

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

MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

18 January 2017

Item: 3

Application No.:	16/03214/FULL
Location:	94 - 96 High Street Maidenhead
Proposal:	Erection of 3 storey building comprising retail and 8 x 1 bedroom apartments following demolition of existing retail units.
Applicant:	Magna Group
Agent:	Mrs Emily Temple - Pegasus Group
Parish/Ward:	Maidenhead Unparished/Oldfield Ward
If you have a question about this report, please contact: April Waterman on 01628 682905 or at april.waterman@rbwm.gov.uk	

1. SUMMARY

- 1.1 This scheme proposes the demolition of this modern two storey retail building, and its replacement with a three storey building accommodating retail use on the ground floor with 8 one-bedroomed flats above. The scheme would bring this vacant plot back into beneficial social and economic use and contribute positively to the character and appearance of the Conservation Area and the vitality of the town centre as a whole.
- 1.2 The scheme would have no adverse impact on highway safety, would provide satisfactory living conditions and retailing facilities for future users and would comprise sustainable development in all other respects. Subject to fulfilment of investigatory and architectural detailing conditions requirements, the proposals would preserve the Conservation Area.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure preclusion on future residents obtaining parking permits and with the conditions listed in Section 10 of this report.
2.	To refuse planning permission if an undertaking to secure the preclusion on future residents obtaining parking permits has not been satisfactorily completed by 10th February 2017 for the reason that the proposed development would not create sustainable travel.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is occupied for A1 use by a 2 storey building (currently vacant) with a small service yard at the rear accessed from West Street.
- 3.2 The site is located within a predominantly commercial area with ground floor retail and associated uses, with upper floors being a mix of retail, ancillary storage, offices and apartments.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
14/03989/FULL	Extension of first floor and additional second floor to provide 6 apartments, retail space and new	Approved 16.03.2015.

	shopfronts.	
14/03988/FULL	Extension of first floor and additional second floor to provide 8 apartments, retail space and new shopfronts.	Approved 16.03.2015.
14/01229/FULL	Extension of first and second floors to provide 2 residential flats and alterations to shopfront (no. 96).	Approved 17.06.2014.
13/01640/FULL	Change of use from retail A1 to financial services A2 or restaurant/café A3.	Approved 30.07.2013.

- 4.1 Full planning permission is sought for the demolition of the existing modern brick and concrete building comprising two retail units (mainly single storey, with a small flat roofed upper floor extension) and the construction of a three storey replacement building in a classical style, with a new glazed shopfront, finished in brick on the upper floors, with a plain tiled roof.
- 4.2 The two ground floor shops would amalgamate to create a single unit and remain as A1 use (retail). Separate access to the new flats above would be provided via staircases from both the (time-restricted) pedestrianised High Street (at the western side of the frontage) and from the rear of the units, where bin stores and cycle racks for the residential units would also be provided.
- 4.3 Fine detailing of the materials and profiles of the elevations have not been provided, but the designs indicate a high street façade on the ground floor of a glass shopfront which would be articulated with a simple stall riser, toplight and vertical glazing bars, a central glazed entrance with fanlight and a panelled fascia. On the first and second floors the elevations would comprise brickwork, with contrasting plat band, parapet and cills, sash windows with rubbed brick and keystone arches and a pitched tiled roof would sit behind the parapet. To the rear the same materials would be employed, with simpler detailing, together with the addition of railings to edge the terraces that are proposed to serve the two first floor flats in this part of the building.
- 4.4 Full planning permission has previously been granted (14/03988) for an extension scheme resulting in a building of similar envelope and appearance, also with retail space on the ground floor and eight single bed or studio flats above, and for a further scheme (14/03989) providing ground floor retail space, first floor retail storage and six flats. The current scheme has been submitted as it is understood that the approved schemes cannot be implemented owing to the structural weakness of the existing building. The new scheme also revises the layout, circulation, cycle storage and roofscape of the scheme for eight units.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 1, 2, 4, 6, 7 and 12
- 5.2 The scheme is considered to comprise sustainable development, for which there is a simple presumption in favour expressed in the NPPF. There are no material considerations that indicate otherwise.

Royal Borough Local Plan and Maidenhead Town Centre Area Action Plan

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

	Relevant Policies
RBWM Local Plan	NAP3, DG1, CA2, ARCH3, ARCH4, SF1, H6, H8, H9, H10, T5, T7, IMP1
Maidenhead Town Centre Area Action Plan	MTC1, MTC4, MTC7, MTC12, MTC14

These policies can be found at:

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Other Local Strategies or Publications

- 5.4 Other Strategies or publications relevant to the proposal are:

- Maidenhead Town Centre Conservation Area Appraisal July 2016
- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

- 5.5 The proposed development is considered to accord with the development plan for the area. There are no material considerations that indicate otherwise.

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- i The principle of the development, supporting the vitality and prosperity of the town centre
- ii The provision of appropriate and good quality housing
- iii The preservation and enhancement of heritage assets
- iv Highway and movement safety and convenience
- v The provision of appropriate strategic infrastructure

Principle of development in the Town Centre

- 6.2 The scheme retains and seeks to make more attractive the commercial offer on the site, which forms part of the Primary Shopping Frontage within the Primary Shopping Area. The development accords with the terms of Policy MTC7 of the Maidenhead AAP, and with guidance in section 2 of the NPPF, both of which expect developments to strengthen the viability and vitality of the retail heart of the settlement.
- 6.3 The introduction (almost certainly re-introduction, historically) of residential uses on the upper floor of a built form in this central location re-enforces the viability of the development and brings custom, supervision and diversity to the site, rounding its land-use to include night-time occupation.

Housing

- 6.4 Residential development in the town centre is supported and encouraged under Policy H6 of the Local Plan and Policy MTC12 of the Area Action Plan. The type and size of the units proposed (small flats) accord with the objective of Local Plan Policy H8, and their design satisfies the expectations in Policy H10 of attractiveness and safety, with a separate access for residents from the commercial parts of the proposed building (which also meets the expectations of Local Plan Policy DG1).

Heritage Assets

- 6.5 The site lies in a prominent and busy location within the Maidenhead Town Centre Conservation Area, and has been identified as having potential for archaeological interest, as it has frontage onto the main medieval street in the town. One of the core principles of the NPPF notes that planning should “conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”. The significance of a heritage asset can be evaluated in terms of the archaeological, architectural, artistic or historic interest of itself and of its setting.
- 6.6 The Heritage Impact Assessment submitted with the planning application does not refer to below ground heritage. The opportunity to undertake archaeological investigation was not taken when

this part of the town underwent considerable redevelopment during the 20th century and therefore relatively little knowledge is available on the archaeology of the site from existing sources.

- 6.7 Historic England's Good Practice Advice on Managing the Historic Environment – Note 2 states (paragraphs 30 and 31) that some heritage assets “*will currently hold only archaeological interest, in that nothing substantial may be known about this site and yet there is a credible expectation that investigation may yield something of strong enough interest to justify some level of protection. For sites with archaeological interest, whether designated or not, the benefits of preserving them are a material consideration when considering planning applications for development.*” The NPPF, at paragraph 128, notes that where a development site has potential to include heritage assets with archaeological interest, developers should submit an appropriate desk-based assessment and/or a field evaluation. Policies ARCH 3 and ARCH4 of the Local Plan also require investigation and recording of sites proposed for development where these have buried heritage potential. While it is possible that no substantial archaeology on the site will have survived its C20th redevelopment, the recommended condition relating to archaeological investigations post demolition but pre-construction should furnish appropriate information, and secure (in situ or by record as necessary) any significant heritage asset discovered on the site.
- 6.8 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area when dealing with a planning application therein. Advice in the NPPF (paragraphs 128 and 129), requires that an applicant should describe the significance of any heritage assets affected by the proposed development, and should set out how it would affect the significance of the same. The application was accompanied by a Heritage Impact Assessment which addressed these requirements in relation to the Conservation Area.
- 6.9 The NPPF underlines the desirability of new development making a positive contribution to local character and distinctiveness (para 131). Policy CA2 of the Local Plan requires that in Conservation Areas any development should enhance or preserve the character and appearance of the area, while new buildings should be of a high design standard, sympathetic in terms of siting, proportion, scale, form, height, materials and detailing to adjacent buildings and the character of the area in general.
- 6.10 The form, function and indicated detailing of the proposed development compliments and improves its context. The High Street does not only comprise historic, traditional buildings, as many plots including those neighbouring the site are now occupied entirely by modern units, or have been altered to present as such, within the retained street pattern of the medieval town core. Because of this variety (in materials, building heights, plot widths and building periods) there is no fixed architectural style to which the new development should adhere. The choice of a three storey frontage, of similar eaves height to other buildings nearby, is an appropriate scale of enclosure to the street, and the classical detailing of the building (provided this is correctly done) is acceptable for the site, as reference to one of many different periods of the evolution of built form along this main town thoroughfare.
- 6.11 The site will amalgamate two plots to provide a single floor area of retail space. Although this will result in the loss of ground floor definition of the formerly separate plots on this site (which are likely to reflect the medieval plot definitions) the physical evidence of the built form on the site has already been lost. The address will still bear witness to the history of the site.
- 6.12 Having paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, officers have concluded that the proposals satisfy the requirements and expectations of the NPPF and Local Plan advice and guidance.

Highways and movement

- 6.13 The site has no parking associated with it currently, and proposes none. If a residential parking permit scheme is introduced in Maidenhead town centre in the future, the occupiers and future successors in title of the site should not be entitled to a residential parking permit and this matter should be confirmed within a legal agreement. The scheme does indicate 8 cycle storage spaces for the apartments in a secure location at the rear of the ground floor. Given the central

location of the site, within very easy access to employment, to commercial and community services, and to public transport links, then cycle-only provision is acceptable. The applicant has been asked to provide further details of how the cycle storage indicated on plan will work, or to increase the space shown by means of an amended plan, in response to the comments from the Highways Officer. Any update to the proposals will be reported to the Panel.

- 6.14 The refuse storage facilities shown for both the residential units and the retail facilities are acceptable. Deliveries to the shop units can be made at the rear of the property via West Street or from the front outside the pedestrian-only hours restriction.
- 6.15 With regard to pedestrian, cycle and vehicular access to the property, the scheme enables safe and convenient movement to and around the building, would increase the casual supervision of public spaces from the residential units, and would assist in modal shift from car-borne to public and unpowered transport means. The proposal is considered to comply with Policies H10, T7 and DG1 of the Local Plan, and Policy MTC 14 of the Area Action Plan.

Infrastructure provision

- 6.16 The CIL regime adopted by the Council supersedes the need to make a Section 106 Agreement to cover the types of infrastructure set out in the Regulation 123 List that would normally be expected to be provided for developments of this nature (including, for example, facilities for education, health, transport, sport and recreation, flood defence and other matters). Although CIL is payable generally on retail and housing development in the Borough, not all types of development will need to pay it. Levy rates are based on the financial viability of different types of development. Those considered to be on the margins of viability have been given a nil rate. Hence rates have been set at £0 charge for residential units within the Maidenhead AAP area, and £0 charge for all retail provision other than large retail warehouses.
- 6.17 The proposed development has been assessed in relation to the Council's adopted Local Plan Policy IMP1, relating to the provision of strategic infrastructure. According to the adopted CIL regime and charging schedule no CIL payment needs to be made.

Other Material Considerations

Housing Land Supply

- 6.18 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of this presumption, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
- 6.19 It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwellings would also weigh in favour of the development.
- 6.20 The applicant has been requested to supply details, including noise emissions and means of attenuation, for any air conditioning extraction units that will be mounted on the building to service the ground floor retail space or the apartments. If received these details will be evaluated and reported to the Panel. Otherwise this matter can be safeguarded through the recommended condition 9. No vehicle parking for the residential units is proposed, nor is any additional floor area or intensification or change of use of the existing A1 retail operation. No air quality management issues therefore arise from this scheme. The requirements of Policy NAP3 of the Local Plan can be satisfied.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

6 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 07.11.2016 and the application was advertised in the Maidenhead & Windsor Advertiser on 17.11.2016.

No letters were received supporting or objecting to the proposed development.

Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	No objection.	6.6 – 6.13.
Highway Authority	Site is in a sustainable location where zero parking is acceptable. Future occupiers will not be entitled to a residential parking permit, should such a scheme be introduced. Space for cycle parking indicated appears to be too small. No objection in principle, subject to the imposition of conditions to secure: <ul style="list-style-type: none"> • Construction management plan • Cycle parking details and standard highways informatives.	6.14 and recommended conditions and informatives.
Berkshire Archaeology	The site lies on the frontage of the main medieval street. It is estimated that nearly $\frac{3}{4}$ of the area of archaeological potential within the historic core of the town will have been destroyed in the C20 redevelopments, and opportunities now for investigation on the High Street are particularly rare. Recommends condition to secure a scheme of post demolition, pre-construction archaeological investigation.	6.6 – 6.8 and recommended conditions and informatives.
Environmental Protection	Recommends conditions to secure: <ul style="list-style-type: none"> • Plant noise and maintenance • Maximum boundary noise levels and containment • Commercial and delivery vehicle movements • Acoustic insulation (against aircraft noise) • Contaminated land and standard environmental protection informatives. 	6.17 – 6.18 and recommended conditions and informatives.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B - Plan and Elevation drawings

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1. The development hereby permitted shall be commenced within three years of the date of the planning permission. Reason: in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. No development on the site shall take place, other than demolition to ground floor level of the existing structures (but not including the removal of floor slabs), until the implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation, the content of which shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with Berkshire Archaeology. The WSI shall be informed by and take account of the details of proposed demolition and foundation design. Reason: to secure an appropriate investigation and record of the archaeological resource of the site, in accordance with national and local planning policy and guidance, as set out in the NPPF, Historic England's Good Practice Advice on Managing the Historic Environment Note 2 and

Policies ARCH 3 and ARCH4 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003.

3. No development shall commence until details (including specification, colour, texture and finish as appropriate) of the materials to be used for all external surfaces and elements of the development (including brick, mortar, bond pattern, pointing finish, render, stone, roof tile and other roof covering, window dressings, fenestration, doors, railings, rainwater goods, shopfront and external lighting) have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details. Reason: To secure an appropriate standard of build quality and appearance, in the interests of the character and appearance of the Conservation Area, in accordance with national and local planning policy as set out in Policies CA2 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003, Policies MTC 1 and MTC4 of the Maidenhead Town Centre Area Action Plan 2011 and advice contained on the NPPF 2012.
4. No development shall take place until drawings (elevations, plans and sections) at a scale of not less than 1:20, of full architectural detailing of the following matters have been submitted to and approved in writing by the Local Planning Authority: shopfront, fenestration (including reveals, dressings, glazing bar profiles, opening mechanism) doors, railings, rainwater goods, parapet and plat band profiles, vents and pigeon-deterrent measures. The development shall be completed in accordance with the approved details and so maintained thereafter. Reason: To secure an appropriate standard of build quality and appearance, in the interests of the character and appearance of the Conservation Area, in accordance with national and local planning policy as set out in Policies CA2 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003, Policies MTC 1 and MTC4 of the Maidenhead Town Centre Area Action Plan 2011 and advice contained on the NPPF 2012.
5. The development shall be completed in accordance with the measures (to secure sustainable design and construction) that are set out in the approved Design and Access Statement referenced October 2016/ETE/BNL.0880, and shall be so maintained thereafter. Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the works in accordance with local and national planning policy and guidance as set out in Policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003, Policies MTC 1 and MTC4 of the Maidenhead AAP and the Council's Supplementary Planning Document 'Sustainable Design and Construction' and advice contained in the NPPF 2012.
6. No development shall be commenced until details, set out in plans and statements shall have been submitted to and approved in writing by the Local Planning Authority which demonstrates how the scheme will a) comply with Lifetime Homes standards to provide accessible, inclusive, flexible and sustainable accommodation, and b) include measures to minimise the risk of crime. The residential or commercial elements of the development shall not be first occupied until the scheme has been completed in accordance with the approved measures and details relevant to the identified use, and these measures shall be retained for the duration of the occupation of the development. Reason: in the interests of planning for an ageing population and creating a safe and secure environment in accordance with national and local planning policy and guidance as set out in Policies DG1 Of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003, MTC4 of the Maidenhead Area Action Plan 2011, the Royal Borough of Windsor and Maidenhead-adopted SPD "Planning for and Ageing Population" 2010 and the NPPF 2012.
7. Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

8. No plant, equipment, machinery or vents, or housing for any of these items, shall be installed or erected on or adjoining any surface outside the external envelope of the building hereby permitted until details of its location, appearance and operations (including noise and fumes emissions) have been submitted to and approved in writing by the Local Planning Authority. Any plant, equipment, machinery or vents shall be completed only in accordance with the approved details and shall be so retained for the duration of the occupation and use of the development. Reason: In the interests of the amenities of nearby residences, in accordance with Policy NAP3 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003.
9. No development shall be commenced until details of covered and secure parking/storage spaces for 8 cycles (one space to be allocated to each of the residential flats) has been submitted to and approved in writing by the Local Planning Authority. No residential flat shall be first occupied until the cycle space for it has been completed in accordance with the approved details, and the spaces shall be so retained for the duration of the occupation of the residential flats. Reason: To secure adequate facilities for the site, in accordance with Policies T5, T7 and DG1 of the Royal Borough of Windsor & Maidenhead Local Plan 1999 (incorporating Alterations adopted 2003), Policy MTC14 of the Maidenhead Town Centre Area Action Plan 2011 and advice contained within the NPPF2012.
10. No residential flat or retail area shall be first occupied until the recycling and refuse storage facilities for it, shown on the approved drawings, have been completed in accordance with those drawings. These facilities shall be retained for these purposes for the duration of the occupation or use of the residential and/or retail elements of the development. Reason: To secure appropriate facilities for the development in the interests of the prudent management of waste and of the amenity of the locality, in accordance with the terms and conditions of local and national planning policy, as set out in Policy IMP1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003, Policy MTC4 of the Maidenhead Town Centre Area Action Plan 2011 and guidance contained within the NPPF 2012.
11. In the event of any contamination of soil or groundwater within the site being discovered during its development the Local Authority shall be contacted immediately. No further demolition, archaeological investigation or construction activities shall continue on the site until such time as a procedure for addressing the contamination is agreed upon with the Local Authority in consultation with appropriate regulating bodies. In this event, development shall only continue if in accordance with the agreed procedure. Reason: To ensure the control of surface or underground waters in accordance with Policy NAP4 of the Royal Borough of Windsor & Maidenhead Local Plan 1999 (incorporating Alterations adopted 2003) and of the NPPF 2012.
12. The development shall be carried out in accordance with the plans, documents and reports listed as approved at the end of this notice. Reason: To clarify the development permitted.

Informatives

1. This planning permission is governed by and should be read and implemented together with the terms of an Agreement, between the applicant and the Local Planning Authority, made under Section 106 of the Town and Country Planning Act 1990, relating to parking matters, and dated xxth XXXX 2017.
2. The attention of the applicant is drawn to the Berkshire Act 1986 Part II Clause 9, which enables the Highway Authority to recover the cost of repairing damage to the footway or grass verge arising during building operations.
3. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
4. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel. 01628 796801 at least four weeks before any development is due to commence.

5. No builders' materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
6. The applicant is advised to contact the Council's Environmental Protection Team prior to the commencement of the development with regard to matters of the control of pollution, including noise, light, asbestos, fumes and other extracted emissions, dust, smoke and contaminated land.