and trees alongside the main access road, which is considered to soften and green the character of the site. The main green space provision, including the two areas of open space, are sited towards the south. The resultant green interface between the site and Waltham Road is considered to help integrate the development with the green and rural character of this section of Waltham Road. The proposed nursery building, and new access would introduce additional built-development along the Waltham Road frontage and would result in the loss of approximately 30m of existing trees and vegetation along the southern boundary. However, during the application the maximum ridge height of the nursery building was reduced from 13.5m to 10.5m to diminish its prominence and replacement hedging is proposed along Waltham Road. The nursery is set back approximately 8m from Waltham Road, and therefore it is considered that there would be sufficient room for a viable hedge to be planted.

St Mary's Church and Bury Court Conservation Area

- 9.34 The site is adjacent to St Mary's Church and Bury Court Conservation Area which lies to the south-east on the opposite side of Waltham Road. In relation to its special character, the Council must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Local Plan policy CA2 requires new development to preserve or preserve the character of the conservation area. This includes its setting.
- 9.35 The relevant Conservation Area Appraisal identifies that trees and vegetation on the southern boundary of Grove Park adjacent to Waltham Road, as shown on the Map of Main Features of Conservation Area within the appraisal, to be important in screening this area from the Conservation Area. The proposal would not alter the identified section of screening and would thereby preserve the setting and character of the conservation area in this respect.

vi Trees and Hedgerows

- 9.36 Local Plan policy N6 requires that new development should enable the retention of existing suitable trees wherever practicable, should include protection measures necessary to protect trees during development, and where the amenity value of trees outweighs the justification for development then planning permission may be refused. Local Plan policy H7 requires the retention of hedgerows and will not permit development which would result in the loss of or threat to important hedgerows. Where hedgerow removal is unavoidable, replacement and improved planting will be required.
- 9.37 A Tree Protection Plan, Arboricultural Implications Assessment and Method Statement (November 2018), together with an Addendum (July 2019) and updated Tree Protection Plan ref: TPP 04 Sheet 1 of 2 (November 2019) to reflect updated site layout (ref: 1115 P102 Y) and proposed drainage plan (17-091-001C) have been submitted to support the proposal.

Northern Boundary

- 9.38 The updated Tree Protection Plan shows 7 individual existing trees sited along the northern boundary, and a mixed hedgerow comprising of Ash, Hawthorn, Sycamore, Elm and Field Maple forming G24.
- 9.39 There is no objection to the removal of T52 (Norway Maple) and T54 (Sycamore), which are not protected and categorised as U and C class trees respectively. Mitigation planting includes specimen trees and hedging, which is acceptable. The 5 retained trees are protected by 006/2018/TPO and comprise of T53 ((Norway Maple), T55 (Sycamore), T56 (Sycamore), T57 (Norway Maple) and T78 (Beech). The proposed development would be sited outside of their Root Protection Area (RPA) which is the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, with the exception of the proposed garage of plot 35 which would intrude into the RPA of T53. However, given that the intrusion is less than 1% of the RPA and the proposal involves excavation using hand tools only under arboricultural supervision to minimise the impact on the roots and rooting environment, this is not considered to result in undue harm to T53. In relation to pressure to detrimentally prune or remove trees due to conflict between the retained trees and the proposed houses in plots 26, 27, 28, 29 and 30, the updated Tree Protection Plan illustrates the canopy and shade arch of the trees. On this basis, it is demonstrated that it is unlikely that the trees should result in undue overshadowing to habitable rooms and the gardens to the houses.
- 9.40 There are no objections to the partial removal and cut back works that are required to G24 to accommodate the dwelling at plot 25.

Western Boundary

- 9.41 A proposed driveway loops around the rear of plots 14 to 20 which originally intruded into the root protection areas of boundary trees T91 (Ash) and T92 (Sycamore), which are C and B category trees respectively. Following amendments, the plan now shows that the driveway will be constructed above the existing soil level. Further details would be required showing the construction. If minded to approve this can be secured by condition (condition 22).
- 9.42 The updated Tree Protection Plan illustrating the canopy and shade arch of the trees shows that there would not be overshadowing to habitable rooms and the gardens to the houses which would be unduly detrimental to the amenity of future occupants.
- 9.43 A parking bay which serves the house on plot 24 would be sited adjacent to the boundary hedge. Concerns have been raised by the Council's Arboriculture Officer regarding the impact of the parking space on the viability of the retained hedge. However, as existing there is hardstanding and a building within this area resulting in a constrained rooting environment for the hedge, it is unlikely that new hardstanding within this location would harm its health and longevity over and above the existing situation.

Internal

- 9.44 The existing main internal access is lined by Ornamental Pear trees which are covered by 006/2018/TPO. The updated Tree Protection Plan shows 8 of these trees along the access to be removed to accommodate the proposal. While the trees are categorised as C class, due the amount and contribution as a group as a tree lined avenue, removal would be harmful to the visual amenity of the area. However, it is considered that there is sufficient green space along the proposed access for viable replacement tree planting as mitigation to maintain the integrity of this avenue.
- 9.45 Turning to retained trees along the access, the house on plot no. 21 is closer to 2 pear trees and the terraced houses, nos. 14-20 are closer to 5 Pear trees than the existing built development. The front windows of house no. 10 and the terrace formed by 14-20 face directly out onto the trees, but on the basis of the shade arch shown on the updated Tree Protection Plan it is considered that the trees would not result in undue overshadowing to habitable rooms and the gardens to the houses. Following concerns that the existing main access provides a constraint to rooting directly underneath it and therefore roots are likely to compensate by spreading across areas of soft ground and paths, including where the proposed buildings would be sited, the RPA for the relevant trees on the updated Tree Protection Plan has been amended to take into account where the barriers of growth are considered to be and shows that while closer to the pear trees than existing buildings, the houses on plots no. 14-21 would not intrude through their RPA. However, the proposed pathway alongside would intrude into the RPA, and there would also be intrusion into the RPA of pear trees further south along the avenue by the path and/or proposed access road. The Addendum reports the intrusion within the group would be 6.3%, which would represent harm to the health and longevity of the trees and should be considered in the overall Planning Balance.
- 9.46 Details of main drainage have been provided which are acceptable in respect of impact on trees. If minded to approve to ensure that the root protection areas of trees are not transgressed, details of other utilities serving the proposed development can be secured by condition (condition 21). Concerns have been raised from adjoining neighbours about nuisance from leaf fall from proposed trees planting. Landscaping is a reserved matter where siting and species type can be considered.

vii Residential Amenity

- 9.47 HWNP policy Env1 requires development to not give rise to harmful disturbance from noise. As a material consideration, paragraph 127(f) of the NPPF states that decisions should ensure that development achieves a high standard of amenity for existing and future users.
- 9.48 The nearest residential neighbour is Bury Court to the south-east. The proposed nursery building would be the nearest proposed building to Bury Court. Given the 90m separation distance

between the two, there are no undue concerns in terms of undue loss of light, loss of privacy or visual intrusion.

Noise

- 9.49 Concerns have been raised by Carters Yard, on which there is noise generating activity, about the residential development, which is noise sensitive, and potential limitations put on Carters Yard if there are subsequent complaints from future occupants. For dwellings, BS8233: 2014 advises that outdoor living noise levels should not exceed 55dBLA_{max} and for indoor sleeping noise levels should not exceed 30dB. A Noise Assessment has been submitted, which included a noise survey to establish the existing baseline noise level and reports a maximum noise level along the site boundary with Carters Yard at 55dB LA_{eq} during the day and 45dB LA_{eq} during the night. As such, for indoor living, mitigation would be required to provide a minimum sound reduction of 18dB RTA. The Noise Assessment recommends for any new dwellings that would have windows serving habitable rooms facing commercial premises they would need to incorporate standard double glazing, which would have a configuration of 4/12/4 or 4/16/4. This would be sufficient to enable this standard to be met. Passive ventilation is also recommended for these rooms to allow ventilation without the need for open windows and noise intrusion. These mitigation measures are considered to be reasonable and achievable to ensure an acceptable level of residential amenity for future occupiers of dwellings sited adjacent to Carters Yard and can be secured by condition (condition 23).
- 9.50 In relation to noise from White Waltham Airfield, which lies to the north, Local Plan Policy NAP2 states that new development will not be permitted in areas suffering from daytime aircraft noise levels of over 66dB LA_{eq} (16 hours) and night time noise levels over 57dBLA_{eq} (8 hours). From the noise survey, the Noise Assessment confirms that gardens adjacent to the airfield would have an unscreened outdoor noise levels of approximately 54db and so the proposal would be acceptable in this respect.
- 9.51 It is not considered that the nursery would generate a level of noise that would have undue impact on residential amenity.
- 9.52 The methodology for the conduct of the noise survey is considered to be acceptable, and therefore the results are considered to be robust.

viii Highway Safety and Parking

- 9.53 Local Plan policy T5 requires all new development to comply with adopted Highway Standards, while HWNP policy T1 requires proposals to demonstrate safe and suitable access and that proposal would not have a severe residual cumulative impact on highway safety. As a material consideration, paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road would be severe. A Transport Assessment has been submitted to support the application.

Traffic Generation

- 9.54 In comparison with existing situation, the proposed mix of residential, commercial and nursery would result in a reduction in vehicular trips. Therefore, the proposal is unlikely to have an adverse impact on the local highway network in this respect. However, the residential development is likely to lead to an increase in pedestrians, cyclists and a potential increase in the use of public transport. Based on the existing level of public transport in the vicinity, a contribution towards bus improvements to promote and encourage the use of sustainable modes of transport and minimise traffic to and from the development would be required. This amount is yet to be finalised and will be reported to Members in an update prior to the meeting.

Access

- 9.55 The site presently shares an access with Waltham Park Industrial Estate which adjoins the site to the east. A new access is proposed to serve the proposed development to the west of the existing shared access. Originally a mini-roundabout was proposed at the junction with Waltham Road to which there were objections but, following negotiations, this was replaced by a priority junction. This is considered acceptable subject to the provision of acceptable visibility splays of 90.5m to the east and 86.2m to the west, and a Section 278 Agreement under the Highways Act 1980 to undertake the works required on highway land. These can be secured by condition (condition 11).

Parking

- 9.56 For B1 office use the Council's adopted Parking Standards requires 1 car parking space per 35sqm. This equates to a requirement of 85 car parking spaces for the retained offices. 88 car parking space will be provided, which is considered acceptable. In relation to cycle parking, 1 cycle parking space is required per 10 employees. Full details of cycle parking can be secured by condition (condition 13).
- 9.57 For D1 nursery use the Council's adopted Parking Standards requires 1 car parking space per 1 full-time equivalent staff. For the existing nursery there is approximately 10 members of staff. On this basis, 16 parking space for the replacement nursery is considered acceptable. In relation to cycle parking, the proposal will provide 1 space per every 10 staff for the nursery, the details of which can be secured by condition.
- 9.58 For residential units the Council's adopted Parking Standards requires 1 car parking space per 1-bed unit, 2 spaces per 2-3 bed unit, and 3 space per 4+bed unit. Table 4.2 of the submitted Transport Statement, confirms compliance. 1 cycle parking space is also provided for each household either in a secure cycle cage or store, and full details can be secured by condition (condition 26).

Refuse

- 9.59 The applicant has provided a refuse collection strategy, which is acceptable in terms of maintaining highway flow, highway safety and practicalities in servicing.

ix Ecology

- 9.60 HWNP policy ENV1 states that development proposals should maintain and where practicable and appropriate, enhance biodiversity. As a material consideration paragraph 170 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity, while paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for then planning permission should be refused.
- 9.61 The site is not within 5km zone of influence of a Special Area of Conservation and therefore an appropriate assessment is not required.
- 9.62 An ecology report was submitted to support the application, which was subsequently updated during the course of this application. It was concluded that the site did not contain suitable habitat to support hedgehogs, badgers, great crested newts, dormice, reptiles, otter, water vole or invertebrates and therefore no further survey for these species/ groups of species were recommended.
- 9.63 In relation to bats there were three buildings and trees on site that were recorded as having potential to support roosting bats, but it was concluded that the buildings did not contain roosting bats. As such there is no objection the loss of the buildings and, based on the submitted tree survey, the trees with potential to support bats will be retained. Therefore, no further survey or specific mitigation was recommended.
- 9.64 As the surrounding area is suitable for use by bats, reptiles, nesting birds and other wildlife any new external lighting should be designed to minimize the adverse effects of artificial lighting on wildlife. Details of a wildlife friendly external lighting scheme can be secured by condition

(condition 8). Furthermore, if minded to approve a condition is recommended to secure a construction environmental management plan (CEMP: Biodiversity) to minimise the impact on biodiversity during construction (condition 10).

- 9.65 The Council declared a climate change emergency in June 2019 and a commitment to achieving a target of net zero carbon across the Borough by 2050. A strategy is currently being produced. In the meantime, Part L of the Building Regulations refers to the conservation of fuel and power and exists to guarantee the eco-efficiency of properties built under UK law.

x Sustainable Drainage

- 9.66 HWNP policy ENV2 states that development must not increase flood risk elsewhere and the inclusion of sustainable drainage systems as part of new development will be supported. Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 9.67 It is proposed that surface water runoff will drain to permeable paving and cellular storage crates located within the roads and car parking areas across the site. Micro drainage calculations have been submitted and the construction and modelling of the proposed permeable paving is considered to be acceptable. It is recommended that full details of the SUDS scheme and implementation in accordance with approved details is secured by condition.
- 9.68 The proposed buildings stand on a surface water flow path, but adequate measures have been proposed to compensate or divert the flows so that the natural flow regime can be maintained. Therefore, there are no undue concerns in relation to the backing of water and increased flood levels upstream.
- 9.69 The comparison of surface water levels along the flow path crossing the site for the 1 in 100 plus climate change event 'before' and 'after' development indicates an increase in the maximum flood depth to an area to the west of the site of up to 25mm post-development. This is due to an historical refuse tip in this location (as shown on 1973 OS map), resulting in low levels with no surface water drainage. However, the increase of up to 25mm is considered limited and therefore acceptable.

xi Archaeology

- 9.70 Local Plan policy ARCH2 states that planning permission will not be granted for proposals adversely affecting sites where archaeological features merit in situ preservation, while ARCH3 states planning permission will not be granted for proposals which appear likely to adversely affect archaeological sites of unknown importance unless adequate evaluation enabling the full implications of the development on archaeological interests is carried out prior to the determination of the application. This is supported by paragraph 189 of the NPPF which states that where a development site 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.
- 9.71 The site lies in an area of unknown archaeological potential being close to a centre of Medieval and early Post-Medieval focus. There is also evidence of a Roman settlement or farmstead nearby. However, the current buildings and previous development are likely to have caused some impact to any surviving deposits in place. In view of the scale of the proposed development and low likelihood for remains meriting preservation in situ, Berkshire Archaeology have advised that any archaeological investigation can be carried out post permission in this particular instance. This and any archaeological mitigation of the impact of the development can be secured by condition.

xii Housing Land Supply

- 9.72 Paragraphs 10 and 11 of the NPPF 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.*

- 9.73 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).

- 9.74 At the time of writing the Council cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer). For the reasons set out in Section 9(ii) the proposed development is considered to constitute 'appropriate development in the Green Belt'. Therefore, while the proposed development falls within a '*protect area(s) or assets of particular importance*' there is no clear reason for refusing the proposed development on this basis. Accordingly, the so-called 'tilted balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 Concerns have been raised by local residents on the increased pressure on social infrastructure including schools and GP surgeries. To help delivery of infrastructure to support growth of an area, the Council has approved a Community Infrastructure Level (CIL). In line with the Council's Charging Schedule the proposed development would be CIL liable. In accordance with the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, the development is CIL liable and the required CIL payment for the proposed development is set at £295.20 per square metre. The chargeable floor area would be calculated at the reserved matters stage but based on the CIL forms submitted with the application this could be a figure of approximately £1.1 million.

11. PLANNING BALANCE AND CONCLUSION

- 11.1 Paragraph 11 of the NPPF sets out that the presumption in favour of sustainable development, and it is considered that the 'tilted balance' should be applied. This means planning permission should be granted unless 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 The redevelopment of the site for housing, along with the re-provision of a D1 use and retention of some employment use is considered to be acceptable. The proposal is considered to be appropriate development in the Green Belt and would result in an efficient use of land. The proposed residential development would provide an appropriate housing mix and a satisfactory level and tenure of affordable housing. An acceptable level of open space would be provided within the site of a size that could accommodate a LAP and LEAP. The proposed development is not considered to unduly harm local character including the setting of St Mary's Church or Bury Court Conservation Area. A satisfactory level of residential amenity for future residents can be achieved, and the proposal is not considered to result in an undue impact on neighbouring sites. There would be no undue harm in terms of highway safety and the local highway infrastructure. A satisfactory level of vehicular parking and cycling would be provided on site. It has been demonstrated that the proposal is acceptable in respect of archaeology, sustainable drainage, ecology and biodiversity.
- 11.3 There would be some harm to the trees within the site which should be afforded moderate weight against the development. Weighing in favour the proposal would contribute up to 79 dwellings

towards meeting the need for housing within the Borough, which should be given great weight. On this basis, the benefits of the proposal would demonstrably outweigh the harm of the proposal.

12. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan and Site Layout
- Appendix B – Proposed Plans and Elevations

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 Details of the appearance and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.
Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) Order 1995.
- 2 An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission
Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The Development shall commence within two years from the date of approval of the last of the reserved matters.
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, H10, Env1
- 5 The development shall not be occupied until all walls, fencing or any other means of enclosure (including any retaining walls), have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 6 No development shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 7 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 8 No external lighting (including floodlighting) shall be installed until a report detailing the lighting scheme and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the Local Planning Authority. The report shall include the following figures and appendices:- A layout plan with beam orientation - A schedule of equipment - Measures to avoid glare - An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance.- Hours of operation of any external lighting. The approved lighting plan shall thereafter be implemented as agreed.
Reason: To ensure that wildlife is not adversely affected by the proposed development in line with the NPPF.
- 9 Prior to the occupation of the development, details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings and native and wildlife friendly landscaping (including gaps at the bases of fences to allow hedgehogs to traverse through the gardens), shall be submitted to and approved in writing by the council. The biodiversity enhancements shall thereafter be installed as approved.
Reason: To incorporate biodiversity in and around developments in accordance with paragraph 175 of the NPPF.

- 10 No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following .a) Risk assessment of potentially damaging construction activities. b) Identification of "biodiversity protection zones". c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including precautionary measures in relation to .d) Invasive species removal method statement [if applicable]e) The location and timing of sensitive works to avoid harm to biodiversity features .f) The times during construction when specialist ecologists need to be present on site to oversee works .g) Responsible persons and lines of communication .h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person .i) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
Reason: To ensure that impacts on protected species and other biodiversity are minimised in accordance with Paragraphs 170 and 175 of the NPPF, and NR3 of the submitted Local Plan.
- 11 No development shall commence until a completed Section 278 (of the Highways Act 1980) Agreement is submitted to the Local Planning Authority for the priority junction highway works for the approved access. The development shall not be occupied until the mitigation works have been carried out in full.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policy - Local Plan T5.
- 12 No part of the development shall be occupied until the access has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. 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.
- 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 development shall commence until details of the siting, size, landscaping equipping and maintenance of the children's play area, have been submitted to and approved in writing by the Local Planning Authority. The play area shall be provided in accordance with the approved details before any part of the development is first occupied and retained.
Reason: In the interests of amenities of future occupiers of the area. Relevant Policies - Local Plan R4, R5.
- 15 Prior to the occupation of the development hereby approved, details of a landscape, Local Area for Play and Local Equipped Area of Play management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include long-term management responsibilities and maintenance schedules for all landscape and play areas (other than small privately owned domestic gardens). The management plan as agreed shall be fully implemented in accordance with the approved details.
Reason: To ensure a satisfactory standard of development.
- 16 No development shall take place other than demolition to ground level until the development have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: The site lies in an area of archaeological potential, particularly for Roman remains. The impacts can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policies.
- 17 No development shall commence until a surface water drainage scheme for the development, based on the sustainable drainage principle, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: a) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details; b) Supporting calculations confirming compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (where infiltration to ground is proposed the calculations should be based on infiltration rates determined by on-site

testing undertaken in accordance with BRE:365); c) Results of groundwater monitoring indicating levels recorded on the site and a design based on these levels; d) Details of the Maintenance arrangement relating to the proposed surface water drainage systems, confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure the development is safe from flooding and does not increase flood risk elsewhere in accordance with paragraph 165 of the NPPF.

- 18 Within the first planting season following substantial completion of the development a replacement hedgerow along Waltham Road in the location shown on drawing ref: 6042/LSP/ASP4.0 rev D 'Grove Business Park, White Waltham Landscape Strategy Plan' shall be planted in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Details shall include a schedule of species, sizes and proposed numbers/densities, a programme and written specifications of cultivation, management and maintenance including responsibilities and schedules for a minimum of 5 years. If part or all of the hedgerow, shrubs or plants are removed, uprooted, destroyed or dies within five years from the date of the first occupation of the development, they shall be replanted in the following planting season and be of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping and in the interest of preserving the character of Waltham Road and the setting of St Mary's Church and Bury Court Conservation Area.

- 19 No tree or hedgerow shown to be retained in the approved plans 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 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.

- 20 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

- 21 The installation of underground services and utilities shall not transgress through the root protection area of existing trees which are shown on drawing ref: TPP 04 Sheet 1 of 2 'Tree Protection Plan'.

Reason: In the interest of the health and longevity of trees. Relevant Policies - Local Plan DG1, N6.

- 22 Prior the installation of the approved access road details of construction of the above soil surfacing within the areas of intrusion of the Root Protection Areas of T91 and T92 as shown on drawing ref: TPP 04 Sheet 1 of 2 'Tree Protection Plan' shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interest of the health and longevity of trees. Relevant Policies - Local Plan DG1, N6.

- 23 No development shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against noise from Carters Yard and aircrafts, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.

Reason: To ensure an acceptable living environment for future occupiers.

- 24 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.

- 25 The reserved matters shall consist of 23 x 2-bed, 40 x 3-bed, 14 x 4-bed and 2 x 5-bed houses.

Reason: To ensure that a satisfactory housing mix.

- 26 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.

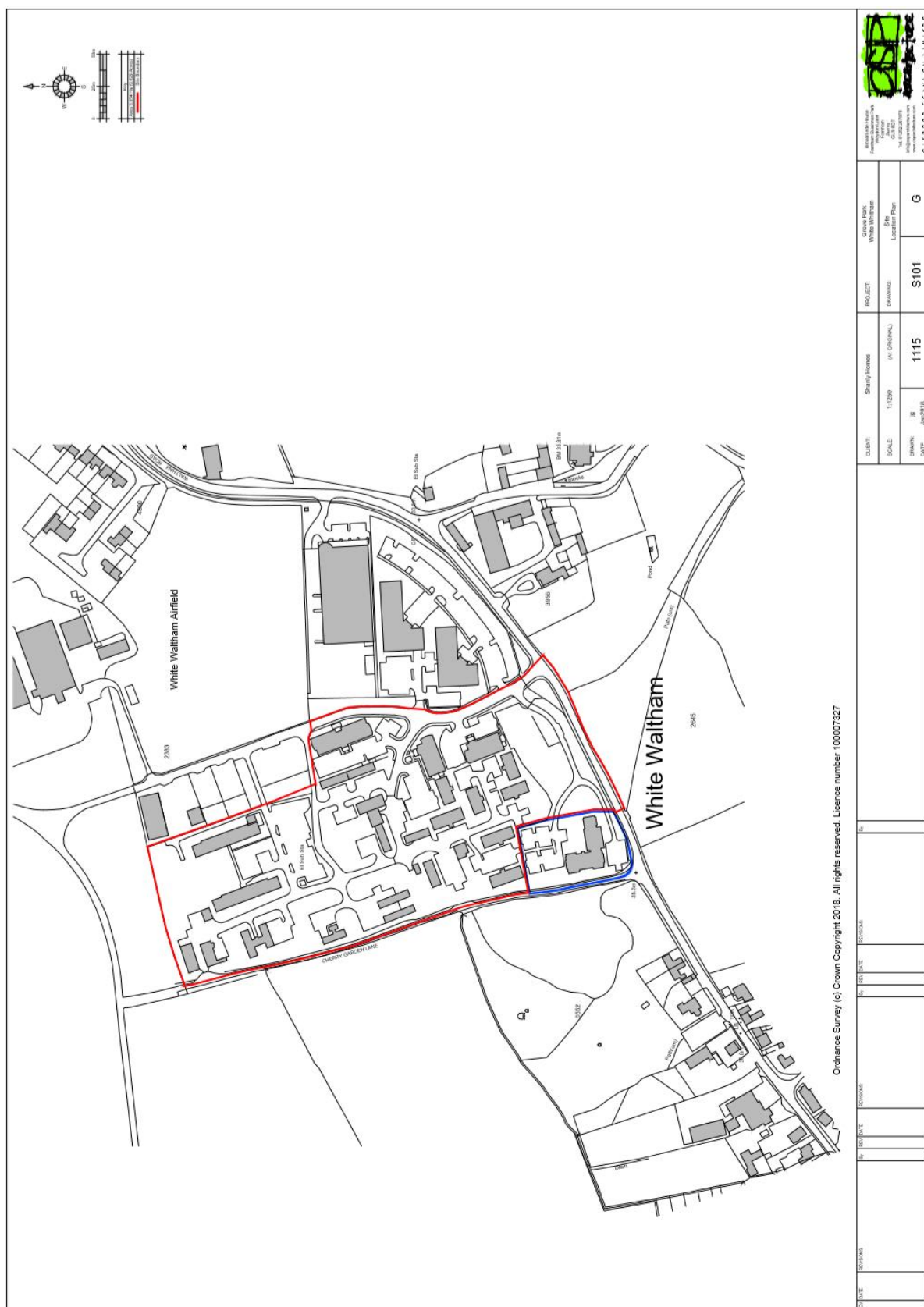
- 27 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

Informatives

- 1 There are public sewers crossing or close to your development. If you're planning significant work near the sewers, it is important that you minimise risk of damage and you will need to check that your development will not reduce capacity, limit repair or maintenance activities or inhibit the services Thames Water provide in any other way. The applicant is advised to read Thames Water Guidance at <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
- 2 The ground gas assessment monitoring has been undertaken in periods of high atmospheric pressure. There are still concerns in relation to which Characteristic Situation measures should be adopted. It is recommended additional gas monitoring during lower atmospheric pressure or adoption of a more conservative approach to implement gas mitigation measures to Characteristic Situation 2 (CS2). The design of water supply pipes should also be taken into consideration when installed in the remaining Made Ground. The applicant is required to consult the Environmental Agency with regards to risk to controlled waters.
- 3 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 68 3830 and follow good practice.

Appendix A – Site Location Plan and Layout



[illegible]



Street Scene A



Street Scene B



Street Scene C

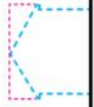


Proposed Replacement Nursery

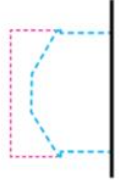
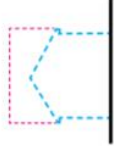
Street Scene D

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Two storeys (see C103 - Parameter plan)



Up to 2½ storeys (see C103 - Parameter plan)



Height Parameters (ridge heights)



Coloured Street Elevations
Grove Park, White Waltham
1115 / C104D
Scale 1:200 @ A1 July 2019

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Agenda Item 5

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

DEVELOPMENT CONTROL PANEL

18 November 2020

Item: 2

Application No.:	20/00839/FULL
Location:	Studio House School Lane Cookham Maidenhead SL6 9QJ
Proposal:	Landscaping to the front garden, new replacement front boundary treatments, with vehicular and pedestrian entrance gates, new external finishes, alterations in fenestrations and part single part two storey side/rear extension, following demolition of existing buildings.
Applicant:	Mr Keegan
Agent:	Mr. Malcolm Keegan
Parish/Ward:	Cookham Parish/Bisham And Cookham
If you have a question about this report, please contact: Carlos Chikwamba on 01628796745 or at carlos.chikwamba@rbwm.gov.uk	

1. SUMMARY

1. The proposed development as originally submitted was considered to be unacceptable due to the siting and scale of the two-storey extension. Furthermore, the new front boundary treatment and gates were also deemed to be out of context with the site and wider Conservation Area.
2. The proposals were subsequently amended and scaled down. The revised proposal is now considered to respect the historic fabric and character of the host dwelling and the wider Cookham High Street Conservation Area. The development works are also not considered to negatively impact the amenities of any of the immediate neighbouring properties.
3. The development works are considered to enhance the biodiversity on site and the proposals would also retain a sufficient amount of soft landscaping, which will preserve the visual amenities within the site and the wider area.

It is recommended the Panel grants planning permission with the conditions listed in Section 12 of this report.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Brar only if the recommendation is to approve the application, for the following reasons;

Objection to the proposal on the grounds of Policy CA1, DG1 and Policy F1 of the Borough Local Plan.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 [The dwelling at the site was built in 1936 in the *moderne* style.](#) The materials employed in the construction are of a good quality giving it integrity within the context of its more traditionally built counterparts. Due to the building's small size and low key nature it is not overbearing in its context so adds to the variety of building types present and thus the general interest of the conservation area. As with most minimalist buildings in isolation it also acts as an interesting contrast to the other buildings in close vicinity.

3.2 Studio House is located within the Cookham High Street Conservation Area on School Lane, a road which leads off the Moor with some fine examples of domestic architecture, leading to Holy Trinity Primary School (still located in its original 19th century building) and then on to more modern properties before linking to Sutton Road. Studio House is also a non-designated heritage asset.

3.3 The site is located within close proximity of some native protected species according to the council's records.

4. KEY CONSTRAINTS

4.1 The main planning policy constraint to development relates to the site's location within the Cookham High Street Conservation Area and the recognition of the building as a non-designated heritage asset.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 The initial proposal was reviewed in depth by planning and Conservation officers. Upon review the proposal, in particular the new front boundary treatment and the two-storey element of the extension, because of their dimensions, siting and scale were considered to be incongruous additions to the existing property. As such, at this stage the proposal was considered to harm the character of the site, host dwelling and the wider Cookham High Street Conservation Area. The initial proposal was also met with objections from the Parish Council, The Cookham Society and several neighbouring properties.

The applicant subsequently amended the proposal and the following changes were made;

- i. The initially proposed front brick wall, which measured about 1.8m in height was reduced to a low brick wall, measuring 1m in height. Further to that, a hedge which will sit directly on top of the brick wall was also proposed. The hedge will add a further 1.2 metres to the low brick wall and soften the front elevation.
- ii. The new gates, which measured 1.6 metres in height, were reduced to a height of 1.1 metres, a near identical height as the proposed low brick wall.
- iii. The extension's width was reduced by 0.5 metres, the depth of the extension at first floor level was reduced by 1.6 metres and the extension's overall depth was reduced by 0.8 metres. The changes significantly reduced the scale and size of the extension. Furthermore, this changed the extension to a linked-detached extension at first floor level, which visually improves the overall outlook of the scheme, as opposed to the cluttered visual appearance the extension had previously when it was linked to a greater degree to the host dwelling.
- iv. The proposed garden sheds highlighted on the site layout and the ground floor plans have been omitted from the proposal.
- v. Several pre-commencement conditions relating to the proposed materials were also agreed with the applicant. As such, all the materials samples to be used for the windows and external surfaces of the development will be thoroughly inspected by officers to ensure that the character and historic fabric of the host dwelling will be maintained.

5.2

Ref.	Description	Decision and Date
08/02952/FULL	Single storey side extensions and new integral garage	Approved 5.2.2009
10/02948/VAR	Single storey side extensions and new integral garage as approved under planning permission	Approved 25.1.2011

	08/02952/FULL. Removing condition 3 and 4 of that permission so that no archaeological report or door and window samples have to be submitted	
14/00103/FULL	First floor extensions and internal alterations	Refused 6.3.2014 Appeal withdrawn

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

	Within settlement area	Parking	Conservation Area	Trees
Local Plan	DG1, H14	P4	CA2	N6

These policies can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

7.1 Section 4 – Decision-making
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

Borough Local Plan: Submission Version (2018) and Proposed Changes (2019)

Issue	Submission Version	Proposed Changes
Design in keeping with character and appearance of area	SP2, SP3	QP1, QP3

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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which were out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. The Inspector has resumed the Examination of the BLPSV with hearings on-going. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above, both should be given limited weight.

These documents can be found at: <https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

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

- Cookham Village Design Statement

More information on this document can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

Other Local Strategies or Publications

7.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

5 occupiers were notified directly of the application.

The application was advertised in the Maidenhead Advertiser.

The planning officer posted a statutory notice advertising the application at the site on 7 May 2020.

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

Comment	Officer response
<p><i>Mead Cottage;</i></p> <ul style="list-style-type: none"> -Proposal doesn't not preserve or enhance the site or the adjacent sites along School lane -Proposal nearly doubles the size of the original building -The proposal is not compatible with other existing cottages due it its height, volume and position. -Works very close to adjacent hedges, which are important features of the site -The proposed store building to the west would destroy part of the hedge and destroy habitats used by birds. -The new wall along School Lane is out of character -The proposed materials for the development are not compatible with the wider Conservation Area. -The proposal would cause privacy issues with adjacent buildings and it would harm if not destroy neighbours' hedges. -The Trees must be retained. 	<p>The development was scaled down and amended. This is further addressed in Section 9 of the report</p>
<p><i>The Tannery House;</i></p> <ul style="list-style-type: none"> -The new boundary treatment will create a tunnel effect and harm the street scene. The height of the new gates will also be out of context with the other properties along School Lane. -Proposed works could possibly set a precedent and erode the historical context of School Lane. 	<p>The development was scaled down and amended. This is further addressed in Section 9 of the report</p>
<p><i>Gantry House;</i></p>	<p>The development was scaled down and amended. This is further addressed in Section 9</p>

<ul style="list-style-type: none"> - The new boundary treatment will create a tunnel effect and harm the street scene - The new gates will also be out of context with the other properties along School Lane. - The proposed materials for the development are not compatible with the wider Conservation Area - The proposal would cause privacy issues -Proposed works could possibly set a precedent and erode the historical context of School Lane. -Clarity on the increase in footprint. 	of the report.
<p><i>Thyme Cottage;</i></p> <ul style="list-style-type: none"> -Two-storey extension along the north-east boundary will reduce the light in our house and garden. -Resultant high structure with metal finish with provide an obtrusive view. -Scale and size of development will be out of character with the rest of School Lane. -Additional bedrooms will have implications on the site's parking provisions and the parking provisions along School Lane. 	The development was scaled down and amended. This is further addressed in Section 9 of the report.

Statutory consultees and other consultees.

Comment	Officer response
<p><i>RBWM Ecology;</i></p> <p>No Objections subject to two conditions related to a supervised demolition and biodiversity enhancements.</p>	Noted. Both conditions will be added to the planning permission.
<p><i>RBWM Conservation;</i></p> <p>Conservation initially recommended several changes to the proposal, in particular the scaling down of the extension works and a softer front boundary treatment. The applicant amended the proposal as per the advice by the Conservation.</p> <p>Upon further consultation, the approval was recommended for approval subject to several conditions</p>	Noted. The recommended conditions will be added to the planning permission.

related to sample materials, specification of external materials, windows, gates and landscaping details.	
<p><i>RBWM Trees;</i></p> <p>No objection to the proposal subject to conditions related to Tree retention, Tree protection measures and Landscaping details.</p>	Noted. The conditions will be added to the planning permission.
<p><i>Cookham Parish Council;</i></p> <p>-Parish Council or Cookham Society were not engaged with prior to the application being submitted to discuss the proposed development works.</p> <p>-Development is out of keeping with the area in particular</p> <ol style="list-style-type: none"> 1. The 1.8m front wall boundary treatment 2. The extension's massing and scale 3. The proposed materials for the development and the style and materials of the windows <p>As such, the works are contrary with the relevant sections in the Cookham Village Design, Emerging Borough Local Plan and Policy CA2 of the Local Plan.</p>	<p>The proposed development works are considered to be small scale. As such, it was not necessary for the developer to engage with the Parish council and Local community groups prior to submitting a full application.</p> <p>The development was scaled down and amended. This is further addressed in Section 6 of the report.</p>
<p><i>The Cookham Society;</i></p> <p>Objection to;</p> <p>-Inappropriateness of the altered window openings</p> <p>-Replacing the front hedge with a wall</p> <p>-Paving the front garden</p> <p>-Changes to the roof line due to the extension and introduction of new materials</p> <p>The proposal is contrary with Local Plan Policy CA2 and G6.9a and G6.19 of the Cookham Village Design.</p>	<p>The development was scaled down and amended. This is further addressed in Section 6 of the report.</p>

9. EXPLANATION OF RECOMMENDATION

9.1 As set out earlier in this report the proposals have been amended since submission. The revised details and the rest of the proposal will now be assessed in the following sections.

9.2 The key issues for consideration are:

- i Character and Appearance

- ii Impact on the Conservation Area
- iii Neighbouring amenity
- iv Biodiversity
- v Impact on trees and hedges on site
- vi Parking
- vii Other material considerations

Character and Appearance

- 9.3 The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 12 (Achieving Well-Designed Places) and Local Plan Policy DG1, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. Policy H14 of the Local Plan indicates that extensions should not harm the character and appearance of the host building.
- 9.4 The landscaping works to the front garden will incorporate more hard landscaping features to facilitate extra parking along the front driveway. At present the front garden is predominantly characterised by hard landscaping features, as such, any additional hard landscaping is not considered to significantly change the overall appearance or character of the front garden. The existing front boundary treatment is characterised by a high hedge which is a key characteristic that positively contributes to the visual amenity of the site and wider Conservation Area. The replacement front boundary treatment will comprise of 1 metre low brick wall, with a 1.2 metres hedge directly on top of it. As such, this element of the proposal will significantly retain the existing character and appearance of the site, whilst modernising the front boundary element with a low brick wall that will complement the new extension and the existing host dwelling. The new pedestrian and vehicular access gates will have a near identical height as the proposed low brick wall along the front of the site and, as such, the new gates will match the front boundary treatment.
- 9.5 The applicant proposes to demolish the existing single storey element north-west of the site, together with the front garage. The single storey element to be demolished is not part of the original dwelling and therefore the original building, which is a non-designated heritage, asset will be retained in its entirety. The elements to be demolished will have a total footprint of about 85 sqm. The part single part two storey side/rear extension will add a footprint of about 70sqm to the host dwelling and as such, will result in a reduction in overall ground coverage. The extension as a whole will have a width of 6 metres and the two-storey element will appear as a linked-detached element when viewed alongside the host dwelling. This is considered to respect the original house and its design by creating a clear separation.
- 9.6 The extension at two-storey level will have a maximum height of 6.2 metres. Whilst, this is higher than the maximum height of the single storey host dwelling, the host building is characterised by different levels in height and the chimneys also vary in height (both higher than the extension at two storey level). Due to this, the building is read and viewed differently from various vantage points within School Lane and the immediate street setting. As such, another element of height at 6.2 metres (which is very modest for a two-storey extension) is deemed to be a sympathetic addition to the host dwelling, which would maintain and conserve the character and appearance of the site and the wider Conservation Area. The flat roof design of the part single part two storey side/rear extension will match the flat roof design of the existing host dwelling. It is also worth noting that Studio House has little relation to the rest of the properties along School Lane in terms of its architectural characteristics. As such, whilst the dwelling contributes to the character of the area due to its unique design and its non-designated heritage asset status, it is to a large degree viewed in isolation within the street scene.

- 9.7 The new part single part two storey side/rear extension will introduce a wide V-shaped footprint to the host dwelling which would replace the existing L-shaped footprint. Despite a more open footprint, the extension works will still be at least 5 metres away from the north-west boundary mutually shared with the adjacent property at Thyme Cottage. Furthermore, the extension will be at least 14 metres away from the dwelling at this neighbouring site. The extension will also be at least 5 metres away from the rear boundary mutually shared with the property at Mead Cottage. Based on the above, the dwelling will still retain sufficient spacing along the boundaries adjacent to the proposed extension. Thereby, the extension works are not considered to constitute a cramped over-development of the site.
- 9.8 The alterations to the fenestration are not considered to have a detrimental material impact on the external appearance of the host dwelling. Furthermore, several pre-commencement conditions related to the proposed detailing of the window materials and all the other external finishing materials have been agreed with the applicant. As such, all the materials to be used for the external surfaces and windows of the development will be approved by the council before any works can commence, to ensure that the character and historic fabric of the host dwelling is maintained.
- 9.9 Overall, the proposed development works are considered to respect the character and historic appearance of the host dwelling and the site. Furthermore, the proposal will not harm the character of the immediate street scene along School Lane and the wider Conservation Area. As such, the proposal is considered to comply with the Section 12 of the NPPF and Policies DG1 and H14 of the Local Plan.

Impact on the Conservation Area

- 9.10 The Council has paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Local Plan Policy CA2 requires developments to preserve or enhance the character of the individual conservation areas they are located within. The development site is located within Cookham High Street Conservation Area. RBWM Conservation officers initially recommended several changes to the proposal, in particular the scaling down of the extension works and a softer front boundary treatment. The applicant amended the proposal as per this advice and upon further consultation, the proposal was deemed to respect and preserve the character of the Conservation Area. As such, the proposal is recommended for approval subject to several conditions relating to sample materials, specification of external materials, windows, gates and landscaping details (conditions 2-6 inclusive).
- 9.11 Officers are of the view that whilst the proposals add a modern touch to the host dwelling and the site, they still preserve the character and historic fabric of the non-designated heritage asset and the wider Conservation Area. Based on the above, the proposed development works are considered to preserve the character and appearance of the Conservation Area, in compliance with Local Plan Policy CA2 and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Neighbouring amenity

- 9.12 Paragraph 127 (f) of the NPPF (2019) and Policy H14 of the Local Plan state that development works should not result in an unacceptable impact on the amenity of the immediate neighbouring properties.
- 9.13 The extension works will maintain a gap of 5 metres from the north-west boundary mutually shared with the adjacent property at Thyme Cottage. Furthermore, the extension will be at least 14 metres away from the dwelling at that property. The extension will also be at least 5 metres away from the rear boundary mutually shared with the property at Mead Cottage. Based on the above, the extension is set a sufficient distance from the immediate neighbouring properties for it not to impact on their amenities in terms of loss of light and outlook.

- 9.14 The north-west elevation of the extension directly faces the property at Thyme Cottage. There is a lengthy first floor window along that elevation, which will serve the landing area. Whilst, this window faces the adjacent neighbouring property referenced above, it will be set behind spaced vertical panels which extend the full length of the window. The vertical panels will obscure any views towards the property at Thyme Cottage, mitigating any loss of privacy and overlooking issues. A condition will be attached to the planning permission to ensure that the vertical panels are fixed and retained in perpetuity (condition 11). The two first windows along the western (rear) elevation of the two-storey extension will directly face the property at Mead Cottage. These two windows, which are a secondary window to a bedroom and a bathroom window, will be conditioned to be obscure glazed to mitigate any loss of privacy and overlooking issues to the property at Mead Cottage (condition 12).
- 9.15 Based on the above, it is considered that there would be no material harm caused to the immediate neighbouring properties in terms of loss of privacy, outlook, daylight, sunlight or otherwise.

Biodiversity

- 9.16 Paragraph 175 of the NPPF (2019) states that opportunities to incorporate biodiversity in and around new developments should be encouraged. The development site is located within close proximity of a RBWM protected species point and the proposed works include the demolition of buildings which could be potentially used by roosting bats and nesting birds. Therefore, the applicant undertook an ecological survey mainly centred on the presence of bats near to or within the site or building to be demolished.
- 9.17 The survey highlighted that there was no evidence of bats around the site and the buildings to be demolished. No other species were identified within the survey. Therefore, the development is not considered to have any detrimental impact on biodiversity. Conditions are proposed related to supervised demolition and biodiversity enhancements. Both conditions will be added to the planning permission (conditions 8 and 14). Based on the above, the development is not considered to have a detrimental impact on biodiversity and nature conservation.

Impact on trees and hedges on site

- 9.18 Policy N6 and DG1 state that the retention of trees and hedges within new development can help soften the landscape and provide high amenity value to the character and appearance of a development and its wider surroundings. Trees and Hedges within the Conservation area are considered to have a greater significance in terms of their contribution to the character and appearance of the subject Conservation Area.
- 9.19 There are no TPO trees within the development site, however, the applicant proposes to remove two trees along the rear of the site. The two trees to be removed are considered to be in a poor state in terms of their health and therefore, they are not considered to hold any meaningful amenity value and there is no objection to their removal.
- 9.20 Whilst, the front hedge will be removed, this will be partly replaced by the new front boundary treatment which consists of a low brick wall with a hedge planted behind, that will be trained to grow above the wall. Thereby, the site will still retain a significant amount of its verdant appearance. The applicant also proposes to remove the hedge on the norther corner of the site on the boundary with Thyme Cottage, this hedge does not contribute significantly to the character of the site or area. There are several other trees on site which are to be retained, that contribute to the amenity value of the site. The development is not considered to harm the health of these trees.
- 9.21 Conditions are recommended related to tree retention details, tree protection measures and landscaping details (conditions 7, 9 and 10)
- 9.22 Overall, the proposed development is deemed to comply with Policies N6 and DG1 of the Local Plan.

Parking

- 9.23 The site will retain at least 3 parking spaces along the front driveway. According to the parking standards found in Appendix 7 of the Local Plan, 3 parking spaces is the maximum number of spaces required for single occupancy residential dwellings irrespective of the bedrooms on site. As such, sufficient space would remain on the site to accommodate the car parking for the resulting dwelling in compliance with the adopted parking standards in Appendix 7 of the Local Plan, as amended by the Royal Borough of Windsor and Maidenhead Parking Strategy, May 2004.

Other Material Considerations

- 9.24 Based on the assessments made in of this report, the proposed development is considered to be in compliance with the relevant policies within the Cookham Village Design Statement that relate to extensions and developments within the Conservation Area. The site is located within flood zone 2, therefore, the proposal will not be considered against Flood Policy F1, as this policy only relates to proposals in flood zone 3.

10. Conclusion.

- 10.1 Overall, the revised proposals are considered to be of a sympathetic scale, size and height in relation to the host dwelling. The design and siting of the extension is considered to respect the host dwelling and the final details of the proposed materials for the development will ensure they are appropriate and high quality. The proposal will also retain a significant amount of the existing soft landscaping features on site and there will be biodiversity improvements on site. As such, on balance the development will preserve character of the non-designated heritage asset and the wider Conservation Area, whilst adding value to the site in the form of the biodiversity enhancements. The proposal is therefore considered to comply with the relevant planning policies and guidance.

11. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan and Existing Site Plan
- Appendix B – Proposed Site Plan and Block Plan
- Appendix C – Existing and Proposed Floor Plans
- Appendix D – Existing and Proposed Elevations
- Appendix E – Proposed Sections

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 Before relevant work commences, a sample panel of all external materials shall be provided on site and confirmation of the materials and methods of construction shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: To protect and preserve the character of the conservation area, relevant Policies - Local Plan CA2.
- 3 Before relevant work commences, a sample panel of any new brickwork shall be provided on site showing the proposed brick types, sizes, colours, texture face-bond and pointing mortar mix, joint thickness and finish profile and details shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: To protect and preserve the character of the conservation area, relevant Policies - Local Plan CA2.

- 4 Before relevant work commences, detailed drawings at a scale of 1:20 or greater depicting the front gates and wall shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: To protect and preserve the character of the conservation area, relevant Policies - Local Plan CA2.

- 5 Prior to their installation, detailed plans and elevations at a scale of no less than 1:20, and sections in situ at a scale of 1:5, of all external joinery, excluding window and door joinery, with materials and finish annotated, shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken and maintained in accordance with the approved plans.

Reason: To protect and preserve the character of the conservation area, relevant Policies - Local Plan CA2.

- 6 Prior to their installation, horizontal and vertical sections and elevations of all proposed external windows and doors, including surrounding frames, shall be provided at a minimum scale of 1:10 with typical moulding details at a scale of 1:1 shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the works shall be undertaken and maintained in accordance with the approved details.

Reason: To protect and preserve the character of the conservation area, relevant Policies - Local Plan CA2.

- 7 Prior to completion of building works a scheme of landscaping for the front garden, which shall include details of both hard and soft landscape works, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of building work. Any trees, shrubs or plants that die within a period of five years from the completion, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area and wider conservation area. Relevant Policies Local Plan DG1 and CA2.

- 8 Prior to the commencement of construction works, details of biodiversity enhancements, to include details of the new native species hedgerow and tree mounted integral bird and bat boxes shall be submitted to, and approved in writing by, the Local Planning Authority. The biodiversity enhancements shall thereafter be installed and maintained as approved.

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

- 9 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

- 10 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any tree work be undertaken other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any tree work 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 size and species, and shall be planted at such time, as specified by the Local Planning Authority.

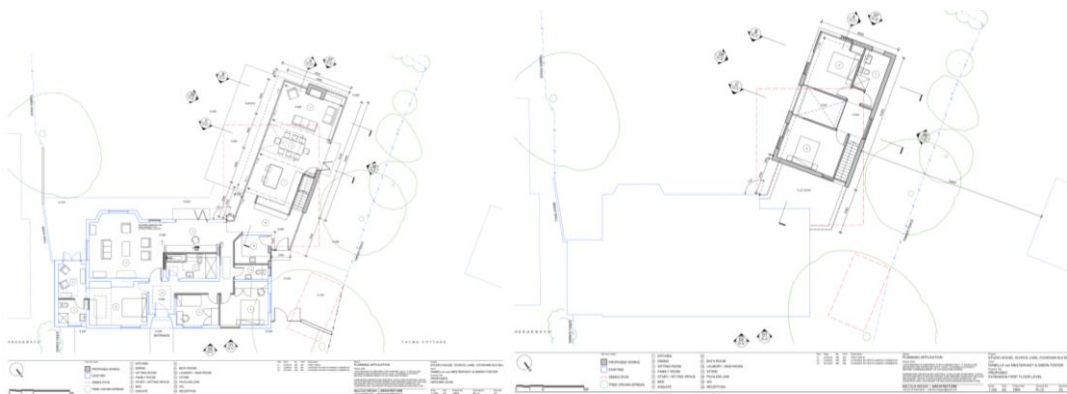
Reason: In the interests of the visual amenities of the area, relevant Policies Local Plan DG1, N6.

- 11 The vertical panels shown on drawing PL-15 REV02, under the elevation labelled 'proposed north elevation' shall be constructed in accordance with the details shown on this plan prior to the occupation of the development. The vertical panels shall thereafter be retained in perpetuity.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
- 12 The first floor windows in the western (rear) elevation of the extension shall be of a permanently fixed, non-opening design and fitted with obscure glass and the windows shall not be altered.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
- 13 No further window(s) shall be inserted at first floor level in the north or west elevations of the extension.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 14 Demolition of the potential bat roosting features on the two buildings on site shall be carried out under the supervision of an appropriately qualified ecologist [full member of CIEEM and or a Natural England Bat licence holder with experience of supervising demolitions where there is a risk of bats being present]. Works are to follow a method statement agreed between the ecologist and the contractor detailing techniques, including the careful removal of the bat roosting features by hand, and the procedure to follow should bats or signs of bats be found. A closing-out report including details of the methods used, and any bats or signs of bats found, is to be issued to the local planning authority.
Reason: To protect biodiversity in and around the site in accordance with paragraph 175 of the NPPF.
- 15 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 All birds, their nests and eggs, are protected by law. It is a criminal offence (with certain exemptions) to deliberately or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built. The buildings and vegetation on the site are likely to be used by nesting birds and any works to buildings with bird nests or vegetation clearance should take place outside the bird nesting season (March - August inclusive). If this is not practicable areas to be cleared should first be checked for bird nests by an appropriately qualified person. If bird nests are found works that could disturb it must stop until any young have fledged the nest.

Proposed

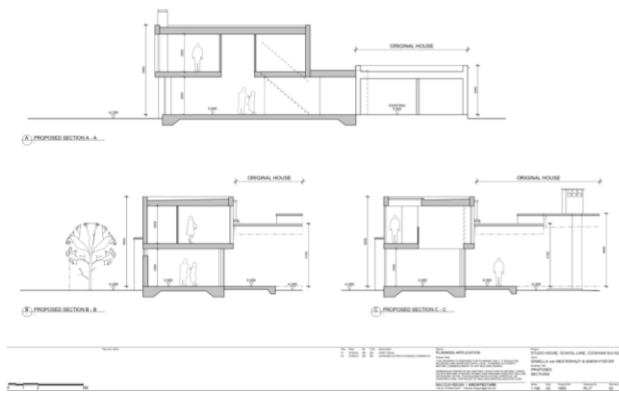


D. Existing and Proposed Elevations

Existing



Proposed



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

DEVELOPMENT CONTROL PANEL

18 November 2020

Item: 3

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

1. SUMMARY

- 1.1 The proposal seeks planning permission to demolish an existing two storey Victorian building close to Windsor town centre and replace it with a three storey building comprising 10 x 2 bed apartments with associated car parking and landscaping. The current scheme follows two recent appeal decisions to build 14 and 12 flats on the site which were both dismissed.
- 1.2 The number of units has been reduced to 10 and amendments have been made to the scheme which include a reduction in the buildings footprint, bulk and mass and improvements to its design, layout and landscape provision. The distance between the proposed building and the adjacent Lime tree has also been increased.
- 1.3 Overall it is considered that the proposal has satisfactorily addressed the previous Inspectors concerns and the proposal would have an acceptable impact on the character and appearance of the site itself, the locality in general and the adjoining Conservation Area.

It is recommended the Panel authorises the Head of Planning:

To grant planning permission on the satisfactory completion of an undertaking to secure the public realm/landscape improvements in Section 9 of this report and 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; such decisions can only be made by the Panel.
- The application has also been called into Panel by Cllr Lynne Jones, if recommended for approval, on the grounds that the site has a long and complicated planning history and has generated much local interest. The building is a non-designated heritage asset and one of a pair at opposite sides of the junction on the edge of the conservation area.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is a triangular shaped, prominent corner plot, located at the junction of Osborne Road and Bolton Avenue, close to Windsor town centre. The site currently comprises a detached, two storey Victorian building which is in use as a physiotherapy centre and a single residential unit. The site is enclosed by a close boarded fence and is completely hard surfaced with no trees within the site. There are trees on the adjacent highway land.

- 3.2 The site occupies one of five corners of the gyratory/ roundabout. The two corners of the roundabout which lie within the Conservation Area contain buildings of generally moderate scale including Kings House which is similar in architectural style and date to the application site. This building and the application site are considered to have some gateway qualities, being located on a main junction into the town centre. The remaining two corners accommodate flatted buildings of more substantial scale and mass, Dene House and Knights Place.
- 3.3 The application site lies adjacent to Heron Lodge, a three storey flatted development which fronts onto Osborne Road. Two storey detached dwellings lie to the south of the site in Bolton Avenue.

4. KEY CONSTRAINTS

- 4.1 The application site lies south of the Inner Windsor Conservation Area which runs along the northern side of Osborne Road. The site lies within the 'leafy residential suburbs' character area as designated in the Townscape Assessment.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 Planning permission is sought to demolish the existing building and erect a 3 storey building comprising a total of 10 x 2 bed apartments with associated parking for 14 vehicles (8 within the undercroft and 6 surface spaces). Cycle parking for 10 bicycles is to be provided within the undercroft and a communal bin store is to be provided within the surface car park. The existing vehicular access onto Osborne Road is to be closed and the existing vehicular access onto Bolton Avenue is to be relocated slightly further north of the existing access.
- 5.2 The current proposal has reduced the overall footprint, size, bulk and massing of the proposed building and introduces some design changes. As before the building would replicate some of the existing timber detailing and rendering above the proposed brickwork at ground and first floor level. The height of the building would measure 10m adjacent to Heron Lodge rising up to 11.5m closer to the gyratory/ roundabout. Railings and hedge planting are proposed around the perimeter of the site with some tree planting also proposed.
- 5.3 There is an extensive planning history relating to this site which is set out as follows.

Reference	Description	Decision
02/82395/COU	Change of use from residential to medical consultancy (Class D1) with ancillary residential use.	Permitted 25.10.02
11/01187/FULL	Redevelopment and change of use of existing site and building to a four storey apartment building comprising 14 residential apartments.	Withdrawn
11/02309/FULL	Redevelopment and change of use of existing site and building to a four storey apartment building comprising 14 residential apartments.	Refused on 2 nd December 2011 and dismissed on appeal 7.08.12
13/01689/FULL	Redevelopment of existing site to provide 14 apartments with associated basement parking and access.	Refused on 13 th September 2013 and dismissed on appeal 21.3.14
18/03027/FULL	Construction of new building comprising 11 x two bedroom and 3 x one bedroom flats with associated parking, alteration to existing access and new bin enclosure.	Refused on 16.1.19 and dismissed on appeal 20.12.19
19/00916/FULL	Construction of new building comprising 10 x 2 bedroom and 2 x one bedroom flats with associated parking, alterations to existing access and new bin enclosure.	Refused on 5.7.19 and dismissed on appeal 20.12.19

5.4 The last application (reference number 19/00916/FULL) was for 12 apartments and is the most pertinent to this current application. It was refused for the following reasons:

- The proposed development, by virtue of its siting, size, layout and design would appear cramped and over prominent which would be detrimental to the streetscape and harmful to the spacious character and appearance of the site itself and the locality in general and the setting of the Conservation Area. The proposal would result in less than substantial harm to a Heritage Asset, the adjacent Conservation Area and the public benefits of the scheme are not considered to outweigh this harm. The proposal fails to comply with Local Plan policies DG1, H10, H11 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003 and emerging policies SP3, HO5 and HE1 of the Borough Local Plan 2013-2033 Submission Version and guidance set out in sections 12 and 16.
- The proposed development, because of its siting, size, layout and design would result in future pressure to reduce or remove the adjacent Lime tree in Bolton Avenue and insufficient space has been provided within the site to provide any meaningful planting/landscaping to the detriment of the character and visual amenity of the locality and contrary to local plan policies N6 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003 and emerging policies SP3 and NR2 of the Borough Local Plan 2013-2033 Submission Version.

5.5 In considering the recent appeal for the 12 apartments the Inspector focused on the following key areas of concern:

- Layout, bulk and massing of the building – the corners of the building were considered to be located too close to site boundaries and the building would come closer to the gyratory/roundabout, increasing the sense of enclosure and reducing the sense of spaciousness; and the building had a complex roof form.
- Lack of space to provide significant soft landscaping, in keeping with the spacious ‘leafy residential’ character.
- Potential harm to the Lime tree in Bolton Avenue which is considered to make a meaningful, positive contribution to the street scene.

The Inspector concluded that the proposed development would have a harmful impact on the character and appearance of the area, including the setting of the nearby Conservation Area, contrary to local plan policies DG1, H10, N6 and CA2. It was concluded that there would be no conflict with Policy H11 in terms of scale and density.

5.6 The current scheme has sought to address the Inspectors concerns as follows:

- A reduction in the size, mass and bulk of the building including a reduction in the number of apartments to 10, a reduction in the footprint, the corners of the building have been pulled back from the site boundaries, the elevation facing the gyratory/roundabout has been set back further and a more simplified roof form provided.
- More space has been provided around the building to provide for improved landscaping and tree planting to help enhance the ‘leafy’ character.
- More space has been provided between the building and the adjacent Lime tree.

5.7 During the course of the application further amendments have been made and include:

- The north eastern corner of the building adjacent to Heron Lodge on the Osborne Road frontage has been set back at first floor and second floor level in line with Heron Lodge.
- Windows have been inserted into the undercroft parking area to help improve the design.
- The relocation of the cycle parking within the undercroft has enabled a further slight reduction in built footprint along the Osborne Road frontage.

- The footprint of the building in the south western corner has been slightly adjusted to remove the corner of the building/foundations from the root protection area (RPA) of the Lime tree and the balcony supports within the RPA have been deleted.
- Part of the roof ridge on the Bolton Road frontage has been dropped down by 0.6m to reduce the bulk of the roof and a chimney has been added to help break up the elevation facing the roundabout.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Impact on Conservation Area	CA2
Trees	N6
Community Facilities	CF1

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 2 - Achieving sustainable development
 Section 4 - Decision-making
 Section 5 - Delivering a sufficient supply of homes
 Section 9 - Promoting Sustainable Transport
 Section 12 - Achieving well-designed places
 Section 16 - Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Housing Density	HO5
Historic Environment	HE1
Trees, Woodlands and Hedgerows	NR2
Infrastructure and Developer Contribution	IF1
Community Facilities	IF7

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1,QP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Historic Environment	HE1
Trees, Woodlands and Hedgerows	NR3
Infrastructure and Developer Contribution	IF1
Community Facilities	IF6

- 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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 These documents can be found at:
<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

Supplementary Planning Documents

- 7.4 Borough Wide Design Guide (adopted June 2020)

Local Strategies or Publications

- 7.5 Other Strategies or publications relevant to the proposal are:
- RBWM Townscape Assessment
 - RBWM Parking Strategy
 - Inner Windsor Conservation Area Appraisal (2015)

More information on these documents can be found at:
<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

64 occupiers were notified directly of the application.

The planning officer posted the statutory site notice advertising the application on both road frontages on the 7th May 2020 and the application was advertised in the Local Press on the 7th May 2020.

16 letters have been received objecting to the application. This includes letters received from 'Other Groups and Organisations' set out below. The objections are summarised as follows:

Comment		Where in the report this is considered
1.	Size, layout and height of building would appear overbearing and out of character with surrounding buildings.	Paragraphs 9.1-9.13
2.	Object to loss of building	9.1-9.13
3.	Object to loss of businesses – area is saturated by flats/housing	9.37
4.	Loss of lime tree	9.28-9.34
5.	Increase in traffic will have impact on already dangerous road	9.23-9.27
6.	Size and mass of building are disproportionately large compared to adjacent plots, particularly King's House.	9.1-9.13

7.	Essex Lodge and King's House create an attractive gateway into Windsor.	9.1-9.13
8.	Formerly several trees on the site matching nature of King's House plot.	9.28-9.34
9.	Proposal invades building line along Osborne Road.	9.1-9.13
10.	More amenity space should be provided	9.14-9.22
11.	Existing building is mainly used for day clinics and its loss will result in loss of local employment.	9.37
12.	Impact on light, natural ventilation and views for surrounding residents.	9.14-9.22
13.	Invasion of privacy to adjacent second floor flat in Heron Lodge.	9.14-9.22
14.	Detrimental impact on street scene and nearby buildings including Heron Lodge.	9.1-9.13
15.	Access is close to busy roundabout junction.	9.23-9.27
16.	Essex Lodge, built in 1897 is now included in a list of Windsor non-designated Heritage Assets.	9.1-9.13
17.	Inadequate parking spaces will result in on-street parking	9.23-9.27
18.	Building is too big for the site and comes too close to boundary.	9.1-9.13
19.	No plan to show proposed site layout over existing Essex Lodge.	9.1-9.13
20.	Historic context between Essex Lodge and The Coach House, numbers 1 & 3 Bolton Avenue will be lost.	9.1-9.13
21.	Comparisons should not be made with Knight's Place and Dene House.	9.1-9.13
22.	Negative impact on pedestrian safety.	9.23-9.27
23.	Bin store will be an eyesore – no screening provided.	9.23-9.27
24.	More people working from home – size of apartments matters more.	9.14-9.22
25.	Changes to the scheme are not sufficient.	9.1-9.13
26.	Indicative street scene drawings do not show a true reflection of the proposed planting or view from Bolton Avenue.	9.1-9.13
27.	Discrepancy in number of windows shown on floorplans and elevations facing Heron Lodge.	9.14-9.22
28.	Still concern about impact on roots of Lime tree.	9.28-9.34
29.	Headlights will shine into ground floor room of 2A Bolton Avenue and windows and balconies will be an invasion of privacy.	9.14-9.22
30.	View from cars leaving access on Bolton Avenue will be obstructed by lime tree.	9.23-9.27
31.	Increase in size will impact on views and have a negative impact on number 3 Bolton Avenue.	9.14-9.22
32.	Proposed exit is located on blind bend and will pose threat for people exiting the one-way system and the many pedestrians who use Bolton Avenue.	9.23-9.27
33.	Heron Lodge will be negatively impacted in terms of ventilation and sunlight.	9.14-9.22
34.	In the era of Covid19 overbuilding has more serious implications.	9.1-9.13
35.	Climate change and sustainability has not been addressed.	9.38-9.39
36.	Applicant should be obliged to maintain Essex Lodge to prevent it becoming an 'eyesore'.	9.1-9.13
37.	Will create noise and disturbance to residents of Heron Lodge.	9.14-9.22
38.	Loss of sunlight and outlook to Heron Lodge and outdoor space.	9.14-9.22
39.	Invasion of privacy for residents of Heron Lodge.	9.14-9.22

Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	No objection.	Paragraph 9.35
Conservation Officer	No objection subject to appropriate conditions.	Paragraphs 9.1-9.13
Environmental Protection	Conditions and informatives suggested.	Noted
Tree officer	No objection subject to conditions and a legal agreement to secure off-site improvements to the ground condition of the Sycamore tree and landscape improvements.	Paragraphs 9.28-9.34
Highways	No highway or parking objections subject to the imposition of conditions and informatives	Paragraphs 9.23-9.27

Other Groups and Organisations

Group	Comment	Where in the report this is considered
The Victorian Society	<p>Summary:</p> <p>We wish to reiterate our previous objection.</p> <p>We previously noted the contribution that Essex Lodge makes both as a non-designated heritage asset and as part of the setting of the conservation area. Of particular importance is its relationship with King's House which stands across the road and is included within the conservation area. The renewed information does nothing to negate our previous assessment in regard to the harm that will be caused and the proposal continues to fail to meet the provisions of the NPPF. We are still of the opinion that the demolition of the house is unjustified and stress the need to find alternative options which reuse, rather than destroy this non-designated heritage asset.</p>	See paragraphs 9.1-9.13
Save Britain's Heritage	<p>Summary:</p> <p>Object on the grounds that proposal seeks to demolish Essex Lodge, a valuable non-designated heritage asset, without justification and the loss will cause substantial harm to the adjacent Inner Windsor Conservation Area.</p> <p>The site should be included in the Inner Windsor Conservation Area. Essex Lodge should be retained and converted to support a low carbon future in line with the NPPF and to meet the climate commitments of RBWM Councils' 'Climate Emergency' declaration in June 2019. Historic England's annual research report shows that retrofitting existing historic homes carries a drastically smaller carbon footprint than demolition.</p>	See paragraphs 9.1-9.13 and 9.38-9.39
The Windsor Neighbourhood	Summary:	See

Plan Committee	<p>Reduction in bulk, amended roofline, building line and landscaping are an improvement. Changes in design are more in keeping with Kings House in the Conservation Area.</p> <p>Proposal still involves the loss of a Non-designated Heritage Asset and an important link with local history. SAVE Britain's Heritage and the Victorian Society have argued strongly against demolition on climate impact as well as heritage grounds.</p> <p>Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future by, amongst other things encouraging the reuse of existing resources, including the conversion of existing buildings.</p> <p>The principle of 'recycling' existing buildings supports a 'low carbon' approach to development. In line with RBWM's 'Climate Emergency' declaration and draft Environment and Climate Strategy, retaining the historic building as an integral part of any redevelopment would preserve the existing heritage value of this site as well as helping to meet RBWM prioritised climate commitments and aspirations. Historic England's annual research report 'There's No Place Like Old Homes' (2019) demonstrates that retrofitting existing historic homes results in a dramatically smaller carbon footprint than demolition.</p> <p>The scale, mass and bulk are larger than Kings House and the symmetry between Kings House and Essex Lodge would be lost. This would be damaging to the Conservation Area, contrary to Local Plan policy CA2 and WNP HER.02. We would request this is refused.</p>	<p>paragraphs 9.1-9.13 and 9.38-9.39</p>
The Windsor and Eton Society	<p>Summary:</p> <p>We remain of the opinion that the proposed development should not proceed and request refusal.</p> <p>The society believes that, apart from the roof design, none of the objections raised by the Inspector have been overcome by the present proposals.</p> <p>Although the revised design moves the building footprint further away from the boundary of the site on both Bolton Avenue and Osborne Road we do not feel that this is sufficient and the building will still damage both the views into and out of the roundabout and the character of the area, including having an adverse impact on the adjacent Conservation Area, contrary to saved and emerging Borough policies and the NPPF. The building is still significantly forward of the building line in relation to Osborne Road. The first and second floor balconies next to Heron Lodge will protrude a further 1.6m in front of the ground floor façade.</p> <p>The increased space still does not provide sufficient space for mature landscaping appropriate to this area and the trees will require more space to grow to full maturity.</p>	<p>See paragraphs 9.1-9.13 and 9.28-9.34</p>

	<p>Development still infringes the root protection area of the street tree in Bolton Avenue which could result in harm to the tree.</p> <p>Essex Lodge has been listed by the Windsor Neighbourhood Plan as a Non-Designated Heritage Asset. The Plan has now successfully completed examination and has only been delayed in going forward to referendum by the current unusual situation. The status of the building itself and its individual contribution to the character of the area should now be taken more into account as neighbourhood plan policies must be given more weight post examination. The Society wishes to see the building retained.</p> <p>In balancing the benefits of the proposed development against the disbenefits outlined above, it should be remembered that a residential conversion of the existing building could also provide a number of new homes.</p>	
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9. EXPLANATION OF RECOMMENDATION

i Impact on the character and appearance of the site itself, the locality in general and the adjacent Conservation Area.

- 9.1 The application has been accompanied by a Design, Access and Planning Statement, a Heritage Statement, Visual Impact Assessment, a Landscape Design Strategy and masterplan.
- 9.2 Section 12 (achieving well-designed places) of the National Planning Policy Framework (NPPF) emphasises the importance of the design of the built environment. Paragraph 127 states that planning policies and decisions should ensure that developments, amongst other things, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. In respect to heritage assets, paragraph 193 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
- 9.3 Policy H10 of the Local Plan relates to housing layout and design. High standards of design and landscaping will be required where possible, to enhance the existing environment. Policy H11 states that planning permission will not be granted for schemes that introduce a scale or density that would be incompatible with or cause damage to the character and amenity of an area. Policy DG1 states that the design of new buildings should be compatible with the established street facade having regard to the scale, height and building lines of adjacent properties. Development proposals, where appropriate, will be expected to include landscaping schemes. Harm should not be caused to the character of the surrounding area through development which is cramped or which results in the loss of important features which contribute to that character. Policy CA2 requires that any development will enhance or preserve the character or appearance of a Conservation Area. New buildings should 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.
- 9.4 The Townscape Character Assessment describes this area as 'leafy residential suburbs' which are low density residential suburbs comprising large detached houses in spacious, irregular, well treed plots, typically dating from the early 20th Century to the present day. The character is

defined by large properties set well back from the road and some distinctive building styles are evident including early 20th Century 'Arts and Crafts' architecture.

- 9.5 The site lies outside the adjacent Inner Windsor Conservation Area which lies on the northern side of Osborne Road. It is described in the Council's Inner Windsor Conservation Area Appraisal (2015) as having large villas set within spacious plots with large front and rear gardens. Large trees are found along the major routes, designed to achieve a grandness to travelling along such roads and this includes Osborne Road.
- 9.6 The site is triangular in shape and has three frontages. The area surrounding the site has a varied character with a mix of traditional and more modern larger scale developments. One of the key issues relating to this proposal is the demolition of the existing, attractive Victorian building which lies just outside the CA. The Conservation Area was appraised in 2015 and no alterations to the boundaries were proposed at that time. Once again many of the representations received in connection with the application object to the loss of Essex Lodge. The building has been identified as a Heritage Asset in the emerging Windsor Neighbourhood Plan. The Windsor Neighbourhood Plan has not yet been to Referendum and therefore only limited weight can currently be given to the Neighbourhood Plan.
- 9.7 In the recent appeal decision the Inspector noted that the *'current building makes a limited positive contribution to the character and appearance of the site and area through its historic appearance, reflecting features of Kings House, at 77 Frances Road, which lies within the CA and 1 and 3 Bolton Avenue'*. The demolition of the building is addressed in paragraph 32 of the Inspector's report as follows:

'I have noted the various parties' comments regarding the removal of the existing building and its value to the area, in terms of its character and appearance and that the building has been identified as a Heritage Asset in the emerging Windsor Neighbourhood Plan. However, the neighbourhood plan has yet to be adopted and so carries limited weight at this time. The Inspectors in the previous appeals noted that the building is not considered of listable quality and is not within the CA and that there is no control over the removal of the current building on the site. Nonetheless any redevelopment would need to have a suitable design, appropriate to its context.....'

- 9.8 Whilst no objection can be raised to the demolition of the building in principle it is however important to ensure that any replacement building preserves or enhances the setting of the adjacent Conservation Area. The proposal involves the demolition of an attractive Victorian building that makes a limited contribution to the character and appearance of the site and the area and is considered to be a non-designated heritage asset. The NPPF advises in such cases (paragraph 197) *'The effect of an application on the significance of a non-designated heritage should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated assets, a balanced judgement will be required having regard to any harm or loss and the significance of the heritage asset.'*
- 9.9 The current proposal has sought to address the previous Inspectors concerns by reducing the number of apartments from 12 to 10 which has enabled a reduction in the overall size, footprint, bulk and mass of the building. The building has been pulled back from the south western and north western corners of the site by 2m when compared with the previous appeal scheme and a distance of 3.5m and 3.36m respectively is now shown to be provided. The elevation facing the gyratory/roundabout has also been set back and a distance of between 4.2m and 7.2m is shown to be retained. In addition the roof form has been simplified. The building has also been set back from the Osborne Road frontage. A distance of 7.45m is now provided, which steps closer towards Osborne Road in proximity to the roundabout junction. The reduction in footprint has enabled more space to be provided around the building for landscaping and tree planting to help enhance the 'leafy' character. The height and bulk of the building has been kept lower adjacent to Heron Lodge and the building rises up towards the gyratory/roundabout. The architectural details reflect the existing building and include brick, tiles, timber detailing and render. During the course of the application further amendments have been made which include the stepping back of the north eastern corner of the building at first and second floor level to bring it in line with Heron

Lodge, helping to reduce its prominence within the streetscene. Improvements in the design of the undercroft parking have also been made by the insertion of windows into the openings; the cycle parking has been relocated to enable a slight reduction in footprint; a slight further adjustment to the footprint in the south western corner has been made to remove the corner of the building/foundations from the root protection area (RPA) of the Lime tree; the balcony supports have been removed from within the RPA; a chimney has been added to help break up the elevation facing the roundabout and part of the roof ridge has been lowered by 0.6m to further reduce the bulk of the roof on the Bolton Road frontage.

- 9.10 Comparison drawings have been provided to illustrate the current scheme in relation to both the existing building and the previous appeal scheme (19/00916/FULL). Whilst the proposed scheme would be larger than the existing building it replaces and would still project forward of the building line in Osborne Road, a number of improvements have been made to the scheme since the previous appeal scheme. The reduced size and footprint results in a building which sits more comfortably within the site. The building has been set back to provide a greater sense of spaciousness and would appear less visually prominent in the street scene. In addition there would be greater space to provide more meaningful landscaping. The reduced bulk and massing and improvements to the design have resulted in a development which would appear more in keeping with the character and appearance of the site itself and the 'leafy' character of the townscape in general.
- 9.11 It is noted that the symmetry between Essex Lodge and King's House, on the opposite site of Osborne Road and within the Conservation Area, is mainly derived from the distinctive gables, red brick and block and white mock timber framing. All these features are to be replicated into the design of the proposed building. Whilst the proposed building would be larger than the existing, a visual link in terms of architecture and materials will be retained and the setting of the Conservation Area will therefore be preserved and its significance will not be affected.
- 9.12 Overall it is considered that the proposed development would make a positive contribution to local character and distinctiveness and would preserve the character and appearance of the adjacent Inner Windsor Conservation Area. Whilst the loss of the non- designated heritage asset is regrettable, paragraph 197 of the NPPF advises that a balanced judgement needs to be made, having regard to the scale of any harm or loss of significance of the heritage asset. With this in mind the Inspector's view on the building as noted in paragraph 13 of the decision notice is that the building makes *'a limited positive contribution to the character and appearance of the site through its historic appearance.'* In light of this and on balance, no further objection is raised to the demolition of the existing building.
- 9.13 Subject to appropriate conditions being imposed including the retention and reuse of the date stone, the stone pediment and finials and further details relating to materials, external doors, balconies, fencing/railings, hard surfacing and lighting it is considered that the proposal would adequately preserve and enhance the setting of the adjoining Conservation Area. It is also considered appropriate in this case to record the existing building and this can be secured by condition. It is considered that the proposal would have an acceptable impact on the character and appearance of the site itself and the wider townscape in general and would accord with Local Plan policies DG1, H10, H11 and CA2 and the guidance set out in the Borough Design Guide.

ii Impact on the living conditions of the neighbouring properties/future occupants

- 9.14 It is necessary to carefully consider the impact of the proposal on the living conditions of the neighbouring properties particularly in terms of light, outlook and privacy. Paragraph 127 (f) of the NPPF (2018) 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"*.
- 9.15 Heron Lodge, a 3 storey building comprising flats, lies to the east of the application site and is set down below the height of the application site by approximately 1m. The building is shallow in depth and has secondary bedroom windows in the flank elevation facing the site. All primary windows face Osborne Road and Bolton Avenue.

- 9.16 In determining the previous application (reference number 19/00916/FULL) it was concluded that it would have no unacceptable impact on the living conditions of Heron Lodge or any other neighbouring properties in terms of light, outlook and privacy and the resulting relationship between the current proposal and Heron Lodge would be very similar. As before the building would project 6.5m beyond the rear elevation of Heron Lodge and a distance of approximately 3.65m would be retained between the proposed building and Heron Lodge. The ground level adjacent to Heron Lodge would be lowered by approximately 0.7m to enable the proposed building adjacent to Heron Lodge to be set at a lower level. In addition the building has now been designed with a hipped roof, front and rear, to replace the gable roof and the first and second floors are to be stepped back in line with Heron Lodge on the Osborne Road frontage. Whilst the outlook from Heron Lodge would be altered as a result of the proposal, the proposal would not result in an unacceptable loss of light or outlook from Heron Lodge.
- 9.17 As before, four windows (2 at first floor and 2 at second floor level) are proposed in the flank elevation facing towards Heron Lodge. These proposed windows are secondary windows serving the living/dining/kitchen areas and these rooms would also be served by larger windows in the front and rear elevations. It is considered appropriate for these windows to be fixed and obscure glazed below a finished floor height of 1.7m in order to prevent any overlooking and loss of privacy to Heron Lodge and this can be secured by condition. In addition first and second floor rear balconies are proposed close to the flank boundary with Heron Lodge. It will be important to ensure that suitable privacy screens are installed to minimise any overlooking and loss of privacy to Heron Lodge and this can be secured by an appropriate condition. Given the lowering of the land level, the insertion of windows into the undercroft car park and the proposed boundary treatment it is not considered that the undercroft car park would result in an unacceptable level of noise, disturbance or pollution to Heron Lodge.
- 9.18 The Coach House, number 1 Bolton Avenue and number 3 Bolton Avenue lie to the south of the site. The Coach House has a courtyard garden which is enclosed by a high wall and hedge. The proposed building and first and second floor balconies would be sited approximately 25m from these properties. Given this distance and the resulting relationship it is not considered that the proposal would result in an unacceptable loss of light, outlook or privacy to these properties.
- 9.19 Property numbers 2a and 2b Bolton Avenue are visually separated from the application site by the road and a distance of at least 27 metres would be maintained between the proposed building and balconies and these properties. It is not considered that the proposal would result in an unacceptable impact on the living conditions of these properties in terms of light, outlook and privacy. Whilst contributors have raised concern regarding car lights shining into the front windows of these properties from vehicles exiting the site, it is not considered that this would cause substantial harm to the amenities of these properties, sufficient to warrant an objection. Likewise it is not considered that any objection in terms of noise and pollution generated by the proposal could be sustained.
- 9.20 The proposed development would be separated from other neighbouring developments including Dene House and Kings House by roads and the proposal would have no adverse impact on the amenities of these properties.
- 9.21 The proposed flats would be laid out over 3 floors, 2 on the ground floor and 4 at first and second floor level, the second floor level being set within the roof. The size of the 2 bed apartments range from between 79.6sq.m to 99.7 sq.m which more than meets the minimum technical housing standards. A communal outdoor space is provided which would be screened from the road by hedge and tree planting. The ground floor flats would have direct access onto the amenity space and flat 9 would also have access to this communal space. All other flats would be served by balconies. Adequate amenity space is shown to be provided and it is considered that the proposal would result in satisfactory living conditions for future occupants and would have no adverse impact on the amenities of any neighbouring properties.
- 9.22 The proposal would accord with paragraph 127 of the NPPF.

iii Impact on highway safety and parking

- 9.23 The site lies within a sustainable location, close to Windsor Town Centre with all of its facilities and wider transport links such as the Windsor and Eton Central Station which is 0.8 miles from the site. The site is currently served by two vehicular accesses, one from the A308 Osborne Road and the other from Bolton Avenue. It is proposed to stop up the access onto Osborne Road and relocate the existing access slightly further north on Bolton Avenue to serve the proposed development. The stopping up of the existing access onto a primary distributor road is considered to be a highway gain and complies with the Borough's guidance to limit the number of vehicular accesses onto classified roads.
- 9.24 On street parking on the A308 Osborne Road is prohibited and enforced by double yellow lines. Bolton Avenue lies within a controlled parking zone, containing a mix of double yellow lines, residential permit holder parking and time limited parking restrictions.
- 9.25 The development provides a total of 14 car parking spaces, 8 spaces within the undercroft and a further 6 surface spaces to the front of the building. The parking ratio for this town centre location would be 1.5 parking spaces for each 2 bed unit. In this case a total of 15 spaces would be required. However a parking shortfall of just one space in this sustainable location is accepted.
- 9.26 The development attracts a demand for 10 cycle parking spaces to comply with the Borough's standards. During the course of the application the cycle parking has been relocated within the parking undercroft. A detailed plan showing a 2 tier bicycle rack to provide 10 spaces has been supplied and this has been approved by the highway section. A bin store is to be located within the parking area and would be set back from the Bolton Avenue frontage. The size and position of the refuse store is acceptable.
- 9.27 The proposal is unlikely to lead to any perceptible change in vehicular activity to and from the site when compared to the existing use. The proposal raises no highway or pedestrian safety concerns or parking concerns subject to the imposition of appropriate conditions and accords with adopted local plan policies T5 and P4.

iv Impact on trees/landscaping

- 9.28 The application has been accompanied by an Arboricultural Implications Assessment and Method Statement, a Landscape Design Strategy and Landscape Masterplan Strategy. These have been revised and updated during the course of the application to address concerns raised.
- 9.29 There are currently no trees or vegetation of any note within the site itself and the majority of the site is hard surfaced with a close boarded fence running around the perimeter of the site. There are two important highway trees, a Lime to the north of the access on Bolton Avenue and a Sycamore next to the junction of Bolton Avenue and Osborne Road. Both these trees are mature but have not reached their ultimate size.
- 9.30 The previous Inspector considered the Lime tree to make '*a meaningful positive contribution to the streetscene*' and determined that the building would encroach into the root protection area of this street tree. In addition it was determined that the windows would come close to the canopy of the tree resulting in a shadowing effect and seasonal debris which would be likely to lead to pressure to either reduce the canopy of the tree and ultimately result in its decline or loss reducing the leafy verdancy of the street scene, detrimental to the character and appearance of the area. In addition it was considered that there was insufficient space around the building to provide any meaningful landscaping.
- 9.31 The current application has attempted to address these concerns by reducing the footprint of the building to enable the provision of greater space to provide soft landscaping. This would include the provision of metal railings and an evergreen hedge around the periphery of the site in place of the existing close boarding fencing and additional tree and shrub planting. A greater separation distance has also been provided between the building and the Lime tree. The building would be sited approximately 7.8m from the trunk of the tree and approximately 3.36m from its canopy. In addition changes have been made to the floorplan and window orientation to help safeguard against shading and future pressure to prune the tree.

- 9.32 During the course of the application further revisions have been made to ensure that there will be no incursion of the footprint and foundations into the root protection area of the Lime tree; the column/pillar to support of nearest balcony has been removed and replaced with a cantilevered balcony and the layout of the foul and surface water drainage has been revised so that there is no requirement for excavation for drainage trenches within the RPA of the Lime tree. In addition mitigation measures have been included in the AIA and Method Statement in relation to the proposed re-siting of the vehicular access. The areas of soft ground around the Lime tree and the Yew tree on the adjacent site would be increased by removing the hard surfacing and this should provide further mitigation and improve the rooting environment for both trees.
- 9.33 Details of the landscaping are set out in the Landscape Design Strategy and the Landscape Masterplan Strategy. It includes the planting of a variety of fastigate trees (8 in total) between 4-4.5m in height around the periphery of the site to help soften and filter views of the site. An evergreen hedgerow 1.8m in height is proposed to help soften the boundary and provide privacy for the communal garden. A variety of shrubs and climbers are also proposed. The driveway would be paved with permeable block paving.
- 9.34 Overall it is considered that the revised proposal has satisfactorily addressed the previous Inspectors concerns in relation to the impact on the Lime tree and the proposal would provide landscaping to help improve and enhance the 'leafy character' of the townscape to accord with local plan policies DG1 and N6 as well as securing a financial contribution to allow the Council to improve the conditions for the existing sycamore tree on the public highway at the junction and with landscape improvements in the vicinity of the site which would entail either the turfing of the area around the Sycamore tree or if not feasible then a new tree planted in the open space off Bolton Avenue, junction with Nightingale Walk.

v Drainage

- 9.35 The application has been accompanied by a Drainage Design and Technical Note to support a surface water drainage design. Additional information has been supplied in a letter dated 12th June 2020 and Surface Water Storage Volume calculations have also provided. The LLFA has confirmed that the additional information is acceptable and that planning permission can now be granted.
- 9.36 The proposal accords with the guidance set out in paragraph 165 of the NPPF.

vi Other Material Considerations

- 9.37 Local Plan Policy CF1 and emerging policy IF7 seek to protect existing community facilities. The existing use was not deemed to be a community facility in the consideration of the previous planning applications and appeals and no objection can be raised to the loss of the use.
- 9.38 Some of the contributors have suggested that the existing building should be retained and converted to support a low carbon future in line with the NPPF and to meet the climate commitments of RBWM's 'Climate Emergency' declaration (June 2019). Paragraph 148 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

- 9.39 The NPPF requires a balanced assessment of all the issues associated with development proposals which include making effective use of land (section 11). This is a fundamental principle of sustainable development by making best use of land particularly in urban locations such as this. The new building would be built to modern standards of energy efficiency in compliance with paragraph 148. In addition paragraph 11 of the NPPF states that decisions should apply a

presumption in favour of sustainable development. The proposal would provide a net increase of 9 residential units which is especially important where a five year housing land supply cannot be demonstrated. Paragraph 148 is too wide ranging to be used as justification for the retention of the building and the wider sustainability benefits need to be taken into account.

Housing Land Supply

- 9.40 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development and how this relates to decision-taking. 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.*

- 9.41 Footnote 7 of the NPPF (2019) clarifies that:

‘Out-of-date policies 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).’

- 9.42 The BLPSV is not yet adopted planning policy and the Council’s adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hyr hls) is the ‘standard method’ as set out in the NPPF (2019).

- 9.43 For the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). In the absence of a five year housing land supply, it would have to be demonstrated that any adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Having regard to all the material considerations the proposal would not result in any harm that would significantly and demonstrably outweigh its benefits.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable and will become due if planning permission is granted. No CIL information has been submitted with the application. The existing gross internal floor area has been calculated at 446.04 sq.m. The proposed gross internal floor area has been calculated at 1,275sq.m and the net additional floor area would therefore be 829 sq.m. This will need to be checked and verified and the applicant invoiced accordingly if relevant.

11. CONCLUSION

- 11.1 The proposal has satisfactorily addressed the Inspectors previous concerns. The footprint, bulk and massing of the building has been reduced to help provide a more spacious layout and provide more space for landscaping. Improvements have been made to the design and a greater distance has been provided between the building and the adjacent Lime tree in order to secure its future health and viability. Overall it is now considered that the proposal would adequately safeguard the character and appearance of the site itself and the locality in general and would preserve the character and appearance of the adjacent Conservation Area.
- 11.2 The proposal accords with the policies set out in the development plan and the guidance set out in the NPPF and should now be approved.

12. APPENDICES TO THIS REPORT

- Appendix A - Location plan and site layout plan
- Appendix B – Proposed Floor plans and elevation drawings
- Appendix C – Comparison drawings
- Appendix D – Streetscene elevations
- Appendix E - Indicative Landscape Layout
- Appendix F – Bin store

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 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area and the adjacent Conservation Area. Relevant Policies DG1 & CA2.
- 3 The date stone, stone pediment and finials which form part of the existing building shall be taken down, protected and securely stored for inclusion into the proposed building or within the site. Details of their new positions shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of above ground level works and thereafter shall be installed and maintained as per the agreed details.
Reason: In the interests of the visual amenities of the area and the adjacent Conservation Area. Relevant Policies DG1 & CA2.
- 4 No works, including demolition, shall commence until a record of the existing building to Historic England Recording Level 1 has been submitted to and approved in writing by the Local Planning Authority. The work shall be undertaken by a person or body approved by the Local Planning Authority and in accordance with a written scheme approved in writing. Thereafter hard copies of the document are to be provided to the Local Planning Authority, Berkshire Archaeology (for the Historic Environment Record) and the Maidenhead Library Local Studies section, prior to the completion of the development on site.
Reason: To ensure a proper record of the historic building is provided. Relevant Policy - Local Plan CA2.
- 5 No development shall take place until further details of the windows, external doors and balconies have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area and the adjacent Conservation Area. Relevant Policies DG1 & CA2.
- 6 No development shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area and the adjacent Conservation Area. Relevant Policies - Local Plan DG1 and CA2
- 7 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 8 The existing accesses onto Osborne Road and Bolton Avenue shall be stopped up and abandoned immediately upon the new access onto Bolton Avenue 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.

- 9 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking 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. Relevant Policies - Local Plan P4, DG1.

- 10 No part of the development shall be occupied until the new access onto Bolton Avenue has been 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.

- 11 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with approved drawing number ELW/Pln/318. 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 cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.

- 12 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. 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.

- 13 No development shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.

Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.

- 14 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: To accord with the details of the application and to protect the living conditions of the neighbouring properties. Relevant Policy Local Plan DG1 and H10.

- 15 The development shall not be occupied until all walls, fencing, railings or any other means of enclosure (including any retaining walls), have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1 and CA2

- 16 The first and second floor windows in the south east elevation of the building shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the windows shall not be altered.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H10.

- 17 Details of the balcony screens to be installed on the south east elevation of the building serving units 6 and 10 shall be submitted to and approved in writing by the Local Planning Authority and installed prior to occupation. The screens shall thereafter be retained.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H10.

- 18 The development hereby permitted shall be carried out in accordance with the surface water drainage design set out in the Drainage Design Technical Note 14.5003/TN6 as clarified by the letter and attachments from Paul Basham Associates dated the 9th June 2020.

Details of the maintenance arrangements relating to the proposed surface water drainage system

confirming who will be responsible for its maintenance and the maintenance regime to be implemented shall be submitted to and approved in writing by the Local Planning Authority prior to occupation.

The approved surface water drainage system shall be implemented in accordance with the approved detailed design prior to the first occupation of the development and maintained thereafter.

Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

- 19 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1 and CA2

- 20 The development shall be carried out in accordance with sections 3.1 to 3.9 of the Arboricultural Method Statement set out in the David Archer Associates Method Statement, Rev A dated September 2020.

Reason: To ensure that the adjacent Lime tree, which contributes positively to the character and appearance of the area, is adequately protected and maintained. Relevant Policies - Local Plan DG1 and N6.

- 21 Details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the building. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and the adjacent Conservation Area. Relevant Policies DG1 & CA2.

- 22 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 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk
- 2 Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. Only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team on 01628 683538 before burning and follow good practice.
- 3 applicant and their contractor should take all practicable steps to minimise dust disposition,

which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmacked before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties.

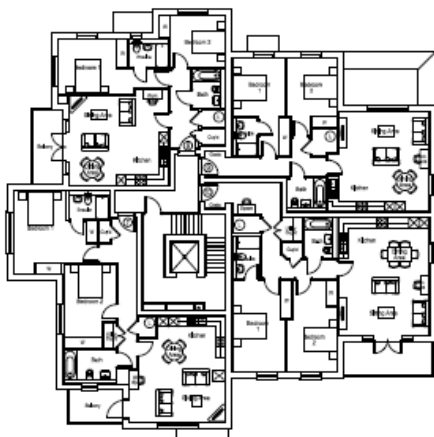
- 4 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.
- 5 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.
- 6 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.
- 6 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.

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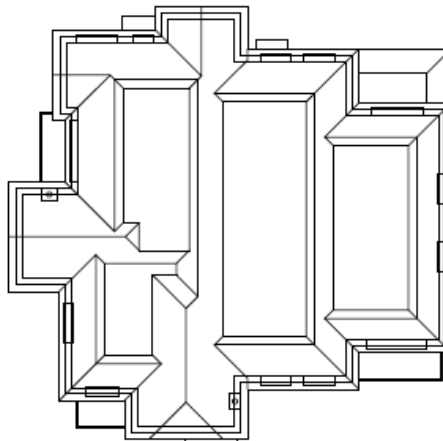
APPENDIX A – LOCATION PLAN & PROPOSED SITE LAYOUT PLAN



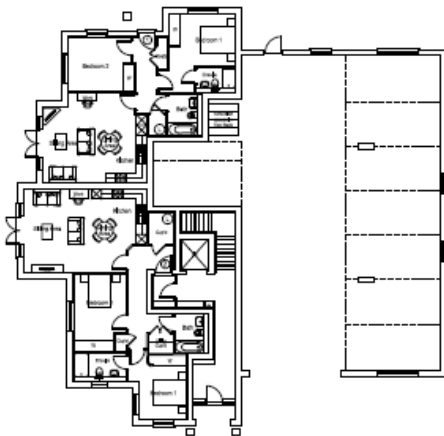
APPENDIX B – PROPOSED FLOOR PLANS AND ELEVATIONS



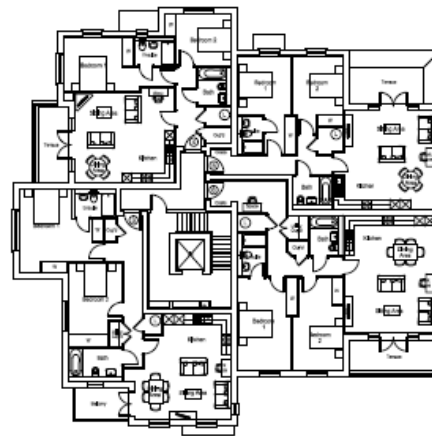
Second Floor Plan



Roof Plan



Ground Floor Plan



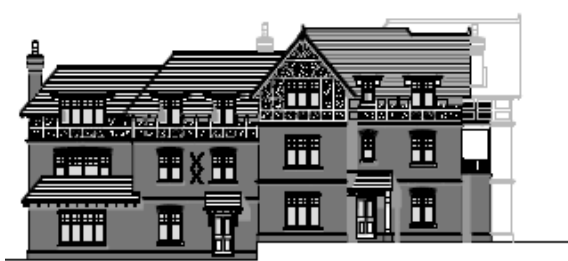
First Floor Plan



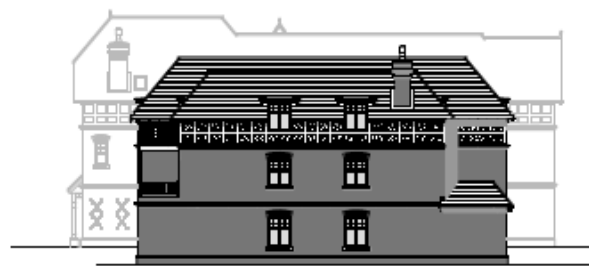
Front Elevation (Bolton Avenue)



Side Elevation (Facing towards Roundabout)



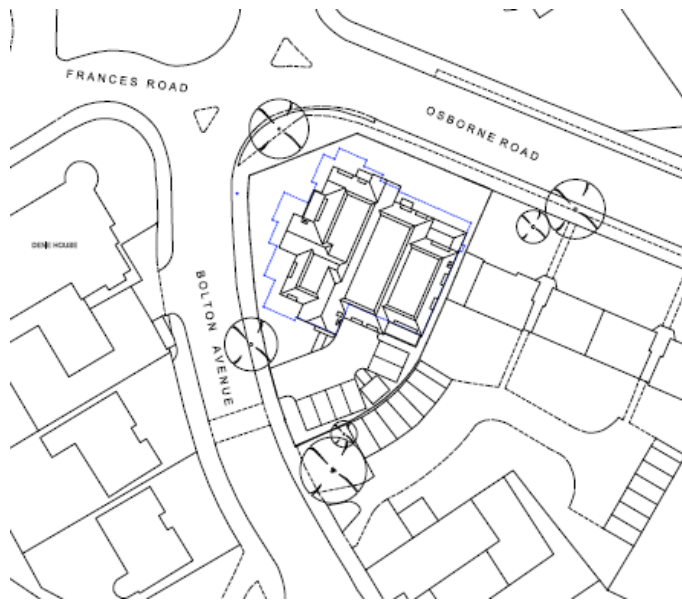
Rear Elevation (Osborne Road)



Side Elevation (Facing Heron Lodge)



APPENDIX C – COMPARISON DRAWINGS





APPENDIX D – INDICATIVE STREETSCENE ELEVATIONS



Proposed Street Scene



Existing Street Scene



Proposed Street Scene

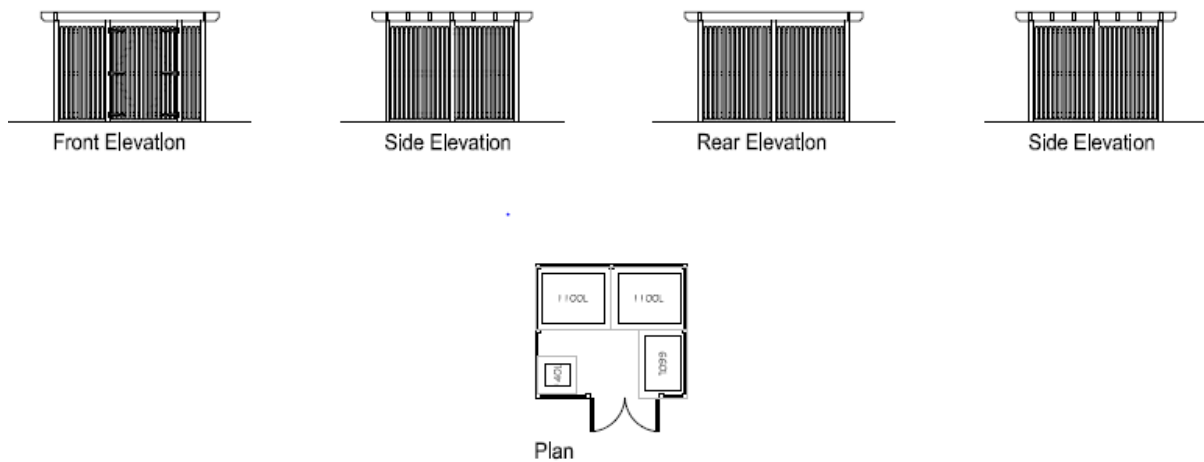


Existing Street Scene

APPENDIX E – INDICATIVE LANDSCAPE DRAWING



APPENDIX F – BIN STORE



Agenda Item 7

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

18 November 2020

Item: 4

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

1. SUMMARY

- 1.1 Planning permission is sought for the redevelopment of the site to provide 129 apartments arranged in 5 blocks (A – E) of between 3 and 10 storeys in height. The proposed development would replace two vacant office buildings of two and four storeys in height. Vehicular access to the development would be off Moorbridge Road with a combination of undercroft and surface level parking for 66 vehicles to serve the development.
- 1.2 The loss of office floorspace is justified in this case, primarily in light of the permitted development fallback position, which would see the existing office buildings converted into a total of 71 residential units without the need for express planning permission. This has been confirmed through the approval of the two applications referred to in paragraph 5.4 of this report below. It is a material consideration of significant weight that there would be a strong likelihood that such works would be undertaken in the event that planning permission were refused for the current proposal. In addition, adopted local plan policy and the NPPF support the re-use and redevelopment of employment sites (outside of recognised employment areas) for housing.
- 1.3 The design, scale, height and massing of the proposed development is considered acceptable in this instance having regard to the development plan and emerging evidence-based documents and in paying particular attention to the site location as a gateway into the town centre from the east. It should be noted that the design, height and massing of the development has been born out of considerable discussion and negotiation between the applicant and the Planning Authority through the pre-application advice procedure, which is in line with paragraphs 39-42 of the NPPF. The applicant also presented an early design to the South East Design Review Panel, which has helped shape the proposal. The staggered formation of each block and the concentration of the tallest and densest part of the development to the north, and the lower buildings fronting the more domestic scale of Moorbridge Road is considered to respect the context of the application site. The evolving nature of Maidenhead Town Centre, which is seeing a greater number of 'tall buildings' and larger scale development, is also an important material consideration.
- 1.4 With regard to heritage, the proposed development would moderately affect the setting of the listed building, No.27 Moorbridge Road, and to a limited degree other nearby listed buildings and Maidenhead Town Centre Conservation Area. Collectively, this would lead to less than substantial harm to the significance of these heritage assets. This less than substantial harm is considered to be outweighed by the public benefits of the proposal, including the provision of housing and resulting benefits to the local economy. This balancing exercise has been carried out in accordance with paragraph 196 of the NPPF.
- 1.5 Despite the height and scale of development, it has been concluded that there would be limited impact on neighbouring occupiers as a result of distances to habitable windows and the fact that

the main aspects of these immediate neighbouring units face away from the development. A daylight and sunlight assessment has been submitted with the application which demonstrates that sufficient light would be received by habitable rooms of both existing neighbouring properties and the new apartments. Amenity space is provided in the form of private balconies and terraces and a communal amenity area.

- 1.6 The parking ratio of 0.5 is considered appropriate in this edge of town centre location, with residents being 1.1km walking distance from Maidenhead train station, which offers excellent rail links into London, and within even closer proximity to shops, restaurants and other amenities. This parking ratio is very similar to other recently approved Town Centre developments. The development retains 3 parking spaces for the existing premises 39-41 Moorbridge Road. No objections have been raised regarding impact on the highway network, access and traffic implications. The development will be subject to a Travel Plan and a Car Parking Management Plan to be secured by a Section 106 Agreement.
- 1.7 The site lies within flood zone 2 and is surrounded by flood zone 3. The applicants have carried out a sequential test which demonstrates that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Safe access and egress has been demonstrated in a westerly direction onto Bridge Road and out of the flood plain. With regard to sustainable drainage, final comments are awaited from the Lead Local Flood Authority.
- 1.8 The applicant has submitted a viability statement which has been independently reviewed and which confirms that the scheme would be unviable if made to provide policy compliant affordable housing. However, the NPPF states that planning decisions should expect at least 10% of the homes to be available for affordable home ownership, regardless of viability. In order to meet the specific demand for affordable housing in the Borough, the applicants have offered Block E (comprising 5 units) as a mix of social and affordable rented accommodation, which is considered to be a benefit of the scheme as it would meet priority housing needs in a central and accessible location in Maidenhead. This on-site affordable housing is to be secured by section 106 agreement.
- 1.9 The application has been accompanied by an Energy statement which together with the Design and Access statement and supporting plans and documents sets out various sustainability measures relating to energy and water efficiency, waste and recycling, electric vehicle charging points and biodiversity improvements. These measures are largely supported and shall be secured by planning condition requiring an updated sustainability statement to be submitted and approved prior to the commencement of the development.
- 1.10 In terms of housing land supply, the proposal would result in the provision of 129 additional units which is a significant benefit at a time when the Council cannot demonstrate a 5 year housing land supply. The mix of housing is justified in this case given the site is within a town centre location and that the mix of housing better serves the needs of the Borough than the fall-back scheme. The significant housing contribution will in turn result in benefits to the local economy both in the short and long term.
- 1.11 The application has been accompanied by a robust landscaping scheme which is to be carried out by the applicant both on land within the application site and the highway verges to the west and north of the site boundaries. A contribution to be secured by a legal agreement is to be made for the ongoing maintenance of these areas of landscaping. The proposal would also secure biodiversity enhancements in the form of native species planting and installation of bird and bat boxes.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission subject to the following: <ul style="list-style-type: none"> • The completion of a satisfactory legal agreement securing on-site affordable housing, a contribution towards future maintenance of landscaping, a contribution towards refuse collection services and a Travel Plan • Final comments from the LLFA confirming no objections to the updated

	drainage strategy and FRA <ul style="list-style-type: none"> • with the conditions listed in Section 12 of this report.
2.	To refuse planning permission if: <ul style="list-style-type: none"> • A satisfactory legal agreement securing the aforementioned measures is not secured; and/or • Objections from the LLFA regarding the updated drainage strategy and FRA cannot be resolved.

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 application site comprises a 0.5 ha corner plot to the south of Bridge Road, east of Forlease Road and north of Moorbridge Road on the edge of Maidenhead Town Centre. The site comprises two buildings; Moorbridge Court, a two-storey office building and Liberty House, a more modern four-storey office building. Other parts of the site contain hard-landscaping. The two office buildings are vacant.
- 3.2 The existing buildings face and have their vehicular accesses onto Moorbridge Road. On the south side of Moorbridge Road and opposite the application site is the Waitrose supermarket, a 4 storey building which includes residential on the upper floors. To the north of the application site is the A4 Bridge Road and to the north-west is a large roundabout leading to Forlease Road (which runs south from the roundabout along the west side of the application site) and St Clouds Way which leads west into Maidenhead. Development exists on all four corners of the roundabout (the application site being one of these).
- 3.3 In the south-west corner of the site but outside of the red line, lies Ham House, No.27 Moorbridge Road, a two storey listed building currently used as offices but previously the Gardeners Arms Public House, a grade II listed building.
- 3.4 To the east of the site is a single storey building used as a funeral directors. To the east of this building runs the Strand Water canal running under Bridge Road. To the north-east of the site on the northern side of Bridge Road is The Moor, a large area of open green space.
- 3.5 The site is approximately 0.7 miles or 1.1km (walk) from Maidenhead train station. The nearest bus stops to the site are located on Waldeck Road (250m) and Bridge Avenue (280m). Maidenhead Town Centre is located approximately 100m to the west of the site.
- 3.6 There are no protected trees within the application site, although some landscaping does exist on the west and northern boundaries.

4. KEY CONSTRAINTS

- 4.1 Urban Area
Classified Road
Air Quality Management Area
Maidenhead Town Centre
Adjacent to listed buildings and Maidenhead Town Centre Conservation Area
Flood Zone 2 (surrounded by Flood Zone 3)

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for the demolition of the existing office buildings and the erection of 129 residential apartments (a mix of 1, 2 and 3-bed) within 5 separate blocks (A – E), extending from 3 to 10 storeys in height:

Block A – fronting Forlease Road – 3/5/6 storeys - 28 units

Block B – fronting Moorbridge Road – 4/5 storeys – 16 units

Block C – fronting the roundabout – 8/9/10 storeys – 52 units

Block D – fronting Bridge Avenue – 4/5/6 storeys – 28 units

Block E – positioned in between nos. 27 and 39-41 Moorbridge Road - 3 storeys - 5 units

- 5.2 The blocks are to be arranged around the peripheries of the site with a central podium area on top of surface level car parking. Vehicular access is from Moorbridge Road in-between No. 55 Moorbridge Road and Block B (this is the location of the existing vehicular access for Liberty House).
- 5.3 The proposal includes 66 car parking spaces together with associated refuse and cycle storage. A communal amenity area is proposed on the podium, which would be central to the blocks of apartments.
- 5.4 The planning history is as follows:

Reference	Description	Decision
19/00552/CLASSO	Liberty House- Change of use from B1(a) Office to C3 (Residential) (30 units with 49 parking spaces)	Permitted Development
19/00551/CLASSO	Moorbridge Court – Change of use from B1(a) Office to C3 (Residential) (41 units with 51 parking spaces)	Permitted Development

- 5.4 The applicant has engaged in extensive pre-application discussions prior to the submission of the planning application. Negotiation has also taken place throughout the course of the application which has resulted in amendments to the overall height and mass of the development. The final proposal is now for 129 units and the blocks have become more staggered to alleviate the overall bulk and massing.
- 5.5 For clarity, the Environmental Impact Assessment Regulations has been reviewed and the proposal does not constitute EIA development.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

- 6.1 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:

Issue	Local Plan Policy
Design in keeping with character of area	DG1
Acceptable impact on appearance of area	H10, H11
Impact on residential amenity	H10, H11
Highways and parking	T5, T7, T8 and P4
Impact on Trees	N6
Pollution	NAP1, NAP3 and NAP4
Open Space	R1, R2, R3 and R4
Employment	E1, E6

Affordable Housing and housing need	H3, H6, H8 and H9
Infrastructure	IMP1 and IMP2

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

6.2 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 'opportunity areas' for development, which allocates the land for a particular form of development. Whilst this site falls within the AAP boundaries there is no allocation specific to this site.

6.3 Policies of relevance include:

MTC1	Streets and Spaces
MTC2	Greening
MTC3	Waterways
MTC4	Quality Design
MTC5	Gateways
MTC8	Food & Drink
MTC10	Offices
MTC12	Housing
MTC13	Community, Culture & Leisure
MTC14	Accessibility
MTC15	Transport Infrastructure

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

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

Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Housing Density	HO5
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Economic Development	ED1, ED2, ED3

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Economic Development	ED1, ED2, ED3

- 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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. The Inspector has resumed the Examination of the BLPSV with hearings ongoing. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 **Supplementary Planning Documents**
- RBWM Interpretation of Policy F1
 - Borough Wide Design Guide
- 7.4 **Other Local Strategies or Publications**
- RBWM Townscape Assessment
 - RBWM Parking Strategy
 - Affordable Housing Planning Guidance

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

23 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 4th June 2020 and the application was advertised in the Local Press on 11th July 2020.

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

Comment		Where in the report this is considered
1.	Impact on neighbouring building 55-57 Moorbridge Road, a Victorian building – previously the Moor Tavern Pub. Concerns raised regarding structural damage to property. Initial piling that started a few weeks before lockdown resulted in shaking of the building. An adequate assessment has not been made by Bellway to consider damage to the neighbouring building.	Section vi discusses impact on neighbour amenity. It should be noted however that structural damage to property is not a material planning consideration
2.	The parking proposed of 72 spaces for 136 apartments housing a minimum of perhaps 200 adults is inadequate as realistically a large proportion of those people will have a car, nor will it provide for visitors to park. There is not adequate on or off-street parking in the area to accommodate any cars not able to park in the spaces proposed. This will lead to illegal and dangerous parking.	Car parking is discussed in section viii
3.	Lack of affordable housing. Viability argument not acceptable. New housing in Maidenhead should include affordable housing for families and key workers	See section v
4.	The development is of excessive height and bulk and not in keeping with the surroundings or in an appropriate location	See section ii
5.	The development could result in negative solar access to Maidenhead moor and surrounding area.	See section vi
6.	The proposed housing mix does not offer an appropriate range of accommodation given the number of units provided. The number of 1 bedroom units is too high. Not enough 3-bed units. Conflict with emerging policy H02 of the BLP and para 61 of the NPPF and Council's Housing Needs Assessment.	See section iv
7.	Lack of residential amenity space. The development does not offer adequate amenity space for residents in the form of either private open space or communal spaces.	The development includes both communal amenity space and private balconies. Discussed further at section vii
8.	The 10 storey block would adversely affect the setting of the listed building. The stepping down of the blocks doesn't mitigate the impact.	Section iii
9.	The 10 storey block fails to demonstrate outstanding and distinctive architecture and fails to enhance the town centre's image and identity. As a gateway it is brutal and uninspiring. Conflict with AAP MTC 5.	Section ii
10.	Conflict with NPPF 127 and 189	Sections vi and iii
11.	Conflict with parking strategy. The site is in an area of poor accessibility. The parking numbers are lower than those required for an accessible location. The travel plan fails to cover scenarios for destinations that cannot be practically reached by public transport. A parking provision of less than 1 space per household effectively blocks car ownership. Contrary to NPPF 103.	Section viii
12.	The development will set a precedent for tall buildings outside the allocated areas	Section ii
13.	The development will affect the outlook of houses in the north and east of maidenhead	Section vi
14.	The large open area and set back from the road would be lost under the proposals	Section ii

15.	The development does not provide any public art	Section ii
16.	Policy QP3a states that the context height for this location is 3 storeys meaning that the maximum height for the site should be 5 storeys	Section ii
17.	Good planning requires a step down from the town centre tall buildings towards the outer areas	Section ii
18.	The Chapel Arches development demonstrates a stepping down effect	Section ii
19.	Air Quality Assessment report inadequate regarding traffic pollution at the traffic lights and roundabout	Section xi
20.	Transport Statement inadequate. Claims on traffic movements for the existing and proposed development are not backed up. The suggestion that there would be a reduction in traffic movement from the proposed development should either be reassessed or ignored.	Section viii
21.	No reference is made to accommodation for disabled people. Parking for disabled is insufficient. All ground floor units should have disabled access but this is not mentioned.	Section vi
22.	Too much reliance placed on the Tall Buildings Study of 2019 but this is not planning policy.	Section ii
23.	Insufficient public open space within the development	
24.	The visibility survey confirms that the tower block will be visible from nearly every housing location in North and East Maidenhead. The skyline will be dominated by this tower block and the block will dominate the open space of the moor.	Section ii
25.	Have the architects considered the impact of the development on views from Cliveden and Taplow?	Section ii
26.	If it is not viable to provide affordable housing then it means that Bellway paid too much for the site. This should not affect the need for the provision of affordable housing	Section vii
27.	The development will affect so many people who probably don't even realise what is happening	Sufficient publication of the application has been carried out in accordance with statutory guidelines
28.	One parking space needs to remain on site in connection with No.39 Moorbridge Road (condition 11 of application 415791).	Section viii
29.	There needs to be sufficient turning space within the development so vehicles can exit in forward gear to avoid danger to pedestrians and highway users	Section vii
30.	Lack of daylight inside bedrooms of 41 and 41a Moorbridge Road flats	Section

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No objection to application. It is for the Local Planning Authority to ensure that safe access and escape routes are included and to determine whether the sequential test has to be applied and whether or not there are other sites available at lower flood risk.	Section ix
LLFA	Further details required relating to the surface water drainage system.	Section x

Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	<p><u>Heritage</u> The proposed development will form part of the local backdrop to heritage assets and would have an impact upon their setting, in particular no. 27 Moorbridge Road but to a lesser extent other listed buildings and the Conservation Area.</p> <p><u>Design and massing</u> Steps have been taken to reduce the visual impact of the large scale of the buildings by the considered massing of the blocks. The bulk/height of the development has been arranged to suit</p>	Section iii
Trees	No objections subject to conditions	Section ii
Ecologist	No objections subject to conditions	Section ii
Environmental Protection	<p><u>Contamination</u> No objection with regard to ground contamination (The Preliminary Risk Assessment submitted with 19/00552/CLASSO found no significant on or off-site current or historical sources of contamination and characterised the area which includes the application site as having low risk with no further need for investigation.</p> <p><u>Air Quality</u> The proposed development site is within Maidenhead Air Quality Management Area. An Air Quality Assessment has been submitted in support of the application. The methodology, result and findings of this assessment are considered acceptable.</p> <p><u>Noise</u> The Noise report highlights the need for mitigation from road noise which can be helped through window and balcony design. Further comments can be made once these details have been received.</p> <p>Conditions and informatives are recommended relating to: Construction Environmental Management Plan, Air Quality Assessment, Contaminated land and Noise.</p>	See sections vii and xi
Landscape Officer	No objection in principle to landscape proposals. Further details are required by pre-commencement conditions.	Section ii
Sustainability and Climate Change Officer/Energy Reduction Officer	No significant concerns raised. Comments made relating to waste disposal, water management, recycling, biodiversity, electric vehicle charging, renewables.	Section
Highways	No objections subject to conditions	Section viii
Historic England	On the basis of the information submitted, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.	Section iii
Berkshire Archaeology	The application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. A condition is recommended in order to mitigate the impacts of development.	Section iii

Others

Group	Comment	Where in the report this is considered
Maidenhead Civic Society	<p>Detailed comments summarised as follows:</p> <ul style="list-style-type: none"> -The two office blocks have permitted development for change of use to residential units. Many of these units were below the Nationally Prescribed Minimum Space Standard. Parking provision was 1.3 spaces per dwelling - The application is for a much more intense development of the site with increase height and mass. The parking ratio is 0.5 - It is appreciated that Block E on the south-west corner has been limited to three storeys to protect the setting of the listed building – previously the Gardeners Arms. - The bulk of the development at 4 – 6 stories is acceptable. The 'landmark' block of 10 storeys is not acceptable or desirable. - The AAP envisaged Town Centre high rise development to be concentrated to the north and west of the town centre. If permitted the approach to Maidenhead from the east will be dominated by the 10 storey of block C. - The planning statement refers to ongoing developments permitted or under construction in York Road and St Ives Road but these are limited to 7 or 8 storeys. - The St Cloud development (of a similar height to the north of the 'ring road' was recently refused. - Maidenhead is experiencing an oversupply of 1 and 2 bed flats. - The site does not support 130 flats - The scale of the development should be reduced and parking increased - Objections to height, mass and volume. - A schedule of accommodation has not been provided. It is hoped that all residential units will be of minimum size and specified by the Nationally Described Space Standards. 	Points responded to in main body of report

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of development
- ii Design considerations (including landscaping and trees)
- iii Impact on Heritage Assets
- iv Housing mix
- v Affordable Housing
- vi Impact on Neighbouring Amenity
- vii Provision of a suitable residential environment
- viii Highway considerations and parking provision

- ix Ecology
- x Flooding and Sustainable Drainage
- xi Other environmental considerations
- xii Other material considerations

i. Principle of development

Loss of employment generating floor area

- 9.2 The proposed development would result in the loss of existing employment generating uses within the site (albeit the buildings are currently vacant). The existing buildings benefit from prior approval to be converted into residential, however these permissions have not been implemented. The starting point for assessing the change of use is therefore the lawful use of the site as employment generating. It should be noted however that the buildings are not listed as key employment sites within the adopted local plan.
- 9.3 The site is outside a recognised industrial area as identified within Local Plan policy E2. The relevant Local Plan policy is therefore E6 (Other sites in Business and Industrial Uses). Policy E6 states that proposals for redevelopment or change of use of premises not covered by policy E5, to other uses will be supported in appropriate circumstances. The explanation to this policy states that outside of identified employment areas, the Borough Council will generally support proposals for the redevelopment of sites in existing business/industrial use to alternative uses such as housing, recreation, social or community development.
- 9.4 Para 121 of the NPPF (2019) states that:
- “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....”*
- 9.5 In addition, paragraph 81d of the NPPF states that planning policies should be flexible enough to enable a rapid response to changes in economic circumstances and at paragraph 118 that planning policies and decisions should give substantial weight to the value of using brownfield land within settlements for homes and other identified needs and to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained.
- 9.6 The emerging Borough Local Plan does not list the site as a recognised employment site. Policy ED3 refers to other employment sites and loss of employment floorspace and advises that in order for the Council to support proposals for changes of use of employment sites, marketing evidence should be provided that the land and the premises have been widely advertised and marketed for a range of economic uses for at least one continuous year immediately prior to submission of the relevant planning application. The policy then goes on to explain further steps to be taken in the marketing exercise. This emerging policy is only afforded limited weight.
- 9.7 In addition to the policy background, a further material consideration is that the buildings could be converted to residential use under Class O of the GPDO. Whilst the 2019 Class O applications have not been implemented, the Council has issued decisions (ref: 19/00551 and 19/00552) confirming that it is permitted development to convert the buildings into residential use. This is a material consideration in the assessment of the current application.

- 9.8 Overall, when taking into consideration the fall-back position and the flexible policy background regarding changes of use of employment generating sites on brownfield land not identified as key employment sites to be retained within existing or emerging policy, there is no objection to the loss of the two existing buildings as offices.

Provision of residential use

- 9.9 The site is situated on the edge of the town centre and surrounded by a mix of uses including commercial and residential. It is considered that a purely residential use would be acceptable within this context. The site is not within a primary or secondary shopping frontage and therefore there is no need to consider the addition of any commercial uses.
- 9.10 Paragraph 85 of the NPPF states that decisions should support the role of town centres at the heart of local communities – including the role residential development plays in ensuring the vitality of town centres. Adopted Local Plan policy H6 states that the Council will grant planning permission for the provision of additional residential accommodation within town centres
- 9.11 The adopted development plan also identifies Maidenhead town centre as a sustainable location for housing contributing towards meeting identified housing need – and emphasises the need to enhance the town centre's land use efficiency and sustainability (Adopted MTCAAP Policy OA5). It acknowledges an increase in residential units could redress retail vacancy rates, support services and facilities and enhance the vibrancy of the town centre – particularly into the evenings and weekends. Indeed it is acknowledged that there is a high turnover in the restaurants at the east end of Bridge Street. A large-scale residential development at the application site could help address this concern.
- 9.12 Given the above local and national policy background the use of the site for residential purposes is considered acceptable.

Emerging Context/other town centre development

- 9.13 It is pertinent to set out in this section that there are a number of other large-scale developments within Maidenhead Town Centre which have been approved recently, some of which are currently undergoing construction. These are set out on page X of the applicant's Design and Access Statement and have been cross-referenced with the Council's own records. The most relevant of which are as follows:
- i. The Landing: Approved under planning application ref:18/01576/FULL: 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.
Maximum 16 stories high (53-56m). Demolition occurred; construction not yet commenced
 - ii. Watermark, York Road: Approved under planning application ref: 18/01608/FUL: Mixed use redevelopment of the site comprising of 5 no. buildings 4-8 storeys in height to provide 229 new residential dwellings (Use Class C3), 1,930 sqm GEA of commercial and

community/cultural floor space (Use Class A1/A3/B1/D1), provision of a new civic square and public realm enhancements, along with car parking, access, roads, landscaping and other associated works following demolition and clearance of all existing structures.

Under construction – up to 8 storeys

- iii. Waterside Quarter. Approved under application ref: 17/01726/FULL: Demolition of the Colonnade and redevelopment of land to the north of Chapel Arches to provide a mixed use scheme comprising 182 apartments, 605qm commercial space, 1030sqm retail and restaurant use (classes A1 and A3), the creation of basement car parking; the erection of a new footbridge over the York Stream and the replacement of the existing vehicular bridge to the existing car park; the creation of new pedestrian links, landscaping and alterations to waterways to create new public realm.

Under construction – up to 8 storeys

- iv. Picturehouse. A completed development of 40 apartments with retail and restaurant use at the ground floor.

Completed - 6 storeys

- 9.14 It is clear that Maidenhead Town Centre is undergoing significant regeneration, which will have an impact on the character of the townscape brought about by the introduction of a greater number of taller, larger-scale developments. The current application does not differ significantly from these other developments in terms of scale or use, and would contribute towards the Borough's housing need within a sustainable location.

Conclusion on Principle of Development

- 9.15 To conclude this first section of the report, officers raise no objection to the principle of a large-scale residential development at the site. The specific characteristics of the development including its height, layout, scale, mass and external appearance however are matters for further consideration and will be discussed in the subsequent sections of the report.

ii. Design Considerations and Impact on Character

Policy Background and context

- 9.16 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.
- 9.17 Policy MTC4 of the Maidenhead Town Centre AAP seeks development which is appropriate in terms of site coverage, urban grain, layout, access, scale, proportion, mass and bulk, height, roofscape and landscape.
- 9.18 Section 12 of the NPPF (2019) deals with achieving well designed places and 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.
- 9.19 The NPPF 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 outcomes from these processes, including any recommendations made by design review panels. It should be noted that the pre-application proposal went to a Design South East review panel. Page 68 of the Design and Access Statement sets out how the applicant has responded to the various Design Review Panel comments, in particular those around height and scale.

- 9.20 The Tall Buildings Study (2019) is an evidence-based document for the emerging Borough Local Plan and comprises two documents; The Tall Buildings Strategy and the Tall Buildings Technical and Baseline Study. The aims of the Tall Buildings Study are to identify where tall buildings should be located within the Borough. Whilst it carries limited weight at the present time, it is the most up-to-date townscape and character study specific to the Borough and is based on the NPPF and Historic England's Tall Buildings Advice Note. It also builds on the Council's adopted Local Plan, the Maidenhead AAP and the recently adopted Borough Wide Design Guide.
- 9.21 This site lies on the edge of Maidenhead Town Centre core, and is identified as a "gateway" in both the Maidenhead AAP and the Tall Buildings Strategy (2019), meaning that it is considered as an important entry point into the town centre.
- 9.22 Both Moorbridge Court and Liberty House are included as developable sites in the HELAA 2019, Appendix C, which form part of the evidence for the Local Development Plan. The site is not an allocated site for housing.

Density

- 9.23 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. Whilst this site is not listed as an Opportunity Area within the AAP, a high density of development is not unacceptable in principle and each case must be assessed on its own merits.
- 9.24 In terms of achieving appropriate densities paragraph 122 of the NPPF (2019) 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. Furthermore, paragraph 123 of the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 9.25 The proposed development would be at a density of approximately 258 dwellings per hectare (dph). This is greater than some of densities found in more central locations of the town centre, but not necessarily unacceptable in principle. Indeed, the main reason the density of the development is higher in this particular case is due to the height of the blocks within the development which is discussed below.

Layout

- 9.26 The proposed layout of development is for five blocks of flats to be arranged around the peripheries of the site with the tallest part of the development closest to the main road (Bridge Road/A4) and to the roundabout, with the lowest parts of the development to the south of the site, adjacent to those existing buildings fronting Moorbridge Road which are to be retained, including the listed building No.27, Nos 39-41 and Nos. 55-57, thus stitching the development into the existing street scene of Moorbridge Road.
- 9.27 The layout of the blocks around an internal central amenity space is considered appropriate for the site and has enabled the applicant to design each section/block relevant to its context/the street scene which it would address.
- 9.28 It is acknowledged that the development would be brought closer to the site boundaries than the existing office buildings. With regard to the Moorbridge Road frontage, the set back from the street scene is considered appropriate, with the lower 3 storey building (Block E) being sited in line with Nos. 39-41 to which it would adjoin and the 4-5 storey building (Block B) being set further back from the street frontage so as not to appear oppressive and to allow pedestrian access and landscaping to the front of this block. Block A (3-6 storeys) would be sited closer to Forlease Road than the existing office building Moorbridge Court, but in line with the side elevation of No.27 Moorbridge Road, thus maintaining a building line on the west side of the site.

It should also be noted that Block A would have a similar set back from Forlease Road to the Waitrose building (and the flats above) sited to the south of Moorbridge Road.

- 9.29 The siting of Block C would result in the most impact on the surroundings and it is acknowledged that this element of the development (which is also the tallest) would be closer to the roundabout than the existing building Moorbridge Court and the other 3 buildings which front/address the roundabout. Here it is considered that the siting of these blocks in close proximity to Bridge Road, need not be unacceptable provided the scale and massing is appropriate, sufficient landscaping is provided along this northern edge and the design of the building is of a high quality. It also needs to be borne in mind that this site is the only one out of the four corner sites to the roundabout identified as a gateway site in both the AAP and the Tall Buildings Strategy.
- 9.30 The ground floor layout on all blocks has been designed to maximise active frontages with doors, habitable windows and lobby entrances being sited visibly within the development and fronting the public realm.

Principle of a Tall Building

- 9.31 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. The application site falls outside of a tall building area as defined by policy MTC6 however, the AAP does identify this site as a gateway.
- 9.32 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 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 'Tall Buildings' will be resisted.
- 9.33 This proposed development would be up to 10 stories in height (a maximum of 31m) thus comprising a 'tall building'. It would therefore fail to comply with policy MTC6 of the AAP. As such, it is necessary to consider if there are any material considerations which indicate that the height and scale of the development is appropriate for this location.
- 9.34 The Borough Wide Design Guide (BWDG), a significant material consideration, recognises that heights of buildings increase within Town Centres, a notable tall building in Maidenhead being Berkshire House. It states that the Borough is experiencing an increasing number of proposals for development that are at a scale significantly above context height, which have the potential to significantly alter the character of town centre areas. The BWDG refers to the aforementioned Tall Buildings Strategy (2019) which identifies potential locations across the Borough and within Maidenhead Town Centre. Principle 7.5 states that when considering the height of new development detailed attention should be paid to context height and that Tall Buildings may be acceptable in certain locations provided they are of exceptional quality.
- 9.35 The recently published Tall Buildings Strategy (as referenced above) at section 9.4, entitled 'Tall Buildings Recommendations' identifies the eastern part of the application site as a local landmark site which could accommodate a building of up to 32m (10 residential stories) to mark the eastern gateway into Maidenhead. This part of the strategy goes on to advise that landmarks will need to be buildings of the highest quality and distinctiveness, and fully satisfy tall buildings principles in Chapter 10. The following sections of this part of the report will refer to these principles and the tall building to context height ratio in more detail but for the purposes of ascertaining the principle of a 'tall building' in this location, it is considered that the proposal, which provides a building of up to 31m (10 storeys high) on a site identified as a local landmark site meets the recommendations of the contemporary Tall Buildings Strategy.

- 9.36 It should be noted that policy MTC6 of the AAP was adopted 9 years ago and based on evidence that pre-dates its adoption. Since this time, the townscape of Maidenhead has evolved and there is a need to provide a greater number of homes, whilst protecting the character of the Town Centre. As well as giving weight to existing policy, significant weight should be given to the character of the area and other recent developments within the town centre. A precedent has been set within the town centre for developments of increasing height. The Landing was approved at 16 storeys high, which, whilst it was within a tall building area, its height was significantly greater than the principles established by the AAP which advises that buildings should not be developed above the existing maximum building height of approximately 12 storeys (40m) to ensure they respect the size and compact nature of Maidenhead and respect visibility from the surrounding countryside to the existing level (para 3.40 of the AAP).
- 9.37 The NPPF supports making an effective use of land and seeks to support the Government's objective of significantly boosting the supply of homes. The height of this development would enable a greater number of homes to be provided on a previously developed site.
- 9.38 A tall building in this location is supported by the Tall Buildings Strategy, which whilst an emerging evidence based document, has been carried out by Urban Initiatives Studio and is based on guidance provided by the NPPF and Historic England's Tall Buildings Advice Note (2015). Whilst the emerging Borough Local Plan and its supporting documents are still under assessment, some weight must be afforded to this strategy which is based on very up to date townscape analysis.
- 9.39 With the foregoing in mind, the assessment on the height of the development should not focus on whether part of the development at 9/10 stories is acceptable or not based on a dated policy principle, but whether the proposed height of the development would be appropriate having specific regard to the existing character and context of this part of Maidenhead Town Centre. The height of The Landing at 16 stories high was considered appropriate within its context despite being contrary to the AAP, and therefore it follows that the current development has the potential to be considered in the same way. It is therefore concluded that the principle of a tall building in this specific location should not be deemed unacceptable.

Height, bulk and Mass relevant to context

- 9.40 Having established that the principle of a 'tall building' need not be unacceptable within the site, an assessment has to be made regarding the specific height, scale and bulk of the building in relation to the plot, the surrounding buildings and context of the development and the wider Town Centre.
- 9.41 Regarding mass and scale, it is clear that a great deal of effort has been made by the architect to reduce the overall bulk of the development in the stepping up/staggering between each block from one side of the site to the other and within the blocks themselves. The development now only contains one 'tall' block of 8-10 stories (Block C), with the other blocks all stepping down around this feature block to reflect the height of the surroundings buildings more.
- 9.42 There is some dispute by objectors as to what the context height of the surrounding development is. Figure 6.2 of the Tall Buildings Strategy identifies the application site specifically as having an existing context height of 3 storeys, but that sites immediately to the west and north-west of the roundabout as having an existing context height of 5 storeys. Further on in the report, figure 9.2 identifies the application site as having a proposed context height of 4 storeys. Putting the strategy to one side and looking at the physical development surrounding the site, the tallest buildings within the site and immediately surrounding it are 4-5 stories commercial development (which can be translated to 5-6 stories residential due to the difference in floor to ceiling height found in commercial and residential development). When a maximum contextual height of 5-6 storeys is taken into consideration, one feature block of 8-10 storeys specifically designed within the context of a development of otherwise 3-6 stories is not considered to be so out of context, particularly on a site earmarked for a gateway development of 10 stories in height. This specifically complies with section 6.3 of the Tall Buildings Strategy which seeks to ensure that Local Landmarks will be up to 2x context height. In light of the foregoing it is considered that it

would be difficult to resist a development of this scale and height or even to demonstrate that it would not accord with the vision for this part of Maidenhead Town Centre.

- 9.43 The fact that the development has been staggered down from Bridge Road to Moorbridge Road, taking into account the lower height buildings on Moorbridge Road, including the listed building, No. 27, demonstrates that the development would respect the surrounding buildings in terms of height and scale. The staggering within each block also alleviates the overall mass and bulk of development. The development is considered to avoid stark contrasts in height and is well-articulated in response to its context. Furthermore it comprises a comprehensive development by delivering one tall building as part of a number of mid height buildings around a central courtyard with active frontages (principles D1, D4 and D5 of section 10 of the Tall Buildings Strategy).
- 9.44 Regarding impact on views, the applicant has submitted plans and visuals which demonstrate that the development would not detrimentally affect any of the viewpoints into the Town Centre. Indeed the development would be viewed against the backdrop of other 'tall buildings' and large scale developments therein.

Design/External appearance

- 9.45 The NPPF states at paragraph 127 that Planning Authorities should ensure that developments are visually attractive as a result of good architecture; are sympathetic to local character and history while not preventing or discouraging appropriate innovation or change and should establish a strong sense of place, using building types and materials to create active and distinctive places to live, work and visit. The National Design Guide (2019), which is based on national planning policy guidance and objectives, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.
- 9.46 Of relevance is Maidenhead Town Centre Placemaking Study (September 2019), a recently commissioned piece of work carried out by officers and Hyas Associates to consider particular issues, influences and opportunities relating to Maidenhead Town Centre Area relating to design. The study is part of the evidence base for the emerging Borough Local Plan. Section 9.2 identifies a number of principles for new development within the area. These include the use of sensitive contemporary design, which responds to its immediate context and the town centre setting, in terms of its massing, height and scale. The importance of new development contributing to the preservation and enhancement of the setting of Listed Buildings is also noted, together with the requirement that new development will be expected to demonstrate outstanding and distinctive architecture. This is very much in line with the requirements of the NPPF in terms of achieving well designed places, in particular paragraphs 127, 130 and 131, and when considering the impact of new development on the historic environment, para 192.
- 9.47 The external appearance of the development, including the elevational treatment, materials and fenestration is considered to respond positively to the immediate context of the application site and the Town Centre in general. The elevational detailing is considered appropriate for the location and sensitively designed, ensuring the building, which is of a large scale and height, would not appear prominent or overbearing through fussy design detailing. The use of varying bricks and breaking the form into vertical elements is supported and helps alleviate the mass of the development thus appearing as a more slender cluster of buildings rather than one large mass as explained within the Design and Access Statement. Each component of the building having distinctive detailing to further create variation and texture into the façade. Notwithstanding any illustrations on the submitted drawings, a full schedule of materials will be sought via condition (condition 2).

Landscaping and Trees

- 9.48 The site contains few trees, the most prominent of which (a group of mostly small silver birch) form part of the landscaping on the frontage of Moorbridge Road. This landscaping is a valuable addition to the street scene that provides screening and softening of the existing development. The existing landscaping is however of a relatively small size and the loss of these trees as part of the proposed development could be mitigated through suitable replacement planting.

- 9.49 Due to the boundary wall and changes in level between the development and highway it should be possible to retain the highway trees (T2 and T3 in the arboricultural report) growing to the north of the site.
- 9.50 The landscaping plans for the proposed development show replacement tree planting on the site boundaries and in the open areas. There is no objection to the species choice detailed in the proposal, however the number of trees that can be planted and their ultimate size and potential is limited by the proximity and the size and scale of the buildings.
- 9.51 The landscape officer has been heavily involved in the pre-application discussions. The landscaping of the site is a key consideration given the prominence of the site as a gateway into the town centre. The landscaping proposals involve planting both within the site boundaries and on the highway verges on Forlease Road and Bridge Road in one comprehensive scheme to be carried out by the developer and then maintained by the Council. A contribution for ongoing maintenance is to be secured through the section 106 legal agreement.

Conclusion on Design Considerations and Impact on Character

- 9.52 The design, scale, height and massing of the proposed development is considered acceptable in this instance having regard to the development plan and contemporary evidence-based documents and in paying particular attention to the site's location as a gateway into the town centre from the east. It should be noted that the design, height and massing of the development has been born out of considerable discussion and negotiation between the applicant and the Planning Authority through the pre-application advice procedure, which is in line with paragraphs 39-42 of the NPPF. The applicant also presented an early design to the South East Design Review panel, which has helped shape the proposal. The staggered formation of each block and the concentration of the tallest and densest part of the development to the north, and the lower buildings fronting the more domestic scale of Moorbridge Road is considered to be respectful to the context of the application site. The evolving nature of Maidenhead Town Centre which is seeing a greater number of 'tall buildings' and larger scale development is also an important material consideration. This section has considered the general design implications for the development and the impact on the surroundings in general. The scale and design of the proposal is considered further in relation to the impact on heritage assets in the following section of the report.

iii. Heritage

- 9.52 The Planning (Listed Buildings and Conservation Areas) Act 1990 (amended) requires planning authorities to preserve or enhance the significance of heritage assets through the planning process, according to the provisions of the Act. The Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In respect of development which affects a listed building or its setting, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority shall 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.
- 9.54 The NPPF 2019 places strong emphasis on the desirability of sustaining and enhancing the significance of heritage assets and affords great weight to the asset's conservation. Paragraphs 193 to 196 of the NPPF state that the historic environment will be conserved and enhanced in a manner appropriate to its significance, and any harm to the significance of a heritage asset (whether designated or non-designated) or its setting will not be permitted unless the harm to the special interest is outweighed by public benefit. Paragraph 200 sets out that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of designated heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

- 9.55 It should be noted that Historic England were consulted on the application and did not wish to offer any comment. They have advised that the views of the Council's specialist conservation and archaeological advisers are sought as relevant. Both the Council's Conservation Officer and Berkshire Archaeological Officer have provided detailed comments on the proposals.

Heritage Assets

- 9.56 The site lies immediately adjacent to a listed building, No.27 Moorbridge Road, a grade II listed timber framed building formally known as the Gardeners Arms public house. This dates from the early to mid-15th century and was originally constructed as a hall house and therefore is of some considerable architectural and historic interest. In addition, the traces of rare wall paintings within the solar provide the building with a high level of artistic interest. All of these elements contribute to the heritage significance of the building as defined by the NPPF.
- 9.57 The white painted former public house buildings at 55 and 57 Moorbridge Road appear to date from the late 18th or early 19th century and are of some architectural and historic interest. They should be considered as non-designated heritage assets (not noted in the applicant's Heritage Statement). To the east of this is the Green Dragon Public House, which dates from the late 18th century and is grade II listed. At the western end of the road bridge on the northern side of Moorbridge Road is a grade II listed 18th century milestone. Further east on Bridge Road are the grade II* listed Smythes Almshouses, which date from the mid-17th century.
- 9.58 The site is not within a Conservation Area but Maidenhead Town Centre Conservation Area lies approximately 80m to the west of the application site. The application site would be visible from within the Conservation Area from Bridge Street.

Impact on Heritage Assets

- 9.59 Steps have been taken to reduce the visual impact of the large scale of the buildings by the considered massing of the blocks, which have a stepped skyline and varied heights. The angled elevations and the brickwork and detailing of the facades will combine to help reduce their apparent size. The blocks are also grouped and rise towards the roundabout with the tallest block creating a focal point on the corner of Bridge Road and Forlease Road. This pushes their bulk away from the listed alms houses, No 27 Moorbridge Road and from the other smaller scale properties on Moorbridge Road. This would also remove the bulk of the tallest buildings from direct views from the eastern end of the conservation area, where there are already a number of larger buildings. A view from the far end of the conservation area from the High Street/Bridge Avenue/High Street has been submitted and verifies this assessment. The scale of the buildings has been further dropped towards the listed building and along Moorbridge Road, to create a more traditional scale to the streetscape - as illustrated in the Elevation West Drawing.
- 9.60 Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act also advises that Councils when considering proposals that affect the setting of a listed building shall have special regard to the desirability of preserving the building or its setting. Similarly, paragraph 72 advises of the desirability of preserving or enhancing the character or appearance of a conservation area. With these considerations in mind it is noted that the "traditional" townscape setting of no 27, The Green Dragon, the milestone and the alms houses have already been compromised by recent alterations to the road layout, the existing outdated office blocks and by Waitrose and other modern buildings. In addition, there are a number of large very recent buildings that lie between the site and the conservation area that already form part of the townscape and setting of the designated area.
- 9.61 The impact of the proposed development on the setting of the listed buildings and the conservation area has been integral to the design process of this application. The current scheme whilst very large, would radically alter, but not entirely overpower the setting of No 27 and is likely to only have a very minor negative impact on the setting of the other listed buildings and the Maidenhead Town Centre Conservation area.

- 9.66 The proposed development would form part of the local backdrop to the identified heritage assets and would have an impact on their setting and in particular the setting of no 27. Given the scale of the development, it is considered that it will cause a level of harm to the setting of the listed buildings, with No. 27 being the most effected and to a lesser degree, the setting of the Conservation Area. In accordance with para 196 of the NPPF, this would be considered as less than substantial, and the harm caused would need to be weighed against the public benefits of the scheme. Given the benefits of the scheme in terms of the increase in the supply of housing and the other associated benefits to the economy that would arise from a development of 129 flats in a sustainable Town Centre location, it is considered that public benefits do exist that would outweigh this less than substantial harm in this specific instance.

Archaeology

- 9.67 Berkshire Archaeology have advised that there are potential archaeological implications associated with this proposed scheme. Past investigations at the site have revealed potential medieval or early post medieval remains including a well and evidence for earlier structures including a 17th century floor possibly indicating industrial use, the north-west angle of a late medieval or Tudor building and an abutting medieval or post-medieval hearth of tiles. No formal report of these remains exists as their discovery was made during development at the site in 1987/88 at which time there was no framework for the undertaking of archaeological work in relation to development.
- 9.68 The wider area also exhibits a number of important non-designated heritage assets as described within the archaeological desk-based assessment submitted in support of this application. Therefore, the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance in the construction of the proposed development. It is therefore recommended that a condition is applied should permission be forthcoming in order to mitigate the impacts of development in accordance with Paragraph 199 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*'. (Condition 25).

Conclusion on Impact on Heritage Assets

- 9.69 The proposed development would moderately affect the setting of the listed building, No.27 Moorbridge Road, and to a more limited extent other nearby listed buildings and Maidenhead Town Centre Conservation Area. Collectively, this would lead to less than substantial harm to the significance of these heritage assets. This less than substantial harm is considered outweighed by the public benefits of the proposal, including the provision of housing and resulting benefits to the local economy. This balancing exercise has been carried out in accordance with paragraph 196 of the NPPF. Regarding impact on archaeological remains, a condition is recommended in order to mitigate the impacts of the development.

iv. Housing Mix

- 9.70 The number and density of units has been discussed under the consideration of scale; however, the Planning Authority is mindful of comments from residents relating to the proposed housing mix and concerns that too many 1-bed units are provided within the scheme.
- 9.71 Policy H8 of the adopted Local Plan states that redevelopments should contribute towards improving the range of housing accommodation in the Borough and will particularly favour proposals which include dwellings for small households and those with special needs.
- 9.72 Paragraph 61 of the NPPF seeks a wide choice of high quality housing to be provided through the planning system, and requires Local Planning Authorities to identify the housing mix that is required and plan to meet the identified need. This includes a mix of types and tenures of housing for different groups in the community in order to seek to ensure that schemes contribute to the objective of creating mixed and balanced communities.

- 9.73 Policy H02 of the emerging Borough Local Plan states that the provision of new homes should contribute to meeting the needs of current and projected households by providing an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence in the Berkshire (including South Bucks) Strategic Housing Market Assessment (2016) (SHMA). Both the SHMA and the Local Housing Needs Assessment Housing Mix Requirements (2019) recommends only 15% of dwellings to be 1-bed, whereas the current proposal incorporates 56% 1-bed units. Whilst this figure is significantly higher than the recommended figure suggested by the SHMA, this recommendation is for the area as a whole. It is advised that in applying policies on housing mix to individual development sites regard should be had to the nature of the development site and character of the area. In this case, whilst the number of 1-bed units proposed is higher than the figure set out within the SHMA, it would be unreasonable for every development to stick to the exact housing mix. The location of the site within the Town Centre is also an important consideration in this case.
- 9.74 The applicant also makes the case within the Planning Statement that the proposed housing mix of 56% 1-bed, 41% 2-bed and 3% 3-bed, is preferable to the fall-back position which comprises 88% either studio or 1-bed and only 12% 2-bed.
- 9.75 In light of the foregoing, the proposed housing mix for this town centre site is considered acceptable.

v. Affordable Housing

- 9.76 Policy H3 of the adopted local plan stipulates a requirement to provide 30% on-site affordable housing for developments of 15 dwellings or more or where the site is greater than 0.5ha. This policy is further explained in the Council's Affordable Housing Guidance Document. Policy H3 is considered to be consistent with the NPPF insofar as there is a clear expectation for a development of this scale to provide affordable housing and that the units should be provided on site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities (paragraph 62 of the NPPF).
- 9.77 Whilst not adopted policy, the identified need is set out within the Strategic Housing Market Assessment and the 2019 Viability Report which recommends a preferred tenure mix of 45% social rent, 35% affordable rent and 20% shared ownership. The greatest level of need is for social rented accommodation and a sustainable location is an ideal place to locate such provision.
- 9.78 The applicant has submitted a viability report which has been independently reviewed by BPS (an external viability consultant). Upon consideration of both the original report and an addendum, BPS concur that there would be a marginal deficit as a result of the scheme meaning that the scheme is not viable to provide any contribution towards affordable housing either on site or as a commuted sum. It should be noted here that when referring to a scheme as resulting in a deficit, this does not mean the scheme cannot be built out, but that the accepted developer profit of 17.5% would not be met.
- 9.79 However, paragraph 64 of the NPPF states:
- 'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.'*
- 9.80 The Council interpret this paragraph to mean that developers are required to provide 10% affordable home ownership as a minimum, regardless of viability. The applicant has offered to meet this contribution despite the impact it would have on their profit. However, given that low cost home ownership doesn't meet the priority housing needs of the Local Authority, a tenure mix of social rent and affordable rented accommodation has been negotiated. These would comprise 3x 1-bed flats for Social Rent and 2x 2-bed flats for Affordable Rent and would meet priority

housing needs in a central and accessible location in Maidenhead. The flats would be provided in Block E which is the small 3 storey block of 5 flats fronting Moorbridge Road. It should be noted that the provision of 5 rented units would be more costly to the developer than the 13 affordable home ownership units and therefore it is concluded that the applicant would more than meet the terms of paragraph 64 of the NPPF.

- 9.81 The affordable homes are to be secured by a Section 106 agreement to reflect the agreed number, location and tenure as stated above. There will also be provisions relating to securing a Registered Provider and appropriate delivery mechanisms for constructing, completing and transferring the affordable homes.
- 9.82 The issue of vacant building credit has not needed to be a factor in the assessment of this application.

vi. Impact on Neighbouring Amenity

- 9.83 The NPPF identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Specifically, Paragraph 127 of the NPPF states that planning decisions should ensure that development should achieve a high standard of amenity for existing and future users.
- 9.84 Furthermore, adopted RBWM Policy requires that proposals should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, wind and microclimate – including overshadowing, internal daylight and sunlight impacts.
- 9.85 However, additionally and relevant to this proposal, paragraph 123 of the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing need, 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).
- 9.86 It should be noted that No.27 Moorbridge Road does not contain a residential unit at first floor which would be impacted by the proposed development. The impact on this building in terms of its heritage has been discussed in the preceding paragraphs.

Impact on flats above 39 and 41 Moorbridge Road

- 9.87 39 – 41 Moorbridge Road comprises a ground floor commercial unit and a first and second floor maisonette. These maisonettes are currently co-joined to the existing office building, Moorbridge Court to the west and north (at 3 stories in height). Primary windows are therefore to the south – overlooking Moorbridge Road and to the east, i.e. not facing the application site and the proposed buildings. In terms of impact, Block B (4/5 stories) would be sited with its front elevation in line with the rear elevation of these existing maisonettes. Impact on daylight and sunlight to these existing windows is therefore considered to be limited, and furthermore due to the positioning of Block B, it would not appear overbearing or obtrusive to these neighbouring occupants.
- 9.88 The occupiers of No.39 have written in to draw attention to the fact that a parking space is to remain within the site as required by a 1986 planning permission. The applicant has shown 3 parking spaces to remain on site in connection with Nos. 39-41 Moorbridge Road.

Impact on flats above 55 and 57 Moorbridge Road (Moorbridge Cottage)

- 9.89 Nos. 55 and 57 Moorbridge Road are located in the very south-east corner of the application site but outside the red line. This is a part two storey/part three storey building with its main aspect to the south and east and thus away from the proposed development such that impact on residential amenity in terms of loss of light and outlook to habitable rooms would be limited.

- 9.90 However, the residential unit at 55-57 Moorbridge Road has a first floor sunken terrace with a solid brick wall on along its northern boundary. Whilst the rear elevation of Block D would face this terrace it is considered that overlooking, whilst greater than the current situation, would not be detrimental due to the separation distance and the presence of this solid brick wall.

Impact on other nearby residential properties

- 9.91 To the south of the application site on the opposite side of Moorbridge Road are residential units within the upper floors of the Waitrose building, known as Lewis Court. Whilst the proposed development would be clearly visible from those north facing windows of these flats, these flats would be at a distance of approximately 40m from Block D (the 4/5 storey block) and 60m from Block C (the 9/10 storey block). Furthermore, the juxtaposition of Lewis Court and Block C is such that overlooking, loss of outlook and impact on sunlight and daylight would be minimal.
- 9.92 No. 65 Moorbridge Road, immediately to the east of the application site, is a single storey funeral directors building, and as such there would be no impact on residential amenity to this neighbouring property.
- 9.93 Objections have been raised regarding loss of amenity to other neighbouring properties within Maidenhead Town Centre and to the loss of outlook for residents within the north and east of Maidenhead. It is accepted that Block C will be highly visible to the surroundings due to its height, however, there is sufficient distance between this part of the development and neighbouring properties such that it would not materially affect living conditions through loss of outlook.
- 9.94 Finally, the Sunlight and Daylight study concludes that there would be no adverse effects on sunlight or daylight provision for the surrounding neighbouring occupants.

Conclusion on impact on neighbouring properties.

- 9.95 The properties most affected by the development would be Nos. 39-41 and 55-57 Moorbridge Road due to their proximity to the large-scale development. These residential properties have their main aspects facing away from the proposed development so the impact on these properties regarding loss of light and outlook to habitable windows would be minimal. There would be some increased overlooking to the sunken terrace to the rear of Nos. 55-57 but this would not be severe. It is also accepted that there will be increased noise and disturbance to these immediate neighbouring occupiers as a result of the proposed residential intensification of the site. Given the site lies within a busy Town Centre location, this is to be expected. Noise and disturbance during construction is to be controlled and mitigated where possible through demolition and construction management.

vii. Provision of a suitable residential environment

- 9.96 A key consideration is looking to ensure that the proposed residential development will provide a suitable standard of residential accommodation for new occupiers both in terms of indoor and outdoor living space.

Impact on future occupiers of the development

- 9.97 The majority of the dwellinghouses have been designed to meet the Nationally Described Space standards. Whilst not a planning policy it is a material consideration when assessing whether the development would provide a suitable living environment for future occupiers.
- 9.98 The Borough Wide Design Guide states that single aspect residential units that are north facing should be avoided and strongly encourages dual aspect dwellings to maximise ventilation and access to daylight and sunlight. The units within Block C have been designed with this in mind – those units in the northern side of the block having a dual aspect (having both north and either west or east facing windows); and units on the east side of the block having both east and south facing windows. The only units in block C being single aspect are those with south facing windows and they would therefore have sufficient access to daylight and sunlight.

- 9.99 Sunlight and daylight for the units is set out with the submitted Sunlight and Daylight report based on BRE Guidance which is a recognised industry standard. The report concludes that there would be adequate levels of daylight and sunlight to the development and amenity area.
- 9.100 The Environmental Protection Officer has not raised any significant concerns regarding noise impacts to the new units either due to the density of development or proximity to the main road. Further details are required in relation to noise mitigation measures however and these are requested via condition 20.

Amenity space

- 9.101 All of the dwellings have direct access to private amenity space in the form of either ground floor terraces or balconies at upper levels. Communal amenity space is also provided on the podium within the centre of the site. The sunlight and daylight report includes shadowing diagrams to demonstrate that this amenity space will receive sufficient light, and this has been found acceptable by the Council's Landscape Officer.
- 9.102 In addition it should be noted that the development lies opposite a large area of open space to the north, known as Maidenhead moor.

viii. Highway considerations and parking provision

- 9.103 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. The NPPF 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 for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 goes on to advise that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.104 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. A further priority is to address the needs of people with disabilities and reduced mobility and create places that are safe and secure. Development should also take into consideration on-site access for deliveries, and servicing and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 9.105 A transport statement and travel plan has been submitted in support of the application. A Car Park Management Plan has been offered if required to be secured by section 106.

Impact on the Highway

- 9.106 Moorbridge Road runs east to west to the south of the application site. The carriageway measures 6.7m wide and on average has 2.2m wide footways along either side. Moorbridge Road continues for 150m to the east and provides access to several independent businesses and residential properties. To the west Moorbridge Road leads to a signalised junction which is in place at the Moorbridge Road/Bridge Street/Forlease Road junction. The junction benefits from having pedestrian islands, tactile paving and dropped crossings to provide safe pedestrian access to and from Maidenhead town centre and Waitrose.
- 9.107 In terms of access, the site's eastern most access will be retained to serve the proposed development. The western access will be retained to serve 3 car parking spaces to be retained for existing units Nos.39-41 Moorbridge Road.

- 9.108 Drawing number 19-206/101 (Rev A) confirms that the new access road to the development site will measure 6.3m wide. The drawing also demonstrates visibility splays of 4.5m x 43m to the left and right in accordance with Manual for Streets. This will be secured by condition 4.
- 9.109 Pedestrian access to the site will be provided from Forlease Road and Moorbridge Road. Within the site, footways will be provided to the shared surfaces, cycle / refuse stores and the public realm space.

Accessibility of site

- 9.110 There are 3 bus stops within 300m of the application site, a main-line train station within 1.1km of the site and good pedestrian and cycle links. The bus and train services are set out within paragraphs 4.1 and 4.2 of the transport statement. A list of local amenities (education, health, retail and leisure) and walking times to each is set out at 5.1 of the Transport statement. The site is considered to be within an accessible location.

Parking provision

- 9.111 Whilst the starting point for parking provision may be the Council's parking strategy, given that it was adopted in 2004, it needs to be determined how much weight should be attributed to this strategy. Furthermore, there will be other material considerations which the Council must take into consideration in this part of the assessment of the application.
- 9.112 The 2004 parking strategy sets out maximum parking standards for both areas of poor accessibility and areas of good accessibility. An area of good accessibility is defined within the strategy as a site which is within 800m of a rail station with a regular (half hourly or better) train service. In this case, the site is 1.1km from Maidenhead Station and therefore would technically fall under the definition of being within an area of poor accessibility. Here it needs to be considered that a) the site is only 300m beyond the 800m recognised distance from a train station and b) that the train station in question is the busiest in the Borough with direct trains into London far more frequently than every half an hour. With this in mind and based on the description of the site's accessibility above and the nature of the proposed development, it is considered that it would be unreasonable to suggest that the site falls within an area of poor accessibility.
- 9.113 However, even if the standards for areas of good accessibility could be utilised for this development (0.5 spaces per 1-bed unit and 2 spaces per 2-3 bed units), at 73 1-beds and 56 2 and 3-beds, there would be a requirement for 92.5 spaces.
- 9.114 The development actually offers 66 parking spaces which is equivalent to a parking ratio of 0.5 spaces per unit and therefore lower than the Council's 2004 recommended standards for developments within areas of good accessibility.
- 9.115 Moving on to other considerations, the Transport Statement outlines that census data indicates that car ownership is circa 0.7 for a flatted development in this locality. This census data is a clear indication that the Council's 2004 parking standards are out of date.
- 9.116 In addition, since the Council's Parking standards were published, paragraph 106 of the NPPF (2019) 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.'

- 9.117 In accordance with the NPPF therefore, less weight can therefore be attributed to the 2004 Parking Strategy as it does not form part of the development Plan and is not wholly consistent with the NPPF (2019). Furthermore, the Highways Authority have advised that the site is within walking distance to the town centre and public transport, therefore complying with the Chartered

Institution of Highways and Transportation recommendations with regard to acceptable walking distances – high accessibility being 1.6km to a railway station offering ½ hourly or better service.

- 9.118 In addition, it is pertinent to note that two developments only minutes away from the application site have been approved with an even lower parking ratio. York Road (18/0160/FULL) was approved at approximately 0.41 spaces per unit (95 no. off-street parking spaces for 229 no. units) and The Landing (18/01756/FULL) was approved with approximately 0.43 spaces per residential unit (the ratio is an average based on the range of units achievable through the outline permission).
- 9.119 The case officer assessment for The Landing outlines that an ambitious modal shift and significant change in attitude towards travel patterns that currently exists in Maidenhead would be required. Both the 2015 and 2018 permissions for The Landing 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 help achieve travel to and from the site by non-car modes, the 2015 planning permission limited car parking available to residents and the office workers, below the parking standard. It is considered that this attitude towards travel patterns and car reliance is relevant for the current proposal.
- 9.120 A draft travel plan has been submitted as part of the 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 is supported by the Highways Officer subject to minor amendments regarding monitoring and will be secured through the section 106 legal agreement.
- 9.121 The Highways Authority set out that the Trics data provided indicates that the development proposal is expected to have a minimal impact on the local highway network. As such the proposal accords with NPPF, as it will not result in a severe impact.
- 9.122 Furthermore, the Highways Authority have advised that given the parking restrictions within the nearby area and being mindful of the recent nearby decisions within Maidenhead town centre that they are content with the number of parking spaces provided for the development. It is a key consideration that the Highways Authority support the proposed parking ratio of 0.5 spaces subject to a car park management, which clearly identifies how spaces are allocated, managed, and enforced. The Car Park Management Plan should set out that all car parking spaces should be leased, not sold with priority given to disabled badge holders, followed by families and occupiers of the larger residential units. The Car Park Management Plan is to be secured by condition 26.
- 9.123 Finally, it is also pertinent to note that the Design Review panel were keen to see a reduction in parking provision and reliance on car usage given the sustainable Town Centre location.
- 9.124 In light of the foregoing, namely the limited weight to be placed on current car parking standards due to their date and inconsistency with the NPPF; the precedent set within the Town Centre by other developments with a similar or lower ratio of car parking, and the support of the scheme and the proposed car parking ratio by the Highways Authority, that it would be very difficult to demonstrate that the proposed parking ratio of 0.5 would be likely to result in a severe impact on the public highway such that permission should be refused on this ground.

Cycling provision

- 9.125 During the course of the application amended plans have been received showing the proposed cycle storage for each block. The cycle parking arrangement has been found acceptable by the Highways Officer. 136 cycles spaces are to be provided within blocks A-D to be stored in a secure location. The cycle storage provision is to be secured by condition 9.

Refuse and recycling

- 9.126 The proposed waste and recycling facilities meet the size and location guidelines set out in the Council's waste management design guidance. Drawing number 19-206/102 (Rev C) shows that

a borough refuse vehicle can enter and leave the site in a forward gear. This manoeuvre however, conflicts with the new design as shown on drawing number 2051_0100 (Rev M). A revised swept path analysis should be provided for the latest design. The plan should also indicate where all the bins for blocks A to E will be left on collection days. The proposed collection store at the junction with Moorbridge Road is not suitable for the size of the development and for the length of time it will take to service all the bins.

- 9.127 The Highway Authority would request that a dedicated loading bay is provided within the site, to ensure the free flow of traffic within the site and at the junction with Moorbridge Road is not affected when the bins are being serviced. The loading bay would also ensure delivery vehicles can park within a safe area which will not block the internal road or car parking spaces. A detailed refuse strategy is to be requested via condition 10.

Conclusion on Impact on Parking and Highways Considerations

- 9.128 The parking ratio of 0.5 is considered appropriate in this edge of town centre location, with residents being 1.1km walking distance from Maidenhead train station, which offers excellent rail links into London, and within even closer proximity to shops, restaurants and other amenities. This parking ratio is very similar to other recently approved Town Centre developments and is supported by the Highways Authority. No objections have been raised regarding impact on the highway network, access and traffic implications. The development will be subject to a travel plan to be secured by a Section 106 Agreement. A refuse strategy and car park management plan is to be submitted via condition.

ix. Ecology and Impact on Biodiversity

- 9.129 A Preliminary Ecological Appraisal has been carried out and the report concludes that, overall, the site is of low ecological value with the main habitats to be affected by the proposals comprising buildings and hard standing. A bat survey has also now been provided and the results discussed below (EDP, September 2020).

Designated sites

- 9.130 The site lies in close proximity to York Stream Local Wildlife Site (LWS) and is adjacent to Strande Water, which is likely to comprise priority habitat. The ecology report states that in order to avoid the risks of affecting the sites during construction, appropriate pollution prevention measures should be adhered to. In addition, as there may be potential impacts on the surrounding habitat from an increase in lighting, a lighting strategy will also be required. It is therefore recommended that a Construction Environmental Management Plan (CEMP) is implemented during works and a lighting strategy prepared for during and following development. These documents are to be secured via planning conditions (conditions 15 and 16).

Bats

- 9.131 A bat survey has been undertaken at the site - Moorbridge Court was found to have high potential to support roosting bats and Liberty House had negligible potential to support roosting bats. Further survey of Moorbridge Court was undertaken, following best practice guidelines. The surveys have been undertaken to an appropriate standard. During the further surveys, Moorbridge Court was recorded as hosting an occasional roost for low numbers of common pipistrelle bats.
- 9.132 All species of bats receive special protection under UK law and it is a criminal offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (The Habitat Regulations), to deliberately or recklessly destroy or damage their roosts, or to disturb, kill or injure them without first having obtained the relevant licence for derogation from the regulations from the Statutory Nature Conservation Organisation (the SNCO - Natural England in England).

- 9.133 If a bat roost will be affected by the works, a licence for development works affecting bats (i.e. for derogation from the provisions of the Habitat Regulations) will need to be obtained before works which could impact upon the roost can commence. This involves submitting a licence application to Natural England with a detailed mitigation plan informed by surveys undertaken in accordance with national guidelines.
- 9.344 In order to obtain such a licence, the SNCO must apply the requirements of the Regulations and, in particular, the three tests set out in sub-paragraphs 55(2)(e), (9)(a) and (9)(b). These are as follows:
- (1) Regulation 55(2)(e) states that a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
 - (2) Regulation 55(9)(a) states that the appropriate authority (the SNCO) shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
 - (3) Regulation 55(9)(b) states that the appropriate authority (the SNCO) shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”
- 9.135 The licensing process is separate and distinct from planning permission but the Local Planning Authority has statutory obligations under the Habitat Regulations. This means that the Local Planning Authority needs to be satisfied that the proposals are likely to meet the three tests of the Habitat Regulations (see above) and that a licence is likely to be obtained from Natural England before they can issue planning permission.
- 9.136 The first two tests are outside the scope of advice provided by officers, as they do not relate to ecology. With regards to the third test, a day roost for one common pipistrelle bat was recorded within the building. As this building is to be demolished as part for the development works, the development would be in breach of the legislation protecting bats and would not be able to satisfy test 3.
- 9.137 The applicant’s ecologist has provided details of mitigation measures to ensure the maintenance of the population of bats on site. These include details of bat tubes that will be installed onto the new building, bat boxes to be installed onto the retained trees, a toolbox talk to site contractors, a pre works check of the building by a licensed bat ecologist, hand removal of the potential roosting features under the supervision of a licensed bat ecologist and a sensitive lighting strategy. These mitigation and compensation measures will be detailed within a method statement to accompany a European Protected Species licence (EPSL) prior to the commencement of works. Therefore, it is likely that the development proposals will not have a detrimental effect on the maintenance of the populations of bats species at a favourable conservation status in their natural range, as long as the mitigation and compensation measures are followed. A condition is to be attached requiring that a copy of the EPSL for bats, issued by Natural England, is provided to the Local Planning Authority prior to the commencement of site works and that the development be carried out in accordance with the details within the agreed licence (condition 17).

Biodiversity Enhancements

- 9.138 Policy MTC 3 of the AAP seeks to conserve and enhance biodiversity. Furthermore, in accordance with paragraph 175 of the NPPF, which states that “*opportunities to incorporate biodiversity in and around developments should be encouraged*” a condition should be set to ensure that enhancements for wildlife are provided within the new development. The ecological report provides suitable enhancement measures (native species planting, installation of bird and bat boxes) and it is recommended that an ecological management plan is implemented. In addition, it is recommended that any close board fencing contains gaps at the base in order for hedgehogs and other wildlife to be able to transverse the site to surrounding areas. These recommendations are to be secured via condition 18.

x. Flooding

9.139 The application has been accompanied by: -

- v. Flood Risk Assessment Incorporating Surface Water & Foul Drainage Strategy Rev B (May 2020)
- vi. Sequential Test (May 2020)
- vii. Updated Sequential Test (May 2020)
- viii. Sequential Test Updated October 2020
- ix. Flood Risk Addendum 2

Sequential test

9.140 The site falls in flood zone 2 and is surrounded by flood zone 3. In accordance with the NPPF (2019) and its associated guidance a sequential test for the development is required. 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. Reasonably available sites would usually include any sites that are suitable, developable *and* deliverable. Provided the sequential test can be passed,

9.141 The geographical search area of the Sequential Test is the whole Borough and the assessment utilises the Council's most recent housing position in the Housing and Economic Land Availability Assessment (HELAA) (2019) – the sites within the HELAA have been reviewed by the applicant. The applicant has also reviewed the Council's Five Year Housing land Supply Statement March 2019 and made enquiries with Land and Development Agents.

9.142 Paragraph 019 of the National Planning Policy Guidance (NPPG) states that:

'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.'

9.143 In this case, as the site lies within Flood Zone 2, the applicant must demonstrate that there are no readily available sites in Flood Zone 1 for the proposed development. The applicant has chosen to focus on sites with a capacity of +/- 2-% of the 130 unit scheme (i.e. a capacity of 109 – 166 units) and also sites of between 0.2ha and 5 ha in order to capture a wide range of sites which have the potential to deliver a similar number of units at different densities. Sites that were found to have a similar capacity (or size) were then assessed for their flood risk and only sites within flood zone 1 were taken forward.

9.144 Where sites have been identified through local land and development agents, the applicant has not restricted the sites to just residential sites but has considered commercial sites as well.

Sites within the Housing Land Supply Statement

9.155 The latest 5 year housing land supply statement includes 31 sites, only 3 of which provide for a capacity of +/- 20% of the 130 units proposed. These are Desborough Bowling Club (154 units), Sunningdale Park (160 units), Water Oakley Farm (127 units) – it is noted that the Water Oakley site and Sunningdale Park are also listed within the HELAA. The applicant has provided sufficient evidence to demonstrate that these sites are already committed to other developers, indeed the Council records confirm that planning permissions have been granted and conditions discharged on all three sites such that they cannot be deemed 'reasonably available'.

Housing and Economic Land Availability Assessment 2019

9.146 The HELAA includes 186 residential sites identified as 'deliverable', 'developable' and 'potentially developable site'. Only 1 of these sites provides for a capacity within the range identified (Ledger Farm, Forest Green Road (114 units)) and this is found within the list of 'potentially developable' sites. This site is a remote site within the Green Belt which will be restricted by Green Belt policy.

The applicant has therefore discounted this site. This site is an open Grassland site and therefore is it agreed that it is not reasonably available for housing development.

Land and Development Agents Search

- 9.147 A search (concluded May 2020) was carried out through identified agents to determine whether there were any other available sites within the Borough. Three sites were identified within Flood Zone 1 and of a similar capacity (6.10 of Sequential Test). All three sites have been discounted because of commitments to other developments.
- 9.148 It is therefore considered that sufficient evidence has been submitted to demonstrate that there are no other readily available sites for the development, hence the sequential test has been passed.

Exception Test

- 9.149 In all cases it also needs to be demonstrated that the proposed development will not increase flood risk elsewhere. A site-specific flood-risk assessment will be required and this will need to demonstrate that in addition to the sequential test 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.
- 9.150 The Environment Agency has confirmed that the flood risk assessment is acceptable but that the Planning Authority must determine safe access and escape routes.
- 9.151 It should be noted that safe access and egress was identified with the recently approved CLASSO applications ref: 19/00551 and 19/0552 as being directly from the site south down Forlease Road. The current application proposes safe access and egress as being west along Bridge Street as it is a shorter route out of the floodplain.
- 9.152 As set out within the original FRA submitted with the application, the proposed escape route west along Bridge Street includes a section of 'Danger for Some' hazard level (see section 5.2.9 – 5.2.11 of the FRA). Additionally, section 6.2.7 of the FRA advises that the site and surrounding area is well served by a flood warning system and all future occupants should have a copy of the Flood Emergency Plan. Further clarification has been sought from the applicant regarding escape routes as only in exceptional circumstances can an escape route which includes some 'Danger for Some' hazard rating be considered acceptable.
- 9.153 The applicants responded with an FRA addendum which outlined the following: The 'Danger for Some' area is shown as being concentrated as a local low point in the location of parking spaces on the southern side of Bridge Street. The EA Light Detection and Ranging (LiDAR) data shows the elevation of the footway along the northern side of Bridge Street at approximately 24.2 – 24.3 m AOD which is approx. 0.4m above the parking area on the south side of Bridge Road. This increase of 0.4m would take this route out of the 'Danger for Some' hazard rating into the 'Very Low hazard' rating for pedestrians exiting the site onto and along Bridge Street and out of the flood plain. This information is considered sufficient to demonstrate safe access and egress can be achieved in line with para 163 of the NPPF.

Sustainable Urban Drainage

- 9.154 Paragraph 165 of the NPPF (2019) 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 operations costs are proportionate and sustainable for the lifetime of the development.
- 9.155 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 has requested that an updated FRA is submitted. The recommendation to approve the development is therefore subject to an acceptable updated FRA which has been submitted and is currently being reviewed by the LLFA.

Conclusion on Flooding

- 9.156 The site lies within flood zone 2 and is surrounded by flood zone 3. The applicants have carried out a sequential test which demonstrates that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Safe access and egress has been demonstrated in a westerly direction onto Bridge Road and out of the flood plain. Further details have been submitted regarding drainage within the FRA and further comments are awaited by the LLFA.

xi. Other environmental considerations

Sustainable Development and Energy

- 9.157 This is an important consideration given the Council's declaration of a climate emergency and the development is an opportunity for high sustainability standards to be promoted. The Design Review Panel also highlighted the importance of sustainable development and energy efficiency to be incorporated into the design.
- 9.158 The NPPF advises that Local Planning Authorities should expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
the Borough Wide Design Guide includes advice on Solar Design and Climate Change and minimising energy consumption through the promotion of dual aspect living accommodation.
- 9.159 Furthermore, the Council's draft climate strategy sets out various measures for applicants including:
- x. improving recycling rates through provision of good recycling facilities;
 - xi. reduced energy and water demand in new build;
 - xii. increased renewables generation in new build to meet targets to increase renewables capacity in the borough 10 times by 2025
 - xiii. We expect green infrastructure provision in new town centre developments
 - xiv. We expect electric vehicle charging provision in new developments and cycle parking
 - xv. Developers will be expected to ensure any biodiversity losses expected as a result of the development are compensated for so that overall, as a result of the development, there is a 10% biodiversity net gain.
- 9.160 The applicant has set out various sustainability measures within a Sustainability Statement, the Design and Access Statement and in a follow up email dated 14th September 2020.

Waste and Recycling

- 9.161 Adequate space facilities will be provided for domestic and construction related waste, including segregated bins for refuse and recycling as shown on the submitted plans. The applicant has also offered to provide a financial contribution of £75.00 per unit as per the requirements of the Planning Obligations and Developer Contributions Supplementary Planning Document

Infrastructure and Amenity Requirements (and Approved Programme of Schemes) (March 2014). This is to be secured as a S.106 planning obligation.

Water Demand

- 9.162 The optional water consumption standard under Part G of the Building Regulations (2015) (as amended) of 110 litres per person per day will be applied as a minimum standard for this development, with 105 litres per person per day being the intended target level of water consumption. This will be achieved with a neutral cost impact via reduced flow/capacity sanitary fittings and the use of low water demand appliances.

Biodiversity & Green Infrastructure

- 9.163 As set out within the supporting Preliminary Ecological Appraisal prepared by ecologists at The Environmental Dimension Partnership Limited (EDP), the site in its existing form is considered to be of negligible ecological value due to the comprehensive level of built form and hard standing. The existing planting on the site is also very limited and of no more than a site level intrinsic ecological value due to the limited diversity of species.
- 9.164 Whilst the level of built form proposed remains significant, additional soft landscaping is proposed with a rooftop garden with raised beds planted with low to medium plant species designed to provide visual and seasonal interest, a tree, amenity grass and hedgerow. In addition at ground floor level, a landscape belt is proposed to wrap around the northern and western edge of the site, which will consist of shrub planting, hedgerow, tree planting and amenity grass.
- 9.165 Soft landscaping is also proposed throughout the site with incidental tree planting, grassed areas and hedgerow proposed. Four large scale trees are also proposed on the southern edge of the site, which have been purposely incorporated to both assist in softening the development, but also to deliver green infrastructure within this area of Moorbridge Road, which is currently dominated by built form.
- 9.166 Bird and bat boxes are also proposed to be incorporated within the development in order to encourage roosting of such species. These measures are to be secured by the Biodiversity Enhancements condition (condition 18).
- 9.167 The proposed development is considered to bring significant net gains in biodiversity over and above the existing situation and this has been confirmed by the Council's ecologist.

Electric Vehicle Charging Points

- 9.168 The development will be provided with 13 active and 13 passive electric vehicle charging bays. This is in accordance with the RBWM requirements of 20% active and 20% passive electric vehicle provision. For clarification the 20% is based on the number of parking spaces not the number of units.

Energy Demand Requirements

- 9.169 The apartments would all be heated using electric panel heaters. Whilst this is not classified as a low/zero carbon solution and they are expensive to operate, as grid electricity decarbonises, electric heating will support the Council's carbon reduction targets. Furthermore, in addition to whole dwelling programmer/control, the heating in each room would also be controllable via individual appliance thermostats and SMART systems where applicable.
- 9.170 The proposed Insulation is better than is required by the 2013 building regulations which is expected. Whilst there is scope to go further Table 1 of the Energy Statement already identifies a proposed 25 – 50% improvement over L1A 2013 requirements, which is deemed acceptable.

- 9.172 Solar photovoltaic panels are planned for the building which is positive and the applicant is encouraged to install as much as possible, ensuring an appropriate contribution to the Council's renewable energy targets as set out in the Draft Environment and Climate Strategy. The majority of the non-usable roof space of this scheme has been committed to the provision of PV.
- 9.172 All lighting should be LED specifically (not just low energy as specified) with simple controls and movement/light sensors where appropriate. The applicant has advised that given that it is a more energy efficient and longer lasting product, Bellway Homes (Thames Valley) typically use LED lighting on its projects where possible as standard. This would also be the case at Moorbridge Court.
- 9.173 The above measures are largely acceptable and the development is considered to meet the overall aims and objectives of the Council's emerging Sustainable Design SPD. The measures must be set out in a more comprehensive form and thus an updated Sustainability Report will be requested via condition (condition 24).

Microclimate Wind conditions

- 9.174 Policy MTC6 of the AAP deals with Tall Buildings and states that proposals for tall buildings should avoid unacceptable negative micro-climate effects.
- 9.175 Policy SP3 of the BLPSV considers tall buildings may be considered acceptable, however this is subject to a number of considerations, including development not causing unacceptable impacts such as wind tunnel effects.
- 9.176 The application has been accompanied by a wind microclimate assessment which points towards some significant downdraughts in the courtyards due to the height of the Block C. This would be mitigated through the positioning of balconies and landscaping within the communal area. Increased wind speeds are also likely to be seen along Forlease Road. Given that there is no outdoor seating within this area, this identified impact does not raise significant objection. Additional planting along the Forlease Road boundary would also mitigate this to a certain degree. The report concludes minimal wind speeds along Moorbridge Road. The Environmental Protection team have not objected to the application on this ground. Wind microclimate mitigation measures that expand upon those set out in the report are to be secured and implemented via condition (condition 23).

Air Quality

- 9.177 Maidenhead town centre is one of five Air Quality Management Areas (AQMA) declared by RBWM. Local Authorities have a duty to declare Air Quality Management Areas (AQMA) and work towards achieving national air quality objectives in areas where residents are exposed to pollutants in excess of the objectives. It is therefore important to ensure that new development proposals, either individually or cumulatively, do not significantly affect residents within existing AQMA by generating unacceptable levels of pollution.
- 9.178 The NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants
- 9.179 The Council's Environmental Protection Team has reviewed the information submitted and have agreed the findings and conclusions of the Air Quality Assessment. As such, no objections are raised subject to a condition requiring the development to be carried out in accordance with the Air Quality Assessment report.

xii. Other Material Considerations

Section 106

- 9.180 For the development to be acceptable, certain measures need to be secured by a section 106 legal agreement as outlined below. The section 106 is currently in draft form and will need to be signed and secured prior to the granting of planning permission.

Affordable Housing

- 9.181 As outlined in the Affordable Housing Section above (section v), 5 on-site affordable housing units are to be provided within Block E. These would comprise 3x 1-bed flats for Social Rent and 2x 2-bed flats for Affordable Rent and would meet priority housing needs in a central and accessible location in Maidenhead. The section 106 agreement is needed to secure these on-site units. There will also need to be provisions relating to securing a Registered Provider and appropriate delivery mechanisms for constructing, completing and transferring the affordable homes.

Contribution towards landscaping

- 9.183 The applicants are to be implementing an approved landscaping scheme which is to be secured by condition both within the site and on Council land around the site boundaries. A contribution from the applicant to be given to the Council for on-going maintenance of this landscaping going forward and this is to be secured through the section 106 agreement.

Contribution towards collection facilities

- 9.183 A £75 contribution per unit towards collection facilities is to be made and secured by the legal agreement as per the requirements of the Planning Obligations and Developer Contributions Supplementary Planning Document Infrastructure and Amenity Requirements (and Approved Programme of Schemes) (March 2014).

Travel Plan

- 9.184 A Travel Plan has been submitted with the application which is considered acceptable in general but needs to be updated in line with the Highway Officer comments relating to monitoring. The updated Travel Plan is to be secured via the section 106 agreement.
- 9.185 There is no further requirement for any other section 106 contributions in addition to those set out above in this specific case given the conclusions of the viability assessment and need to prioritise affordable housing for this residential development.

Housing Land Supply

- 9.186 Paragraphs 10 and 11 of the NPPF 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:

- *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*
- *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.*

- 9.187 Footnote 7 of the NPPF (2019) clarifies that:
'out-of-date policies 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..).'

- 9.188 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hyr hls) is the 'standard method' as set out in the NPPF (2019).
- 9.189 At the time of writing, the Council is unable to demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.190 The LPA therefore accepts, for the purposes of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the so-called 'tilted balance' is engaged. The LPA further acknowledge that there are no 'restrictive' policies relevant to the consideration of this planning application which would engage section d(i) of paragraph 11 of the NPPF (2019). The assessment of this and the wider balancing exercise is set out below in the conclusion.
- 9.191 Footnote 6 of the NPPF (2019) clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where '*policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*'. This includes **areas at risk of flooding and sites with designated heritage assets**. For the reasons set out within this report, the proposed development is not considered to result in an adverse impact on flooding and the less than substantial harm applied collectively to No.27 Moorbridge Road, the Conservation Area and other listed designated assets is outweighed by public benefits. As such, and whilst the proposed development falls within a '*protected area(s) or assets of particular importance*' there is no clear reason for refusing the proposed development on this basis. Accordingly the so-called 'tilted balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 The proposed development is considered to comply with the NPPF (2019) in so far as it would make efficient use of a previously developed land in a highly sustainable location to achieve housing at a high density in a town centre location. The proposed development would also contribute significantly to the Council's five year housing land supply – a significant benefit of the scheme at a time when the Council cannot demonstrate a 5 year housing land supply.
- 10.2 Other benefits of the application are the provision of 5 on-site affordable housing units (3 social rented and 2 affordable rented) which would meet priority housing needs in a central and accessible location in Maidenhead.
- 10.3 Furthermore, the design, height and massing of the development is considered acceptable having regard to the emerging evidence based documents and officers consider it would contribute positively to the evolving context of Maidenhead Town Centre as a gateway development.
- 10.4 As set out in paragraphs 9.177 to 9.182 for the purposes of considering this planning application the Council cannot currently demonstrate a rolling five years housing land supply against the NPPF (2019) and in this instance the so-called tilted balance is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.5 However such an assessment is considered to be academic. This is because for the reasons set out above, Officers are of the view that if this application is determined in accordance with the normal test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

- 10.5 Should members consider that any part of the proposal does not comply with the relevant planning policies, then consideration must be had to the terms of paragraph 11d of the NPPF. In this case whilst the proposed development falls within a flood risk area and is influenced by heritage assets, as set out above, there is no clear reason for refusing the proposed development on this basis. Accordingly, if it were considered that there were any limited or moderate harm to the character of the area due to the height of the building, or impact on the highway due to the parking ratio, the so-called 'tilted balance' would be engaged. In this case, there are significant benefits arising from the net gain of 129 dwellings compared to the existing office development (or 58 dwellings when compared to the fall-back position) such that officers would advise that the limited impacts of granting planning permission for this development would be more than outweighed by the substantial housing benefit and benefit to the economy arising from the proposal.

11. APPENDICES TO THIS REPORT

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

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 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1
- 3 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 4 No part of the development shall be occupied until the visibility splays shown on the approved drawings (19-206/101 (Rev A) 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.
- 5 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.
- 6 No part of the development shall be occupied until the access has been 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.
- 7 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.
- 8 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan

shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

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

- 9 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. 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 cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.

- 10 No part of the development shall be occupied until a refuse strategy, refuse bin storage area, collection area and dedicated service parking area for the Borough refuse vehicle 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.

- 11 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

- 12 No development shall take place until full details of soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

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

- 13 Prior to the commencement of development a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall cover any areas of existing landscaping, including woodlands, and all areas of proposed landscaping other than private domestic gardens.

Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Policies - Local Plan DG1.

- 14 Prior to the commencement of development details of hard surfacing and street furniture shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and permanently maintained.

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

- 15 No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of "biodiversity protection zones".

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including precautionary measures for nesting birds and an invasive-species method statement.

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that wildlife is not adversely affected by the development. Paragraph 175 of the NPPF.

- 16 Prior to commencement of the development, a report detailing any new lighting and how this will not adversely impact upon wildlife shall be submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:

A layout plan with beam orientation

A schedule of equipment

Measures to avoid glare

An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of importance for commuting and foraging bats.

The approved lighting plan shall thereafter be implemented and maintained as agreed.

Reason: To ensure the development contributes to the visual amenities of the area and in the interests of the amenity of future and adjoining occupiers and to limit the impact of light pollution from artificial light on nature conservation. Relevant policies AAP MTC4, MTC6 and para 180 of the NPPF.

- 17 The development shall not commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy has been submitted to the council. Thereafter mitigation measures approved in the licence shall be maintained in accordance with the approved details. Should the applicant conclude that a licence for development works affecting bats is not required, the applicant is to submit a report to the council detailing the reasons for this assessment, and this report is to be approved in writing by the council prior to the commencement of works.

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

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

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

- 19 In the event of any contamination of soil or groundwater within the site being discovered during its development the Local Authority shall be contacted immediately. No further demolition, archaeological investigation or construction activities shall continue on the site until such time as a procedure for addressing the contamination is agreed upon with the Local Authority in consultation with appropriate regulating bodies. In this event, development shall only continue if in accordance with the agreed procedure.

Reason: To ensure the control of surface or underground waters in accordance with Policy NAP4 of the Royal Borough of Windsor & Maidenhead Local Plan 1999 (incorporating Alterations adopted 2003) and of the NPPF 2012.

- 20 No development above Ground Finish Floor Level of any residential buildings hereby permitted in detail shall take place until details of acoustic and noise attenuation measures for the relevant residential units hereby approved have been submitted to and approved in writing by the Local Planning Authority. This shall include any appropriate mitigation measures.

The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of the mutual amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Local Plan NAP3, AAP MTC4

- 21 Prior to construction of the approved development a Construction Environmental Management Plan (a phase specific plan or otherwise) shall be submitted to and 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, site lighting and nearby habitats during construction. Thereafter the development shall be undertaken entirely in accordance with the approved plan.

Reason: To protect the environmental interests (noise, air quality, waste, ground water, ecology, wildlife, water quality), amenity of the area and for highway safety and convenience. Relevant Policies - Local Plan, LB2, DG1, NAP3, NAP4, T5, T7, ARCH2

- 22 The development shall be carried out in accordance with the approved Air Quality Assessment dated May 2020.

Reason: To ensure an acceptable level of amenity for future occupants and neighbouring residents. Relevant Policies - AAP MTC4

- 23 No development above Ground Finish Floor Level of the buildings hereby permitted shall take place until full details of the mitigation measures for the wind microclimate as set out in the submitted Wind Microclimate Report Rev B dated May 2020 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation and retained as such thereafter.

Reason: To ensure that the wind microclimate and the levels of daylight/sunlight would result in an acceptable level of amenity within and around the development. Relevant Policies - AAP MTC4

- 24 No development above Ground Finish Floor Level of the development hereby permitted shall take place until full details of measures to incorporate sustainable design and construction measures for the development shall be submitted to and approved by the Local Planning Authority in writing. This should be based on the Energy Statement prepared by Southern Energy Consultants dated 14th May 2020 or such other details as agreed in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: The aforementioned document provides an indicative assessment of what measures will be incorporated into the proposal and to comply with Requirement 1 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009), along with the National Planning Policy Framework . Relevant Policy - AAP MTC4.

- 25 A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:1. The programme and methodology of site investigation and recording2. The programme for post investigation assessment3. Provision to be made for analysis of the site investigation and recording4. Provision to be made for publication and dissemination of the analysis and records of the site investigation5. Provision to be made for archive deposition of the analysis and records of the site investigation6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. B) The Development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Medieval remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy.

- 26 No part of the development shall be occupied until a detailed car parking management plan has been provided to set out how the car park will be managed as well as in the future when demands change. Additionally, it should set out how the car park will remain secure to ensure the car park is only utilised by the residents of the site.

Reason: To ensure that the car park is actively managed and provides adequate parking for only the residents of the site. Relevant Policies - Local Plan P4, DG1

- 27 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

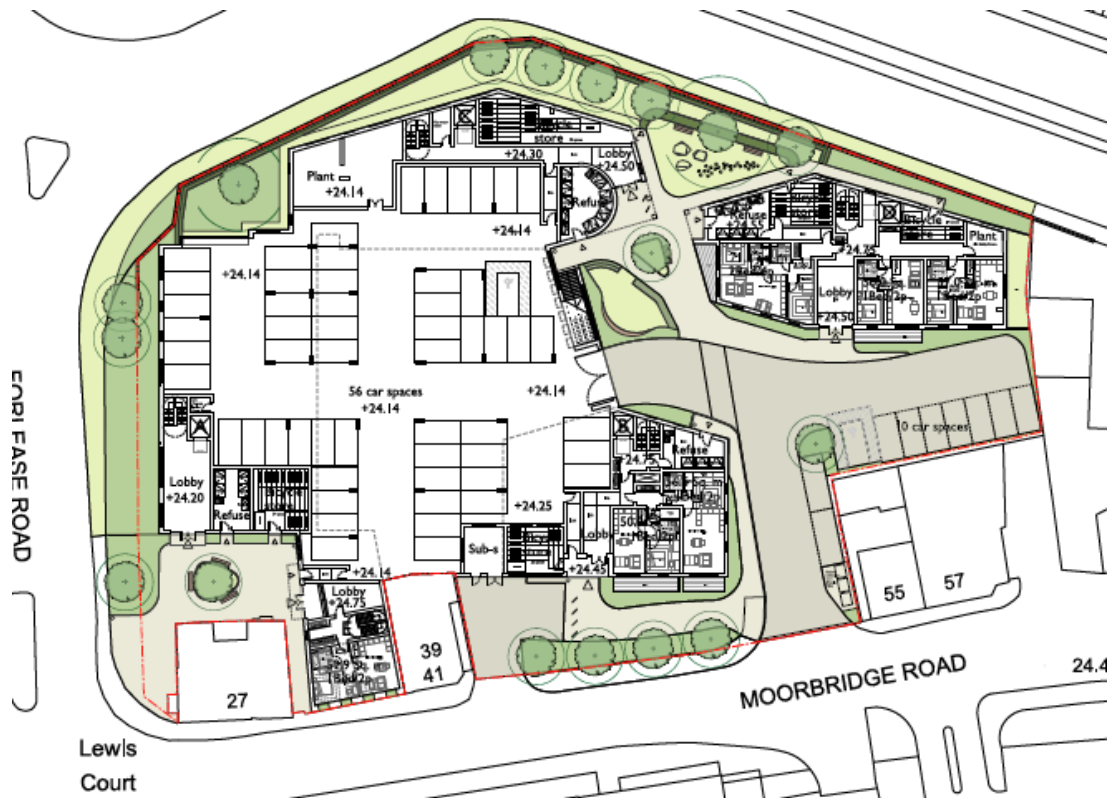
- 1 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk
- 2 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.
- 3 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.
- 4 Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
- 5 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.
- 6 Before any development commences the applicant shall enter into a legal agreement with the Council under Section 278 of the Highways Act 1980 to cover the construction of the highway improvement works in ****
- 7 The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties.
 - The applicant is advised to follow guidance with respect to dust control:
 - London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.
- 8 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal.
 - The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 68 3830 and follow good practice.

Site Location Plan



Appendix B (Plans and Elevations)

Ground floor plan



First floor plan



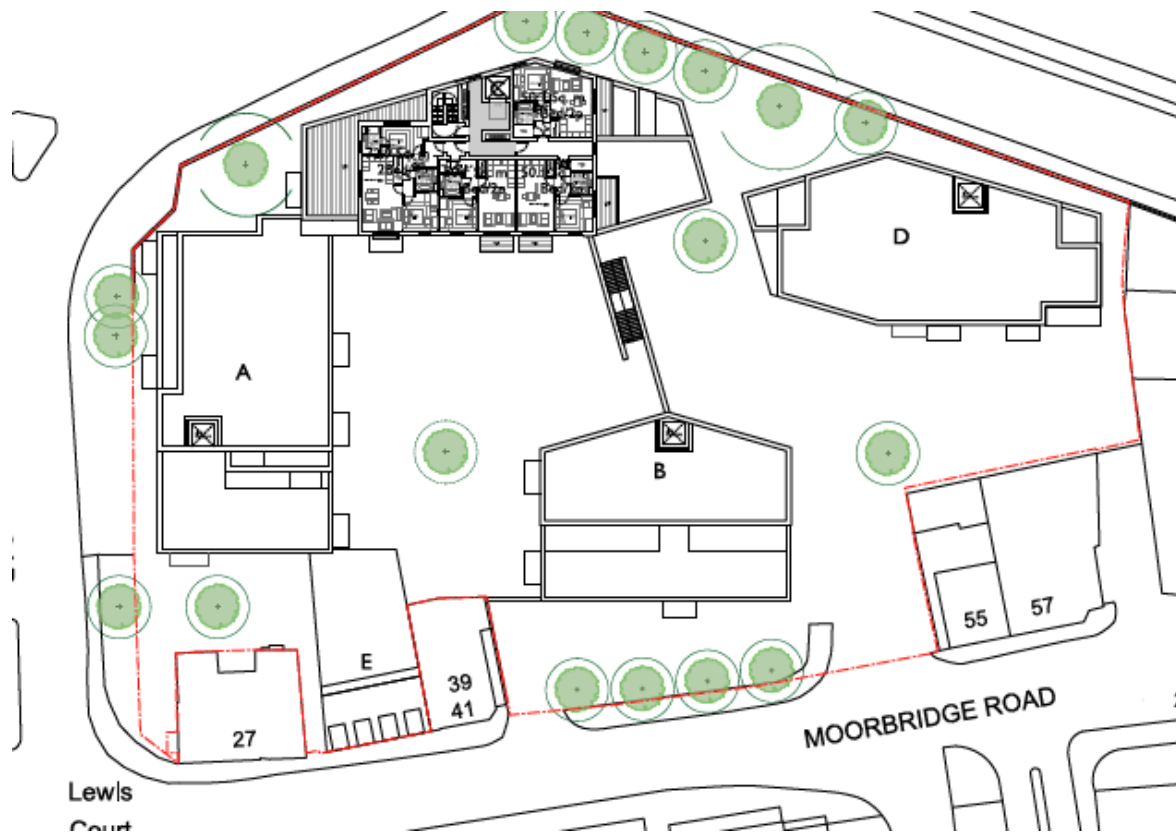
Typical floor plan



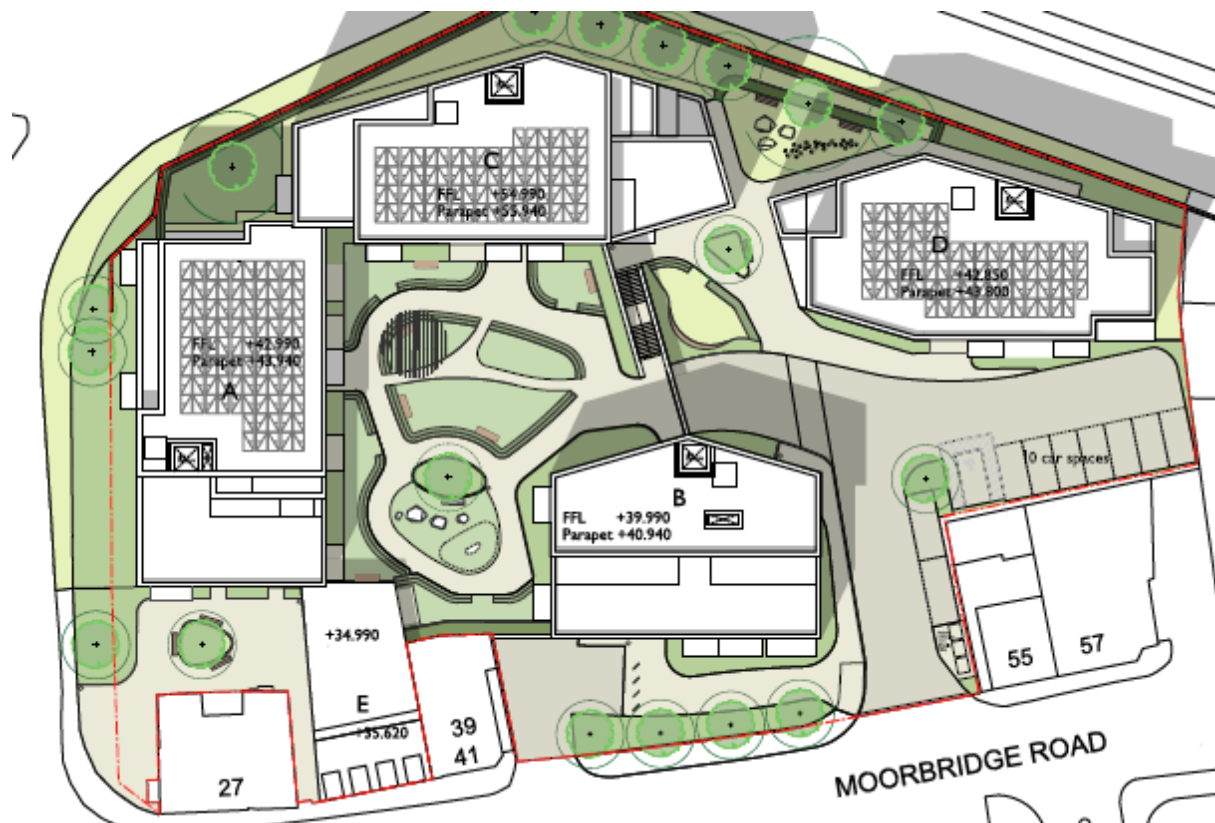
Fifth Floor Plan



Ninth floor



Roof plan



South (Moorbridge Road) Elevation



North (Bridge Road) Elevation



West (Forlease Road) Elevation



East Elevation



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Agenda Item 8

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

18 November 2020

Item: 5

Application No.:	20/01463/FULL
Location:	St Cloud Gate St Cloud Way Maidenhead SL6 8XD
Proposal:	Demolition of the existing office building, and the construction of a new grade A office building with associated cafe, communal roof terrace, car parking, new pedestrian access and landscaping.
Applicant:	Ms Broughton
Agent:	Mr James Brown
Parish/Ward:	Maidenhead Unparished/St Marys
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1 SUMMARY

- 1.1 This application follows a previously refused scheme for a significantly larger office building, which was refused on harm to the setting of the adjacent Listed Building, and harm to the character of the area. This application is for the demolition of the existing office building, and the construction of a new Grade A office building. The proposed building would be notably larger in scale than the existing building on site, with a maximum height of around 30 metres (including the plant level).
- 1.2 The proposed building is of a contemporary design, and the use of the light buff brick and glazing is considered to be an acceptable approach within the context of this area. It is considered that the scale and massing of the proposed building is too large, relative to the size and configuration of the site and within the context of the surrounding buildings, and that it would result in moderate harm to the character of the area. In addition, it is also considered that the proposed building as a result of its scale and massing would cause a moderate level of harm to the adjacent Listed Building, which amounts to less than substantial harm for the purposes of the NPPF.
- 1.3 As there would be conflict with adopted development plan policies, and harm to the setting of the adjacent Listed Building, it is necessary to consider whether there are public benefits which would outweigh the harm to the Listed building, and also whether there are material considerations which would indicate the application should be approved. In this case it is considered that there are benefits, which include the creation of 4,844 square metres of Grade A office space which is required within the Borough, as set out in the latest employment study for the Borough, and it would be Grade A office space. The scheme would create circa 350 jobs (gross). Other benefits of the scheme are the sustainability benefits, which include the scheme targeting BREEAM excellent, the inclusion of solar panels and a green roof. In addition, the scheme would provide electric parking bays with 19% being active charging points, and the remainder to be passive.
- 1.4 The site is located within a sustainable location, in an edge of town centre location. A low level of car parking is proposed, relative to the size of the proposed building. As the site is in a sustainable location, and on the basis that a Travel Plan and Car Park Management Plan are secured through a S106 agreement, it is considered that the level of car parking proposed would be acceptable in this instance.
- 1.5 The Heads of terms of the Legal agreement have been agreed, and there are ongoing discussions on the detail of the legal agreement. It is recommended that Panel authorises the Head of Planning to negotiate and secure contributions that meet the tests set out in the regulations.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure: - Travel Plan - Car park management plan - Appropriate contributions towards infrastructure and with the conditions listed in Section 12 of this report.
2.	To refuse planning permission if an undertaking to secure - Travel Plan - Car park management plan - Appropriate contributions towards infrastructure has not been satisfactorily completed for the reason that the proposed development would not be accompanied by associated infrastructure improvements and appropriate methods to limit the private car accessing the site.

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 application site comprises a part 2 storey/part 3-storey office building, with a maximum ridge height of around 13.7 metres, and its associated car parking area. The application site area measures circa 0.2 hectares. The building has a varied roofline with a pitched roof, and is finished in predominantly red/brown brick, with yellow brick detailing. The building is located on a prominent plot on the north eastern side of the St Cloud Way roundabout.
- 3.2 Vehicular access to the site is gained from an internal access from the car park to the former Magnet leisure centre car park which is adjacent to the site.
- 3.3 The surrounding character of the area is mixed with the former Magnet Leisure Centre to the east and a Grade II listed c.19th century building (2-8 Cookham Road) known as The Wilderness to the north, which accommodates two doctor's surgeries, a dentist, and a pharmacy. Kidwell Park is located to the west, on the other side of the Cookham Road. To the south of St Cloud Way (A4), which is a key arterial route, are larger scale developments including a multi-story car park, retail and offices which are located within Maidenhead Town Centre. There is a pedestrian access from the site and surrounds to Maidenhead Town Centre via a subway under the A4.
- 3.4 The site is located outside of an Opportunity Area and Town Centre Commercial Boundary as set out in the Maidenhead Area Action Plan (part of the Development Plan). The site is an edge of town centre location and is located within an area identified as a 'Gateway' in the AAP, which is identified as one of the main entrance points into the town.

4. KEY CONSTRAINTS

- 4.1 Setting of a Listed Building
Air Quality Monitoring Area

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 This scheme proposes to demolish the existing office building and erect a new office building which would have a height of circa 30 metres (including the plant level), and 27 metres (excluding the plant level). The proposed building would accommodate seven floors and provide circa 4,844 square metres of office floorspace. the rooftop level, a green roof and PV panels are proposed,

as is a roof terrace. The proposed building is cube shaped. Capless curtain walling would be used on the ground and mezzanine floor. From first floor level and above light buff bricks laid in a stretcher bond with recessed mortar would be used. Columns from ground floor level up to first floor level are shown to be in exposed concrete. For the external stair core on the eastern elevation, this will be finished in anodised expanded mesh panels.

- 5.2 Within the proposed ground floor level of the building is the reception area to the offices, a small café area, secure cycle storage, a substation and office space. The floors above ground floor would accommodate office space.
- 5.3 The existing vehicular access would be used to serve the proposed development.
- 5.4 Surface level car parking would be provided, accommodating 21 car parking spaces.

Reference	Description	Decision
19/01660	Demolition of the existing office building, and the construction of new grade A office building with associated café, communal roof terrace car parking, new pedestrian access and landscaping.	Refused on the 19 th December 2019.

- 5.5 The scheme refused under reference 19/01660, was for a new office building. The previously refused scheme had a height of 41 metres, which stepped down to a height of 8.7 metres where it was closer to the adjacent Listed Building. The scheme would have provided 11,833 square metres of office space. This scheme proposed two levels of basement car parking and surface level car parking which would have accommodated 61 car parking spaces.
- 5.6 The scheme was refused on the grounds it would cause less than substantial harm to the setting of the adjacent Listed Building, and the public benefits arising were not considered to outweigh this harm. The scheme was also refused as the proposal was considered to be poor design (by reason of its excessive scale and appearance) that would cause harm to the character of the area.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design	DG1
Highways	P4 AND T5
Trees	N6
Employment	E1, E6, E10
Pollution	NAP3
Setting of a Listed Building	LB2
Associated Infrastructure	IMP1
Pedestrian environment and cycling	T7, T8

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

Maidenhead Area Action Plan 2011 (Part of the Adopted Development Plan)

Issue	Policy
Design	MTC2, MTC4, MTC5, MTC6
Offices	MTC10
Accessibility	MTC14
Infrastructure and Planning obligations	IMP2

7. **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2019)

Section 2- Achieving Sustainable Development
Section 4- Decision-making
Section 6- Building a strong, competitive economy
Section 7- Ensuring vitality of town centres
Section 9- Promoting Sustainable Transport
Section 12- Achieving well-designed places
Section 14- Meeting the challenge of climate change, flooding and coastal change
Section 15- Conserving and enhancing the natural environment
Section 16- Conserving and enhancing the historic environment

National Design Guide

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Maidenhead town centre	TR3
Pollution	EP2, EP4
Setting of the Listed Building	HE1
Trees	NR2
Nature conservation	NR3
Infrastructure	IF1

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Climate Change	SP2
Sustainable Transport	IF2
Design	QP3, QP3a
Pollution (Noise, Air and Light)	EP1, EP2, EP4
Site allocation for employment	QP1a
Nature conservation and biodiversity	NR2
Setting of Listed Building	HE1
Trees	NR3
Utilities	IF7
Infrastructure and Developer Contributions	IF1

- 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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. The Inspector has resumed the Examination of the BLPSV with hearings currently ongoing. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

Supplementary Planning Documents

Borough Design Guide (Adopted)
Sustainable Design and Construction SPD (2010) (SPD)

Other Local Strategies or Publications

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

The planning officer posted a notice advertising the application at the site on the 7th July 2020 and the application was advertised in the Local Press on the 2nd July 2020. Letters were sent to properties adjoining the application site.

All neighbours and contributors were notified of amended plans on the 8th October, with a 21 day period to respond.

5 letters of objections have been received.

Comments on the originally submitted plans to the application, are summarised as:

Comment	Where in the report this is considered
1. The building will be overbearing in relation to the surrounding buildings. This is still a tall building.	li and xiii
2. The level of parking is not acceptable. It will put greater demand on publicly available car parks, and will be of detriment to the Wilderness centre.	Xi
3. The proposed route for vehicular access to the surgery through the diversion via the car park is unsatisfactory and will cause congestion and higher risk of accidents (with cars manoeuvring into and out of car spaces). Concerned that there may need to be temporary closures of the access road for certain deliveries which may cause unacceptable impacts on patient flows and access for emergency vehicles/on-call doctors.	Xi
4. The daylight and sunlight report does not take into consideration The Wilderness Centre stating that the surgery "does not have a reasonable expectation of daylight and sunlight" as it is a commercial property. Given the use of the building for patient care and its close proximity to the proposed development, undoubtedly there will be an impact. This should be a material planning consideration.	v

5.	The site is not an area that has been identified as suitable to accommodate a tall building.	li and xii
6	The scale of the building will have an adverse visual impact on the area, when approaching from various views. Tall buildings north of the A4 should not be permitted.	li and xii
7	This proposal has done little to improve the access/egress from the subway under St Cloud Way, which remains an unwelcoming place.	li
8	There are concerns over the impact of this development during the construction phase in particular. A significant number of construction vehicles will be needed to a relatively constricted site- a site that needs to be safely accessible to staff, patients and emergency ambulances at all times. There are also concerns about construction noise and dust on patients. A detailed management plan to mitigate the effect of noise and dust should be a minimum requirement.	Conditions for a CMP and CEMP would control these matters during the construction period.

Comments on the revised plans, summarised as:

Comment		Where in the report this is considered
1.	The building will be overbearing in relation to the surrounding buildings. This is still a tall building.	li and xiii
2.	The level of parking is not acceptable. It will put greater demand on publicly available car parks, and will be of detriment to the Wilderness centre.	xi
3.	The proposed route for vehicular access to the surgery through the diversion via the car park is unsatisfactory and will cause congestion and higher risk of accidents (with cars manoeuvring into and out of car spaces). Concerned that there may need to be temporary closures of the access road for certain deliveries which may cause unacceptable impacts on patient flows and access for emergency vehicles/on-call doctors.	xi
4.	The daylight and sunlight report does not take into consideration The Wilderness Centre stating that the surgery "does not have a reasonable expectation of daylight and sunlight" as it is a commercial property. Given the use of the building for patient care and its close proximity to the proposed development, undoubtedly there will be an impact. This should be a material planning consideration.	v
5.	Height and mass of the building is still unacceptable and will cause harm to the character of the area.	li and xiii
6	The St Cloud Gate proposal will significantly impinge on any attempt to improve the northern approach to the subway, as the structure is located close to the edge of the subway approach structure, which if constructed would prevent future improvements to the key asset affording connectivity with the town centre.	li and xiii

Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	<p>It is considered that the new building would because of its height and massing have a negative impact on the setting of the Listed building.</p> <p>In this case, the harm caused to the significance of the designated heritage asset would be considered as less than substantial and the balancing exercise noted in para 196 of</p>	lii and xiii

	the NPPF would need to be undertaken as part of the decision process.	
Berkshire Archaeology	It is the view of Berkshire Archaeology that no further requirement for archaeological mitigation should be applied in regards to these development proposals.	Noted.
Thames Water	No objection.	Noted.
Environmental Protection	<p>Raises no objection subject to conditions for:</p> <ul style="list-style-type: none"> • Construction Environmental Management Plan • Deliveries/collections by commercial vehicles • Contaminated land • Noise survey for any future plant/equipment. 	See recommended conditions. It is not considered necessary to impose a condition to restrict timing on deliveries/collections by commercial vehicles.
Lead Local Flood Authority	Raises no objection, subject to a pre-commencement (excluding demolition) condition for a surface water drainage scheme.	Vi
Highways	<p>The Borough's Parking Strategy (2004) sets a maximum provision of 1 space per 100m² for developments located within a sustainable location. In the previous submission a parking ratio of 1 space per 194m² was considered acceptable. With this submission the parking ratio is set at 1 space 215m², resulting in 25 spaces, which is 3 spaces less if the accepted ratio of 1 space per 194m² were used. This parking ratio stretches the limits of acceptability despite the accessible nature of the development.</p> <p>Nonetheless, there are on-street parking restrictions in the surrounding area, and as mentioned above the level of parking proposed is only 3 spaces below what was accepted previously.</p> <p>Although mentioned in the submission, it is recommended that the applicant submits a Car Parking Management Plan.</p> <p>Comments that the submitted Framework Travel Plan should be updated.</p> <p>Recommend conditions for:</p> <ul style="list-style-type: none"> • Cycle parking • Car parking management plan • Revised construction management plan. • Travel plan <p><u>Comments on revised plans:</u> Raises no objections, subject to conditions: -CMP -Parking as per approved drawing -Cycle parking as per approved drawing -Submission of a car parking management plan -Travel plan</p>	xi
Environment	Sent standing advice to Local Planning Authorities as to	Noted.

Agency	when to consult the EA.	
Ecologist	<p>No objections, subject to a condition to ensure nesting birds are not harmed, and condition to secure biodiversity enhancements and wildlife friendly landscaping.</p> <p><u>Comments on amended plans:</u></p> <p>The amended plans do not affect ecology and my original comments on this application (dated July 10th 2020) remain unchanged.</p>	See section x. It not considered necessary to impose a condition to ensure nesting birds are not harmed. They are protected under the wildlife and countryside Act. An informative will be added.
Historic England	In this case we do not wish to offer any comments. This does not mean that we consider the proposals to be acceptable or unacceptable, simply that we are content for the application to be determined by the LPA following their own specialist conservation advice. This view has been taken based on the information available on your website to date.	Noted.

Others

Group	Comment	Where in the report this is considered
Maidenhead Civic Society	<p>Comments on originally submitted plans:</p> <p>This proposal is a significant improvement to the previously refused scheme. The height has been reduced by 11 metres - by removing two floors plus the rooftop parapet. The footprint of the building has been reduced and the building line has been stepped back on the western and northern frontages. Consequently, the visuals within the Design and Access Statement illustrate a much improved aspect of the listed buildings when viewed from the southwest.</p> <p>However, the proposed building is still too dominant. The application states that the proposed height is lower than The Point which is diagonally opposite on the Cookham Road roundabout. However, The Point is the eastern part of a series of three buildings on the town centre side of the ring road. St Cloud Gate is an isolated tower on the north side. A further reduction of two storeys would be more in keeping with the setting.</p> <p>The introduction of a cafe facility on the ground floor is to be welcomed as it will create a focal point of interest on the north side of the ring road, to the benefit of nearby residents and visitors to the two doctors surgeries. Parking provision is important in attracting new office tenants and it is feared that the proposed spaces may be inadequate.</p>	li and xiii

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of development
- ii Design and impact on the character of the area
- iii Impact on Heritage Assets
- iv Trees
- v Impact on the amenity of neighbouring buildings
- vi Sustainable Drainage
- vii Air Quality
- vii Noise
- ix Contaminated land
- x Sustainability and Biodiversity
- xi Transport
- xii Developer contributions
- xiii Planning balance

Principle of development

- 9.2 Policy MTC10 of the Maidenhead Area Action Plan (part of the adopted Development Plan), states that proposals for new office development will be focused within Opportunity Areas and the Town Centre Commercial Boundary. Adopted Local Plan policy E1 states that business development will usually be restricted to Town Centre Commercial areas but in other areas outside the Green Belt business development may be acceptable where it relates to an existing business use, while policy E6 states that development or redevelopment for business will be acceptable on sites already in such use subject to compliance with other planning policies.
- 9.3 This site is not located within the town centre commercial boundary of Maidenhead, and it is not situated within an Opportunity Area. As outlined above, policy MTC10 of the Maidenhead Area Action Plan seeks to focus new office development within Opportunity Areas or elsewhere within the town centre commercial boundary; however, it does not preclude the redevelopment of sites in existing office use. Policy E6 promotes the redevelopment of business uses on sites already in such use subject to normal development control criteria and provided that proposals would not lead to an undesirable intensification of activity to the detriment of the local environment, or to the amenities of neighbouring properties.
- 9.4 Policies E1 and E6 of the Local Plan are not fully in accordance with the NPPF, in that they do not provide any guidance on applying the Sequential Test when a proposed office development, as a main town centre use, is not located in a town centre location. These policies are therefore given some weight, but not full weight in the consideration of this application. Policy MTC10 of the AAP is broadly in accordance with the NPPF, although it also does not refer to the application of the town centre Sequential Test and so this policy is again given weight, but is not full weight.
- 9.5 The NPPF 2019 is a material consideration of significant weight. At paragraphs 86 and 87 it states that

'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and

only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'

- 9.6 At paragraph 90 of the NPPF it explains that where an application fails to satisfy the sequential test it should be refused.
- 9.7 The existing office building to be demolished has a floorspace of circa 1,062 m2. The proposed building would have circa 4,844 square metres of office floorspace. As the proposed new building would result in a significant increase in office floorspace (a main town centre use) at this edge of centre location, in accordance with the requirements of the NPPF (which is a material consideration of significant weight), the town centre Sequential Test needs to be applied.

Application of the town centre Sequential Test

- 9.8 To ensure the vitality of town centres, as described above, the NPPF advocates a 'Town Centre' first approach to the location of new office development. Only if suitable sites are not available (or not expected to become available in a reasonable period) within existing Town Centres should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre, in accordance with paragraph 87 of the NPPF.
- 9.9 In terms of the Sequential Test to determine if there is a preferable alternative site, the National Planning Practice Guidance (NPPG) states the suitability, availability and viability of the site should be considered in a sequential assessment with particular regard to the nature of the need that is to be addressed. In terms of the nature of the need, it was established by the Supreme Court in *Tesco Stores v Dundee City Council* [2012] that to be a preferable alternative site it should be capable of meeting the need that the developer is seeking to meet, and not just a generic need. With regard to suitability, *Tesco Stores Ltd v Dundee City Council* also establishes [a] that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach; and [b] that in terms of the size of the alternative site, provided that the Applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development and not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site. There is no indication as to what degree of flexibility is required in the NPPF or NPPG.
- 9.10 In line with paragraph 86 of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account.
- 9.11 The applicant has considered alternative town centre and edge of centre sites, which have been discounted. The detailed assessment of the alternative sites can be found in the applicant's Sequential Test document. It is considered that there are no sequentially preferable sites within the town centre that are reasonably available. It is considered that the Sequential Test is passed.

Issue ii- Design Considerations

- 9.12 The application site is earmarked within the adopted AAP as a Gateway site. Policy MTC5 of the AAP sets out that within Gateways there will be an emphasis on creating high quality entrances that enhance the town centre's image and identity. There is an emphasis in the policy that buildings in these locations should have outstanding and distinctive architecture.

- 9.13 Policy MTC6 of the AAP provides guidance on Tall buildings, and for the purposes of this policy a tall building is identified as a building noticeably taller than 20 metres. This site is not identified as an area to accommodate a tall building within the AAP. The proposed building at a height of 30 metres, would not accord with Policy MTC6 of the Adopted Local Plan which states that new tall buildings on sites outside of tall building areas will be resisted. Policy MTC6 is not considered to be in conflict with the NPPF, and so is given significant weight.
- 9.14 Policy DG1 of the Adopted Local Plan provides guidance on design. This policy is considered to be in accordance with the aims of the NPPF and so is also given significant weight in the consideration of this application. Policy DG1 sets out that the design of new buildings should be compatible with the established street façade, having regard to the scale, height and building lines of adjacent properties, and that special attention should be given to the 'roofscape' of buildings. Policy DG1 also explains that harm should not be caused to the character of the surrounding area through development which is cramped, or which results in the loss of important features which contribute to that character. Policy MTC4 of the Maidenhead AAP also provides guidance on design and is relevant to this application.
- 9.15 The Tall Building Strategy was published in October 2019. It is a document that forms part of the evidence base for the emerging Borough Local Plan, and identifies locations where tall buildings individually or in clusters may be appropriate in the Borough. The study sets the criteria for defining a tall building, which is relative to the context height of buildings in the area. The proposed building would be classed as a tall building using the definition. The study does not identify the St Cloud Gate site as being suitable for a tall building. The study is afforded limited weight in the determination of planning applications at this time.
- 9.16 The Borough Design guide is an adopted Supplementary Planning Document and is a material consideration to the determination of this application. Principle 12.1 of the SPD sets out that all non-residential development will be expected to:
- integrate servicing and infrastructure sensitively into the building;
 - provide good natural light and ventilation to internal spaces;
 - minimise the impact of service areas on the public realm and private space, and
 - ensure entrances to the building are easy to find, safe and attractively designed.
- 9.17 Large floorplate uses will be expected to be integrated into existing environments by:
- A. providing a mix of uses
 - B. reducing visual impact by using architectural detailing, articulation, materials and colour to break up large elevations;
 - C. avoiding blank elevations and inactive frontages
- 9.18 The site is proposed to be allocated within the Borough Local Plan (proposed modifications version) for up to 3,500 square metres of office floor space. At this time, the Borough Local Plan (proposed modifications) is given limited weight, but it is useful in understanding the aspirations for the site, and how it will connect to the wider area. The site specific requirements are:
- *Facilitate comprehensive re-development and effective place making in the town centre. This will include playing a key role in enhancing connections into the Town Centre Areas and improving the appearance and environment of the Town Centre Ring.*
 - *Contribute to the provision of very high quality and safe connections from the northern side of St Cloud Way into the Town Centre Core Area;*
 - *Provide a network of pedestrian and cycle connections through the site facilitating linkages to St Cloud Way, Cookham Road, the adjoining surgeries, Council car park and St Cloud Way allocation site.*
 - *Provide adequate vehicle and cycle parking provision proportionate to and in line with the implemented sustainable transport measures*

- *Ensure that the development is well-served by public bus routes / demand responsive transport / other innovative public transport solutions, with appropriate provision for new bus stop infrastructure, such that the bus is an attractive alternative to the private car for local journeys*
- *Include generous green infrastructure at ground floor and higher levels and incorporate green walls and/or roofs and sitting out areas for employees.*
- *Given its gateway role and immediate proximity to a listed building, be of an exceptional quality design that supports the character and function of the surrounding area*
- *Create an active frontage to both St Cloud Way and Cookham Road*
- *Enclose St Cloud Way and Cookham Road with buildings and large trees*
- *Address the Cookham Road/St Cloud Way intersection with a gateway feature*
- *Provide appropriate transition from the height of the built form on the site to the low height and small scale buildings adjacent to the northern boundary. A building of inappropriate height, scale or mass that does not respect its setting will not be acceptable.*
- *Recognising that the site plays a role in the setting of Claremont Surgery, use exemplary design to positively manage and enhance the relationship between the site and the adjoining Grade II listed building. Particular attention will need to be paid to height, massing, character, overshadowing, architectural form, amenities, landscaping, lighting and materials.*
- *Integrate well in terms of design, layout, function and connectivity with the adjoining St Cloud Way allocation site.*

Scale

- 9.19 During the course of the application, the plans were amended so that one level was removed from the proposed building, which is considered to be an improvement to the scheme.
- 9.20 Taking into account the configuration of the site and the surrounding settings, the scale and shape of the building is not considered to respond well to the context of the site. The proposed building would be of a significant height and would appear noticeably taller than buildings surrounding the site. In addition, because the building is a cube shape, there is no breakup or relief to its massing. As the site is relatively small in size, and has smaller scale buildings within close proximity, the large scale and mass of this building would be apparent.

Layout

- 9.21 Compared to the previously refused scheme, the layout has improved as the building has been moved away from the Listed Building, thereby reducing the level of harm caused to its setting. The surface level car park and land to incorporate soft landscaping, and new tree planting is proposed next to the original part of the adjacent Listed Building, and this is considered to be an improvement over the previously refused scheme.
- 9.22 The proposed building would be situated in close proximity to the St Cloud Way site to the east. This site is earmarked for residential development. As there is a lack of a buffer between the proposed building and the sites eastern boundary, it is considered that the proposed building would appear overbearing to this neighbouring site. However, at this stage plans for the adjacent site are not at a planning application stage, and so this can only be given limited weight at this time.
- 9.23 A new pedestrian entrance would be provided to the southern part of the site, providing a link from the subway into the site. This would not provide access for disabled persons, persons with

mobility issues or persons with a pushchair. Although it is understood it is not possible to provide a ramped access that would be DDA compliant, this is disadvantage to the scheme, as the new access will not be accessible to all. However, a pedestrian access will be provided from Cookham Road into the site, which will be DDA compliant, and so pedestrian linkages into the site will be improved compared to the existing situation. The detail around this new pedestrian link is limited. The pedestrian entrance would be provided from the top of the subway which is sloped, and as such it is suggested that more detailed plans of this pedestrian entrance which shows changes to ground levels are secured by planning condition.

- 9.24 A site requirement of the emerging BLP allocation which seeks to provide a network of pedestrian and cycle connections through the site, facilitating linkages to St Cloud Way. In terms of connectivity with the adjacent St Cloud Way site, within the submitted framework travel plan, this shows future potential pedestrian routes to the St Cloud Way site.. Realistically, it is questionable if the site layout would improve connections to and from the adjoining St Cloud Way site, as the pedestrian routes through the site would be underneath the proposed building, and so would not be an obvious route for persons other than those specifically wanting access to the office building. Also, the routes cannot be made a public right of way (owing to security and management issues for the landowner), as such there is no obligation to keep these routes open to the public at all times.
- 9.25 Where the new stairs would be created into the site from the subway, and ground levels lowered, a column to support the proposed building would be placed on this new stairway. There were concerns that this would appear imposing to pedestrians using the new stairs and when viewed from the subway, however the plans show this column would be boxed in, with landscaping around it, so that it appears less imposing to pedestrians. Further detail for this new stair way and its treatment is required, and this can be secured by planning condition.

Appearance

- 9.26 The building would have a contemporary appearance. The window detailing and use of a light buff brick is considered to be acceptable within the context of this area. Samples of the brick, and further detailing for the windows would need to be secured by planning condition. The building does not have a clear principal elevation, or a defined entrance. The eastern elevation of the proposed building will have mesh across it (covering the stairwell), which makes this elevation appear more bland, and this elevation will face the adjoining St Cloud Way which is earmarked for residential development, which is a negative to the scheme.

Impact on Heritage Assets

Impact on the Setting of the Listed Building

- 9.27 The building (The Wilderness) to the north of the application site is Grade II Listed. Local Plan Policy LB2 provides guidance on Listed Buildings, and sets out to ensure that development proposals do not adversely affect the grounds and/or setting of Listed Buildings. This policy is considered to accord with the requirements of the NPPF and is given significant weight in the determination of this application. The NPPF at paragraph 193 sets out 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.28 Paragraph 196 of the NPPF sets out that 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, where appropriate, securing its optimum viable use.
- 9.29 The Wilderness is a two storey building (with basement) which dates from the 18th and 19th centuries. The building is a designated heritage asset and has significance because of its architectural and historic interest.

- 9.30 The Maidenhead Town Centre Conservation Area lies to the south of the site, it encompasses the town's traditional high street and there are views towards the site looking north from Market Street. The Conservation Area has an appraisal that was completed in 2016.
- 9.31 The NPPF advises that the setting of a heritage asset can be considered as the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. With regards to new development, in terms of the historic environment the NPPF advises that in determining applications local planning authorities should take account of the desirability of enhancing the significance of heritage assets and also the desirability of new development making a positive contribution to local character and distinctiveness. It also advises that great weight should be given to the assets conservation.
- 9.32 In Part 1 under Setting and Views, the Historic England Guidance "The Setting of Heritage Assets" Planning Note 3 is clear that the setting of a Listed Building is much wider than just that of its curtilage and setting can change over time and is more than just views to or from the asset.
- 9.33 In this case, the setting of the adjacent Listed Building has changed over time, as it has lost its original garden, however, the building is quite architecturally distinct in terms of the local townscape and its roofline, with its chimneys and chimney pots, is clearly visible and is a positive feature in views from the park and from the north and south. The existing building on the application site, is of a reasonable scale and mass and does not dominate the setting of the Listed Building.
- 9.34 With regard to the proposed building, it is considered that due the scale and massing, and lack of transition with the Listed Building, that it would appear dominant in relation to the Listed building and this would have an adverse impact upon its setting. The harm caused to the setting of the Listed Building is considered to be moderate. However, for the purposes of the NPPF the harm is considered to be less than substantial harm. Paragraph 196 of the NPPF sets out that 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, where appropriate, securing its optimum viable use. This is considered further in the planning balance section of this report.

Trees and landscaping

- 9.35 Policy MTC2 of the Area Action Plan, is supportive of the planting of trees and the use of other soft landscaping in gateway and other prominent locations. Paragraph 127 of the NPPF sets out that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 9.36 There are no trees on or off the application site covered by a Tree Preservation Order that would be adversely impacted by the proposed development.
- 9.37 Landscape plans have been submitted, which shows new soft landscaping at ground floor level, and also planting on the roof terrace. Semi-mature Fastigata Oak would be planted along the boundary of the site, on the south-western boundary. Other smaller landscape trees are also proposed along the southern part of the site.
- 9.38 On the roof terrace, below the PV panels, a green roof is proposed.
- 9.39 Given the significantly larger scale of the proposed building, new tree planting and soft landscaping will be important in softening the appearance of the development. In addition, wildlife friendly landscaping can be incorporated which will provide net biodiversity gains. Details of the soft landscaping can be secured by planning condition.

Impact on the amenity of neighbouring buildings

- 9.40 Policy E10 of the adopted Local Plan sets out that in considering applications for business development that a scheme should not result in an unneighbourly development or undesirable

intensification of an existing use. The NPPF sets out at paragraph 127 that 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.

- 9.41 The buildings adjacent to this application site, include the building to the north which includes the medical centre, dental practice and pharmacy. To the east of the application site is the former Magnet Leisure centre. The submitted daylight and sunlight study does not assess the impact of the proposed development on these buildings, as they are commercial properties, and, as such it is set out that these properties would not have a reasonable expectation of daylight and sunlight, and they generally rely on artificial lighting. The BRE guidelines (daylight and sunlight) explain that the guidelines are normally used to look at the impact on residential buildings. It is explained that they may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices. The doctor's surgeries, dentist and pharmacy are non-residential uses, and it is not considered that they would have an expectation of daylight. The impact of the proposal on daylight to these uses would not be considered as grounds to warrant refusal.
- 9.42 With regard to nearby buildings in residential use, there are not any in close proximity to the building. The daylight and sunlight assessment considers the impact on the proposed development on the closest residential uses to the application site. The report concludes that the proposed development accords with the BRE guidelines.

vii **Sustainable Drainage**

- 9.43 Paragraph 165 of the NPPF sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. This application is a major development, and so there is a requirement for the scheme to provide a sustainable drainage system.
- 9.44 Excess surface water flows during high intensity rainfall events are proposed to be stored using a combination of permeable pavements and below ground geo-cellular storage crates. The Lead Local Flood Authority has no objection to this, subject to a planning condition.

Air Quality

- 9.45 Policy NAP3 of the Adopted Local Plan sets out that the Council will not grant planning permission for proposals likely to emit unacceptable levels of noise, smells, or fumes beyond the site boundaries.
- 9.46 Paragraph 181 of the NPPF sets out that planning policies and 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 and Clean Air Zones, and the cumulative impacts from individual sites in local areas. It is further explained that planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 9.47 The development site is within Maidenhead Air Quality Management Area (AQMA) and has the potential to affect the local air quality conditions during both the construction and operation phase. The submitted Air Quality Assessment is based on a detailed dispersion modelling of the annual mean concentrations for nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}). The predicted values at existing and proposed receptor locations for 2021 are below the national objectives. The results and conclusion of the assessment that the air quality impacts of the development are considered to be not significant is acceptable.

Noise

- 9.48 The proposed external plant as part of the development include:

- Tenant plant
- VRF plant
- Air handling unit
- Toilet extract fan
- Smoke extract fan
- Life safety generator

- 9.49 These would be located on the roof level. A Planning Noise Report was submitted with the application. An initial assessment of the proposed plant items associated with the development was carried out. The report advises that as long as the specified sound power limits are met for all external plant, the noise egress from the proposed development is expected to comply with the relevant noise limits. The report sets out that subject to certain sound insulation being incorporated that the development would not generate unacceptable levels of noise in the context of this area. It is recommended that a condition is imposed to secure details of the type of plant and acoustic measures.

Contaminated land

- 9.50 The results of intrusive site investigations submitted with the application showed the presence of contamination on site. Environmental Protection recommends a condition for a survey and remediation strategy for contaminated land, and such conditions are considered necessary to secure this detail.

Sustainability and biodiversity

- 9.51 Paragraph 150 of the NPPF sets out that new development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. Paragraph 153 of the NPPF sets out that in determining planning applications, local planning authorities should expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 9.52 Paragraph 110 of the NPPF sets out that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 9.53 At a local level, the Council's declaration of a climate emergency is a material consideration and the development is an opportunity for high sustainability standards to be promoted.
- 9.54 Whilst there is no adopted development plan policy on sustainable energy, the Borough Wide Design Guide includes advice on Solar Design and Climate Change and minimising energy consumption through the promotion of dual aspect living accommodation.
- 9.55 Furthermore, the Council's draft climate strategy sets out various measures for applicants including:
- improving recycling rates through provision of good recycling facilities;
 - reduced energy and water demand in new build;
 - increased renewables generation in new build to meet targets to increase renewables capacity in the borough 10 times by 2025
 - green infrastructure provision in new town centre developments
 - electric vehicle charging provision in new developments and cycle parking
 - Developers will be expected to ensure any biodiversity losses expected as a result of the development are compensated for so that overall, as a result of the development, there is a 10% biodiversity net gain.
- 9.56 The Council also has an adopted Supplementary Planning Document (2010) on Sustainable Design and Construction. This is a material consideration of some weight to the application. Within this SPD it sets out that there is a requirement for major developments to Requirement for

developments to secure at least 10% of the expected energy demand from on-site renewable or low carbon sources, and that non-residential developments (new construction) to meet BREEAM Very Good or above.

- 9.57 The Sustainability Statement submitted with the application states that high efficiency roof mounted PV panels (36 cells) will be used. It also states that the development is targeting BREEAM New Construction 2014 Excellence.
- 9.58 These are positives to the scheme, which weigh in favour of the application, and it accords with the aims of National Planning policy and guidance, and local planning guidance.
- 9.59 The scheme would provide 4 car parking spaces with active electric charging points, with the remainder of spaces to be passive (i.e. will have ducting installed to allow for future conversion.) The provision of the active electric charging points, with the balance to be passive is welcomed and accords with paragraph 110 of the NPPF, and is a benefit of the scheme.
- 9.60 The sustainability measures to be incorporated into the design of the building are considered to be benefits that weigh in favour of the application.
- 9.61 Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.62 The submitted ecological appraisal sets out that provision of the green roof is a biodiversity benefit. The report recommends that the green wall proposed by the new steps on the southern part of the site should comprise native species or non-native species of recognised wildlife value and either deciduous or evergreen species depending on the specification. The ecological report also states that the planting proposed at both ground and roof terrace level should use nectar-rich and berry producing plants which will attract a wider range of insects, birds and mammals and continue to accommodate those already recorded at the site. The report also states that there are opportunities to incorporate bird boxes into the development. It is considered that details of the biodiversity enhancements should be secured by planning condition.

Solar glare

- 9.63 A report has been submitted which relates to solar glare. The technical analysis shows that for the majority of the year there would be a largely negligible solar glare effect. The nature of the proposed material cladding does mean that reflected solar glare may be unavoidable at certain times of the day, assuming that there are actually clear skies at these times to allow the sun to reflect off the building façades. The analysis shows, however, that this would be a highly local, short term potential effect of minor adverse significance, lasting only seconds at any one time as a driver, cyclist or pedestrian passes a certain point.

Wind Micro-climate

- 9.64 The submitted report concludes that overall, wind conditions around the proposed development would be suitable for the intended uses. It states that depending on the location of fixed seating on the roof terrace, mitigation may be required in order to improve conditions. With the implementation of appropriate mitigation measures, it is expected that wind conditions would improve. No further simulations would be required. Landscaping and tree planting could be used as mitigation to wind at the roof terrace level.

vi **Transport**

- 9.65 Policy T5 of the Adopted Local Plan sets out that all development proposals will be expected to comply with the Council's Adopted Highway Design Standards. This policy is not incompatible

with the NPPF, however, the NPPF provides more up to date guidance on transport impacts and so the impact on traffic and highway safety has been assessed against the NPPF.

- 9.66 Paragraph 109 of the NPPF sets out 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. Paragraph 111 of the NPPF sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 9.67 Policy P4 of the Adopted Local Plan requires schemes to provide parking spaces in accordance with the Council's Parking standards. The Council's Parking standards are based on maximum parking standards. The NPPF 2019 at paragraph 106 sets out 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. In this instance, the Highway Authority have not identified that there is a compelling justification for the scheme to comply with the maximum parking standards, and as such Policy P4 is given reduced weight.
- 9.68 The site is within an accessible location and based on the Borough's Parking Strategy 2004 attracts a maximum parking ratio of 1 space per 100m², which equates to 48 parking spaces.
- 9.69 21 car parking spaces are proposed, which is set at a ratio of 1 space per 231m². Whilst it is not considered maximum parking standards should be imposed in this case, this is a low level of car parking relative to the amount of office space proposed. As such, it is considered necessary to have a car park management plan, so that the allocation of those car parking spaces for future users of the building is managed carefully. In addition, it is considered necessary to secure a travel plan in order to promote alternative methods of transport to the use of the private car. An interim travel plan has been submitted with the application. It is recommended that the travel plan, including the submission of a final travel plan is secured through a S106 agreement.
- 9.70 It is not considered that the proposed development, subject to conditions and securing a travel plan and car park management plan, would have a severe impact upon the road network, or would result in an unacceptable impact on highway safety.
- 9.71 Secure cycle storage for 36 bikes would be provided within the ground floor of the building, accessed from the northern elevation of the proposed building. In addition, 6 visitor cycle stands would be provided to the western part of the site, near the new pedestrian access. The provision of secure cycle storage is considered important in providing future users of the building alternative sustainable mode of travel to the car. This provision of the cycle storage within the building should be secured by planning condition. Details of the cycle stand for the visitor cycle store should be secured by condition to ensure it as an acceptable appearance, as it is within close proximity of the adjacent Listed Building.

Developer contributions

- 9.72 Policy IMP2 of the Maidenhead AAP sets out that planning obligations will be used to ensure the delivery of key on-site and area-wide infrastructure required to service and mitigate the impact of development proposals. It states that all new development within the AAP boundary will be required to contribute towards necessary infrastructure improvements.
- 9.73 In September 2016, The Royal Borough of Windsor and Maidenhead adopted a Community Infrastructure Levy. A zero-rated CIL was adopted for Maidenhead Town Centre which has meant that developer contributions to strategic infrastructure are not collected through the CIL mechanism.
- 9.74 Following the removal of regulation 123 from the CIL regulations and lifting of the 'pooling restrictions' on S106 contributions in September 2019, this means that, subject to meeting the 3 tests set out in CIL regulation 122, charging authorities can use funds from both the levy and

section 106 planning obligations to pay for the same piece of infrastructure regardless of how many planning obligations have already contributed towards an item of infrastructure.

9.75 In line with policy IMP2 of the Maidenhead AAP, it is considered that contributions should be sought to fund the strategic transport infrastructure, identified in the Borough Infrastructure Delivery Plan. It is important, that the contribution sought for a planning application meets the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

9.76 In this instance, there would be a notable increase in office floorspace above the existing building, and as such it is considered the proposed development would have an impact upon transport infrastructure (transport infrastructure includes, roads, cycling links and public transport). The applicant is willing to make a contribution towards infrastructure projects. The amount needs to be agreed, and will need to meet the 3 tests mentioned above and will need to take into account the viability of the development. This will be reported in the Panel update.

10. PLANNING BALANCE AND CONCLUSION

10.1 Paragraphs 10 and 11 of the NPPF 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:

- *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*
- *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.*

10.2 Footnote 7 of the NPPF (2019) clarifies that:

'out-of-date policies 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..).'

10.3 The policies from the development plan relevant to this application are not considered to be out of date. As such, the planning balance is undertaken in the ordinary way.

10.4 It is considered that this scheme conflicts with a number of the development plan policies, and also with National Planning Policy, which is a material consideration of significant weight. However, it is important to consider whether there are material considerations which indicate that there should be a departure from the development plan. With regard to the less than substantial harm caused to the setting of the designated Heritage Asset, it needs to be considered if there are public benefits which outweigh this harm, in accordance with the requirements of the National Planning Policy Framework. Special attention also needs to be paid to Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990.

10.5 The planning statement sets out that the scheme will provide a number of benefits. These benefits are listed below, and the weight attached to these benefits is also set out below.

- *It will provide new employment floorspace in a sustainable location making a significant contribution to future employment needs.*

It is acknowledged that the scheme is in a sustainable location and will make a significant contribution to future economic needs. This benefit is given significant weight.

- *Increase the amount and quality of grade A office space in Maidenhead creating around 350 new jobs.*

It is accepted that there is a requirement for office space floorspace to be provided in Maidenhead, as set out in the Employment Land Needs in RBWM October 2019 Topic Paper. This proposal would deliver a significant amount of office floorspace. The provision of grade A office space and the generation of 350 new jobs is given significant weight as a benefit.

- *Build on the opportunity afforded by the new Elizabeth line rail link.*

This is noted, however, there are other opportunities for office development in the town centre or other edge of centre sites which are located closer to the train station than this site. This is given limited weight as a benefit.

- *Improvements to the design and appearance of this identified and prominent gateway site through the construction of an architecturally significant landmark building.*

It is not considered that the proposed building is architecturally significant. This is not given weight as a benefit.

- *Development sensitive to the setting of the adjoining Listed Building*

It is considered that the proposed development would cause less than substantial harm to the setting of the adjacent Listed Building. This is not given weight as a benefit.

- *Provide a complementary development to the Royal Borough Development Partnership proposals for 550 homes on neighbouring land to the east;*

Office use already exists at this site, and the use is considered to be compatible with the existing neighbouring uses and any future residential development. This benefit is afforded limited weight.

- *Provide a visible sign of confidence in Maidenhead and set a benchmark of design.*

The scheme is not considered to be of a benchmark design, this is given no weight as a benefit.

- *Create a new distinct quarter of Maidenhead taking into account the existing townscape, whilst making maximum use of the brownfield site;*

It is accepted that the scheme is maximising the use of a brownfield site, and this is given moderate weight as a benefit.

- *A new pedestrian access direct from the public subway improving connectivity with the town centre.*

Although a new pedestrian access from the subway to the application site will be created, it is not considered that this improvement would significantly improve pedestrian connectivity with the town centre, and so is given limited weight as a benefit.

- *New hard and soft landscaping including a variety of tree and shrub planting, including planting to the new public access from the subway.*

It is agreed that there is an opportunity to provide new meaningful landscaping as part of this development. This is given moderate weight as a benefit.

- *Provide an active frontage through the addition of a café and double height reception with informal meeting areas/collaboration spaces.*

This is given limited weight as a benefit.

- 10.6 The benefits outlined above were taken into account in the planning balance for the previously refused scheme. A greater amount of office floorspace and new jobs would have been provided in the previously refused scheme compared to this current scheme. Whilst it is considered the scheme does cause some harm to the character of the area, the scheme is not considered to be as overdeveloped as the previously refused scheme. It is considered that this scheme maximises

the use of a brownfield site. Also, in this current scheme, unlike the previously refused scheme, it is considered that new tree planting and meaningful landscaping can be provided, and so these two benefits that are given more weight in for this application, than in the previously refused scheme.

- 10.7 Whilst it is considered that less than substantial harm to the setting of the Listed Building would arise from the proposed development, the level of harm would be less than in the previously refused scheme (also considered to cause less than substantial harm). In the previously refused scheme, owing to the sheer height and mass of the proposed building there would have been significant harm to the setting of the Listed Building, whereas for this scheme there is considered to be moderate harm to the setting of the Listed building.
- 10.8 With regard to the less than substantial harm caused to the heritage asset, the NPPF requires that public benefits are weighed against this harm. The National Planning Practice Guidance sets out that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework. The NPPG further explains that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.
- 10.9 The public benefits arising from the scheme include the creation of jobs, and the provision of Grade A office space in a sustainable location. In this case, these benefits are considered to outweigh the less than substantial harm (which would be a moderate level of harm) that would be caused to the setting of the Listed Building (the designated heritage asset).
- 10.10 It is considered that this scheme is of an acceptable design, however, the scale and mass of the proposed building is considered to be too large relative to the site configuration, and in the context of neighbouring buildings. It is considered that the scheme would cause a moderate level of harm to the character of the area. It is considered that the scheme conflicts with Policy DG1 of the Adopted Local Plan DG1 and policies MTC4, MTC5 and MTC6 of the Maidenhead Area Action Plan. However, there are material considerations which weigh in favour of the proposed development. More office space is required in the Borough, and this scheme would help contribute to that, and would create employment opportunities. The office space would be Grade A, which is needed within the Borough. The scheme has sustainability benefits. The scheme will target BREEAM Excellent, it will incorporate on-site renewable energy, a green roof and electric charging bays. These weigh in favour of the application. It is considered that the benefits arising from the scheme outweigh the moderate harm caused to the character of the area. The benefits arising from the scheme are material considerations which would indicate that that planning permission being granted, despite the conflict with aforementioned development plan policies.

11 APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site layout
- Appendix C – Proposed elevations
- Appendix D – Plans for previously refused scheme.

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 Prior to the commencement of the construction of the building hereby approved, samples of the brick to be used on the building shall be submitted to and approved in writing by the LPA. The building shall be built in accordance with the approved materials.
Reason: To ensure the material used is of a high quality, given this gateway location and proximity to the Listed Building.

- 3 Prior to the commencement of the construction of the building hereby approved, plans (including details of the materials) at scale of 1:20 of entrance/ doors to the building, windows, and balustrades to roof terrace shall be submitted to and approved in writing by the LPA. The development shall be constructed in accordance with these approved details.
Reason: To ensure the development is of a high quality, given its prominent location and proximity to the adjacent Listed Building.
- 4 Plans of the new stairs and works to the entrance from the subway at a scale of 1:20, (to include a cross section), including details of the materials, and green wall shall be submitted to and approved in writing by the LPA prior to the commencement of the construction of new stairs. These works shall be carried out in accordance with the approved details.
Reason: To ensure that the new pedestrian entrance is of a high quality design.
- 5 Prior to the commencement of any works or demolition a construction management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 6 The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing: a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). A copy of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion. b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. LPA. This must be conducted in accordance with the Environment Agency Land Contamination Risk Assessment, formerly CLR11 Model Procedures for the Management of Land Contamination.
- 7 Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA. Remediation of the site shall be carried out in accordance with the approved remedial option. This must be conducted in accordance with DEFRA and the Environment Agency's 'Land contamination risk assessment'. Reason: To ensure the proposed remediation plan is appropriate.
- 8 On completion of remediation, a closure report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.
- 9 If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately, and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.
- 10 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.

The development shall be undertaken in accordance with the approved plan.

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

- 11 Prior to the commencement of the construction of the rooftop plant, details of the plant, including manufactures specification, and details of the acoustic measures to be used shall be submitted to and approved in writing by the LPA. The plant and acoustic measures shall be constructed in accordance with the approved details, and shall be maintained in good working order for the lifetime of the development.

Reason: To ensure the development does not in result in an unacceptable level of noise.

- 12 Prior to the commencement of construction of the building hereby approved, details of the soft landscaping scheme, which shall include wildlife friendly landscaping, shall be submitted to and approved in writing by the LPA. These landscaping works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

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

- 13 Prior to the commencement of construction of the building hereby approved, details of the materials of hard surfacing to the car parking area, vehicular access and pedestrian routes shall be submitted to and approved in writing by the LPA. The development shall be constructed in accordance with these approved details.

Reason: to ensure a satisfactory appearance of development.

- 14 Prior to the erection of the visitor cycle parking, details of the cycle storage shall be submitted to and approved in writing by the LPA. The development shall be constructed in accordance with the approved details.

Reason: To ensure it is of an acceptable appearance.

- 15 Prior to the commencement of construction of the building hereby approved, details of the green roof (including details of its maintenance) at rooftop level shall be submitted to and approved in writing by the LPA. The green roof shall be implemented and maintained in accordance with the approved details.

Reason: To ensure a satisfactory form of development, and to secure sustainability benefits of the scheme.

- 16 The photovoltaic panels shall be provided in accordance with the approved plan, prior to the first occupation of the building hereby approved.

Reason: To secure a sustainability benefit of the proposal, and to accord with NPPF and National Design Guide

- 17 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety.

- 18 Details of the biodiversity enhancements and wildlife friendly landscaping (including timeframes of then they are to be implemented) shall follow the recommendations given in section 4 of the ecology survey report (The Ecology Consultancy - dated 17 June 2020 - job ref: 7554.2) and

shall be submitted to and approved in writing by the LPA prior to the commencement of construction of the building hereby approved. The approved biodiversity and enhancements and landscaping are to be installed in accordance with the approved timeframes .

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

- 18 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall always thereafter be kept available for the parking of cycles in association with the development.

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

- 19 The car park shall have 4 active electric vehicle charging points, with the remaining spaces be designed as passive.

Reason: To secure a benefit of the application, and to accord with paragraph 110 of the NPPF.

- 20 Prior to the erection of the boundary treatment, plans of the boundary treatment shall be submitted to and approved in writing by the LPA. The boundary treatment shall be constructed in accordance with the approved details.

Reason: to ensure it is has a satisfactory appearance, and respects the setting of the adjacent Listed Building.

- 21 The construction of the surface water elements shall be carried out in line with the drawings submitted as part of this application. Any changes/deviations from the details provided shall be submitted to the LPA for approval before construction of the building hereby approved. Details of the maintenance arrangements relating to the proposed surface water drainage system confirming who will be responsible for its maintenance and the maintenance regime to be agreed in writing by the LPA prior to occupation of the building. The approved surface water drainage system shall be implemented in accordance with the approved detailed design prior to the first occupation of the building hereby approved and maintained thereafter.

Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

- 22 Unless otherwise agreed in writing by the Local Planning Authority, the building hereby approved shall achieve a BREEAM excellent standard. A BREEAM post completion report of the building shall be carried out by a licensed BREEAM assessor within six months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates, a copy of the post completion report shall be submitted to the Local Planning Authority.

Reason: To secure a sustainability benefit of the scheme.

- 23 The building hereby approved shall be used as an office, with associated cafe only.

Reason: One of material considerations for allowing this development, is that this would provide office floorspace, which is required in the Borough.

- 24 Prior to the commencement of construction of the building hereby approved, plans at a scale of 1:20, including cross sections showing the new pedestrian entrance from Cookham Road, which shall show details of existing and proposed ground levels shall be submitted to and approved in writing by the LPA. The development shall be constructed in accordance with the approved details.

Reason: To ensure that the new pedestrian entrance is of an acceptable gradient and is of a satisfactory appearance.

- 25 No development shall commence until detailed plans showing the existing and proposed ground levels of the site, relative to a fixed datum point on adjoining land outside the application site, have been 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 a satisfactory appearance of development.

- 26 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

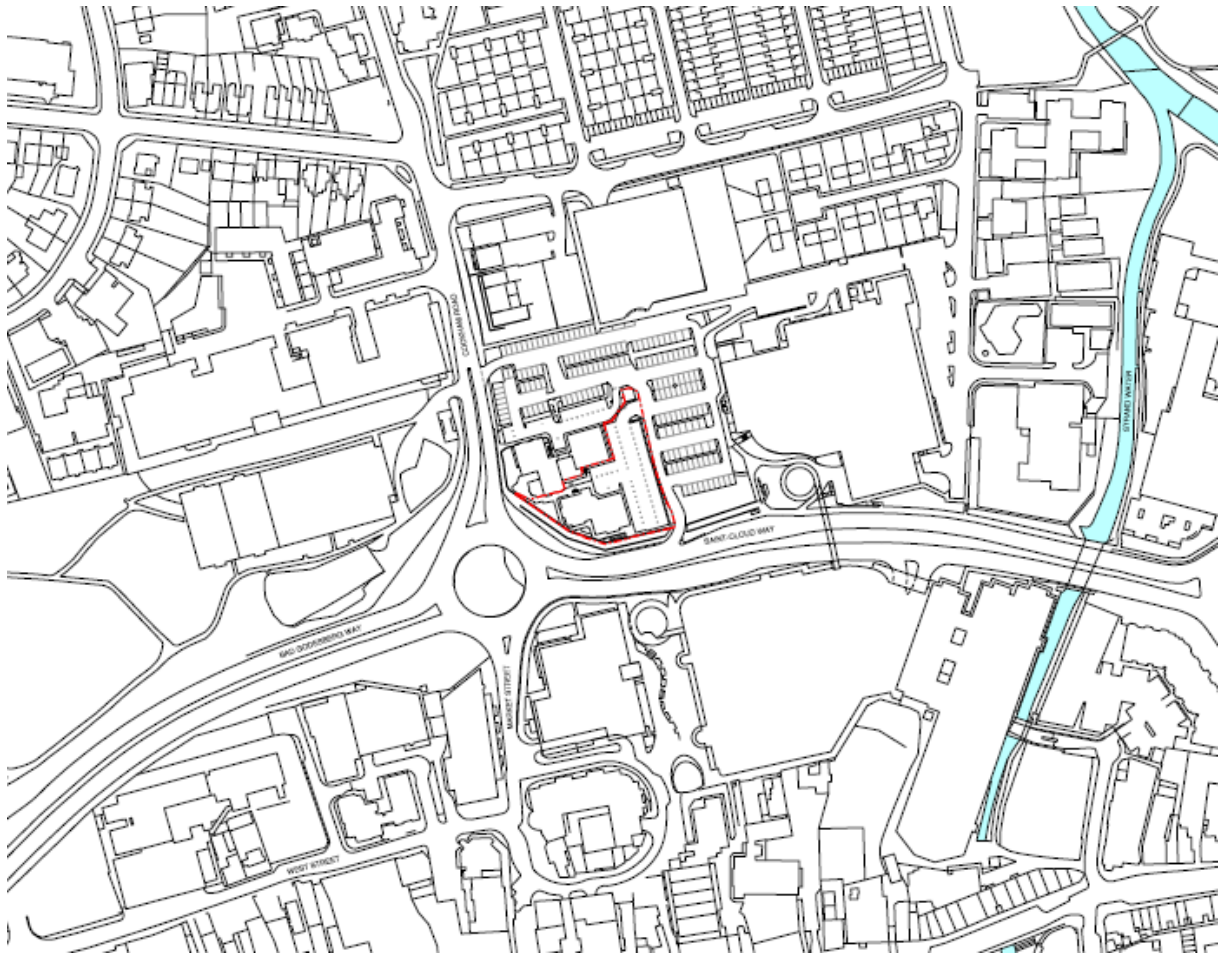
- 1 The building, trees, and other vegetation where birds may nest which are to be demolished or removed as part of the development, are to be demolished/cleared outside the bird-nesting

season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

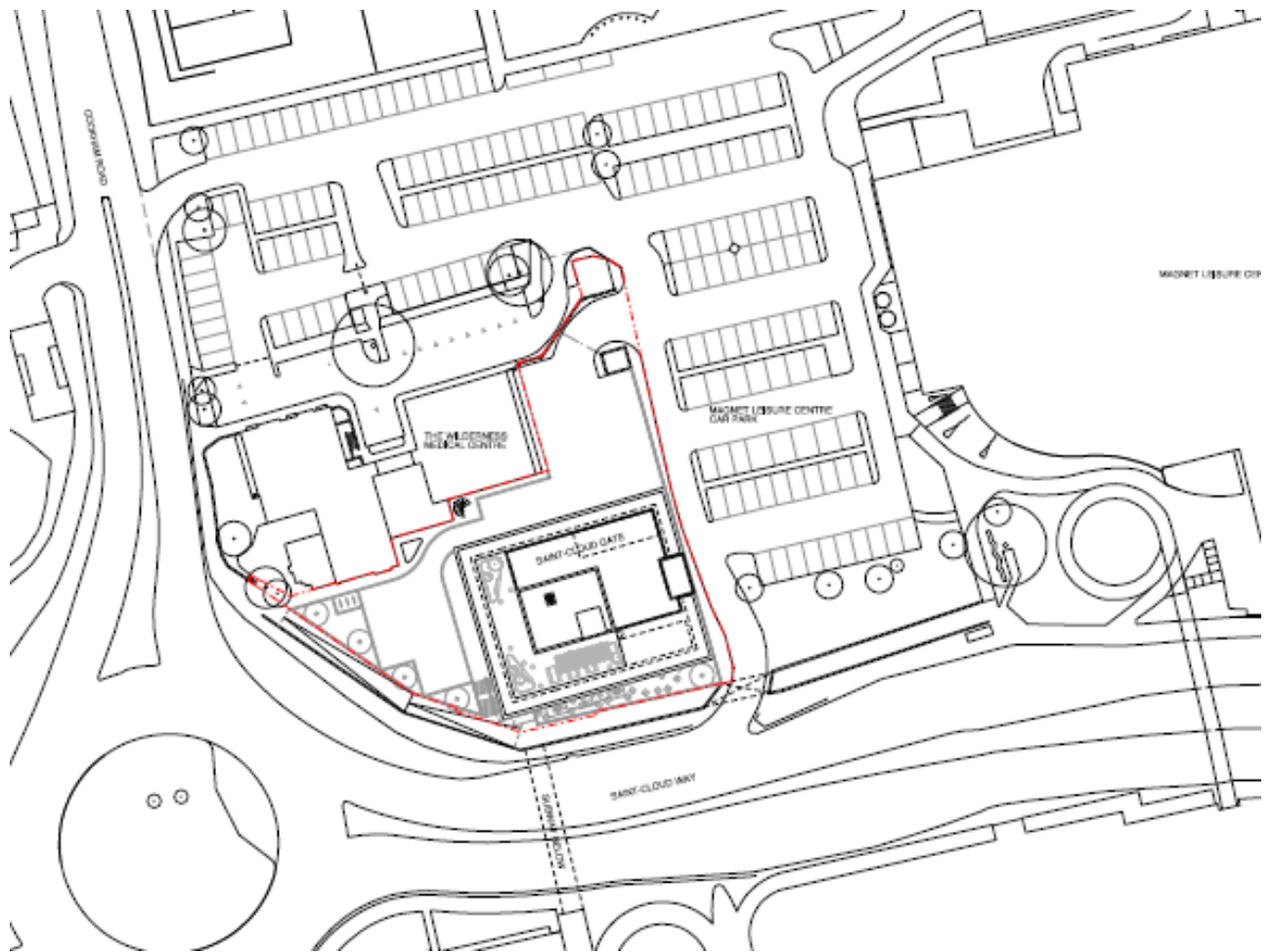
- 2 The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities

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Appendix A- Site location plan



Appendix B- Proposed site layout



Proposed south elevation



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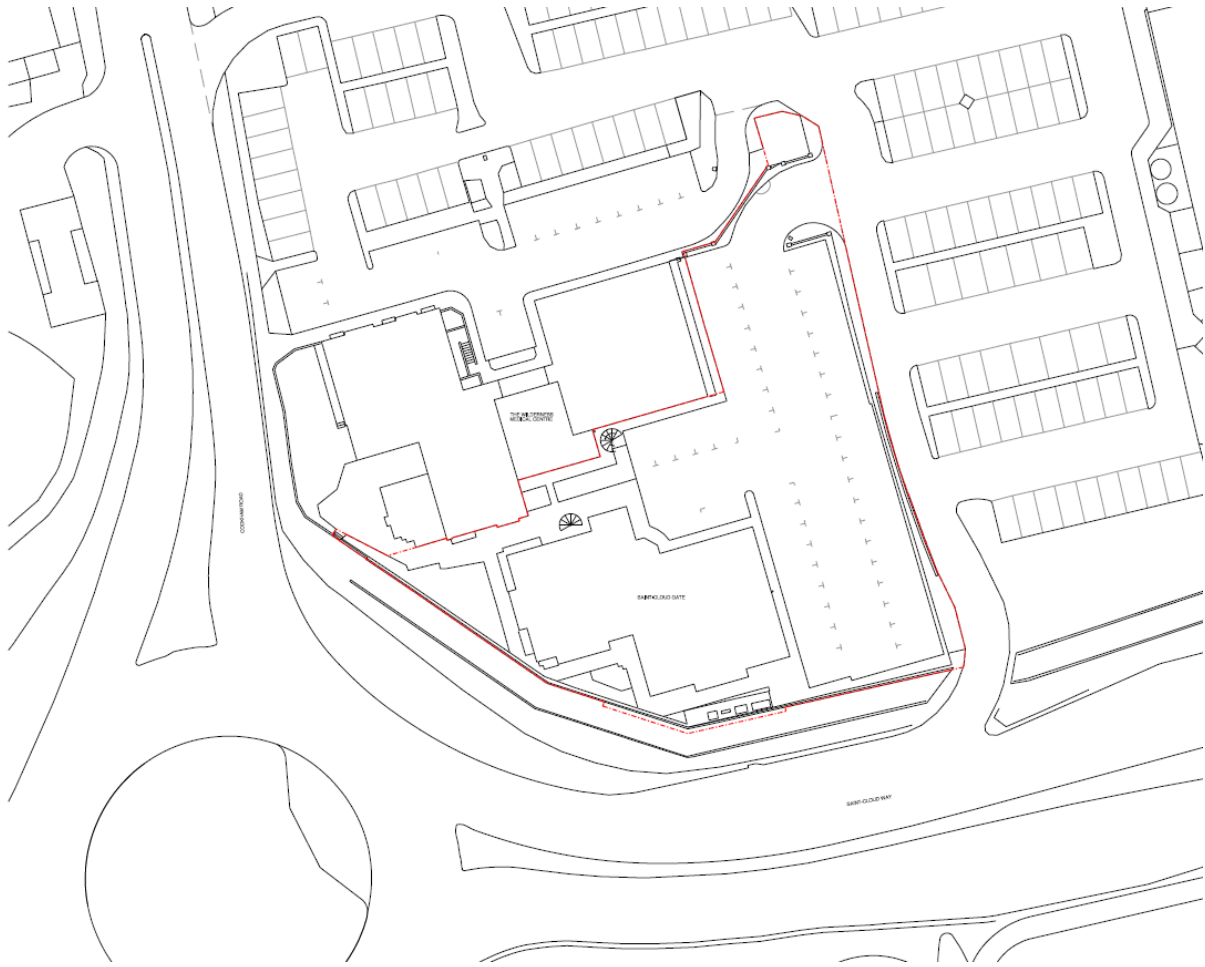
Proposed western elevation



Proposed eastern elevation



Appendix D- Previously refused scheme



Proposed south elevaiton



Proposed north elevation



Proposed west elevation



Proposed east elevation



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Agenda Item 9

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

Planning Appeals Received

9 October 2020 - 9 November 2020

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 Plns 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.: 20/60080/REF **Planning Ref.:** 20/00818/FULL **Plns Ref.:** APP/TO355/D/20/3259335
Date Received: 9 October 2020 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Part two storey part single storey rear extension (Retrospective).
Location: **45 Summerleaze Road Maidenhead SL6 8EW**
Appellant: Mr Mohammed Shafiq Khan c/o Agent: Mr Ehsan Ul-Haq ArchiGrace Ltd 50 Two Mile Drive Slough SL1 5UH

Ward:
Parish: Windsor Unparished
Appeal Ref.: 20/60081/REF **Planning Ref.:** 19/01900/FULL **Plns Ref.:** APP/T0355/W/20/3258778
Date Received: 20 October 2020 **Comments Due:** 24 November 2020
Type: Refusal **Appeal Type:** Written Representation
Description: Part three storey/part two storey rear extension with front and rear dormers and balconies to facilitate accommodation in the roofspace, glass canopy over existing terrace with replacement fire escape, replacement entrance doors to the car park, 2no. air conditioning units and new signage following part demolition of the existing building.
Location: **Sir Christopher Wren Hotel And Spa Thames Street Windsor SL4 1PX**
Appellant: Sir Christopher Wren Hotel And Spa c/o Agent: Mr Thomas Copp CGMS 20 Farringdon Street London EC4A 4AB

Ward:
Parish: Windsor Unparished
Appeal Ref.: 20/60082/REF **Planning Ref.:** 19/01901/LBC **Plns Ref.:** APP/T0355/Y/20/3258782
Date Received: 20 October 2020 **Comments Due:** 24 November 2020
Type: Refusal **Appeal Type:** Written Representation
Description: Consent for part three storey/part two storey rear extension with front and rear dormers and balconies to facilitate accommodation in the roofspace, glass canopy over existing terrace with replacement fire escape, replacement entrance doors to the car park, 2no. air conditioning units, new signage and internal alterations following part demolition of the existing building.
Location: **Sir Christopher Wren Hotel And Spa Thames Street Windsor SL4 1PX**
Appellant: Sir Christopher Wren Hotel And Spa c/o Agent: Mr Thomas Copp CGMS 20 Farringdon Street London EC4A 4AB

Ward:
Parish: Wraysbury Parish
Appeal Ref.: 20/60083/REF **Planning Ref.:** 20/01171/FULL **Plns Ref.:** APP/T0355/D/20/3258306
Date Received: 27 October 2020 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Construction of a single storey front extension, first floor front extension, raising of the main ridge height with hipped roof, ground floor side infill extension and replacement of the existing flat roof of the rear dormer with 3no. gable sections, rear balcony and alterations to fenestration following the demolition of the existing garage.
Location: **4 Hythe End Road Wraysbury Staines TW19 5AR**
Appellant: Mr Sam Oxlade **c/o Agent:** Mr Kevin Turner Kevin J Turner FRICS 64 Wood Road Shepperton TW17 0DX

Ward:
Parish: Wraysbury Parish
Appeal Ref.: 20/60084/REF **Planning Ref.:** 20/00977/FULL **Plns Ref.:** APP/T0355/W/20/3257386
Date Received: 29 October 2020 **Comments Due:** 3 December 2020
Type: Refusal **Appeal Type:** Written Representation
Description: Erection of a new dwelling following demolition of existing dwelling and outbuilding.
Location: **63 The Avenue Wraysbury Staines TW19 5EY**
Appellant: Mr S Marston **c/o Agent:** Mr Andy Meader Pegasus Group Colombia Station Road Bracknell Berkshire RG12 1LP

Ward:
Parish: Cox Green Parish
Appeal Ref.: 20/60085/REF **Planning Ref.:** 20/01955/FULL **Plns Ref.:** APP/T0355/D/20/3261309
Date Received: 3 November 2020 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Part single, part two storey front extension.
Location: **4 Winchester Drive Maidenhead SL6 3AH**
Appellant: S Krishnamurthy **c/o Agent:** Mr Stephen Varney Stephen Varney Associates Siena Court The Broadway Maidenhead SL6 1NJ

Ward:
Parish: Shottesbrooke Parish
Appeal Ref.: 20/60086/ENF **Enforcement Ref.:** 20/50175/ENF **Plns Refs.:** APP/T0355/C/20/3258992
Date Received: 3 November 2020 **Comments Due:** 15 December 2020
Type: Enforcement Appeal **Appeal Type:** Written Representation
Description: Appeal against the Enforcement notice: Without planning permission, the erection of three large barns and associated feed silos.
Location: **Longwood Farm Smewins Road White Waltham Maidenhead SL6 3SR**
Appellants: Mr Robert Taylor and Mrs Jodie Taylor Longwood Farm, Smewins Road, White Waltham, Maidenhead, SL6 3SR.

Ward:
Parish: Bisham Parish
Appeal Ref.: 20/60087/ENF **Enforcement Ref.:** 20/50033/ENF **Plns Ref.:** APP/T0355/C/20/3258519
Date Received: 4 November 2020 **Comments Due:** 16 December 2020
Type: Enforcement Appeal **Appeal Type:** Written Representation
Description: Appeal against the Enforcement notice: Erection of fencing, subdivision of land in to plots and installation of septic tank.
Location: **Pound Meadow Temple Lane Bisham Marlow SL7 1SA**
Appellant: Mr Mark Vali **c/o Agent:** Mr Geoff Douglass Pelham Planning Associates Ltd 2 Stag Leys Ashted Surrey KT21 2TD

Ward:
Parish: Wraysbury Parish
Appeal Ref.: 20/60088/REF **Planning Ref.:** 20/02201/FULL **Plns Ref.:** APP/T0355/D/20/

Date Received:	5 November 2020	Comments Due:	Not Applicable
Type:	Refusal	Appeal Type:	Householder Appeal
Description:	Single storey front extension, part two storey part first floor infill and front extension with x1 front dormer and undercroft, raising of the main roof ridge height with hipped roof and x1 front rooflight, replacement roof to the existing rear dormer, rear balcony and alterations to fenestration, following demolition of the existing garage.		
Location:	4 Hythe End Road Wraysbury Staines TW19 5AR		
Appellant:	Mr Sam Oxlade c/o Agent: Mr Kevin John Turner Kevin J Turner FRICS Chartered Surveyor 64 Wood Road Shepperton TW17 0DX		
Ward:			
Parish:	Bray Parish	Planning Ref.:	19/00063/FULL
Appeal Ref.:	20/60089/REF	Plns Ref.:	APP/T0355/W/20/3256185
Date Received:	6 November 2020	Comments Due:	11 December 2020
Type:	Refusal	Appeal Type:	Hearing
Description:	Extension to existing maintenance building and showman's store		
Location:	Stevens Yard Kimbers Lane Farm Oakley Green Road Oakley Green Windsor SL4 4QF		
Appellant:	Mr P Stevens - PWS Rides Ltd c/o Agent: Mr Stuart Vendy Cunnane Town Planning LLP PO Box 305 Manchester M21 3BQ		

Appeal Decision Report

7 October 2020 - 9 November 2020

Appeal Ref.:

19/60080/REF

Planning Ref.:

19/00359/FULL

Plns Ref.:

APP/T0355/W/19/
3234510

Appellant:

Mr Bangs **c/o Agent:** Mr Tom Brooks Icen Projects Ltd Da Vinci House 44 Saffron Hill London EC1N 8FH

Decision Type:

Delegated

Officer Recommendation:

Refuse

Description:

Alterations to chimneys to lower height and install new chimney pots, removal of two sections of pitched roof and replacement with flat roof, removal of chimney stack and alterations to fenestration (Part Retrospective).

Location:

Old Gunsbrook House Twyford Road Waltham St Lawrence Reading RG10 0HE

Appeal Decision:

Dismissed

Decision Date:

15 October 2020

Main Issue:

The Inspector identified the main issues to be the preservation of the Grade II listed building Old Gunsbrook House and its features of special architectural and historic interest, as well as the preservation or enhancement of the Waltham St Lawrence Conservation Area. The Inspector's assessment of each of the works in the application accords with the LPA's assessment, finding each element to cause less than substantial harm to the significance of the listed building and, where applicable, to the Conservation Area. The Inspector concludes that the works already undertaken have caused great harm to the special interest of the listed building and the proposed works would cause additional harm, amounting to unacceptable restoration and alteration to the historic building. Therefore, the Inspectors consider that the benefits identified in the evidence, each given moderate weight, do not outweigh the harms identified, either individually or cumulatively, such that planning permission or listed building consent should be granted. Overall, the works are found to conflict with the development plan as a whole.

Appeal Ref.:

19/60086/REF

Planning Ref.:

19/00360/LBC

Plns Ref.:

APP/T0355/Y/19/323
4509

Appellant:

Mr Bangs **c/o Agent:** Mr Tom Brooks Icen Projects Ltd Da Vinci House 44 Saffron Hill London EC1N 8FH

Decision Type:

Delegated

Officer Recommendation:

Refuse

Description:

Application for internal and external works to Grade II listed building. Seeking consent to retain: removal of modern partitions, fixtures, fittings, finishes and services; internal refurbishment and joinery works; works to fireplaces; new window openings; new internal door openings; alteration of chimneys and roofs. Seeking consent for: completion of internal refurbishment works, including flagstone flooring and joinery to historic patterns; works to fireplaces; completion of unfinished window openings; reinstatement of external infill brickwork; new external and internal doors to historic patterns; completion of unfinished roofs in traditional materials.

Location:

Old Gunsbrook House Twyford Road Waltham St Lawrence Reading RG10 0HE

Appeal Decision:

Dismissed

Decision Date:

15 October 2020

Main Issue:

The Inspector identified the main issues to be the preservation of the Grade II listed building Old Gunsbrook House and its features of special architectural and historic interest, as well as the preservation or enhancement of the Waltham St Lawrence Conservation Area. The Inspector's assessment of each of the works in the application accords with the LPA's assessment, finding each element to cause less than substantial harm to the significance of the listed building and, where applicable, to the Conservation Area. The Inspector concludes that the works already undertaken have caused great harm to the special interest of the listed building and the proposed works would cause additional harm, amounting to unacceptable restoration and alteration to the historic building. Therefore, the Inspectors consider that the benefits identified in the evidence, each given moderate weight, do not outweigh the harms identified, either individually or cumulatively, such that planning permission or listed building consent should be granted. Overall, the works are found to conflict with the development plan as a whole and the appeal is dismissed.

Appeal Ref.: 19/60107/REF **Planning Ref.:** 19/01465/TPO **Plns Ref.:** APP/TPO/T0355/7654
Appellant: Mr Alan Langton Chalkwood House Hockett Lane Cookham Maidenhead SL6 9UF
Decision Type: **Officer Recommendation:** Refuse
Description: (T1) Cupressus Macrocarpa - cut back overhanging branches.
Location: **Hollow Drift Hockett Lane Cookham Maidenhead SL6 9UF**

Appeal Ref.: 19/60117/REF **Planning Ref.:** 18/02551/FULL **Plns Ref.:** APP/T0355/W/19/3239148
Appellant: Mr Tariq Majeed **c/o Agent:** Mr Tim Isaac Tim Isaac Architectural Design 80 Fairview Road Taplow Maidenhead SL6 0NQ
Decision Type: Committee **Officer Recommendation:** Refuse
Description: Part change of use of ground floor from A3 (restaurant) to C3 (residential), part demolition of existing conservatory, construction of second floor side and rear extension, and raising of roof at rear, to accommodate for the addition of 3 flats
Location: **Thai Spoon 3 Nicholsons Lane Maidenhead SL6 1HR**
Appeal Decision: Dismissed **Decision Date:** 21 October 2020
Main Issue: The Inspector concluded that the proposal would harm the special interest of the Listed building and the character and appearance of the Conservation Area. They considered that the scheme would be contrary to Saved Policies DG1, LB2 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan 2003, and Policies SP3 and HE1 of the emerging Borough Local Plan, which together seek to ensure that development proposals secure good design and conserve the area's heritage assets.

Appeal Ref.: 20/60035/ENF **Enforcement Ref.:** 17/50102/ENF **Plns Ref.:** APP/T0355/C/20/3245392
Appellant: Vernon James Neil Moss **c/o Agent:** Mr John Hunt Pike Smith And Kemp Rural And Commercial Ltd The Old Dairy Hyde Farm Marlow Road Maidenhead SL6 6PQ
Decision Type: **Officer Recommendation:**
Description: Appeal against the Enforcement Notice: Without planning permission the change of use of the land to store vehicles.
Location: **Beenhams Farm Beenhams Heath Shurlock Row Reading**
Appeal Decision: Quashed **Decision Date:** 22 October 2020

Appeal Ref.: 20/60036/COND **Planning Ref.:** 19/01783/FULL **Plns Ref.:** APP/T0355/W/20/3248054
Appellant: Mrs Lucy Pickering 116 Woodlands Road Ashurst Southampton Hampshire SO40 7AL
Decision Type: Delegated **Officer Recommendation:** Application Permitted
Description: Construction of 2no. dwellings (part retrospective).
Location: **Land Opposite Lenore Cottage Rolls Lane Holyport Maidenhead SL6 2JQ**
Appeal Decision: Dismissed **Decision Date:** 16 October 2020
Main Issue: The imposition of Condition 11 on planning application No. 19/01783/FULL is clearly justified and meets the tests required for the imposition of conditions on planning applications.

Appeal Ref.: 20/60041/REF **Planning Ref.:** 20/00054/FULL **Plns Ref.:** APP/T0355/W/20/3250360

Appellant: Mr M Lewington **c/o Agent:** Mr Collin Goodhew Goodhew Design And Build Sheephouse Cottage Sheephouse Road Maidenhead Berkshire SL6 8HB

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Construction of 2no. four bedroom semi-detached dwellings following demolition of the existing dwelling and garage.

Location: **81 Furze Platt Road Maidenhead SL6 7NQ**

Appeal Decision: Dismissed **Decision Date:** 2 November 2020

Main Issue: The crown roof form of the proposed dwellings are considered to be contrived and of poor design. The crown roofs would contrast with the pitched roofs of other dwellings within the area. Due to their poor roof design and prominent location, the new dwellings would form an incongruous addition to the streetscene, which would be clearly visible from the public realm and surrounding properties. Collectively, these matters would result in unacceptable harm to the character and appearance of the area. The proposal is therefore considered to be contrary to policies DG1 and H10 of the Local Plan, as well as relevant design guidance contained within the NPPF (2019).

Appeal Ref.: 20/60044/REF **Planning Ref.:** 19/01222/FULL **Plns Ref.:** APP/T0355/W/20/3248510

Appellant: Cornerstone, Telefonica UK LTD And Vodafone LTD **c/o Agent:** Mr Norman Gillan Gillan Consulting 4B Craiguchty Terrace Aberfoyle Stirling FK8 3UH

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Telecommunications installation comprising 4no. pole mounted antennas, 4no. equipment cabinets on steel grillage RRUs, ERS, luminars and a fire alarm sounder installed on the lower roof on the West side of the building behind a GRP enclosure, replacement of existing window with a new access doorway to enclosure with steps, along with 2no. externally antennas on wall mounted support poles, 2no. GPS modules, wall mounted RRUs and ERS toward the Eastern end of the building, new cable trays to run internally, replacement of existing external access ladder and development ancillary thereto. Installation of 2no. antennas behind a GRP (glass reinforced plastic) screen, 1no. pole mounted antenna and 4no. equipment cabinets all at roof level, along with development ancillary thereto.

Location: **Theatre Royal 31 - 32 Thames Street Windsor SL4 1PS**

Appeal Decision: Dismissed **Decision Date:** 7 October 2020

Main Issue: The Inspector found that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building and the character and appearance of the Windsor Town Centre Conservation Area. Hence, the proposal would fail to satisfy the requirements of the Act, paragraphs 127, 192, 193 and 194 of the Framework and conflicts with Policies DG1, CA2, LB2 and TEL1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (including Adopted Alterations, 2003) (the LP). The Inspector accepted that there are social and economic benefits of the proposal, however concluded that the public benefits do not provide a clear and convincing justification to outweigh the great weight to be given to the less than substantial harm to the Grade II Listed Building (Theatre Royal) and the Windsor Town Centre Conservation Area.

Appeal Ref.: 20/60045/REF **Planning Ref.:** 19/01223/LBC **Plns Ref.:** APP/T0355/Y/20/3248512

Appellant: Cornerstone Telefonica UK Ltd And Vodafone Ltd **c/o Agent:** Mr Norman Gillan Gillan Consulting 4B Craiguchty Terrace Aberfoyle Stirling FK8 3UH

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Consent for the telecommunications installation comprising 4no. pole mounted antennas, 4no. equipment cabinets on steel grillage RRUs, ERS, luminars and a fire alarm sounder installed on the lower roof on the West side of the building behind a GRP enclosure, replacement of existing window with a new access doorway to enclosure with steps, along with 2no. externally antennas on wall mounted support poles, 2no. GPS modules, wall mounted RRUs and ERS toward the Eastern end of the building, new cable trays to run internally, replacement of existing external access ladder and development ancillary thereto. Installation of 2no. antennas behind a GRP (glass reinforced plastic) screen, 1no. pole mounted antenna and 4no. equipment cabinets all at roof level, along with development ancillary thereto.

Location: **Theatre Royal 31 - 32 Thames Street Windsor SL4 1PS**

Appeal Decision: Dismissed **Decision Date:** 7 October 2020

Main Issue: The Inspector found that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building and the character and appearance of the Windsor Town Centre Conservation Area. Hence, the proposal would fail to satisfy the requirements of the Act, paragraphs 127, 192, 193 and 194 of the Framework and conflicts with Policies DG1, CA2, LB2 and TEL1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (including Adopted Alterations, 2003) (the LP). The Inspector accepted that there are social and economic benefits of the proposal, however concluded that the public benefits do not provide a clear and convincing justification to outweigh the great weight to be given to the less than substantial harm to the Grade II Listed Building (Theatre Royal) and the Windsor Town Centre Conservation Area

Appeal Ref.: 20/60046/REF **Planning Ref.:** 19/03203/FULL **Plns Ref.:** APP/T0355/W/20/3253919

Appellant: Eton College **c/o Agent:** Mr John Bowles Savills (UK) Ltd 33 Margaret Street London W1G 0JD

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Single storey rear extension with new first floor above to create x1 first floor flat with x1 rear terrace.

Location: **Garages Rear of High Street Eton And 127 To 128 High Street Eton Windsor**

Appeal Decision: Dismissed **Decision Date:** 7 October 2020

Main Issue: The Inspector found harm in respect of both appeals in relation to the Grade II listed building and the character of the Eton Conservation Area; and harm in relation to this appeal in terms of the location of the development in respect of the risk of flooding and outlook for future occupiers of the proposed dwelling, and there are no other considerations which would outweigh these findings.

Appeal Ref.: 20/60047/REF **Planning Ref.:** 19/03204/LBC **Plns Ref.:** APP/T0355/Y/20/3253920

Appellant: Eton College **c/o Agent:** Mr John Bowles Savills (UK) Ltd 33 Margaret Street London W1G 0JD

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Consent for the construction of a single storey rear extension with new first floor above to create x1 first floor flat with x1 rear terrace and internal alterations.

Location: **Garages Rear of High Street Eton And 127 To 128 High Street Eton Windsor**

Appeal Decision: Dismissed **Decision Date:** 7 October 2020

Main Issue: The Inspector found harm in respect of both appeals in relation to the Grade II listed building and the character of the Eton Conservation Area.

Appeal Ref.: 20/60052/REF **Planning Ref.:** 19/03042/VAR **Plns Ref.:** APP/T0355/W/20/3250941

Appellant: Mr David Hunter **c/o Agent:** Mr Paul Davey Davey Designs Ltd 10 Chantry Road Maidenhead Berkshire SL6 1TS

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Variation (under Section 73) of Condition 12 (Approved Plans) to substitute those plans approved under 18/03507/FULL for the two storey front extension, two storey rear extension, loft conversion with new front and side facing dormers, sub-division to create 5 X one bedroom flats with bin and cycle stores following demolition of the existing garage with amended plans.

Location: **1 The Avenue Old Windsor Windsor SL4 2RS**

Appeal Decision: Dismissed **Decision Date:** 19 October 2020

Main Issue: The Inspector considered that the introduction of a flat roof section would reduce the valley between the rear gables and complicate the appearance of the well-defined roof form and simple appearance of the pitches. The inspector considered that the proposal would appear incongruous and therefore materially harm the established roofscape that contributes to the character of the area.

Appeal Ref.: 20/60059/REF **Planning Ref.:** 19/01181/FULL **Plns Ref.:** APP/T0355/W/20/3254648

Appellant: Mr Davidson **c/o Agent:** Mr John Hunt Pike Smith And Kemp Rural And Commercial Ltd The Old Dairy Hyde Farm Marlow Road Maidenhead SL6 6PQ

Decision Type: Committee **Officer Recommendation:** Refuse

Description: Change of use of the land to allow for the siting of up to x55 residential park homes, following demolition of existing buildings.

Location: **Queens Head Windsor Road Water Oakley Windsor SL4 5UJ**

Appeal Decision: Dismissed **Decision Date:** 8 October 2020

Main Issue: The proposed development would cause substantial harm to the openness of the Green Belt, it would also cause substantial harm to the Green Belt as it is by definition 'inappropriate development'. No very special circumstances have been demonstrated to outweigh the developments substantial harm to the Green Belt. The proposed development is therefore contrary to paragraphs 133-147 of the NPPF (2019); warranting its refusal. Furthermore the Tilted Balance (set out in paragraph 11 of the NPPF) does not fall in favour of this development due to its failure to comply with Green Belt planning guidance set out in the NPPF (2019).

Appeal Ref.: 20/60063/REF **Planning Ref.:** 20/00674/FULL **Plns Ref.:** APP/T0355/W/20/3254430

Appellant: Mr Wayne Owen c/o **Agent:** Mr Spencer Copping WS Planning & Architecture Europe House Bancroft Road Reigate RH2 7RP

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Construction of 1no. detached three bedroom dwelling following the demolition of the existing dwelling.

Location: **Queen Acre Cottage Windsor Road Water Oakley Windsor SL4 5UJ**

Appeal Decision: Dismissed **Decision Date:** 23 October 2020

Main Issue: The proposed dwelling would be materially larger than the building(s) it replaces. Furthermore due to its increased height and bulk, the development would have a greater impact on the openness of the Green Belt when compared with existing development on the site. The proposal is therefore considered to be inappropriate development in the Green Belt. Additionally the proposal would cause limited harm to the character of the area through the introduction of a contemporary, domestic building in an otherwise semi-rural setting. The harm caused to Green Belt through the developments inappropriateness and harm to the areas character would not be clearly outweighed by other considerations. As such very special circumstances do not exist to justify the development.

Appeal Ref.: 20/60064/REF **Planning Ref.:** 20/00472/FULL **Plns Ref.:** APP/T0355/D/20/3255349

Appellant: Dr Elek Bolygo c/o **Agent:** Mr David Holmes 34 School Close Downley High Wycombe HP13 5TR

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Raising of ridge height, new roof with 2no. front, 1no. side and 1no. rear dormers to facilitate habitable accommodation. Garage conversion, veranda to rear elevation, single storey rear extension and replacement of flat roof to pitched over annexe.

Location: **4 Boyn Hill Road Maidenhead SL6 4JB**

Appeal Decision: Allowed **Decision Date:** 26 October 2020

Main Issue: The main issue is the effect of the proposal on the character and appearance of the host dwelling and surrounding area. The Inspector disagrees with the LPA's view that the roof form resulting from the proposed development would be of excessive scale and visual bulk. Having regard to the existing dwelling and the diverse streetscape, the view is taken by the Inspector that the proposal would represent a good design and would not harm the character and appearance of the host dwelling or surrounding area. No other considerations are identified to indicate refusal. Therefore, with the inclusion of necessary conditions, the appeal is allowed.

Appeal Ref.: 20/60068/REF **Planning Ref.:** 20/00956/FULL **Plns Ref.:** APP/T0355/D/20/3255779

Appellant: Mr And Mrs Hardial And Manpreet Shergill c/o **Agent:** Mr Paul Chaston GC Planning Partnership Ltd Bedford I-Lab Stannard Way Priory Business Park Bedford Bedfordshire MK44 3RZ

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Part single/part two storey rear extension, first floor side extension, single storey front extension with canopy and front lean to roof to garage.

Location: **12 Cannock Close Maidenhead SL6 1XB**

Appeal Decision: Allowed **Decision Date:** 16 October 2020

Main Issue: The Inspector considered that taking into account the existing flood defences, and having regard to the fallback position of what could be carried out under 'permitted development' rights, despite the element of conflict with the development plan the Inspector identified, he found that the proposal would not result in unacceptable risk to flooding.

Appeal Ref.: 20/60069/REF **Planning Ref.:** 20/00382/FULL **Plns Ref.:** APP/T0355/D/20/3255989

Appellant: Mr Umar Subhani **c/o Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead SL6 5EY

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: First floor rear extension, construction of a new roof to provide extended accommodation at second floor and alterations to fenestration.

Location: **Ellenbury 22 Florence Avenue Maidenhead SL6 8SJ**

Appeal Decision: Allowed **Decision Date:** 9 October 2020

Main Issue: In allowing the appeal the Inspector found that, the proposal would not harm the character and appearance of the area. There is no conflict with policy DG1 and H14 of the Royal Borough of Windsor and Maidenhead Local Plan 2003 (LP). These policies seek, amongst other things, that house extensions do not have an adverse effect upon the character and appearance of the original property or street scene. The Inspector identified no conflict with Appendix 12 of the LP which seeks, amongst other things, that house extensions are of a good design. The Inspector identified no conflict with section 12 of the Framework, which seeks amongst other things, that development is of a high quality design.
