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NOTICE

OF

MEETING

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Royal Borough of Windsor & Maidenhead

ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 3RD MARCH, 2021

At 6.15 pm

in the

VIRTUAL MEETING - ONLINE ACCESS ON YOUTUBE

TO: MEMBERS OF THE ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS PHIL HASELER (CHAIRMAN), DAVID CANNON (VICE-CHAIRMAN), JOHN BOWDEN, 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 SHELIM, HELEN TAYLOR AND JON DAVEY

Karen Shepherd – Head of Governance - Issued: 23 February 2021

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

ITEM	SUBJECT	PAGE NO
1.	APOLOGIES FOR ABSENCE To receive any apologies for absence.	-
2.	DECLARATIONS OF INTEREST To receive any declarations of interest.	3 - 4
3.	20/01251/OUT - SITE KNOWN AS NICHOLSON QUARTER BOUND BY HIGH STREET AND BROADWAY - MAIDENHEAD *PROPOSAL: Hybrid planning application (part-outline, part-full) for comprehensive mixed-use redevelopment of the site including: (1) OUTLINE planning application (with all matters reserved) for four buildings that range in height, with the highest being 88.70m AOD and the lowest being 66.20m AOD, on the site for a comprehensive mixed-use redevelopment comprising: Residential Institutions (Class C2) - up to 29,400 m2 (GEA); Business Use (Class B1) - up to 29,700 m2 (GEA); Flexible Retail, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways, non-residential institutions and assembly and leisure (Class A1 / A2 / A3 / A4 / A5 / D1 / D2) - up to 4,400 m2 (GEA); Parking and plant space - up to 13,600 m2 (GEA); Formation of new pedestrian and vehicular access; Means of access and circulation and car parking within the site; and Provision of new public open space and landscaping. (2) FULL planning application for the demolition of all existing buildings on site, except Nicholsons House and Brock House, site preparation, construction of two residential buildings comprising 25 storeys, and part 15/part 10 storey and a landscaped podium (Class C3), construction of a 4 storey office building (Class B1), the provision of a new public open space, and landscaping and the erection of a multi-storey car park and flexible retail, financial and professional services, restaurant and cafes, drinking establishments, assembly and leisure uses (Class A1 / A2 / A3 / A4 / A5 / D1 / D2).* **RECOMMENDATION: DEFER & DELEGATE** **APPLICANT: Areli Estate** **EXPIRY DATE: 14 September 2020**	5 - 52

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.***

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

3 March 2021 **Item:** 1

Application No.:	20/01251/OUT
Location:	Site Known As Nicholson Quarter Bound By High Street And Broadway Maidenhead
Proposal:	Hybrid planning application (part-outline, part-full) for comprehensive mixed-use redevelopment of the site including: (1) OUTLINE planning application (with all matters reserved) for four buildings that range in height, with the highest being 88.70m AOD and the lowest being 66.20m AOD, on the site for a comprehensive mixed-use redevelopment comprising: Residential Institutions (Class C2) - up to 29,400 m2 (GEA); Business Use (Class B1) - up to 29,700 m2 (GEA); Flexible Retail, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways, non-residential institutions and assembly and leisure (Class A1 / A2 / A3 / A4 / A5 / D1 / D2) - up to 4,400 m2 (GEA); Parking and plant space - up to 13,600 m2 (GEA); Formation of new pedestrian and vehicular access; Means of access and circulation and car parking within the site; and Provision of new public open space and landscaping. (2) FULL planning application for the demolition of all existing buildings on site, except Nicholsons House and Brock House, site preparation, construction of two residential buildings comprising 25 storeys, and part 15/part 10 storey and a landscaped podium (Class C3), construction of a 4 storey office building (Class B1), the provision of a new public open space, and landscaping and the erection of a multi-storey car park and flexible retail, financial and professional services, restaurant and cafes, drinking establishments, assembly and leisure uses (Class A1 / A2 / A3 / A4 / A5 / D1 / D2).
Applicant:	Areli Estate
Agent:	Mr Mark Knibbs
Parish/Ward:	Maidenhead Unparished/St Marys

If you have a question about this report, please contact: Tim Chapman on or at tim.chapman@rbwm.gov.uk

1. SUMMARY

1.1 Planning permission is sought for a hybrid planning application comprising the redevelopment of the site to provide 653 apartments (307 of which would be sheltered accommodation), circa 29,000 m^2 of office use and circa 8,300 m^2 of flexible retail use arranged in 6 Zones (1-6) ranging in height up to a 25 storey building in Zone 5. Improvements to the public realm are proposed including opening up historic streets and providing the new Sir Nicholas Winton public square. The proposed development would replace a range of buildings including the Nicholson indoor shopping centre, offices and 17 dwellings. Vehicular access to the largely pedestrianised development would be primarily from Broadway serviced by a new multistorey car park.

1.2 The design, scale, height and massing of the proposed development is considered acceptable in this instance having regard to the development plan, emerging evidence-based documents and in paying particular attention to the site location as the central focus of the town centre. 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 the design to the South East Design Review Panel on several occasions in order to refine and improve the scheme, which has helped shape the proposal. A design code provides guidelines to ensure the outline elements of the development adhere to high standards of design.

1.3 The evolving nature of Maidenhead Town Centre, which is seeing a greater number of 'tall buildings' and larger scale development, such as the Landing development immediately to the south of the site, is also an important material consideration.

1.4 With regard to heritage, the proposed development would lead to less than substantial harm to the significance of these heritage assets which is outweighed by the wider public benefits of the proposal, including an overall regeneration of and improvement to the quality of place in the town centre, the provision of housing, employment and resulting benefits to the local economy. This balancing exercise has been carried out in accordance with paragraph 196 of the NPPF.

1.5 Amenity space is provided in the form of private balconies and communal podiums and roof gardens. The proposed flexible retail use would allow commercial flexibility and help create a vibrant town centre environment.

1.6 The parking provision is considered appropriate in this town centre location, with residents being ten minute walking distance from Maidenhead train station, which offers excellent rail links into London, and within even closer proximity to shops, restaurants and other amenities. Improvements to bus stops on Broadway are proposed, along with a town centre car club and travel plan, which would be secured by a S106 agreement.

1.7 The site lies within flood zone 1. The applicants have shown that flooding and drainage issues have been adequately addressed.

1.8 The applicant has submitted a viability statement which has been independently reviewed and which confirms that the scheme cannot viably provided affordable housing. A legal agreement securing a review mechanism is proposed to ensure that affordable housing is provided should the viability of the scheme change.

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, including substantial public realm planting. These measures are supported and shall be secured by planning condition.

1.10 In terms of housing land supply, the proposal would result in the provision of 653 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. The significant housing contribution will in turn result in benefits to the local economy both in the short and long term.

It is recommended the Panel authorises the Head of Planning:	

1	**To grant planning permission with the conditions listed in Section 13 of this report and on the satisfactory completion of an undertaking to secure the infrastructure in Section 10 covering the following:**
	• **A**ny proposed highway interventions and stopping-up proposals
	• The design of the proposed bus laybys and loading area
	• Car club provision
	• Travel Plans
	• the lease terms for the flexible retail uses,
	• Review mechanism for financial viability assessment Subsequent S106 requirements (review mechanism permitting) include:
	  • Provision of affordable housing (with the cascade: on-site, off-site, in-lieu payment). In lieu payment to represent 30% of market housing and affordable housing combined;
	  • Provision of a contribution towards transport improvements

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 as it is major development; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The Site extends to approximately 3.01 hectares and is located within Maidenhead town centre. The Site is bounded by Broadway to the south, King Street to the west, High Street to the north and Queen Street to the east.

3.2 The Site comprises a mix of town centre uses including retail, offices, leisure, and residential. The Site includes Nicholsons Shopping Centre, Siena Court, Central House, Brock House and Nicholsons House office buildings, and the Broadway multi-storey car park. Nicholsons Shopping Centre comprises various ground floor level shops, covered walkways, a management suite and offices. The Site is generally in need of significant investment and contains several vacant units.

3.3 Nicholsons House and Central House are 10 and 8 storeys respectively and located above Nicholsons Shopping Centre. Central House, which is proposed to be demolished, is located in the centre of the Site (Zone 2) and is currently vacant, having previously been used as a office building. Siena Court which is proposed to be demolished is a 4 storey multi tenanted office block located within the south east corner of the Site (Zone 4). The upper floors of Nicholsons House, comprising offices and Brock House comprising 17 residential units within a converted office building, located in Zone 2 are to be retained.

3.4 The Site is located approximately 500 m northeast of Maidenhead railway station and situated between the station and High Street. To the immediate west, north and east of the Site along King Street, High Street and Queen Street are retail and related uses, including food and drinking establishments, reflecting the town centre location. To the south of the Site is the consented Landing scheme (ref. 18/01576/FULL), which was approved by RBWM in March 2019 and comprises mixed use development including residential, retail and office uses across 6 buildings ranging in height from 6 to 16 storeys. The Landing scheme has started to be built out.

3.5 The Nicholson Centre element of the site itself consists of 48 retail units with a retail floor space of 17,000 sqm.

4. KEY CONSTRAINTS

4.1 Urban Area
Air Quality Management Area
Maidenhead Town Centre
Partially within the Maidenhead Town Centre Conservation Area
Flood Zone 1
Listed buildings adjoining the site (3 and 5 Stables to Nicholson Brewery).

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 The planning application is submitted as a hybrid comprising a series of six zones organised into both full, detailed parts (Zones 2, 4 and 5) and outline parts (Zones 1, 3 and 6). The Site area is 3.01 hectares. Due to the size and potential impact of the proposal an Environmental Statement has been submitted.

5.2 Detailed plans are submitted for Zones 2, 4, and 5 and are hereafter referred to as the Detailed part of the application.

5.3 Zones 1, 3 and 6 are submitted in Outline with all matters reserved, where approval is sought for the amount and use of development. A series of illustrative parameter plans cover the following topics:

- Means of Access – an indication of areas for access into the Site for vehicles;
- Scale Parameters – an indication of the upper limits of buildings in terms of height, width and length of each building within the development;
- Appearance – with the exception of the Detailed part, the application does not seek approval at this stage, for the detailed design or external appearance of the buildings;
- Indicative Layout – an indicative layout showing building plots; and
- Landscaping – an indication of the potential

5.4 A Design Code Document has been submitted with the application. It provides additional detail to the Parameter Plans in relation to the layout and design of the Outline part and provides the guidelines for judging the subsequent detailed design that would need to be submitted prior to the construction of that element.

5.5 The proposal was subject to amendments in November 2020 which altered the proposal to take account of comments and objections, and proposed a number of changes including:

Design improvements to the proposed 25 storey building;

Improving the relationship between the proposed residential in Zone 5 and the multi-storey car park in Zone 4, reducing the height of the car park by three storeys;

Improving environmental sustainability;

Increasing the amount of activity provided by ground floor uses;

Improving micro-climatic effects including minimising the effect of wind and improving sunlighting and daylighting.

5.6 The detail of the proposed development is as follows:

Flexible retail use

The proposal includes 66 ground floor flexible retail use units including retail and other public facing uses ranging in size up to 400m2, within all proposed zones described below. Lease terms are designed to allow short term rental and encourage small starter businesses. The flexible retail uses proposed consists of A1 (shops), A2 (offices which the public visit), A3 (restaurants), A4 (drinking establishments), A5 (takeaways), D1 **(**Non-residential institutions) and D2 (Assembly and leisure). The concept is that the flexible retail use can be altered between the different listed uses to provide market responsive activity on the ground floor to ensure vitality and vibrancy. Community uses such as health centres and nurseries can form part of the flexible retail use. The replacement of the existing shopmobility/changing place facility is included within this designation and proposed on Brock Street.

Zone 1: (outline) Flexible retail ground floor with offices above, with a maximum height of 37.7m

The illustrative proposal consists of a 9 storey building in the centre of the plot with a six storey element fronting West onto King Street, South onto Moffat Street, North onto Nicholson Lane and East onto Sir Nicholas Winton Square, with a single storey element providing further buffering to the square. Other elements are:

The top floor is proposed to be set back from the frontage with terraces to the west, north and east.

A basement car park

Active ground floor frontages and a canopy on Moffatt Street to improve micro climatic effect

Zone 2: (full) Flexible retail ground floor with offices above

This consists as a series of retail frontages and buildings to the north and east of Nicholson House providing an interface between the High Street to the north with the rest of the development to the south. A key element is a new 4 storey building fronting the High Street, including a two storey white concrete portal frame to highlight the key entrance to Sir Nicholas Winton Square, and a single storey element to the South East. The ten storey Nicholson House is proposed to be retained. The zone would provide active ground floor frontages within an intimate and small scale setting.

Zone 3: (outline) Flexible retail ground floor with offices above, with a maximum height of 40.4m
Indicatively proposed as a 10 storey central element with 8 storey wings to the east and west. It includes active ground floor frontages, particularly towards The Yards.

Zone 4: (full) multi storey car park

- While the original proposal was to be 12 storeys, the autumn 2020 revision lowered the building by 3 floors and reduced by 380 parking spaces to 885 spaces. The resulting 9 storey building:
- Includes a service core at the south west corner which allows adequate sunlight and daylight to the zone 5 residential building.
- Provides an active flexible retail frontage on the Broadway
- Proposes a partially solid façade and raised parapets to avoid lightspill and overlooking to west onto the zone 5 residential.
- Provides shopmobility and blue badge spaces on the ground floor providing direct level pedestrian access to the main shopping areas to the north and west.

Zone 5: (full) Flexible retail ground floor with housing above

The proposal includes a 25 storey building on the Southern boundary of the site fronting onto the Broadway, stepping down to 23 then 10 storeys to the North. The northern section of the Zone proposes a 15 storey building on the north west corner of the block, overlooking Sir Nicholas Winton Square, with a ten storey element to the east, linking to the Zone 4 car park. The central area of the Zone 5 element is a single storey podium providing a private roof garden for residents of the 346 flats between the taller element and the zone 4 car park. Key elements include:

- The design of the 25 storey building has been refined to form a relatively slim profile: its bulk being lessened by simplifying the number of different materials and elements through the use of a white concrete grid motif.
- Articulation of balconies around the tower provide emphasis and balance to the elevations
- Set backs at the upper floors to provide suitable relationships with Zone 3 to the north and The Landing to the south.
- All dwellings have private amenity space in the form of balconies and use of the Podium Garden landscape which include mature trees providing screening to the zone 4 car park. The Garden is open to the south to allow adequate sunlight and air circulation, with direct access from the core provided.
- The number of north facing single aspect dwellings are limited to 2 (of 346) with Internal Daylight passes (ADF) at 85%.
- Provision of 125sqm parcel room in lobby on Broadway.

Zone 6: (Outline) Flexible retail ground floor with extra care housing above, with a maximum height of 60.2 m.

The illustrative proposal for Zone 6 includes a building of up to 13 storeys on the Northern part of the zone lowering to 9 storeys on its north west corner. The Southern part raises up to 17 storeys, with the south west corner at 11 storeys. The centre of the site is proposed to be a 2 storey podium with a 6 storey element to the east. The buildings would provide 307 units of C2 (extra care) accommodation with 20% north facing units (all of which would have westerly views). The podium would have the potential to provide communal extra care facilities.

5.7 The existing and proposed floor space is set out below:

Land Use Gross Internal Area (sq m)	**Existing**	**Proposed**		
		Outline (Zones 1,3,6)	Detailed (Zones,2,4,5)	Total Proposed
Retail[1]	18,799.5	4,100	4,261	8,361
Residential	395.7	27,700	30,247	57,947
Office	5,901.8	27,900	1,288	29,188
Multi-Storey Car Park	21,842		21,660	21,660
Plant, bins, bikes and parking [2]		12,900	6,497	19,397
[1]proposed to be Flexible Retail/Other (Class A1, A2, A3, A4, A5, D1, D2)				
[2] Other than the multi-storey car park				

5.8 The proposed residential dwelling mix for the Detailed part (Zone 5) is as below:

	Dwelling Mix				
Land Use	**Studio (1B1P)**	**1 Bed (1B2P)**	**2 Bed (2B3P/2B4P)**	**3+ Bed (3B5P/4B8P)**	**Total**
Residential (C3)	53	86	174	33	346
Percentage (%)* *Percentages Rounded	15	25	50	10	100

5.9 The indicative extra care dwelling mix for the Outline part (Zone 6) is as below:

	Extra Care Dwelling Mix				
Land Use	**Studio (1B1P)**	**1 Bed (1B2P)**	**2 Bed (2B3P/2B4P)**	**3+ Bed (3B5P/4B8P)**	**Total**
Extra Care (C2)	11	161	86	49	307
Percentage (%)* *Percentages Rounded	4	52	28	16	100

5.10 In addition to the proposed buildings outlined above the proposed development will provide significant new public realm and landscaping throughout the Site. These areas comprise the following:-

- Nicholas Winton Square
- The Yards
- Desborough Way
- Sydenham Place
- Brock Lane
- Moffatt Street

5.11 In total, the Proposed Development comprises 6,305m^2 of new public realm, including pedestrian routes (currently there is no outside public realm on the Site) and landscaping, creating both active and passive spaces throughout the Site providing a place for visitors and residents to use, rest and enjoy. Servicing of commercial units would occur via service routes, such as Nicholsons Lane, Broadway and Queens Lane and at designated times within rest of the development.

5.12 The Proposed Development is designed to be a local destination within the heart of Maidenhead town centre. The scheme aims to cater to the diversity of visitors, commuters and local residents and provide space for a variety of curated uses.

5.13 Sir Nicolas Winton Square has been designed to become an inclusive and attractive social, community and civic hub. Its flexible open space will accommodate various community and civic events, performances, markets whilst providing a space people can relax and socialise.

5.14 The Yards consists of 3 lanes connecting the Site to High Street. The Lanes takes advantage of an intimate human scale to connect visitors with various local artisan vendors in small retail units.

5.15 Desborough Way acts as the central north-south route of the development, connecting the site from Broadway in the south to High Street in the north. Desborough Way is a permeable, pedestrianised street with in-ground planting and seating features.

5.16 Sydenham Place marks the entrance to the site from Broadway, in the south west corner of the development and includes planting and rain gardens in a widened street which guides visitors into the Site from King Street to the west, and ultimately Maidenhead Station to the south. This area provided space for spill out seating for retail units and new proposed bus stop.

5.17 Brock Lane and Moffatt Street connect Queen Street and King Street with Sir Nicholas Winton Square. The streets include planting and seating which can be used by visitors, workers and residents of the Site.

5.18 To the west of Nicholson Hose, Nicholson Lane will be mainly used for servicing, as will the area between Brock Land and Broadway, to the east of the proposed car park and west of existing properties on Queen Street. King Street is the western boundary of the site, providing some active ground floor uses as well as servicing for the office and extra care housing uses proposed above.

Parking

5.19 The development provides 1,319 car parking spaces, allocated as follows:

- Public Parking – 700 parking spaces, within a multi-storey car park with 885 spaces
  Commercial Office (B1) 31,105m^2 – 311 parking spaces
  C2 Extra Care (296)– 116 parking spaces
- C3 Residential (364 units) – 104 parking spaces
  Re-provided spaces – 88 parking spaces (these are for existing businesses: Nicholson House, Brock House and McDonalds.)

5.20 Cycle parking - In total there will be 855 cycle parking spaces provided at entry points to the public realm as well as integrated in buildings for residential and other users.

Zone	Provision
1	169
2	-
3	96
4	-
5	370
6	168
Public Realm	52
Total	855

Table 9: Cycle Parking Provision

5.21 The Borough's motorcycle parking standard is currently set at a ratio of 1 to every 20 car park spaces but with a minimum of two stands. The development proposes 10 spaces for motorcycle parking in the MSCP, which is 31 spaces below the previous provision. The proposal also includes a Car club and Electric charging points

Planning History

5.22 Owing to the size and nature of the Site, it has an extensive planning history, generally comprising change of use and advertisement consent applications in relation to Nicholsons Shopping Centre. The following consents are of particular relevance:-

Reference	Description	Decision
17/03072/CLASSO Brock House 57 High Street Maidenhead SL6 1JT	Change of use of (part) ground floor, 1st, 2nd floor from B1a (office) to C3 (2x studios and 15 x 1 bedroom)	Approved 14 November 2017
15/01091/FULL	Two and a half storey extension to the existing Nicholsons Car Park to create 350 net additional parking spaces, relocation of vehicular access, the creation of an internal pedestrian walkway from Broadway to the Nicholsons Shopping Centre, provision of flexible A1/A2 retail floor space, recladding of and internal alterations to existing car park and associated servicing arrangements	Approved 13 October 2015
11/03029/OUT	Outline application for comprehensive redevelopment comprising a retail led mixed use scheme to include demolition of existing buildings, alterations to highways, construction of buildings and structures to provide retail (Class A1/2/3/4/5), office (B1) and residential accommodation, car parking, landscaping, link to Nicholsons Shopping Centre and	Refused 2 May 2013

	associated works	

Emerging Context/other town centre development

5.22 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. The first of these, The Landing is set out on page 39 of the applicant's Design and Access Statement

Reference	Description	Decision / key elements
The Landing: 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.	Approved *Maximum 16 stories high (53-56m).* *Demolition occurred;* *construction not yet commenced*
Watermark, York Road: 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.	Approved *Under construction* *up to 8 storeys*

Waterside Quarter 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.	Approved *Under construction* *up to 8 storeys*
Picturehouse	A completed development of 40 apartments with retail and restaurant use at the ground floor	Approved and completed 6 storeys

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	**Adopted Local Plan Policy**
Design Guidelines	DG1
Development in Conservation Areas	CA1
Guidelines on Development affecting Conservation Areas	CA2
Proposals affecting Listed Buildings or their settings	LB2
Sites of Archaeological Importance and Development Proposals	ARCH2, 3, 4
Pollution: groundwater	NAP4
Public Open Space Provision in New Developments	R3
Development for Recreation Use	R8
Recreation Facilities in Major Commercial Redevelopment Schemes	R11
Protection of existing community facilities	CF1
Provision of new community facilities	CF2
Design in keeping with character and appearance of area	DG1, H10,H11
Location of shopping development	S1, S2
Major Retail Development	S5
Other Sites in Business and Industrial Uses	E6
Design and Development Guidelines	E10
Affordable Housing	H3
Town Centre Housing	H6
Protecting residential land and the housing stock	H7
Size, type and design of housing	H8,H9
Housing layout and design	H10
New Developments and Highway Design	T5
Funding of Improvements	T6, T7, T8
Public transport	T10
Parking within Development	P4
Implementation	IMP1

Maidenhead Town Centre Area Action Plan (Sept 2011)

- Policy MTC 1 Streets & Spaces
- Policy MTC 2 Greening
- Policy MTC 3 Waterways
- Policy MTC 4 Quality Design
- Policy MTC 5 Gateways
- Policy MTC 6 Tall Buildings
- Policy MTC 7 Retail
- Policy MTC 8 Food & Drink
- Policy MTC 9 Markets & Events
- Policy MTC 10 Offices
- Policy MTC 11 Visitor Accommodation
- Policy MTC 12 Housing
- Policy MTC 13 Community, Culture & Leisure
- Policy MTC 14 Accessibility
- Policy MTC 15 Transport Infrastructure
- Policy OA 1 Broadway Opportunity Area
- Policy IMP 1 Compulsory Purchase Powers Extant
- Policy IMP 2 Infrastructure & Planning Obligations

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 4- Decision–making
Section 5. Delivering a sufficient supply of homes
Section 6. Building a strong, competitive economy
Section 7. Ensuring the vitality of town centres
Section 8. Promoting healthy and safe communities
Section 9- Promoting Sustainable Transport
Section 11. Making effective use of land
Section 12- Achieving well-designed places
Section 14- Meeting the challenge of climate change, flooding and coastal change
Section 15- Conserving and enhancing the natural environment
Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Proposed Changes (2019)	Submission Version (2017)
Spatial strategy	SP1	SP1
Climate Change	SP2	
Sustainability and Placemaking	QP1	SP2
Maidenhead Town Centre Strategic Placemaking Area	QP1a	
Green and Blue Infrastructure	QP2	
Character and Design of New Development	QP3	SP3
Building Height and Tall Buildings	QP3a	
Housing Development Sites	HO1	
Housing mix and type	HO2	HO2
Affordable housing	HO3	HO3
Housing density		HO5
Economic Development	ED1	ED1
Protected Employment Sites	ED2	ED2
Other Sites and Loss of Employment Floorspace	ED3	ED3
Hierarchy of Centres	TR1	TR1
Maidenhead Retail Centre	TR3	TR3
Historic Environment	HE1	HE1
Flood risk	NR1	NR1
Nature Conservation and Biodiversity	NR2	
Trees, Woodlands and Hedgerows	HR3	
Pollution (Noise, Air, Light, Water)	EP1, EP2, EP3, EP4, EP5	EP1, EP2, EP3, EP4, EP5
Infrastructure and Developer Contributions	IF1	IF1
Sustainable Transport	IF2	IF2
Green and Blue Infrastructure		IF3
Open Space	IF4	IF4
Community Facilities	IF6	IF7
Utilities	IF7	IF8
Site Allocation	AL1	

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 were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination resumed in 2020 and hearings were held from October to December 2020. 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

7.4 **Supplementary Planning Documents**

- Planning Obligation and Developer Contributions SPD
- Planning for an Ageing Population SPD
- Sustainable Design and Construction SPD
- Borough Wide Design Guide SPD
- Maidenhead Town Centre Area Action Plan

7.5 **Supplementary Planning Guidance**

- Affordable Housing Planning Guidance

7.6 **Other Local Strategies or Publications**

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Placemaking and Maidenhead Town Centre
- RBWM Environment and Climate Strategy
- RBWM Community Infrastructure Levy Charging Schedule 2020.
- RBWM Tall Building's strategy
  D1: Avoid stark contrast in height
  D2: Landmark buildings should be mixed use
  D3: Landmarks should be prominent and visible
  D5: Comprehensive Development
  D8: A human scale street experience
  D9: Active street frontages
  D10: High quality public realm
  D18: Tall buildings clusters

More information on these documents can be found at:

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

564 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 17/6/2020 and 19/11/2020 and the application was advertised in the Local Press on 18/6/2020 and 26/11/2020.

10 letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	Support for the principle of development	i
2.	Support for independent shops	i
3.	Revised scheme has improved significantly in terms of meeting community need, achieving economic sustainability and improving environmental sustainability.	viii, ix
4.	Support reuse of brown field land for housing which takes pressure off green belt.	i

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

Comment	Where in the report this is considered

1	Objection to 25 storey building	ii
2	Objection to loss of covered shopping centre – being open air will make it less attractive to use in inclement weather	9.33
3	Concern over possible loss of larger retailers	9.5
4	Objection to lack of social infrastructure, including health and education	vi
5	Objection to lack of affordable housing	v
6	Objection to overshadowing and loss of light	viii
7	Concern over impact on wind and micro climate	viii
8	Objection to negative visual impact on character	ii
9	Concerns over office and residential uses in light of Covid and increase in working from home	The proposal does not specifically address the impacts of Covid and has been assessed on its planning merits.
10	Concern over access for emergency services	vii. Fire Brigade have not objected to the proposal
11	Objection to increase in traffic	Impact is not significant vii
12	Concerns over a lack of sufficient sustainability	ix
13	Objection to reduction amount of car parking	vii
14	Concern over lack of parking for residents	vii
15	Objection to location of blue badge parking	This has been addressed in the November 2020 revisions, vii
16	Objection to location of shopmobility	This has been addressed in the November 2020 revisions, vii
17	Objection to location of toilets	This has been addressed in the November 2020 revisions
18	Objection to construction pollution and disturbance	viii
19	Objection to lack of green space	ii
20	Concern about quality of public realm and its maintenance	These would be covered by condition
21	Objection to the design and massing of the building	ii
22	Objection to excessive size representing overdevelopment	ii
23	Objection to the proposal for housing on the site	i
24	Objection to lack of traffic impact	vii
25	Concern over flooding	ix
26	Concerns over loading and servicing of commercial and residential units	vii
27	Objection to impact on air quality	ix
28	Objection to dwelling mix – too many small flats	iii
29	Concern over safety and security of spaces	ix
30	Objection over over looking, loss of privacy, damage to amenity to existing dwelling (Apartment 10 Cresset Court, 71-73 High Street)	9.50
31	Loss of views	Not a material planning consideration

32	Loss of existing businesses	9.5
33	Loss of existing parking	vii
34	Loss of retail	9.5
35	Lack of existing night club use.	9.8-9.11
36	Revised design worse than original	ii

Statutory consultees

Consultee	Comment	Where in the report this is considered
Berkshire Archaeology	High potential for archaeological remains – conditions recommended	9.117
Historic England	The revised proposal includes significant improvements to the original scheme: • the reduction in scale of the carpark by three storeys; • the massing of the 25-storey landmark building in zone 5 has been amended to increase its slenderness and improve its design • introducing a less dominating presence on the King Street frontage and resulting in a reduction of the adverse visual impact in views from the conservation area. but some concerns remain: • The landmark building, although more effective in design terms, remains a dominating element in the townscape • Scale of proposed buildings on Brock Street would still harm the character and appearance of the conservation area. Overall the harm to the historic environment is considered to be less than substantial under para 194 of the NPPF.	ii
LLFA	No objection subject to condition	ix
Thames Water	No objection subject to condition ensuring sufficient foul water capacity is provided before	ix
Natural England	No objection	
Environment Agency	Acceptable subject to conditions	ix

Consultees

Consultee	Comment	Where in the report this is considered
Design and Conservation	The revised proposal includes significant improvements to the original scheme but some concerns remain: Welcome revisions to: • Reduction in height of car park; • Design of 25 storey tower; • creation of improved public realm; Concerns remain regarding scale of development and its impact on townscape, specifically: • The view along White Hart Yard would be truncated by a 10 storey building. This would create a significant	ii

	jump in scale from the frontage at 3/ 4 floors that would potentially overpower the small scale and intimate character of the yard and this part of the conservation area. • The buildings would negatively impact on the setting of the non designated historic buildings located at the junction of the High Street and King Street and also in longer views from the eastern end of the Castle Hill Conservation Area. • the tower will be visible from Cliveden and is a discordant element. • cause a level of harm to the setting of the Maidenhead Town Centre Conservation Area, setting of the listed stables on Nicolson's Lane and also to a lesser degree, harms the setting of the Castle Hill Conservation Area and the setting of nos 25-27 The Broadway • Limited design code; • No improvements to the high street or public art Overall the harm to the historic environment is considered to be less than substantial under para 194 of the NPPF.	
Highway	Proposal acceptable apart from the Highways officer would prefer a rebalancing of parking from office use to residential. Financial contribution requested for transport improvements. Conditions and s106 clauses suggested for highways changes, stopping up orders, bus laybys and loading areas, cycle parking	vii
Arboricultural officer	Scheme represents a net gain in trees and vegetation. Concerns over microclimate, root space volumes, and service runs would be covered by condition	viii
Ecology	No objection subject to conditions	9.118
Education	No objection. School places would be provided via the IDP. Would favour a nursery on site and improvements to walking and cycling. (TBC)	vi
EHO	No objection subject to conditions regarding the sound insulation, ventilation and plant noise related to the flexible retails uses.	iii
Fire	Recommends use of water sprinklers, sufficient space, access and water for fire appliance.	viii
Thames Valley Police	Object to flexible retail use on the grounds of crime, disturbance, ASB and residential amenity	iii
Surrey Heath Council	No objection	
Town Centre Manager	Supports reduction in retail floorspace, increase in residential and flexible retail use; Concern about 25 storey tower and loss of parking. Is office use still viable post Covid? Public realm should be properly curated.	i, ii, vii The proposal does not specifically address the impacts of Covid and has been assessed on its planning merits.
Sport England	No Objection	
Education	No contribution to education provision needed. Would like to see a nursery provided on site and improvements to walking and cycling	Vi, vii A nursery does not form part of

		the proposal but could be accommodated within the flexible retail uses.
Wokingham Borough Council	No Comments	
Spelthorne Borough Council	No Objection	

Others

Group	Comment	Where in the report this is considered
National Trust	Objection to the 25 storey tower on the basis of its impact on Cliveden 4.5km distant	ii
Maidenhead Forum	Like permeability; Concerns over: • Tall building; • Shade and wind; • Loss of covered shopping areas; • Car park too small; • Small flats and no affordable housing; • Sustainability; • Poorly serves commercial transport, such as taxis • Financial viability; • No large retail units; • Lack of infrastructure funding;	i, ii, iv, v, vi, viii 9.78
Heathrow Airport	No objection. Suggest informative regarding crane lighting	Section 13
Maidenhead Waterways	Supports the proposal, particularly improvements to permeability	
RBWM Disability and Inclusion Forum	Object to the car park design specifically the location of blue badge parking, shopmobility, Changing Places facility, door and corridor design.	This has been addressed in the November 2020 revisions
Maidenhead Stroke Group	Object to location of blue badge parking, taller wheelchair accessible vehicles cannot enter the car park, lifts are too small for mobility use, fire safety.	This has been addressed in the November 2020 revisions
Maidenhead Mencap	Concern over lift position and size, blue badge spaces and access to Shop Mobility	This has been addressed in the November 2020 revisions
Maidenhead Civic Society	Support improved permeability, variety of retail units and many trees. Concerns over: • absence of pedestrian cover • wind tunnels effect • the height, bulk and mass of the scheme particularly the height of the Landmark building • high rise living, especially for families	I, ii, iv, v, vi, viii

	• potential fire risk associated with tower block • limited residential cores single staircase in Core 5A and Core 5B • lack of detailed plans for outline element and the Senior Living proposals in Zone 6 within the full application • lack of car park capacity and charging points • ongoing maintenance for new public realm • dwelling mix (too many small flats)	
Maidenhead and District Chamber of Commerce	Overall supports the development apart from: Object to lack of sustainable energy provision; Object to 25 storey high tower.	ii, ix

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

i Principle of development
ii Design considerations, impact on character and Heritage Assets
iii Provision of a Suitable Residential Environment and the Impact on residential Amenity

iv Housing Dwelling design, Mix and type of housing Provision

v Financial Viability and Affordable Housing
vi Social Infrastructure
vii Highways and access considerations and parking provision.
viii Environmental considerations
ix Sustainability and Energy
x Other material considerations

9.2 Principle of development

The proposal

9.2.1 The proposed concept is to provide a market-driven environment which allows a range of uses to enhance the vitality and vibrancy of Maidenhead town centre, expanding the traditional high street offer and raising footfall. This concept is a reaction to the changes on the high street, with the rise of internet businesses, the decline of high street chains and the need for town centres to widen their appeal to keep themselves relevant in the 21st Century. The idea of the ground floor flexible uses is to allow businesses, particularly new start-ups, to open with minimal financial commitment. These one-off start-ups, the antithesis to 'clone-town' high street, would provide a range of attractions far beyond a traditional town centre retail offer. Improvements to permeability and the public realm, form part of this concept, providing a varied environment in which different activity occurs, encouraging people to visit for experiences and products they cannot get elsewhere.

9.2.2 The other side of the retail equation is demand. The proposed residential elements, including the extra care accommodation, as well as a substantial amount of B1 office helps to populate and enliven the town centre, providing a variety of customers, helping to create vibrancy and vitality. The excellent public transport and existing range of services and jobs helps create a sustainable environment, with most needs catered for without the need to drive.

9.2.3 The site has been identified for redevelopment for many years. The Southern element of the site was identified for development in the MTCAAP (2011) as the Broadway Opportunity Area under Policy OA1. This policy considers the site be the highest priority for major new retail development in the town centre. More recently the site is allocated within the draft BLP SV (2019) for retail, residential, community and commercial uses under proposed allocation AL1. The principle of redevelopment of the site is welcomed.

Loss of retail use

9.2.4 Inevitably, the changes to the retail climate highlighted above means that the amount of purely retail (A1) floorspace, and the traditional high street chain stores that inhabit it, is much reduced The current retail use of the site (GIA) is 18,800 m2. The proposal is for flexible retail uses of 8,361 m2, which represents a loss of c.10,500m2, a loss of more than 50% of the existing retail floorspace. The potential loss of existing businesses on site not considered to be harmful to the functioning of the town centre considering the opportunities for new businesses created within the development.

9.2.5 The Adopted MTCAAP Policy OA1 calls for retail development in the order of 25,000 m2, although this only covers the southern part of the application site and the entire Landing site to the south, so is not directly comparable. Local Plan policies S1, S2 and MTC7 require the site to act as the primary retail focus for Maidenhead Town Centre providing high quality primary retailing frontages with a predominance of A1 uses. NPPF Paragraph 85 seeks to support the role of town centres. The AL1 draft allocation and BLP SV Policy TR3 promotes retail uses and seeks to promote the Town Centre's vitality and viability.

9.2.6 Given recent changes to the retail economy and use classes, it is considered that the proposed flexible retail use, in terms of range of uses, unit size and overall floorspace, meets the objectives of the above policies, and is supported.

Loss of existing night club use

9.2.7 The proposal involves the potential loss of the existing nightclub, Smokeys, located on Nicholson Lane.

Policy MTC 13 states
" Proposals that result in the loss of land or buildings in community, cultural and leisure use will only be permitted where it can be demonstrated that either:
a. There is no longer a need for the building or land to be retained in community, cultural or leisure use; or b. Acceptable alternative provision is made."

9.2.8 In this case neither of the caveats in MTC13 apply. Although, the harm arising from this conflict would be clearly outweighed by the cumulative benefits of the scheme outlined elsewhere in this report.

Principle of residential use

9.2.9 The proposal puts forward 364 flats (Use Class C3) and 307 extra care flats (Use Class C2). The loss of 17 existing residential units on the site is considered acceptable in the light of the large amount of additional housing proposed, in line with Adopted Local Plan policy H6.

9.2.10 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.

9.2.11 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 OA1). 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. A large-scale residential development at the application site could help address this concern. BLP SV identifies the site for a substantial amount of residential use.

9.2.12 Paragraph 118 of the NPPF states 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. Paragraph 59 supports the delivery of homes, where they are needed and for those with specific housing requirements. Paragraph 85 f) recognises that residential development often plays an important role in ensuring the vitality of centres.

9.2.13 Given the above local and national policy background the use of the site for residential purposes is supported.

Principle of office use

9.2.14 Adopted LP policy E6 accepts business use on brown field sites, subject to acceptable environmental impact. Both OA1 and AL1 include an element of office use within the allocation. MTC10 seeks to focus office use within Opportunity Areas and within town centres. It is considered that this use would accord with the above policies and with paragraphs 80 and 82 of the NPPF.

Conclusion on Principle of Development

9.2.15 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.

9.2.16 Officers support the principle of a large scale residential, retail, community and office 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.

9.3 Design Considerations, Impact on Character and Historical Assets

Policy Background and context

9.3.1 Policy DG1 of the Local Plan provides the overall guidelines for assessing the design of new development. Policy H10 states that new residential development schemes will be required to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas and, where possible, to enhance the existing environment.

9.3.2 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.

9.3.3 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.

9.3.4 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 proposal was considered by the independent Design South East review panel in April 2020 and September 2020, in each case followed by a Panel report. Page 82 of the Design and Access Statement submitted in November 2020 as part of the supporting material for the revised scheme sets out how the applicant has responded to the most recent Design Review Panel comments, in particular those around height and scale.

9.3.5 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 Town Centre AAP and the recently adopted Borough Wide Design Guide.

9.3.6 This site lies in the Maidenhead Town Centre core, and is identified in the Tall Buildings Strategy (2019) as appropriate for a cluster of tall buildings, including a district landmark of up to 60m (19 storeys) tall.

Density

9.3.7 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. This site is partially within the OA1 Opportunity Area within the AAP where a high density of development is acceptable in principle.

9.3.8 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 or 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.

9.3.9 The proposed development would be at a density of approximately 218 dwellings per hectare (dph) which is considered appropriate having regard to the overall quality of the scheme, the mix of uses and the beneficial impacts of the proposal overall.

Impact on the Historic Environment

9.3.10 The northernmost part of the site is within the Maidenhead Town Centre Conservation Area. Several listed and non-designated heritage assets, referred to below, adjoin the site. The character of the area is mixed, with some Victorian buildings with interwar and post war additions. The height typically varies from two to four domestic storeys, with some taller exceptions, such as the ten storeys Nicholson House.

9.3.11 The northern edge of the Site, adjacent to High Street is located within the Town Centre Conservation Area. The Castle Hill Conservation Area is located to the west of the Site, separated from the site by Frascati Way. There are a number of non-designated heritage assets immediately adjacent the site to the north along High Street and to the east along Queen Street. 69-73 High Street, a non-designated heritage asset is located within the Site, minor amendments are proposed to the rear of the building creating a new retail unit. There are two listed buildings in the immediate surrounding area, both of which are Grade II listed. These include the Stables immediately to east of 3 and 5 King Street, and 25 and 27 Broadway.

9.3.12 The heights and massing of the proposed buildings have been subject to revision to take account of concerns expressed regarding appearance and to improve sunlighting, daylighting and microclimatic effects. The heights of the proposed buildings are described for each of the 6 zones in section 5.6. It should be noted that design details have not been submitted for the outline zones of the proposal but guidelines have be submitted in the form of a design code.

9.3.13 One contentious issue is the height of the tallest 25 storey building proposed on the Broadway. BLP SV Building Height and Tall Buildings policy QP3a suggests that tall buildings will need to be of exceptional quality and demonstrate how they meet the design requirements of Policy QP1, QP2 & QP3 in an exemplar manner, as well complying with the detailed criteria to be set out in a future Tall Buildings SPD. The Tall Buildings Analysis suggests a height of 19 storeys for a building in

this location. However, the building has been subject to extensive revision as a part of an iterative design review process, it has been refined in order to provide a more slender design and harmonious profile. Overall the height and design of the building is considered to be acceptable.

Impact on the Character of Maidenhead Town Centre

9.3.14 While the proposal undoubtedly represents a change to the existing local character and townscape, it has a number of positive impacts on Maidenhead:

The proposal would enhance the existing townscape in certain respects, for example by replacing the Nicholson Centre: a nondescript shopping mall which includes a number of enclosed service yards and dead ends.

The proposal opens up historic streets and provides an improved permeable pedestrian environment, providing a range of small commercial and retail units and new public spaces providing interest and passive surveillance.

The tallest building provides legibility for Maidenhead Town Centre
By providing a mix and intensity of uses, providing homes, jobs and leisure activities, it can help to energise and enhance the town centre.

9.3.15 The design of the development was most recently reviewed by the independent Design Review Panel in September 2020 which considered that:

- massing has improved substantially;
- Townscape and density are more comfortable;
- Design of the 25 storey building has improved and it now feels balanced with more elegant proportions, forming the principles of a good building. A simplified approach is encouraged;
- The car park design is improved, with a three storey reduction, improved screening to the residential use in zone 5 and the introduction of active ground floor uses on the Broadway frontage.
- More work is needed with the High Street frontage, particularly the entrance to the Nicholson Quarter;
- Welcome public realm improvements;
- The communal circulation spaces of the flats are not generous;
- Further work on energy use and sustainability is encouraged.

9.3.16 In response the applicants have highlighted the following points, which were put forward in the November 2020 revisions:

- The amended scheme offers an asymmetric façade of high quality materials which is bolder yet more respectful of the ad hoc High Street setting.
- Amendments have been made to allow natural light into both residential cores. Flat entrance doors have also been recessed to allow for extra space and to avoid corridors feeling overly long.
- In terms of the 25 storey building the amended scheme offers a simplified façade of high quality materials with a lattice of precast concrete vertical elements and inset green masonry panels which vary in colour and texture from its base to its top. The brick base has now been removed to allow the architecture of the tower to extend to the ground
- A clear energy strategy has now been submitted.
- the proposed development would form a very small part of the distant horizon in views from Cliveden and would not distract from the panoramic views from this heritage asset, and would not harm its heritage significance or an ability to appreciate heritage significance.

9.3.17 In terms of the Development Plan, the proposal in considered to accord with Policy DG1, MTC6, CA2 and LB2.

9.3.18 The proposal would be visible from Cliveden and there would be less than substantial harm identified to heritage assets as discussed elsewhere in the report. However, any harms are

considered to be outweighed by the benefits of the proposal and overall the scheme is considered to comply with the Development Plan Policies.

9.3.19 The proposal is considered to meet the requirements of BLP SV QP1 Sustainability and Placemaking and QP1a Maidenhead Town Centre strategic placemaking area, of which the site forms an integral part, as allocation AL1. In respect of design, character and townscape issues Policy QP 3, the impact of the proposal is more nuanced. Again, due to its scale and bulk, the proposal does not entirely meet the criteria for retaining important local views. As such it is not considered to meet all the criteria of QP3.

9.3.20 The design and impact of the proposal on the local townscape needs to be considered in the evolving context of Maidenhead Town Centre. Since the LP was adopted, the NPPF has increased the focus on brownfield sites and providing housing at higher densities in sustainable locations such as town centres. In the local context, the changing nature of Maidenhead's townscape following permissions such as The Landing is a material consideration in the assessment of this scheme. In addition, whilst not part of the development plan, the Tall Buildings Study is supportive of the scale of the proposal.

9.3.21 The dynamic between the need to preserve and enhance local character whilst supporting necessary change is recognised in Paragraph 127 of the NPPF which encourages design sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

9.3.22 Taking the above factors into account, it is considered that the proposal is acceptable in terms of scale, massing and townscape impact. The planning balance of the harms identified in relation to heritage is considered further in the conclusion.

9.3.23 The proposal is accompanied by a revised Design Code, which provides guidelines to judge the reserved matters applications on the Outline elements of the proposal: Zones 1, 3 and 6, should planning permission be granted. The Design Code includes the following elements for each of the three zones:

- Key dimensions including building heights, space between buildings to ensure they respect the surrounding character and context.
- Location of key features such as corners requiring emphasis and active frontages;
- Provision of guidelines to ensure ground floor distinctiveness, clear building entrances and breaking up bulky building using glazing.

9.3.24 Informed by the Design Review Panel, Officers have provided feedback to the applicants regarding the content of draft Design Code which is now considered to be sufficiently clear to provide appropriate guidance with which to judge subsequent reserved matters applications.

9.4 Provision of a Suitable Residential Environment and the Impact on residential Amenity

9.4.1 NPPF Paragraph 91 promotes healthy, inclusive and safe places where social interaction, healthy lifestyles, the quality of life and community cohesion occur. Para 92 promotes social, recreational and cultural facilities and services the community needs. BLP SV Policy EP1 seeks to protect residential amenity. Policy MTC 8 seeks to support food and drink uses where that use would not lead to unacceptable concentration, harm the retail function or have an adverse impact on amenity or character of the area.

9.4.2 The concept of the active ground floor uses is of a small scale vibrant and dynamic commercial environment where small businesses can open and operate with minimal investment. The flexible uses sought for these units is a consequence of this concept and in line with the approach taken on the Landing development to the south of Broadway.

9.4.3 In Zone 5 and Zone 6, residential accommodation is proposed immediately above the proposed ground floor flexible retail uses. The submitted ventilation strategy suggests that in hot weather, residents may need to open windows to provide sufficient ventilation, which could lead to amenity issues in terms of noise from the commercial use below. Those uses, particularly in terms A4 (Bar) , A5 (Take-away) and D2 (public assembly), have also been the subject of some concern from Thames Valley Police in relation to the potential for crime and anti-social behaviour as well as amenity issues. No evidence is provided of examples of such outcomes.

9.4.4 It is considered that such issues would be controlled in the following ways:

- Amenity concerns would be addressed by conditions to ensure sound and vibration insulation, noise and smell were controlled for restaurants, takeaway, bars and other public uses. This will help minimise any possible impact on residents.
- Depending on the use, flexible retail units would also be controlled by licencing which would control the operations of a use, such as a bar, which had the potential to be damaging to public order.
- A condition is suggested to ensure that adequate ventilation is provided to flats without the need to open a window.
- The management of both the units themselves in relation to:
    - the lease terms for the flexible retail uses, are proposed to be covered by a clause within the S106 agreement to provide control and ultimately allow eviction if uses are considered to create a nuisance;
    - the wider public realm, the management and maintenance of which would be controlled by the owners of the Nicholson Centre. That processes and the potential for quarterly public forums where issues of concern could be raised, for example, is suggested to be the subject of a planning condition to ensure such mechanisms are sufficiently robust.

Sunlighting/Daylighting/overshadowing

9.4.5 The design has evolved to account for various environmental considerations, including daylight, sunlight and overshadowing. However there remain a small number of neighbouring properties where there would be an impact to sunlight and daylight. There would be a moderate reduction in daylight for the rear of 95 High Street. The reduction in sunlight to the rear of no's 20, 22, 36, 38 and 40 Queen Street is significant, although it is likely that many of the affected windows would serve kitchens, bathrooms and bedrooms which are less important in terms of sunlight. with the main living rooms facing onto Queen Street.

9.4.6 The proposal is considered acceptable in relation to the impact on and protection of residential privacy. A condition is suggested to ensure that a terrace adjoining the existing residential balcony of 71-73 High Street is screened to protect privacy.

9.4.7 Overall, however, given the town centre location and, the impact upon existing residents is considered to be minimal. It should also be stated that given the location, new residents would be expecting a lively and vibrant environment. Given these points it is considered the proposal meets the above policies.

9.5 Housing: Dwelling design, Mix and type of housing Provision

9.5.1 LP policy H8 requires new housing schemes to provide a range of housing accommodation particularly favouring small households and for those with special needs. LP policy H9 requires disabled accessible dwellings. LP policy H3 requires the provision of affordable housing for schemes of 15 dwellings or more.

9.5.2 The mix of units, providing in paragraph 5.7, is considered acceptable in providing a range of flat sizes particularly one bed and two bed. Given the town centre location, this dwelling mix, with a lower proportion of family size accommodation, is considered acceptable. The internal size and layout of the units conforms with the Technical housing standards – nationally described space standard March 2015.

9.5.3 The November 2020 revisions made a number of improvements to the design of the C3 residential units in Zone 5, in particular, reducing the number of single aspect north facing units to 2 with 85% meeting the daylighting (AHD) standards. Individual balconies and roof gardens provide external private and public amenity space in line with BLP SV Policy QP 2

9.5.4 While the number of units served by each residential core, and the length of the internal corridor runs does not fully conform with good practice such as the London Design Guidance, it does meets the standards of the Development Plan and is therefore considered acceptable. It is noted that the units will be privately occupied so residents will choose to live there.

9.5.5 The extra care residential flats are proposed in outline so the details such as the of internal layout and Design code for C2 units are to be subject to further controls should permission be granted.

9.5.6 The issue of affordable housing is covered in section v, below.

9.5.7 Childs play space has been incorporated within the development, both in the roof garden for the zone 5 housing and within the public realm itself as part of a comprehensive landscaping proposal and is considered acceptable.

9.6 Financial Viability Assessment and Affordable Housing

9.6.1 The policies set out within the NPPF and the development plan would normally require the provision of affordable housing on a scheme of this scale. However, this particular application is a town centre regeneration project and such schemes can involve greater costs and risks than other projects. This resulted in the applicant submitted a financial viability assessment to accompany the application which has been assessed by the Borough's consultant. They conclude that there is no scope for provision of affordable housing or S106 contribution at this stage to site specific infrastructure given the financial position. However they advise that a review mechanism should be included within the S106 agreement to ensure that viability is assessed at an early stage. This would ensure that any rise in value would be captured and an appropriate contribution, including the possibility of on-site affordable housing, is provided.

9.6.2 Details of review mechanism would be included with the S106 agreement. The detailed clauses are in negotiation but they are proposed to cover the following points:

- The review would be carried out at an early stage in the development process and would be on an open book basis;
- The entire development would be assessed and include a range of fixed and variable costs;
- The review would coincide with the Reserved Matters Application for the outline elements of the scheme;
- The review reflect specific proposals from an operator of the Extra Care element;
- Should the review mechanism justify it, the developer would use reasonable endeavours to provide the affordable housing on site;
- That the affordable housing would not be limited to intermediate tenures only;

9.7 Social Infrastructure

9.7.1 The relevant policy are as follows:

BLP SV IF1: Infrastructure and Developer Contributions. The policy:

- supports development proposals that help deliver infrastructure;
- Identifies CIL as the mechanism for collecting developer contributions;
- Identifies the need to provide a financial viability appraisal if the affordable housing requirement of a proposal is not financially viable.

Policy IMP2 of the MTCAAP requires new development in the town centre to contribute towards necessary infrastructure improvements.

Planning Obligations and Developer Contributions SDP 2014 states that in exceptional circumstances contributions for health facilities may be sought instead of community facilities.

RBWM Community Infrastructure Levy Charging Schedule 2020 exempts sites within the MTCAAP area from making a CIL contribution. This is in order to encourage appropriate development and regeneration in Maidenhead Town Centre.

Health

9.7.2 An assessment of the socio-economic impacts of the proposal has been received. It identifies that there would be a lack of primary health facilities to service the new population. The provision of such services does not form part of the proposal, but could be incorporated within the ground floor flexible retail uses. It is considered that while the proposal fails to address the health infrastructure needs it creates, this is acceptable as the in terms of the Boroughs infrastructure policies as listed above. Even if it were not, the lack of financial viability and the outstanding requirements for affordable housing and transport improvements means that the funding does not exist to provide improvements to primary care. In addition, it should be noted that the Department of Health's funding formula for primary care means that any increase in an area's population is taking into account in future funding settlements, typically in 1-3 year cycles.

Education

9.7.3 The educational needs created by the proposal have been submitted to and assessed by the Education Authority. It is considered that the impact of the proposal in terms of the increase in demand for school places is minimal and there is sufficient existing and projected future capacity to cater for that demand.

9.7.4 As a consequence it is considered that the proposal meets BLP SV IF1 and IMP2.

9.8 Highway and access considerations and parking provision.

9.8.1 Nicholson Quarter is proposed as an allocation in the Borough Local Plan (2013-2033) Submission Version Incorporating Proposed Changes of October 2019 (ref: Policy AL1). Adopted Borough Plan policy requires all development proposals comply with the Council's adopted design standards, under policy T5.

9.8.2 The emerging Borough Local Plan (BLP SV) requires development of the site to:

- Create a highly permeable network of attractive human scale streets that are highly connected to surrounding streets and adjoining developments;

- Provide a network of high-quality pedestrian and cycle routes across the site and linked into surrounding areas and routes.

- 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. This will include provision of bus stops adjacent to the main frontages of the site and attractive way marking from Maidenhead Railway Station.

9.8.3 In response to the above, the applicant proposes two bus stops on Broadway, comprising a layby to the west to accommodate a 12m vehicle, and a second facility to the east to accommodate a 11m bus.

9.8.4 The proposal is considered to meet the above criteria, with the exception of the provision of cycle routes across the site. The development is designed to restrict through-cycling in pedestrianised areas in order to provide a safe and attractive pedestrian environment, designed to allow people to linger, and to provide sufficient space for other uses in the public realm, including seating, play space and planting.

9.8.5 The proposal meets policy T5.

Parking

9.8.6 The development provides 1,319 car parking spaces, allocated as follows:

- Public Parking – 700 parking spaces
- Commercial Office (B1) 31,105m^2 – 311 parking spaces, which equals 1 space per 100m2;
- C2 Extra Care (307)– 116 parking spaces, which equals 1/3 space per dwelling;
- C3 Residential (364 units) – 104 parking spaces, which equals 0.28 space per dwelling
- Re-provided spaces – 88 parking spaces. For Nicholson House, Brock House and McDonalds.

Cycle Parking Provision

9.8.7 The level of cycle parking proposed (855) is broadly in line with the Borough's current standard and is considered acceptable.

Motorcycle Parking

9.8.8 The development proposes 10 spaces for motorcycle parking in the MSCP. The level is below that sought in the Council's parking guidance, but the applicant has provided additional information to support the level of provision.

Parking conclusions

9.8.9 The proposed parking arrangements should be seen in the light of the location and the need to promote sustainable forms of transport. The site has excellent public transport accessibility, being within 6 minutes walk of Maidenhead Rail station and well served by local buses. An important part of the sustainability offer is the need to encourage walking and cycling and minimise the need to travel. The proposal seeks to achieve this through providing high density, mixed uses and a high quality and actively managed public realm.

9.8.10 The proposed amount of parking proposed is in line with standards of the development plan: the 2004 Parking Standards and is considered acceptable The size of the public car park is a balance between creating an attractive active environment, encouraging the use of other modes of transport and providing safe and attractive car parking. The proposal provides a reasonable balance between these issues and is acceptable. The location of the Blue badge parking has been moved to the ground floor along with the Shopmobility unit and is considered acceptable in size and location. The applicant has provided information about the use of the existing motorcycle car parking in the town centre which demonstrates that the level of motorcycle parking provided is sufficient for the use and location.

Servicing and deliveries

9.8.11 Servicing, including deliveries and waste collection has been the subject of a Delivery and Servicing plan which contains the following elements:

- Forecasts of delivery needs to different uses including residential;
- Provision of service locations, primarily Nicholsons Lane (Zones 1,2 and 3) and Broadway (Zones 5 and 6), including the provision of loading bays for commercial deliveries and waste removal

- Servicing of the public realm would occur between 6-10 am, with bollard controlled access allowing suitable vehicles through, balancing delivery needs with the need to maintain public access;
- Use of a booking system to control business deliveries, run by a facilities manager;
- Designated refuse storage areas located in suitably accessible locations.

9.8.12 Taxi parking is provided within the site, including the use of service areas after hours. Access and servicing is considered acceptable, subject to a S106 including appropriate highways provisions.

Framework Travel Plan

9.8.13 A Framework travel plan has been submitted to encourage sustainable transport, consisting of the following key elements:

- It provides a framework for subsequent travel plans for individual buildings and uses;
- Each travel plan would have a coordinator responsible for its implementation;
- It includes targets to measure reductions in private car use and increases in walking, cycling and public transport use;
- It provides a policy context to support sustainable transport including the need to improve air quality.

9.8.14 Individual travel plans will be provided to cover the following matters:

- Provide information on walking and cycling routes, public transport;
- Car clubs, including the potential for incentivised membership for residents;
- Ongoing monitoring and review
- Electric charging points in line with the following ratios:
    - C2 & C3 use – 20% Active Spaces & 20% Passive Spaces;
    - Commercial use - 10% Active Spaces & 10% Passive Spaces;
    - Public parking - 10% Active Spaces & 10% Passive Spaces;

9.8.15 The proposed framework travel plan is considered acceptable.

9.8.16 The impacts of the scheme upon highways congestion and road safety have been assessed and are acceptable.

9.9 Environmental considerations

Environmental Statement

9.9.1 Due to its scale the proposal was required to provide an Environmental Statement (ES) to show its potential Environmental Impact. In turn the ES has been assessed by the Borough's advisors. Given the wide range of topics covered by the ES, issues covered in it have been addressed within the relevant sections of this report.

9.9.2 As part of that process the methodology and results of ES have been assessed and refined to ensure the process followed is in line with the professional opinion of the Council's consultant. It is considered that the ES meets the tests regarding its content and the assessment within it is accurate.

Micro-climatic effects

9.9.3 Borough Local Plan: Submission Version Policy SP2 Sustainability and Placemaking clearly states that proposals for Tall buildings should '…..avoid unacceptable negative micro-climatic effects in terms of wind…'

9.9.4 The Borough Wide Design Guide SPD 25 June 2020 has also outlined the importance of microclimatic conditions to be considered while designing high quality open spaces in development.

9.9.5 Royal Borough of Windsor & Maidenhead – Borough Local Plan: Submission Version (2017) Quality of Place 6.4.6…. Tall buildings will be supported where they demonstrate exceptional high-quality design and do not cause unacceptable impacts such as overshadowing, solar glare and wind tunnel effects.

9.9.6 Borough Local Plan Submission Version Allocation AL1 Site Specific Requirements
Development of the site will be required to: Provide an exemplar quality designed public square at ground floor level to act as the focus for streets, pedestrian and cycling routes and the network of green infrastructure. The square will be expected to be fronted by high quality buildings housing a mix of retail, community and employment uses at ground floor level. The square will be human scale and a social space providing a favourable microclimate for outdoor leisure throughout much of the year. Blue infrastructure and public art will be expected to provide a focus for the square.

9.9.7 BLP SV Policy EP1 seeks to protect residential amenity.

Wind

9.9.8 Details of the likely impact of wind on the public realm have been a major driver of the overall design. The November 2020 revisions to the scale and massing of buildings has provided improvement to microclimatic conditions in terms of wind. Excessive wind impacts have been mitigated where identified although it should be noted that, in relation to the outline element of the development, subsequent reserved matter applications would need to be examined to assess the impact of detailed design.

Sun and daylight

9.9.9 The submission includes modelling at different times of the year to show how much sunlight and daylight would reach public spaces. While, depending on the time of year, the majority of the public realm spaces are limited to 2-3hrs sunlight, it is considered that the consequent environment would be suitable for a wide range of outdoor uses and activities. The public spaces, particularly Sir Nicholas Winton Square, have the potential to be attractive and well used places enhanced by a range of public facing uses and high quality of the natural and hard landscaping .

9.9.10 As a consequence it is considered the proposal is acceptable in terms of its microclimatic impact.

<u>Landscaping</u>

9.9.11 The development includes a detailed and comprehensive hard and soft landscape submission which includes the following elements:

- Publicly accessible pedestrianised streets, including hard and soft landscaping, tree planting allowing service vehicle access (from 6am to 10 am);
- Servicing space, comprising Nicholson Lane to the west of Nicholson House, and two large laybys on the north side of Broadway, where no public access is permitted
- Roof and podium amenity space, including hard and soft landscaping, tree planting, play space (zone 5 only) with no public access.

9.9.12 In terms of the public realm, the play element can be broken down into three varieties:
- Painted surface play;
- Natural play, the provision of elements such as logs and wood chippings to provide a setting for informal and unstructured play;
- Prescriptive play, providing formal equipment, such as climbing frames, table tennis table for more structured play. Podiums and roof terraces include rubberised play surfacing

9.9.13 A comprehensive street furniture and paving palette is suggested, providing a variety of high quality surfaces as well as different types of seating, cycle stands, planting pots, and retractable bollards.

9.9.14 It is proposed that hard and soft landscaping are covered by a further submission of details condition.

Trees

9.9.15 There is some question that the proposed tree planting could be improved considering the likely microclimatic environment in terms of shade, wind and irrigation.

9.9.16 There should be a long term management plan in place, for example, for watering the trees and provision for replacements for any of those which fail in future. It will also need to ensure de-icing slats and chemicals used for cleaning the paving does not reach the rooting areas and that leaf and other debris fall is swept up on a frequent basis. This plan should remain in place for the lifetime of the development.

9.9.17 Trees have been proposed on roof terraces, however, these trees will be exposed to increased wind speeds given the altitude, and may be more vulnerable to wind damage. Unfortunately, anything which breaks off may fall onto the public highway below and would be considered a safety risk. It's for this reason that the use of trees on roof gardens may be inappropriate unless suitable measures are taken to prevent debris from falling down beyond the roof garden.

9.9.18 As a consequence of the above, it is recommended that details of full hard/soft landscaping scheme are conditioned along with the management of the public realm including planting maintenance submitted for approval.

Air Quality

9.9.19 Maidenhead has had an Air Quality Management Area (AQMA) since 2005. The monitoring of the AQMA has been carried out with a series of receptors located around the town centre and the site. Modelling of the possible effects of the submitted impact on air quality at their receptor points of both the construction and the completed development was submitted and assessed.

9.9.20 The proposal puts forward a range of mitigation measures which, if adhered to, ensure that construction impacts on air quality are kept to acceptable levels. However, where other construction is taking place within 500 m, there may be cumulative effects which could exceed such levels. This will be especially important for the works for the adjacent 'The Landing' development. The implementation of an appropriate Construction and Environmental Management Plan would provide appropriate mitigation to address this.

9.9.21 Similarly the traffic flows associated with the development and other cumulative schemes have been submitted and assessed. Operational impacts, including the potential future pollution concentrations from road traffic, for the development and cumulative schemes have been shown to be not significant.

9.10 Sustainable Development and Energy

9.10.1 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.

9.10.2 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.

9.10.3 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.

9.10.4 The scheme has been revised the reflect the above requirements. The relevant submissions including a Sustainability Statement, an Energy Demand Statement, a Transport Assessment and a Framework Travel Plan. The key elements of the resulting proposal are listed below:

Energy

- committed to provide 12% of energy demand from on-site renewables.
- Targeting Home Quality Mark 3-star standards for 100% of the domestic units with 80% targeting 4 star energy performance 'My Footprint';
- Building envelopes have been carefully considered with lower than required u-values and an air permeability of 3;

Transport

- Provision of improved bus stops;
- Provision of 855 cycle parking spaces;
- Provision of improved pedestrian permeability, making it easier to walk around the town centre;
- Provision electric vehicle (EV) charging and car club spaces to reduce the impacts of private car travel;
- Provision of a Framework Travel Plan (FTP) which provides measures to inform users of the Site of their transport choices and generally encourage sustainable travel

Carbon

- Buildings carbon emissions will be reduced by c40% when using SAP 10.

BREEAM

- 'Excellent' rating for all commercial units over 500sqm.

Water

- commitment to 105 litres per person per day is good and in line with what Thames Water have advised as part of the climate strategy consultation.

Biodiversity

- There is a clear improvement in biodiversity, including 4 existing trees on site being proposed to be replaced by 173, provision of bat and bird boxes and insect-friendly planting.

Waste

- A waste and recycling strategy has been submitted and these elements accord with the Council's guidance and are considered acceptable.

Pollution

- The proposal has been assessed in relation to its impacts on noise, air quality, waste, vibration, smell, in terms of the construction process and the resulting development, and is considered acceptable. Where significant, such impacts have been assessed in detail elsewhere in this report.

9.10.5 In conclusion it is considered that the proposal, as revised, accords with the Council's Sustainability requirements and is acceptable in those respects.

9.11 Other Material Considerations

Housing Land Supply

9.11.1 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:

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.

9.11.2 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..).'

9.11.3 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).

9.11.4 The LPA therefore accepts, for the purpose 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.

Safety and security

9.11.5 The proposal has been subject to specific security measures detailed within the DAS and Design Code. Additional measures in the form of postal storage rooms for flatted blocks, and the additional of security gates have been added on the advice of Thames Valley police. Concerns about crime and anti social behaviour regarding the flexible retail uses are addressed in 9.44 and 9.45.

Waste

9.11.6 A waste and recycling strategy was submitted with the application. Collection arrangements have been incorporated into the access and servicing arrangements in para 9.75. No objections have been raised to the provision of waste storage, recycling and collection facilities and the proposal is considered acceptable in respects of this issue.

Flooding and Sustainable Drainage

9.11.7 The flooding and drainage impacts of the proposal have been assessed. Thames Water, the Environment Agency and the Lead Local Flood Authority have considered the proposal and conclude that, subject to conditions, the impacts are acceptable. Sustainable drainage measures are proposed to be subject to the submission of details, as part of the wider hard and soft landscaping proposals.

Statement of Community Involvement

9.11.8 The proposal has been subject to a large amount of community engagement and involvement as shown in the updates Statement of Community Involvement updated in February 2021.

9.11.9 Archaelogy

An archaeological survey has been submitted and is considered acceptable subject to condition.

9.11.10 Ecology

Ecological evidence has been submitted and is considered acceptable subject to condition.

10. PROPOSED SECTION 106 AGREEMENT HEADS OF TERMS

10.1 A Section 106 agreement comprising the following elements is proposed:

- any proposed highway interventions and land dedication would need to be secured through the statutory powers of the Highways Act 1980.
- with regard to the stopping-up proposals, which are to be undertaken by the developer via a Section 247 [Town and Country Planning Act 1990].
- The design of the proposed bus laybys and loading area will need to be agreed in detail, be the subject of a Road Safety Audit and secured by a Section 278 Agreement.
- Car club provision
- Travel Plans, in line with the Framework Travel Plan, including fees payable to RBWM for reviews of the necessary monitoring surveys.
- the lease terms for the flexible retail uses, are proposed to be covered by a clause within the S106 agreement to provide control and ultimately allow eviction if uses are considered to create a nuisance;
- Review mechanism for financial viability assessment (to be informed by Council's viability consultants). Subsequent S106 requirements (review mechanism permitting) include:
    - Provision of affordable housing (with the cascade: on-site, off-site, in-lieu payment). In lieu payment to represent 30% of market housing and affordable housing combined;
    - Provision of a contribution towards transport improvements

10.2 It should be noted that the above points are subject to negotiation and it is recommended that the precise wording is delegated to the Head of Planning.

11. PLANNING BALANCE AND CONCLUSION

11.1 Paragraph 11 of the NPPF explains how the presumption in favour of sustainable development applies. As set out in paragraph 10.13 it is considered that in this instance the tilted balance should be applied

11.2 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.

11.3 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.

Scheme benefits

11.4 The proposed development provides substantial benefits which include:

The provision of 653 new homes

11.05 The proposed development would 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 and should be given substantial weight.

Employment

11.06 The proposed development would provide substantial business accommodation and provide a range of employment opportunities both during and following construction.
The proposal is expected to support a total of 2,230 net additional jobs, 130 FTE jobs coming from the flexible retail uses, with the office element contributing 1,960 FTE. This impact is considered to be a significant benefit.

11.07 The creation of 24,510 m2 of office floorspace represents 30% of the Borough's 2013-33 target and is considered to be a significant beneficial effect.

Expenditure

11.08 The proposed employees and new residents are expected to contribute significantly to the local economy, with each residents expected to conservatively spend on average £6,320 per year, a total of £8.2m per year. Workers are expected to spend £3.2m per year. It should be noted that there would also be additional expenditure by visitors as well as increased Council tax and business rates revenue. The effect is considered to be slightly beneficial but not significant.

Regeneration

11.09 Aside from the economic and business benefits, the proposal represents the regeneration of Maidenhead Town Centre in line with the Council's policies as put forward in the MTCAAP and BLP SV AL1 allocation. While difficult to quantify, the qualitative improvements to urban design, place-making, permeability and legibility are considered to be significantly beneficial.

Scheme harms

11.10 The potential harms of the proposal are considered to be as follows:

Residential amenity

11.11 The reduction of daylighting to the rear of 95 High Street and the reduction in sunlight to the rear of no's 20, 22, 36, 38 and 40 Queen Street is considered to be of limited weight given the small scale of the overall impact.

Impact on listed building and the conservation area

11.12 The detrimental effect of the proposal on the character of the conservation area and impact upon listed buildings is discussed above. Overall the harm is considered to be less than substantial. The public benefits of the proposal outlined above would outweigh this less than substantial harm.

Conclusion

11.13 As set out above for the purpose 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.

11.14 Paragraphs 11.5 – 11.12 identify the benefits of this proposed development, along with the harm. Overall and having due regard for the tilted balance, it is, in this instance, not considered that the identified harm would significantly and demonstrably outweigh the benefits. The proposal would bring significant benefits to Maidenhead Town Centre and the Borough. The application is therefore recommended for approval.

12. APPENDICES TO THIS REPORT

- Appendix 1-4 Site location plan and site layout
- Appendix 5-6 elevation drawings and illustrations.

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 An application for the approval of the reserved matters Access Appearance Landscaping Layout Scale in relation to the outline planning permission hereby approved for zones 1, 3 and 6 shall be made to the Local Planning Authority within three years of the date of this permission. Any application for approval of reserved matters shall ensure that the details are in conformity with the design code approved as part of this permission and shall demonstrate how the proposal will mitigate any microclimatic effects.
Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and Local Plan policy DG1.

3 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).

4 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.

5 No development above slab level on zones 2, 4 and 5 shall take place until samples and/or a specification of all the external or finishing materials to be used on the development hereby approved within zones 2, 4 and 5 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.

6 No development above slab level on zones 1, 3 and 6 shall take place until samples and/or a specification of all the external or finishing materials to be used on the development hereby approved within zones 1, 3 and 6 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 occupation of the development shall take place until details of the management and maintenance strategy for the public realm, to include a regular public forum, 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 and so maintained thereafter.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.

8 No occupation of the element of the development known as Zone 2 shall take place until screening

details for the terrace on the frontage of the Nicholson Quarter entrance building, 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 and so maintained thereafter.
Reason: to protect the amenity of adjoining existing residential occupiers.

9 No occupation of the development within zones 2, 4 and 5 shall take place until details of the servicing strategy 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 and so maintained thereafter.
Reason: In the interests of residential amenity.

10 No occupation of the development within zones 1, 3 and 6 shall take place until details of the servicing strategy 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 and so maintained thereafter.
Reason: In the interests of residential amenity.

11 No occupation of the development within zones 2, 4 and 5 shall take place until details of cycle parking for those zones 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 and so maintained thereafter.
Reason: In order to ensure the cycle parking is appropriately provided in the interests of sustainable transport.

12 No occupation of the development within zones 1, 3 and 6 shall take place until details of cycle parking for those zones 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 and so maintained thereafter.
Reason: In order to ensure the cycle parking is appropriately provided in the interests of sustainable transport.

13 No development shall commence in ach zone until a programme of archaeological work in relation to that zones, 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 recording 2. The programme for post investigation assessment 3. Provision to be made for analysis of the site investigation and recording 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation 5. Provision to be made for archive deposition of the analysis and records of the site investigation 6. 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.

14 No extraction system shall be installed until details of equipment for the purpose of extraction and filtration of odours including maintenance, cleaning and filter replacement schedule shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced and shall thereafter be retained as such. It is recommended that details are in accordance with Annex B and C of the "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems," prepared by Netcen on behalf of the Department for Environment, Food and Rural Affairs (DEFRA) dated January 2005 available at: Https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf Noise from the system must also be considered.
Reason: To protect the amenities of the area and prevent nuisance arising from odour and to accord with the Local Plan Policy NAP3.

15 No mechanical plant shall be installed until a scheme for the insulation of the plant in order to minimise the level of noise emanating from the said plant has been submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the plant is first brought into use. It is recommended that the scheme is in accordance with

British Standard (BS) 4142:2014, "Methods for rating and assessing industrial and commercial sound."

Reason: To protect the amenities of the area and prevent nuisance arising from noise and to accord with the Local Plan Policy NAP3.

16 Prior to the first occupation of a retail unit within Class A3/A4/A5 or D2 use, a noise assessment shall be submitted to and approved, in writing, by the Local Planning Authority. The noise assessment shall include assessment of the noise environment within the unit and inclusion of any required mitigation measures (including to the internal structure of the unit itself) to protect nearby occupiers from disturbance, including structure borne noise. Thereafter, the development shall not be carried out other than in accordance with the approved scheme which The approved measures shall be carried out and completed before the use commences and shall be retained maintained in good working order at all times.

Reason: To protect the amenities of the neighbourhood and to accord with the Local Plan Policy NAP3.

17 No development shall take place (including demolition, ground works, vegetation clearance) in relation to zones 2, 4 and 5 until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority relating to zones 2, 4 and 5. The CEMP (Biodiversity) shall include the following:1) Risk assessment of potentially damaging construction activities.2) Identification of "biodiversity protection zones"3) Practical measures (both physical measures and sensitive working practices) to avoid or reduced impacts during construction (may be provided as a set of method statements)4) The location and timing of sensitive works to avoid harm to biodiversity features.5)The times during construction when specialist ecologists need to be present on site to oversee works.6) Responsible persons and lines of communication. 7) The role and responsibilities on site of an ecological clerk of works (ecow) or similarly competent person.8)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 minimise impacts on biodiversity in accordance with Paragraphs 170 and 175 of the NPPF.

18 No development shall take place (including demolition, ground works, vegetation clearance) in relation to zones 1, 3 and 6 until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority relating to zones 1, 3 and 6. The CEMP (Biodiversity) shall include the following:1) Risk assessment of potentially damaging construction activities.2) Identification of "biodiversity protection zones"3) Practical measures (both physical measures and sensitive working practices) to avoid or reduced impacts during construction (may be provided as a set of method statements)4) The location and timing of sensitive works to avoid harm to biodiversity features.5)The times during construction when specialist ecologists need to be present on site to oversee works.6) Responsible persons and lines of communication. 7) The role and responsibilities on site of an ecological clerk of works (ecow) or similarly competent person.8)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 minimise impacts on biodiversity in accordance with Paragraphs 170 and 175 of the NPPF.

19 No development shall commence on zones 2, 4 and 5 until a report detailing the lighting scheme for those zones and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the LPA. The report shall include the following figures and appendices: A layout plan with beam orientation o A schedule of equipment o Measures to avoid glare An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas where dark corridors for wildlife can be incorporated. The approved lighting plan shall thereafter be implemented as agreed.

Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with para 180 of the NPPF.

20 No development shall commence on zones 1, 3 and 6 until a report detailing the lighting scheme for those zones and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:A layout plan with beam orientation o A schedule of equipment o Measures to avoid glare An

isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas where dark corridors for wildlife can be incorporated. The approved lighting plan shall thereafter be implemented as agreed.

Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with para 180 of the NPPF.

21 All buildings and vegetation where birds may nest which are to be removed as part of the development, are to be 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.

Reason: To ensure that breeding birds are not adversely affected by the proposed development in line with wildlife legislation.

22 Prior to the commencement of the development within each zone, a biodiversity management scheme for that zone, to include all the recommendations within the ecology report and landscaping scheme submitted with this application, shall be submitted to and approved in writing by the local planning authority. A brief letter report confirming that the biodiversity enhancements have been installed, and photographs of the enhancements in situ, is to be submitted to the local planning authority.

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

23 The development within zones 2, 4 and 5 shall not be occupied until confirmation has been provided in relation to the relevant zones that either:- 1. All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development.

24 The development within zones1, 3 and 6 shall not be occupied until confirmation has been provided in relation to the relevant zones that either:- 1. All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development.

25 The development within zones 2, 4 and 5 shall not be occupied until confirmation has been provided that either:- 1. All surface water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development.

26 The development within zones 1, 3 and 6 shall not be occupied until confirmation has been provided that either:- 1. All surface water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development.

27 No development approved by this permission shall be commenced until a scheme for the required upgrades to the existing sewerage system have been submitted to and approved in writing by the

local planning authority. The scheme shall be implemented as approved. No occupation of buildings approved by this permission shall occur until the scheme for improvement of the existing sewage system has been completed.

Reason: The Maidenhead sewage treatment works and infrastructure has been identified as requiring upgrades to prevent pollution and deterioration of the water environment.

28 Prior to each zone of development approved by this planning permission no development shall commence for that zone until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components: 1. A site investigation scheme, based on the Phase 1 Geotechnical and Geoenvironmental Desk Study Report (reference NMH-ACM-GE-RP-ZZ-XX-001, dated 17 October 2019 and prepared by AECOM Limited) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. 2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework, policy NAP4 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations, adopted June 2003) and emerging policy EP5 of the Borough Local Plan 2013-2033 (incorporating proposed changes, October 2019). In particular, to protect the nearby public water supply abstraction, the Taplow Gravel Formation principal aquifer, and the Chalk principal aquifer from unacceptable levels of groundwater pollution from potential on-site sources of contamination.

29 Prior to each zone of development being brought into use, a verification report demonstrating the completion of works for that zone set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework, policy NAP4 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations, adopted June 2003) and emerging policy EP5 of the Borough Local Plan 2013-2033 (incorporating proposed changes, October 2019).

30 Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework, policy NAP4 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations, adopted June 2003) and emerging policy EP5 of the Borough Local Plan 2013-2033 (incorporating proposed changes, October 2019).

31 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework, policy NAP4 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations, adopted June 2003) and emerging policy EP5 of the Borough Local Plan 2013-2033 (incorporating proposed changes, October 2019).

32 Prior to commencement (excluding demolition) of development a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to

and approved in writing by the Local Planning Authority. Details shall include: Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details. Supporting calculations confirming compliance with the Non-statutory Technical Standards for Sustainable Drainage Systems, the agreed discharge rates, and the attenuation volumes to be provided. 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. The surface water drainage system shall be implemented and maintained in accordance with the approved details 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.

33 Prior to occupation, details of acoustic and noise attenuation measures for the residential accommodation hereby approved, shall be submitted to and approved by the Local Planning Authority, and implemented prior to occupation of the relevant residential building. Such details shall take into account the need to maintain an appropriate temperature within each dwelling without the need to open a window.

Reason: in order to ensure an acceptable standard of internal residential environment.

34 No development in relation to zones 2, 4 and 5 shall take place until full details of both hard and soft landscape works for those zones, 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.

35 No development in relation to zones 1, 3 and 6 shall take place until full details of both hard and soft landscape works for those zones, 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.

36 No development within zones 2, 4 and 5 shall commence until a Construction Environmental Management Plan and Construction Logistics Plan for those zones 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 thereafter.

Reason: In the interests of residential amenity.

37 No development within zones 1, 3 and 6 shall commence until a Construction Environmental Management Plan and Construction Logistics Plan for those zones 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 thereafter.

Reason: In the interests of residential amenity.

Informatives

1 Although it is not anticipated that the use of a crane at this site will impact Heathrow's Obstacle Limitation Surfaces, Instrument Flight Procedures or radar. We would like to advise the developer That if a crane is required for construction purposes, then red static omnidirectional lights will need To be applied at the highest part of the crane and at the end of the jib if a tower crane, as per the Requirements set out by CAP1096.Https://publicapps.caa.co.uk/modalapplication.aspx?Appid=11&mode=detail&id=5705

2 The final design of the cycle parking facility should be informed by current best practice guidance as identified in Transport for London's updated London Cycling Design Standard or the West London Cycle Parking Guidance.

3 Please be aware that during the Phase 2 intrusive ground investigation, the chemical status of groundwater should be characterised by analysing for a comprehensive suite of contaminants that could be associated with historic or current operational activities at the proposed development site (e.g. chlorinated solvents should be included on account of the historical dry cleaning activities).

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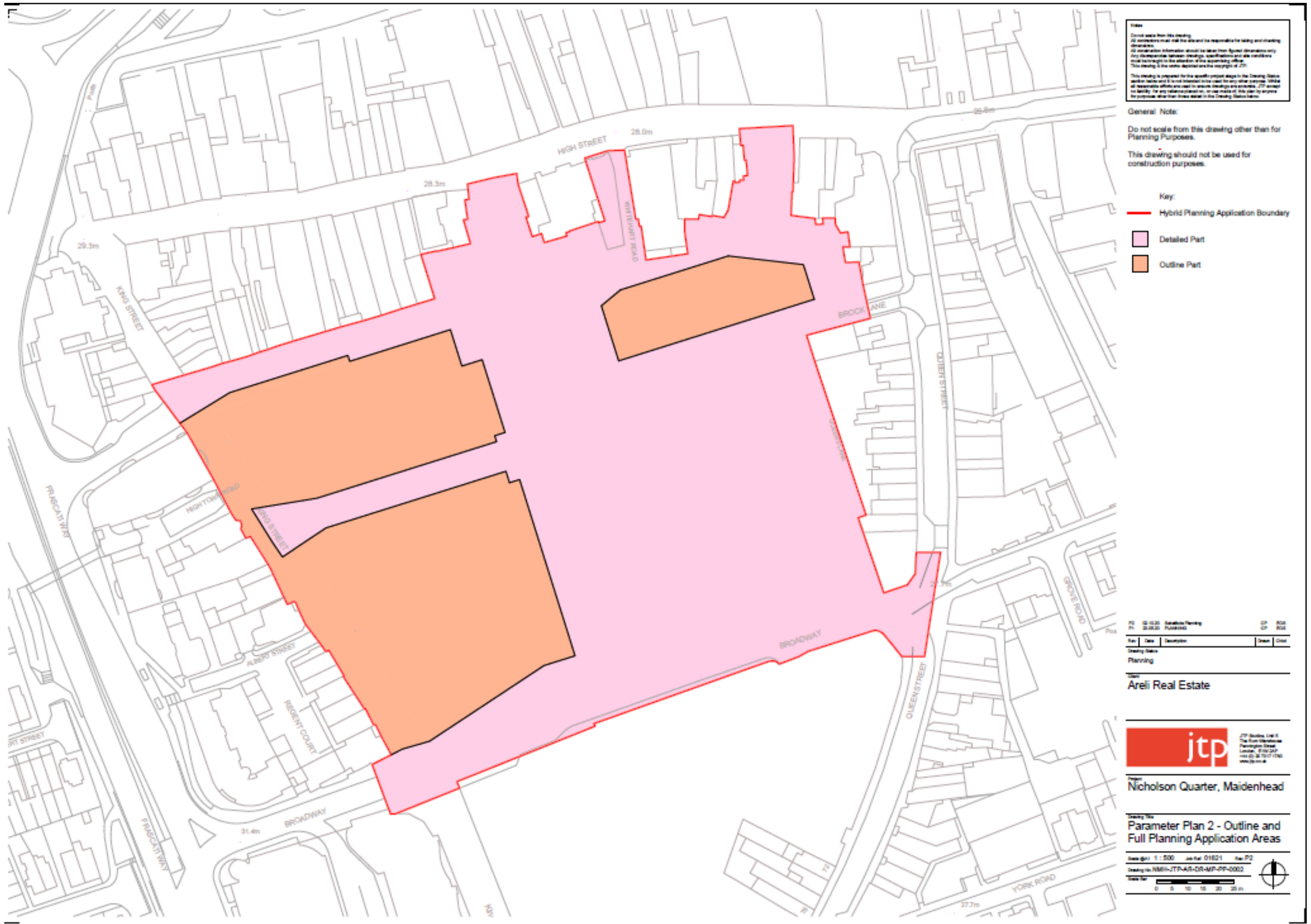
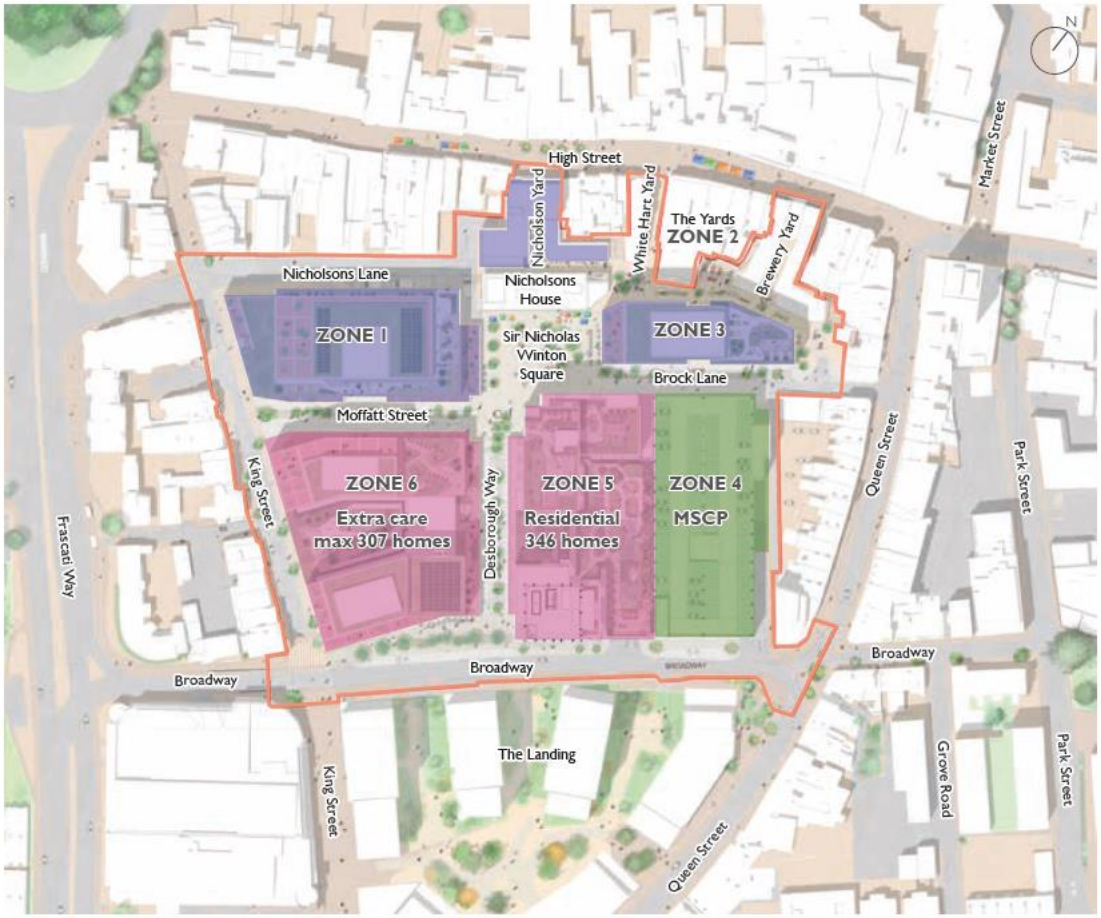
Appendix 1: Site Boundary

Appendix 2: Outline (orange) and Full (pink) elements.



Appendix 3: breakdown of uses

Purple: upper floors office; Pink: upper floors residential; Green: multi storey car park



Upper floor uses plan

MIXED USES SUMMARY

Ground Floor Mixed Uses

- 66 ground floor flexible use units
- Mixed Use ground floor space of 9,022 sq. m
- Sizes range from 25 sq. m to 400 sq. m
- A variety of different shaped units
- Extensive shop window frontage
- Designated external areas for activity to spill out from units into public realm
- Shopmobility/changing places facility

Housing

- 346 homes
- Max 307 homes for extra care

Workspace

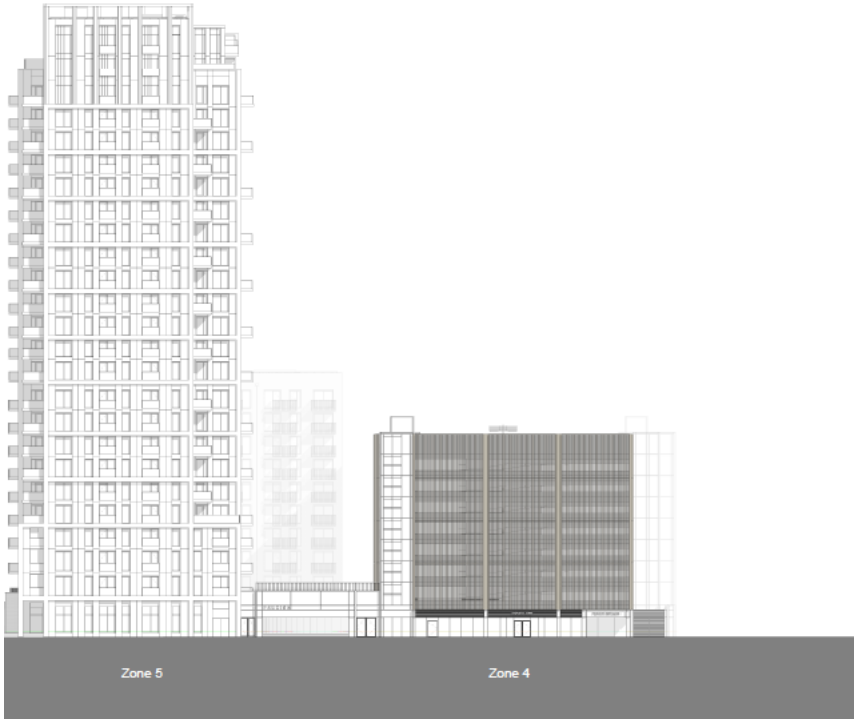
- 31,105 sq. m of workspace across 3 zones
- Floor plate sizes range from 375 sq. m to 2,624 sq. m

Movement & Transport

- Over 0.5ha of public open space, 25% of the total site area
- 2 new bus stops
- Multi-storey car park with 885 spaces
- Cycle parking
- Electric car charging points

Appendix 4 – Storey heights

Appendix 5 – the 25 storey building and the multi-storey car park – from Broadway (south, left drawing) and below, illustrative view of Broadway from the west.



Appendix 6: illustration of the proposed entrance from the High Street (Zone 2)