

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

26 September 2018

Item: 1

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| Application No.: | 16/03297/FULL |
| Location: | Guards House And Waterside Lodge And Thames Riveriera Hotel 162 Bridge Road Maidenhead |
| Proposal: | Change of use and alterations of hotel building to create 15 apartments; demolition of annex and replacement with new residential building containing 11 apartments; alterations to Guardhouse building to provide 2 x 2 bed dwelling houses; and provision of associated car parking and landscaping |
| Applicant: | Arena Racing Company/Galleon Hotels |
| Agent: | Mr Simon Chadwick |
| Parish/Ward: | Maidenhead Unparished/Oldfield Ward |
| If you have a question about this report, please contact: Jeff Sadler on 01628682977 or at Jeff.Sadler@rbwm.gov.uk | |

1. SUMMARY

- 1.1 Full Planning permission is sought for a change of use of the Thames Riviera Hotel site from hotel to C3 residential use. The change of use would involve conversion of and extension to the Thames Riviera Hotel and conversion of the Guards House, a smaller Arts and Crafts style building, following demolition of non-historic additions to both properties and erection of a three storey apartment building following demolition of Waterside Lodge, also a detached annexe building. The resulting development would provide a total of 26 apartments (15 as part of the conversion and 11 in the apartment building) and a pair of semi-detached dwellinghouses.
- 1.2 The building is in a prominent landmark/gateway location on the banks of the River Thames, directly adjoining the ramparts of the Grade 1 Listed Maidenhead Bridge with roadside frontage onto Bridge Road. The site falls within Maidenhead Riverside Conservation Area and the hotel building is highly visible upon crossing the listed bridge and entering the borough boundary on approaches to the town of Maidenhead from the east. The hotel building, which some may consider has limited architectural merit, has historical interest in the context of the development of the Thames riverside, particularly through this late Victorian period.
- 1.3 The applicant maintains that the site is no longer financially viable and that it would require substantial inward investment, to bring up to acceptable standards as a modern hotel complex. A viability assessment has been submitted with the application which claims to demonstrate that such investment would be unrecoverable and also that the development costs would not facilitate the provision of affordable housing.
- 1.4 The proposal has been amended in order to address heritage and design concerns. Having regard to the impact of development on the setting of the listed bridge and the character and appearance of heritage assets within the site and upon the conservation area itself, the amended proposal is considered to cause 'less than substantial harm' to heritage assets; public benefits have been identified to outweigh that harm. The statutory test in relation to Conservation Areas, is met.
- 1.5 There are no objections in respect of highways, flood risk and on-site SuDs, archaeology or impact on boundary trees, subject to resolution that the Sequential Test is met and with the imposition of appropriate planning conditions. Although the occupiers of a neighbouring residential property have raised objection to the proposal on the grounds of amenity loss, an objective assessment concludes that amenity impact would not be unacceptable.

It is recommended that the Panel DEFERS AND DELEGATES the decision on this application to the Head of Planning to GRANT planning permission, in accordance with the conditions listed in Section 10 of this report, and subject to:

- 1) The applicant demonstrating to the satisfaction of the Local Planning Authority, that the Sequential Test is met; and**
- 2) The satisfactory completion of a legal agreement to secure the provision of policy compliant affordable housing, unless the submitted Viability Assessment currently the subject of external assessment demonstrates that affordable housing is not viable in the delivery of this proposed development.**

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises 0.3ha of previously developed land and is located on the eastern fringe of the borough adjoining the River Thames to the east and Bridge Road to the North and falls within the Maidenhead Riverside Conservation Area. Site buildings comprise the Thames Riviera Hotel circa late 19C, an Arts and Craft style annexe building known as 'Guards House' circa early 20C, and a 1970's three storey annexe building known as Riverside Lodge. The remainder of the site includes car parking and vehicle circulation areas and sitting out, terraced amenity areas. Entry to the site is from Bridge Road between the Guards House and the hotel.
- 3.2 The western boundary of the site abuts Guards Road a short public access road terminating near the south west corner of the site where it continues as a private road to the Reitlinger Open Space (gardens) and then onto the Guards Club. A terrace of 6 townhouses, line the opposite (western) side of Guards Road, facing the site. Guards House occupies the north-west corner of the site with a row of two mature horse chestnut trees and two lime trees defining the remainder of the open western boundary and edge of the hotel car park. The boathouse, a small late 19C building converted from a boathouse to residential use and originally within the curtilage of the hotel building, fronts the riverside just outside the south east corner of the site. A narrow access track from Guards Road to the boathouse runs the remaining length of the southern boundary of the site and is overshadowed by three mature horse chestnut trees lying within the expansive grounds of Reitlinger Open Space.

Thames Riviera Hotel Building

- 3.3 The hotel building lies in the north eastern corner of the site behind a terraced area that leads to the riverside and separates the hotel from the ramparts of Maidenhead Bridge, a Grade 1 listed building. The hotel building is three storeys to eaves with a further storey within the roof. Construction comprises painted brickwork elevations below a hipped tile clad roof incorporating dormer windows. A number of tall and substantial 'feature' chimney stacks rise above ridge level and an octagonal spired tower rises above these in the south west corner of the building.
- 3.4 The northern elevation of the hotel building is set back slightly from Bridge Road to accommodate a drop-off area. The original northern frontage elevation is hidden behind a three storey extension along its length. This was added in the late 19C to facilitate conversion of the then private dwelling house into a hotel. The extension has a flat roof set behind 'dummy' pitched roof verge 'crowns' and central gable with stepped entranceway approach, this having now been abandoned in favour of a step down access to the north west corner of the building and level access to its rear. The eastern flank elevation of the building is set back slightly from the river and includes a large overhanging terrace.

- 3.5 The southern elevation is of formal design and substantially original with the exception of two steel fire escapes. The building was originally built as a private dwelling house for letting purposes. Shortly after and due to a lack of interest for its intended purpose, the then owner converted the building to a hotel, adding the extended northern façade in the process. The building is of historical interest as it comprised one of several large Victorian residential properties built along the banks of the River Thames. The building is of unexceptional architectural merit both externally and internally, perhaps because of the speculative nature of its original intent. It does however arguably make a positive statement to this part of the Thames Riverside and acts as a distinctive 'gateway' building to this part of the borough.
- 3.6 Guards House lies in the north western corner of the site within the site's car parking areas and is a two storey Arts and Crafts style building with partially exposed timber frame, brick and render elevations below a hip and gable tile clad roof. It is of some historic and architectural interest.
- 3.7 Riverside Lodge dominates the southern boundary of the site. It is a three storey brick annexe building with tile clad hipped roof and timber gable and balcony claddings. It has nominal set back from the southern boundary. Balconies have been incorporated within its principal northern elevation facing the site car park and flank return eastern elevation, facing the river.
- 3.8 Surroundings
The River Thames flows past the eastern boundary of the site, before passing under the Grade 1 listed Maidenhead Bridge further to the east. The opposite bank of the river lies within the District of South Bucks and is lined by smaller mansion properties and a rowing club. Also on the opposite side of the river and immediately to the north of Maidenhead Bridge the riverside has been subject to residential development with private gardens extending to the towpath river frontage. Land to the north of the site on the opposite side of Bridge Road between the Thames and the A4094 comprises public gardens forming part of Maidenhead Riverside. Further to the west immediately past the roundabout junction with Bridge Road, ribbon development including several listed buildings lines the route towards Maidenhead. Land to the south of the site comprises Reitlinger Gardens and the grounds of the Guards Club.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The Proposal

- 4.1 Permission is sought for conversion and partial redevelopment of the site from its current use as a hotel with letting rooms and café/restaurant to residential use. The application has been amended since submission; it is those amended plans which are the basis for this assessment.

Hotel Conversion, partial demolition, extension and conversion

- 4.2 The distinctive hipped roof of the original hotel building with dormers, large feature chimneystacks and corner spire is to be retained, together with adjoining open amenity area between the building and the listed bridge. The large, flat roof, three storey late 19C extension, to the Bridge Road frontage is to be demolished in conjunction with projecting terraces to the east, fire escapes and peripheral walling.
- 4.3 A new three storey extension of contemporary design is proposed to be erected on a similar footprint and in lieu of the existing extension to the north façade, with high level roof balcony area set behind glazed screening. The resulting building would accommodate 15 apartments over four floors.

Guards Building, partial demolition and conversion

- 4.4 A walled enclosure/extension is to be demolished and the resulting building is to be renovated and converted to provide 2 dwellinghouses (initially 3 apartments were proposed).

Riverside Lodge redevelopment

- 4.5 The hotel bedroom annexe building abutting the southern side of the site is proposed to be demolished and an apartment building would be erected over the extended footprint of previous development. The replacement building would be 4 storey in height with the 4th storey set behind a parapet. The building would have standing seam metal cladding to the roof and elevations of the upper storey and utilise contemporary materials in its construction. Private balconies would be incorporated within the east and north facing elevations and accommodation would comprise the provision of 11 apartments.

4.6 General

Outdoor Amenity Areas – would be communal for the benefit of all residents and would front the Thames Riverside.

Car Parking – would comprise 24 surface car parking spaces including visitor and disabled parking spaces. Access would be off Bridge Road and a secondary frontage access would be closed.

Landscaping – Site trees comprising 4 mature native species trees lining the western boundary and two semi-mature native species in the north east corner amenity area together with adjoining highway trees would be protected and retained. A landscaping scheme incorporating the existing amenity area in the north east corner of the site and remodelled garden terracing sweeping down to the river, would be subject to condition.

The application is supported by the following documents

- Design and Development Statement
- Energy and Sustainability Statement
- Flood Risk Assessment (and addendum)
- Acoustic Impact Assessment
- Residential Travel Plan
- Transport Statement (and addendum)
- Statement of Community Involvement
- Ground Condition Assessment/s
- Arboricultural Report; Impact Assessment; and Method Statement

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 The National Planning Policy Framework (2018) is- **a material planning consideration, in particular:**

Section 2 – Achieving sustainable development.

Section 4 – Decision-making.

Section 5 – Delivering a sufficient supply of homes.

Section 8 – Promoting healthy and safe communities.

Section 9 – Promoting sustainable transport.

Section 12 – Achieving well-designed places.

Section 16 – Conserving and enhancing the historic environment.

The Development Plan

- 5.2 The main planning considerations and policy constraints applying to the site are set out below:

Local Plan: Adopted Version

| | Within settlement area | Heritage | Trees | Flooding | Transport |
|------------|------------------------|--------------------|-------|----------|-----------|
| Local Plan | DG1, H10, H11 | CA1, CA2, CA6, LB2 | N6 | F1 | T5, P4 |

Borough Local Plan: Submission Version – a material planning consideration

| Issue | Local Plan Policy |
|--|-------------------|
| Sustainability and Placemaking | SP2 |
| Character and design of new development | SP3 |
| River Thames Corridor | SP4 |
| Environmental Protection | EP1 |
| Artificial Light Pollution | EP3 |
| Noise | EP4 |
| Affordable Housing | HO3 |
| Historic Environment | HE1 |
| Local Heritage Assets | HE3 |
| Infrastructure and Developer Contributions | IF1 |
| Sustainable Transport | IF2 |
| Managing Flood Risk and Waterways | NR1 |
| Trees | NR2 |
| Visitor Development | VT1 |

The NPPF establishes 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 which summarised the issues raised in the representations and set 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 examination in January 2018. The first phase of examination hearings took place in June 2018.

The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications, taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy.

Supplementary planning documents – a material planning consideration

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

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

More information on these documents can be found at:

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

Other Local Strategies or Publications – a material planning consideration

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:
- Affordable Housing Planning Guidance – view at:

More information on these documents can be found at:

6. EXPLANATION OF RECOMMENDATION

- 6.1 In assessing the application, consideration has been given in particular to the following issues:
- i. The principle of residential development including loss of the existing hotel and restaurant use;
 - ii. Impact on the setting of the Thames
 - iii. Whether development would harm the character and appearance of the Conservation Area including heritage assets within and adjoining the site;
 - iv. Design quality and standards and site layout;
 - v. Trees and biodiversity
 - vi. Highway and parking considerations
 - vii. Flood and drainage issues;
 - viii. Affordable Housing and Viability
 - ix. Other Material Considerations
 - x. Planning Balance

i. The Principle of Development

- 6.2 Development would comprise the conversion and extension of existing buildings and erection of a new replacement building following demolition, in association with a change of use of the site from a mixed Class C1 (Hotel) use with ancillary A3 (Restaurant and Café) Use to Class C3 Use (Dwellinghouses). The site is not an employment site, notwithstanding that persons may be employed (in the catering industry), nor is it a community facility, as set out in Local Plan Policy CF1. Consequently there are no safeguarding policies that may otherwise seek to retain such a use.
- 6.3 The site lies within the settlement boundary on the outskirts of Maidenhead where there is a presumption in favour of sustainable development subject to all relevant development management policies and any other material considerations. In this instance the most relevant policies relate to the impact the development would have on local heritage, the setting of the Thames and in respect of housing provision.

ii. Setting of the Thames

- 6.4 Adopted Policy N2 'Setting of the Thames', states that the borough will conserve and enhance the setting of the Thames, and will not permit development that would adversely affect the character and setting of the river. The policy requires that development should meet certain criteria to include: 1) the character, height scale and bulk of the development and that it would respect the water frontage together with adjoining land uses; 2) the protection of important views of and from the river; 3) the retention of existing waterside buildings where these are considered to be of merit; 4) the retention of tree cover; and 5) existing public access should be retained; and 6) the provision of public access to be sought in appropriate locations.
- 6.5 The thrust of this policy has been carried forward to Policy SP4 of the emerging Borough Local Plan, this is a material consideration, and the scheme falls to be assessed in the first instance against the Development Plan. In this instance, the scale of development is not substantially increased beyond that which currently exists on the site. Although the new build elements would exert a modernising, contemporary influence upon the site, this would integrate with rather than dominate the retained heritage assets. There would be no conflict with adjoining land uses, while views of and from the river would not be unacceptably prejudiced. Crucially, the historic and instantly recognisable roofscape that dominates the Grade 1 listed Maidenhead Bridge would be preserved. It is therefore considered that the proposal is in compliance with adopted policy N2 of the Local Plan and with policy SP3 of the Borough Local Plan Submission Version, which is attributed significant weight.

- 6.6 Section 8 of the NPPF establishes the importance of promoting healthy communities through the planning process. It recognises that the planning system plays an integral role in facilitating social interaction and delivering robust, healthy and inclusive communities. Relevant to the application are those elements of section 8 that refer to accessible facilities, meeting the needs of existing and future communities, and enhancing public rights of way and access to open space.
- 6.7 However the application site is not part of any Local Plan land allocation for public access purposes but is in private ownership. Consequently the public do not benefit from any rights of access to it. Although its current use allows public access, this is permissive. When first constructed the building was intended as a private dwellinghouse with extensive grounds beyond the existing curtilage and public access would have been prohibited.
- 6.8 The public has access to Reitlinger Open Space with river frontage to the west (originally within the curtilage of the Thames Riviera), while public parkland with river access can be gained a short distance to the north on the opposite side of Bridge Road. While it is understandable that certain members of the community may wish to retain a riverside café with riverside sitting out area, this option is not before the planning authority for determination and consequently any desire to retain the existing use for public access would be no more than aspirational.

iii. Heritage

- 6.9 The hotel complex is in a very sensitive location. Immediately to its north and east is the Grade 1 listed Maidenhead Bridge, and other listed buildings lie to the west and south, while the site itself lies within Maidenhead Riverside Conservation Area.
- 6.10 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of Conservation Areas. It is necessary as a starting point to assess the significance of the affected Heritage Assets. Maidenhead Riverside Conservation Area is significant due to its strong relationship with the Thames which provides unique views into and out of the Conservation Area.
- 6.11 The Thames Riviera Hotel has undergone many alterations in its past and is a non-designated Heritage Asset whose significance is found in its architectural, historic, and communal special interests. The building is of Victorian provenance and has an interesting roof scape and relationship to the river. Historically the building represents a period of time in the “golden age” of the Thames. It is recognisable as an entry point not just into Maidenhead, but into the Borough itself, and strongly contributes to the character of the riverside. The Conservation Area Appraisal describes it as “*a large building on the banks of the Thames, significant in its dominant location next to the Maidenhead Bridge*”.
- 6.12 The relevant Development Plan Policies are CA2, DG1 and HE1 of the Local Plan. The existing extension on the northern façade is considered to have a neutral contribution to the Non-Designated Heritage Asset and Conservation Area.
- 6.13 Historic England and the Design Panel are supportive of the scheme. As set out in the NPPF it is necessary to consider the likely public benefits in depth to arrive at a balanced judgement.
- 6.14 The viability report submitted by the applicant maintains that the current hotel operation is unviable and investment would be needed to meet the requirements of a modern clientele. However it maintains that investment into that use would be unrecoverable. There is an obvious danger that were the hotel operation to close, dereliction would potentially follow subjecting the heritage assets to greater potential harm.
- 6.15 In accordance with the proposed scheme, the heritage assets on site would be renovated and all of the relevant historic fabric retained. An extension to the Thames Riviera Hotel building, somewhat bland in appearance, would be replaced with a modernist extension of the same size. Unsympathetic fire escapes and other paraphernalia would be dismantled, demolished or removed and both the Thames Riviera and the Guards House, itself subject to serious dilapidation, would be extensively renovated and as a consequence, greatly enhanced. The

grounds and consequently the setting of the heritage assets would also be enhanced which in turn would make a positive contribution to the appearance of the Conservation Area in compliance with the development plan.

- 6.16 On balance, there is consequently an argument to make in favour of the scheme from a heritage perspective. The planning balance which leads officers to be in support of the proposal is made elsewhere in this report.

iv. Design and Layout

- 6.17 The proposal would substantially retain the existing layout of development in respect of building locations (the annexe would have an enlarged footprint), car parking and garden space. A potentially contentious aspect of the proposal relates to the juxtaposition of contemporary design elements and modern materials with traditional and historic building fabric. However this is acceptable in principle, there being examples throughout the country where contemporary additions have been added to iconic listed buildings (and the Thames Riviera site buildings are not listed). In this instance conditions imposed with any grant of permission would ensure that building materials and detailing would be of the highest quality (conditions 3, 4 17 and 18)
- 6.18 In respect of the principal new build elements, the northern replacement façade to the Riviera Hotel and the stand alone replacement building for the Waterside Lodge, would utilise modern materials and building styles in direct contrast to the more vernacular idiom of the existing site. Following independent assessment, the Design Review Panel did not raise objection to this approach or to the resulting initial design. It is further material that the design approved by the Design Panel was subsequently amended and improved in order to address heritage concerns expressed by Historic England.
- 6.19 The spatial context of development is considered acceptable and the proposal does not represent overdevelopment. The proposed extension to the hotel would be subordinate to the host building and the relationship with the river would be enhanced. The northern façade would be kept simple so as not to detract from the original building, while the eastern elevation would be more vibrant and lightened by extensive glazing. This approach has been continued through to the new building to the south of the site. Although this building would be more substantial and as a consequence bulkier than that which is to be replaced, it would remain subservient to the Thames Riviera building and would not unacceptably impinge upon the skyline.
- 6.20 The site layout having regard to car parking, refuse access, routes through the site and gardens would be efficient and permeable while the internal layout of the buildings would ensure compliance with recognised standards of good design. The buildings would overlook the gardens, car parking and other common areas, adding to natural surveillance. There would be a satisfactory standard of communal garden space and private amenity balcony space, while inter-visibility between the buildings would not result in unacceptable levels of overlooking. While balconies on the eastern elevation of the southern boundary building would look down obtusely into the rear of the adjoining Boathouse dwelling, this would be no different to that which currently exists in respect of the hotel use and can be conditioned to ensure provision of imperforate balcony privacy screens (condition 22).
- 6.21 The design and layout would comply with the adopted Local Plan Policy DG1 and emerging Local Plan Policy SP3, which is attributed significant weight. Furthermore, given the proposed layout of the site buildings and their distance from neighbouring properties particularly those on the opposite side of the Guards Road the proposal would not have a significant impact on the residential amenities of those properties.

v. Trees, Biodiversity & Landscape

- 6.22 Policy N6 of the Local Plan recognises that the retention of trees on a development site can help to soften the impact of new buildings, as well as providing amenity. The applicant has proposed to retain all trees of significance and in particular mature specimens which line the western site boundary. Although concern has been expressed that the southernmost tree in the row, a Horse Chestnut would be harmed by the foundations of the replacement building and by car park

construction, the scheme has been amended so as to distance the building from tree roots and by modifying the car park layout. As such it is considered that the initial objection from the tree officer has been overcome.

- 6.23 Residents in Guards Road have commented that there could be pressure from future occupiers of the development to prune the trees in order to alleviate their overshadowing effect. The trees in question are all mature examples and being located directly to the east of properties in Guards Road, are already vulnerable to pressure from existing properties. It is considered that this is a tree management issue that can be satisfactorily resolved, rather than one which could lead to tree loss.
- 6.24 The landscape strategy for the site, submitted with the original planning application, includes the introduction of a range of flora which will maximise the biodiversity potential of the site with the intention of encouraging a variety of species to use the site. In this respect the application represents ecological betterment compared to the current arrangement. This approach would be secured by recommended conditions 19, 20 and 21. The proposals are therefore considered to comply with policy N6 of the Local Plan and with policy NR2 of the Borough Local Plan Submission Version, which is attributed significant weight.

vi. Highways and Car parking

- 6.25 The scheme falls to be assessed against the existing level of use and traffic generation from the hotel/café on site. The application is supported by a transport assessment. It is concluded that the proposal would not result in any increase in trip generation and would therefore not have an impact on the local highway network.
- 6.26 The Highway Authority has acknowledged that the proposal would lead to a significant reduction in the existing parking shortfall on site. Therefore it has been concluded that the change from hotel to residential use is unlikely to lead to an adverse or detrimental impact on parking in the surrounding area. The parking is designed as a homezone within the centre of the site.
- 6.27 Subject to conditions in relation to provision of cycle parking and vehicle parking, refuse facilities and a parking management plan (conditions 11, 12, 13, 14, 15, and 16,) the proposal is considered to accord with adopted local plan policies T5 and P4.

vii. Flooding and drainage issues

- 6.28 The proposed development consists of the redevelopment of the existing Hotel and part of the Guards House, and the demolition of the 'Waterside Lodge' and part of the Guards House, with construction of new replacement residential units. As a '*More vulnerable*' use, the development is considered appropriate within Flood Zone 2 and does not require the Exception Test.
- 6.29 The requirement for a Sequential Test is addressed in WYG's Planning Statement which accompanies the planning application for the site. The applicant seeks to argue that the proposal enables the restoration of the Listed Building and there are no alternative sites within flood zone 1 that would also do this and that the proposal is primarily for a change of use and is therefore exempt from the Sequential Test. Officers are of the view that this is not the correct approach to the Sequential Test based on paragraph 158 of the NPPF (2018) together with the fact that the application proposal represents major development even setting aside the change of use of the existing buildings. The Panel will be updated on the Sequential Test through the panel update.
- 6.30 In considering the proposals, the following key aspects have been addressed:-
- i) Vulnerability to flooding from all sources.
 - ii) Protection of occupants and users of the new development.
 - iii) No increased flood risk to third parties as a result of the development.
 - iv) Flood risk will be appropriately mitigated through measures including:
 - v) Proposed ground floor levels for the new development will be set a minimum of 300mm above the modelled 1 in 100 (1%) annual probability plus climate change level, in accordance with EA and RBWM requirements. These are secured through recommended condition 5.

- 6.31 A surface water drainage system has been prepared to tie into the existing discharge network with additional attenuation, providing a significant reduction in runoff from the site and designed to the 1 in 100 (1%) annual probability plus 30% allowance for climate change storm event. This is secured by condition 23.
- 6.32 As such, the FRA confirms that the development is safe, it does not increase flood risk and does not detrimentally affect third parties, in accordance with the objectives of the NPPF. If the applicant is able to demonstrate that the Sequential Test is met the development would accord with relevant policies and other material planning considerations in relation to flooding and surface water drainage.

viii. Affordable Housing and Viability

- 6.33 The application site size and net number of units makes the proposal subject to adopted local plan policy H3, consequently 30% affordable housing is required to be delivered on site. However, the applicant has maintained that this would render the scheme unviable and has submitted a Viability Appraisal to support this case. The District Valuer has been consulted and comments will be reported to the Panel through the Member's Update.

ix. Other material planning considerations

Housing Land Supply

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

Sustainability

- 6.35 The development would assist in providing for an identified housing need, would make efficient use of previously developed land and would be located in a sustainable location having direct access to a bus route, a short distance from the town centre and other modes of public transport. A satisfactory standard of parking would be provided within the site for cars and cycles. The applicant has submitted an Energy and Sustainability Statement to reinforce commitment to sustainability objectives.

Open Space

- 6.36 The application proposes an area of on-site amenity open space for the benefit of the residents of the dwellings created through the proposal. This includes a terrace immediately south of the hotel building to be converted leading into an area of grassed amenity which runs south to the existing boathouse and fronts the river to the east. The site has the benefit of access to existing areas of public open space within walking distance. An area of public amenity is proposed to the north of the site fronting Bridge Road. This would be secured through recommended condition 7.

- 6.37 Planning Balance

From a heritage perspective, having regard to the advice contained in the NPPF, it is considered by some that the proposal may have a less-than substantial harm to the significance of The Thames Riviera Hotel heritage asset. However there would be significant levels of enhancement particularly to the Guards House building, and the grounds of the site. There would in addition be public benefits to the scheme, not least relating to a viable use being secured for the site and the provision of housing that would contribute to the Borough's housing need. Giving requisite weight

to the various issues raised by this application it is considered that the planning balance weighs in favour of granting permission.

- 6.30 Subject to the conditions outlined in section 10 of this report, it is recommended that permission be granted.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The development is CIL liable. The applicant has submitted the required forms and is in discussions with the Council over the amount liable. This will be updated in the Panel Update. The required CIL payment for the proposed development is £100 per sqm.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties-

- 8.1 Site notices were posted on 17/11/2016 and again on 17/04/2018 subsequent to amendment. Notice was published in the Maidenhead and Windsor Advertisers on 26/04/2018 as the proposal comprised Major Development and Development within a Conservation Area.
- 8.2 12 letters of objection were received following submission of the application in 2016 and a further 30 following a more recent round of consultations in 2018 subsequent to amendment of the scheme. The objections can be summarised as follows:

| Comment | | Where in the report this is considered |
|---------|---|--|
| 1. | Maidenhead's heritage is slowly being eroded and this will add to its demise. | 6.9 – 6.16 |
| 2. | The riverside area is an important draw for tourists and visitors to Maidenhead. We need to provide good restaurants, public houses and accommodation to cater for this demand not convert existing facilities to residential. | 6.6 – 6.8 |
| 3. | This is a unique riverside location that is ideal for leisure and recreation. There are few comparative sites and this is one of the few riverside attractions to the town. The conversion of the hotel to flats represents a significant loss of amenity to the riverside | 6.6 – 6.8 |
| 4. | The onus of proof is on the applicant to prove that the business is not commercially viable. | 6.14 |
| 5. | The apartments will inevitably attract high prices that will be only attractive to out of town buyers and do little to alleviate Maidenhead's housing needs. | |
| 6. | Will result in the loss of a well-known landmark building. | 6.9 – 6.16 |
| 7. | Impact upon the amenity of 6 town house properties and adjoining bungalow in Guards Road as a result of overlooking, overbearance, loss of morning light, likelihood of refuse collection being from Guards Road and likelihood that there will be pressure to prune trees on the western boundary. | 6.17 – 6.21 6.23 |
| 8. | Loss of public access to the riverside | 6.7 – 6.8 |
| 9. | Inadequate parking is below parking standards and will result in overflow parking and congestion within Guards Road, worsened by limited public transport alternatives. | 6.25-6.27 |
| 10. | Not many Victorian era hotels left in the Maidenhead Riverside Conservation Area and the survival of the Thames Riviera is important in order to preserve local character. | 6.9 – 6.16 |
| 11. | Design is out of keeping with the character of the area. | 6.17 – 6.21 |
| 12. | Flood risk in an area at risk of flooding. | 6.28 - 6.32 |

| | | |
|-----|---|-------------|
| 13. | Loss of jobs from the catering sector. | 6.2 |
| 14. | The hotel provides specialist accommodation accessible to disabled people which is of benefit to visitors to the area. | 6.2 |
| 15. | The amendments soften the outward appearance of the building but the overall footprint and number of apartments are not significantly reduced. | 6.17 – 6.21 |
| 16. | Disregard for the community following early consultation when majority of residents objected to the loss of the hotel as a recreational amenity as a meeting place and venue for dinner and live music events (contrary to NPPF para 70). A housing development will not secure the optimum viable use of the asset. | 6.7 -6.8 |
| 17. | Hitcham and Taplow Society: The amended version has considerably improved the eastern elevation but we think it still falls short of the standard desired in this critical location as the proposed changes to the Taplow facing (north) elevation completely ruin this setting – a more sympathetic frontage is required. Also, should development be permitted, we would suggest that the lane layouts at the bridge should be readjusted to provide two merging lanes and if the site can be reconfigured to provide access from Guards Road this would greatly improve road safety and congestion at the roundabout. | 6.17 – 6.21 |
| 18. | <u>Taplow Parish Council</u> : The east elevation as seen from Taplow is unsympathetic to the Victorian building and incompatible with its Conservation Area setting. The present application is an improvement on the original submission but could be better. Consideration should be given to retaining at the very least a café with riverside public access. The site access onto the Maidenhead Bridge will cause movement problems for traffic particularly during rush hour periods. The overall application is not opposed in principle but the congestion problem could be alleviated if the developer were to release some frontage land to allow for highway improvements and the relocation of the site access onto Guards Road which would then be directed to the roundabout. | 6.16 – 6.21 |
| 19. | <u>Guards Club Road Association</u> : Development would be contrary to the Conservation Area Appraisal Statement which states that ‘The retention of 19C development is fundamental to the Conservation Area’, and ‘Particular care will be taken to ensure developments within the setting of the Thames complement the distinctive character of the water frontage and important views’. In summary the objective is to protect the heritage, amenities views of and access to the riverside. No provision for affordable housing. Although there has been a change in specification of the east elevation from copper to glass, this is still a modern façade, out of keeping with the historic site and setting of the Grade listed bridge. The development will create a precedent for conversion of similar premises which would further invalidate the area appraisal for the Riverside Conservation Area. | 6.9 – 6.16 |

Consultee responses

| Consultee | Comment | Where in the report this is considered |
|---|---|--|
| Historic England (Advice received 4th May 2018 subsequent to submission of amended scheme) | <p>The amended proposals retain the Guard House in its entirety and have refined the waterside elevations of the proposed extension and the new building. The concerns raised in our previous advice have therefore been addressed and we have no objections to the granting of planning permission for this application.</p> <p>Recommendation - Historic England has no objection to the application on heritage grounds and considers that the application meets the requirements of the NPPF, in particular paragraph numbers 17, 131 and 137.</p> <p>In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.</p> | 6.9 – 6.21 |
| Environment Agency | Subsequent to clarification in respect of the original Flood Risk Assessment, the Environment Agency have responded that they have no objection subject to imposition of conditions in respect of 1) Floor levels; and 2) Compensatory Flood Plain Storage. Attention is also drawn to potential requirement for an Environmental Permit. | 6.28-6.32 |
| Lead Local Flood Authority | The lead local flood authority has no objections to the application on surface water drainage grounds. It is however recommended that condition be imposed to: 1) secure implementation of the approved detailed design surface water drainage scheme prior to occupation, the system to be maintained thereafter. | 6.31 |
| Affordable Housing | The borough would normally seek a 30% affordable housing contribution to a development of this scale. However the applicant has maintained that affordable housing contribution would render the scheme unviable and has submitted a Financial Appraisal document to support their case. The document is currently with the Valuation Office for assessment and their findings will be reported to committee at the earliest opportunity. | 6.33 |
| Highway Development Control | The development raises no highway concerns. Conditions are recommended in respect of 1) Submission, approval and implementation of a Management Plan; 2) Provision of parking and turning areas prior to occupation; 3) Provision of cycle parking facilities prior to occupation; 4) Provision of refuse storage facilities prior to occupation; 5) Existing access to be stopped up upon commissioning of new access | 6.25 – 6.27 |
| Trees/Landscape | The trees are protected by virtue of being situated in a Conservation Area. One tree, T10, has been felled, due to extensive decay. There is a duty to replace this tree. A Weeping willow or another Lime would be appropriate, but planted further away from the neighbouring property 'The Boathouse', along the | 6.22 – 6.24 |

boundary with the River Thames. This can be shown in a landscaping scheme. Within a short distance of the stem, the roots of trees are highly branched, so as to form a network of small diameter woody roots, which can extend radially for a distance much greater than the height of the tree, except where impeded by unfavourable conditions. All parts of this system bear a mass of fine, non-woody absorptive roots, typically concentrated within the uppermost 600mm of the soil. The root system tends to develop sufficient volume and area to provide physical stability. The uptake of water and mineral nutrient by the root system takes place via the fine non-woody roots and associated beneficial fungi. Their survival and functioning, which are essential for the health of the tree as a whole, depend on the maintenance of favourable soil conditions. All parts of the root system, but especially the fine roots, are vulnerable to damage. BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' gives information on determining a root protection area (RPA). This is the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority. The proposal would result in an improvement to the quality of the rooting area next to two trees, the off-site Lime T4 situated on the adopted highway and Horse chestnut T12. Hard standing is being removed and replaced with what appears to be soft ground. A method statement and landscaping scheme will be required. A further slight improvement is moving the apartment block marginally to the north, this will give a better separation to the trees growing in Reitlinger Open Space, however, this is undone by the increase in the number of windows which directly look out onto the trees. Whilst some of these windows service corridors, two bedrooms and a lounge would be affected by the heavy shading caused by the trees and the trees will partially obstruct views out of. This is likely to lead to pressure in future to detrimentally prune or remove the trees.

A small section of the new apartment building and 3 new parking bays will fall within the root protection area of the mature Horse chestnut T5. The building will result in root severance and damage in the area beneath the existing hard surfacing, likewise the parking bays will result in excavations and removal of soft verge where roots will be growing. This will result in the loss of T5. It is suggested in the arboricultural report that a no-dig construction could be implemented for the 3 parking bays, but given it will need to tie into the level of Guards Club Road, it is difficult to see how this could be achieved. In addition, replacing the soft ground with further hard standing when a high proportion of the root protection area is already under hard standing would compromise the tree further. This tree is one of 4 along Guards Club Road that contribute to the attractive qualities of the street scene. Unless the above can be adequately

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| | addressed, I recommend refusal of the application under N6 and DG1. | |
| RBWM Conservation Team | <p>BACKGROUND - The Thames Riviera Hotel is a Non-Designated Heritage Asset in Maidenhead Riverside Conservation Area, within the character area called "Promenades Parks and Bridges". Built in the 1880's, it is an interesting building with a steep red tiled hipped roof over its main body. Smaller pitched roofs, dormers, and ornate tall red brick chimneys intercede this line to give it an undulating appearance. A tall turret on the southern side of the building is a distinctive architectural feature. Originally exposed red brick, the hotel is now painted over in an off white colour. The building is positioned directly on the Thames via outdoor seating and green space.</p> <p>To the west of the hotel is the Guards Club, which, along with the hotel, and boathouse to the south of the site, was originally built as part of one large mansion. However, as there was minimal interest in buying these buildings under residential use at the time of their erection, the buildings have been predominantly used as a public house and hotel. The Guards Club is an ancillary building to the hotel and was rebuilt in the very early 1900s. It mimics elements of the hotels design with red tiled roofs, rendered facades with exposed brickwork and ornate chimneys, notably the one on its eastern façade.</p> <p>To the south of the site is a 1970's building providing 18 bedroom suites, which was built under the present owners of the hotel. The building is redbrick with a hipped dark tile roof and wood clad balconies.</p> <p>The hotel complex is in an incredibly sensitive location. Immediately to its north is the Grade I listed Maidenhead Bridge, to its west is the grade II* Oldfield lodge and grade II Bridgewater lodge, and to the south of the application site is the grade II Edwardian building named Oldfield.</p> <p>The Thames Riviera Hotel has undergone many alterations in its past including a crown roofed extension to the north facade in the 1980's, the alteration of the exterior finish, and the erection and subsequent demolition of a conservatory to its south side.</p> <p>CONSIDERATIONS - Significance of the Heritage Assets - Maidenhead Riverside Conservation Area is significant due to its strong relationship with the Thames which provides unique views into and out of the Conservation Area, and has dictated its architecture and built development. The large mansions on the riverfront boast good quality architecture from the 18th, 19th and 20th centuries with good surviving features. These buildings are also historically important as they reflect the "golden age of the Thames". The specific character area "Promenades, Parks and Bridges" is defined by its</p> | 6.9 – 6.21 |

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| | <p>buildings relationship to the River Thames and because of its hotels and waterfront boathouse style buildings. The Thames Riviera is mentioned specifically in the Conservation Area appraisal to be of interest in the area.</p> <p>The Thames Riviera Hotel is a Non-Designated Heritage Asset whose significance is found in its architectural, historic, and communal special interests. Architecturally the building has interesting Victorian features, predominantly found in its interesting roof scape and its relationship to the river. Historically the building represents a period of time in the Maidenhead when this area of the Thames was known as a fashionable river resort. Communally the building is incredibly recognisable as entry point not just into Maidenhead, but into the Borough itself, and strongly contributes to the character of the riverside. The Conservation Area Appraisal describes it as “a large building on the banks of the Thames, significant in its dominant location next to the Maidenhead Bridge”.</p> <p>Impact of the proposals on the significance of the Heritage Assets - The existing extension on the northern façade is considered to have a neutral contribution to the Non-Designated Heritage Asset and Conservation Area. Its crown roof is a negative feature, however, the extension as a whole seeks to complement the existing hotel and to be architecturally subservient. Whilst its removal and replacement would in principle be acceptable, the current replacement design would cause less than substantial harm to the Heritage Assets, (Non-Designated Heritage Asset and Conservation Area) and would also negatively alter the setting of the Grade I Listed Bridge.</p> <p>The current proposal is not considered to respect the local vernacular of the Conservation Area which predominantly utilises traditional materials. There is a strong impression within the Conservation Area of no architectural detail left unfinished. Decorative treatments to the buildings include ornate ridge tiles, Flemish brick bond, rubbed red brick, and attractive window pane divisions. The current proposed extension is at odds with the surrounding architecture as it presents a huge variety of unsympathetic materials and a flat roof, neither of which complement the surrounding buildings. The use of aluminium, timber, PPC metal, fibreglass, and painted brick would be a baleful addition to the streetscape and river frontage and could not be considered to preserve the character of the Conservation Area. Because of the extensions sensitive location, on a prominent building, and viewed from a most important Grade I Listed bridge, it is considered that any extension designed in this location would have to integrate well into the Conservation Area. Fine detailing and high quality traditional materials should be used and the architectural proportions should respect the Thames</p> | |
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| | <p>Riviera.</p> <p>When viewed from Bridge Road the extension conceals architectural features: The balcony rises higher than the existing crown roof and the extension wraps around the north and east sides of the building at three storeys. This completely disfigures the original architectural form of the Non-Designated Heritage Asset, and removes its positive contribution to the Conservation Area as a beautiful 19th Century building. The proposed fenestration on the new extension is not simple, but presents a confusion of styles. In direct juxtaposition with the hotel, the extension therefore creates a discordant appearance which detracts from the harmonious architecture which is part of the special interest of the Conservation Area.</p> <p>The proposal to demolish the existing annex building and replace with new is in principle acceptable. However, the replacement building, in a similar style to that which has been proposed as an extension on the hotel, would have a negative impact on the Conservation Area and setting of the Grade I listed bridge, Grade II* listed lodge and other Grade II Listed buildings. The design has not taken its cues from any local building or vernacular. Whilst the existing building is modern and not of architectural significance, it positively seeks to mimic the traditional pitched and hipped roofs and uses traditional materials seen in the surrounding buildings. The current proposal is higher and wider than the existing, this combined with its unsuccessful modern detailing, would cause less than substantial harm to the Conservation Area.</p> <p>The proposals presented in this application are against points 1, 2, 3, and 4 of policy CA2 and DG1 in the Local Plan and against policy HE1 in the emerging Borough Local Plan. The overall proposed development detracts from significant views and buildings, distorts architectural features, and is imposing in the streetscape within the Conservation Area. The development has not sought to “conserve and enhance the character, appearance and function” of the identified heritage assets, or “respect the significance of [their] historic environment”. Furthermore, the NPPF requires that the built environment have good design which will “respond to local character and history and reflect the identity of local surroundings and materials” which the current proposals fail to do.</p> <p>CONCLUSIONS - To conclude I can advise that the proposed alterations will cause less than substantial harm to the heritage assets (Conservation Area and Non Designated Heritage Asset). There are no public benefits to the scheme that would outweigh the harm identified in this report.</p> <p>RECOMENDATION - Based on the above information and assessment the application is considered</p> | |
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| | unacceptable from a heritage perspective and a refusal of this application would be supported. 17/07/2018 | |
| Berkshire Archaeology | <p>An archaeological Desk Based Assessment has been submitted with the application which concludes that the site has a modest potential to contain buried prehistoric remains but as the proposed development would be largely within the footprint of the existing buildings further archaeological investigations are considered unnecessary due to the very limited opportunity for results of archaeological value. On balance Berkshire Archaeology concurs with the report's conclusions. Therefore no measures to mitigate the impacts on the buried archaeological heritage are merited should the proposal be permitted unless the scheme is subsequently amended or revised.</p> <p>Whilst the scheme has been amended but the footprint of the proposed development remains very similar and therefore further consultation is not necessary.</p> | |
| | | |

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Design and Access Statement

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed below. A-(002)-002 Rev C; A-(002)-003 Rev D; A-(002)-004 Rev D; A-(002)-005 Rev C; A-(002)-006 Rev D; A-(002)-007 Rev C; A-(01)-002 Rev A; A-(01)-003 Rev A; A-(06)-001 Rev A; A-00-003 Rev D; A-00-007 Rev C; A-01-003 Rev A; ; A-01-005 Rev B; A-02-006 Rev B; A-02-007 Rev B; A-02-008 Rev B; A-06-001-Rev A.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.
- 3 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies DG1, CA1, & N2.
- 4 No development shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 5 The development permitted by this permission shall be carried out and maintained in accordance with the FRA ref 36825/40001 Revision A, dated October 2016 compiled by Peter Brett Associates and the updated drawing number 36825/4001/002 Revision C and the following mitigation measures detailed within the FRA and the drawing: 1. Finished floor levels are set no lower than 24.2m above Ordnance Datum for the main hotel building, 24.35 metres above

Ordnance Datum for the Guards House and 24.2 metres above Ordnance Datum for the southern residential block as outlined in Section 5.1.2. Compensatory Flood Plain Storage as shown in updated drawing number 36825/4001/002 Revision C.

Reason: To ensure that the property is suitably protected from flooding up to the 1% AEP with an appropriate allowance for climate change flood event and prevent an increased risk of flooding elsewhere due to impedance of flood flows and reduction of floodwater storage capacity in accordance with paragraph 103 of the National Planning Policy Framework (NPPF) and Local Plan Policy F1.

- 6 Prior to the occupation of the development hereby permitted details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.

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

- 7 No part of the development shall be occupied until the area shown on the approved plan as open space has been fully laid out in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. It shall be permanently retained and maintained as open space for the use, benefit and recreation of persons residing in the development hereby permitted. No fence, wall or other means of enclosure shall be erected on or around this open space without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of the development and to accord with the terms of the application. Relevant Policies Local Plan R3, DG1.

- 8 Prior to the occupation of the development hereby permitted details of all external lighting, including floodlighting, shall 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 CA1;.

- 9 The demolition hereby permitted shall not be commenced before
(i) Planning permission for the redevelopment of the site has been obtained, and,
(ii) A contract for the redevelopment of the site has been made on which work is to commence within 3 months, or such longer period that may have been agreed by the Local Planning Authority in writing.

Reason: To avoid premature demolition creating an undesirable gap until redevelopment commences. Relevant Policies - Local Plan CA2.

- 10 No work in connection with the development hereby approved including demolition shall be commenced until such time as trees to be retained as identified in the approved arboricultural report have been protected in accordance with BS 1837 and the approved Arboricultural Method Statement. The protection measures shall be retained until completion of development.

Reason: In the interests of good arboricultural practise and amenity. Local Plan Policies N6, N2, CA2.

- 11 Prior to the commencement of any works of demolition or construction a management plan showing: 1) how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period; 2) measures to protect the amenity of neighbouring property from noise, disturbance; 3) measures to avoid discharge of pollutants and contaminants to the air, ground and water courses including the River Thames; 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: 1) In the interests of highway safety and the free flow of traffic in accordance with Local Plan Policy T5; 2) In the interests of residential amenity Local Plan Policy EP1 ; 3) In order to protect the natural environment Local Plan Policy EP1.

- 12 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 13 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 14 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
- 15 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 16 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1.
- 17 The existing clay roof tiles shall be carefully removed from the roof and stored prior to demolition. Any deficit of tiles to retained tiled roof areas shall be made up with salvaged clay tiles.
Reason: To protect and preserve the character of the conservation area and the heritage assets. Relevant Policies - Local Plan CA1.
- 18 Further details of any new or replacement windows and doors to be inserted in the building in accordance with the approved plans shall be submitted to and approved by the Local Planning Authority in writing prior to their installation.
Reason: To protect and preserve the character of the conservation area and the heritage assets. Relevant Policies - Local Plan CA1.
- 19 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 20 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or in

accordance with a programme first agreed in writing by the Local Planning Authority, and retained in accordance with the approved details.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. Relevant Policies - Local Plan DG1.

- 21 Prior to the commencement of development a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall cover any areas of existing landscaping, including woodlands, and all areas of proposed landscaping other than private domestic gardens.
Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 22 Prior to commencement of that part of the development details shall be submitted showing the provision of impermeable privacy screening to the east facade balconies of the new residential block in the south of the site. The approved details shall be implemented prior to first occupation of that part of the building and thereafter retained for all time.
Reason - In order to ensure a satisfactory standard of amenity for adjoining property and avoid unacceptable levels of overlooking. Local Plan Policy DG1.
- 23 The approved surface water drainage system as prepared by Peter Brett Association Technical Note 36825-C-TN001 Rev A shall be implemented in accordance with the approved detailed design prior to the use of the building commencing and maintained thereafter.
Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system in accordance with the National Planning Policy Framework. (NPPF)

Informatives

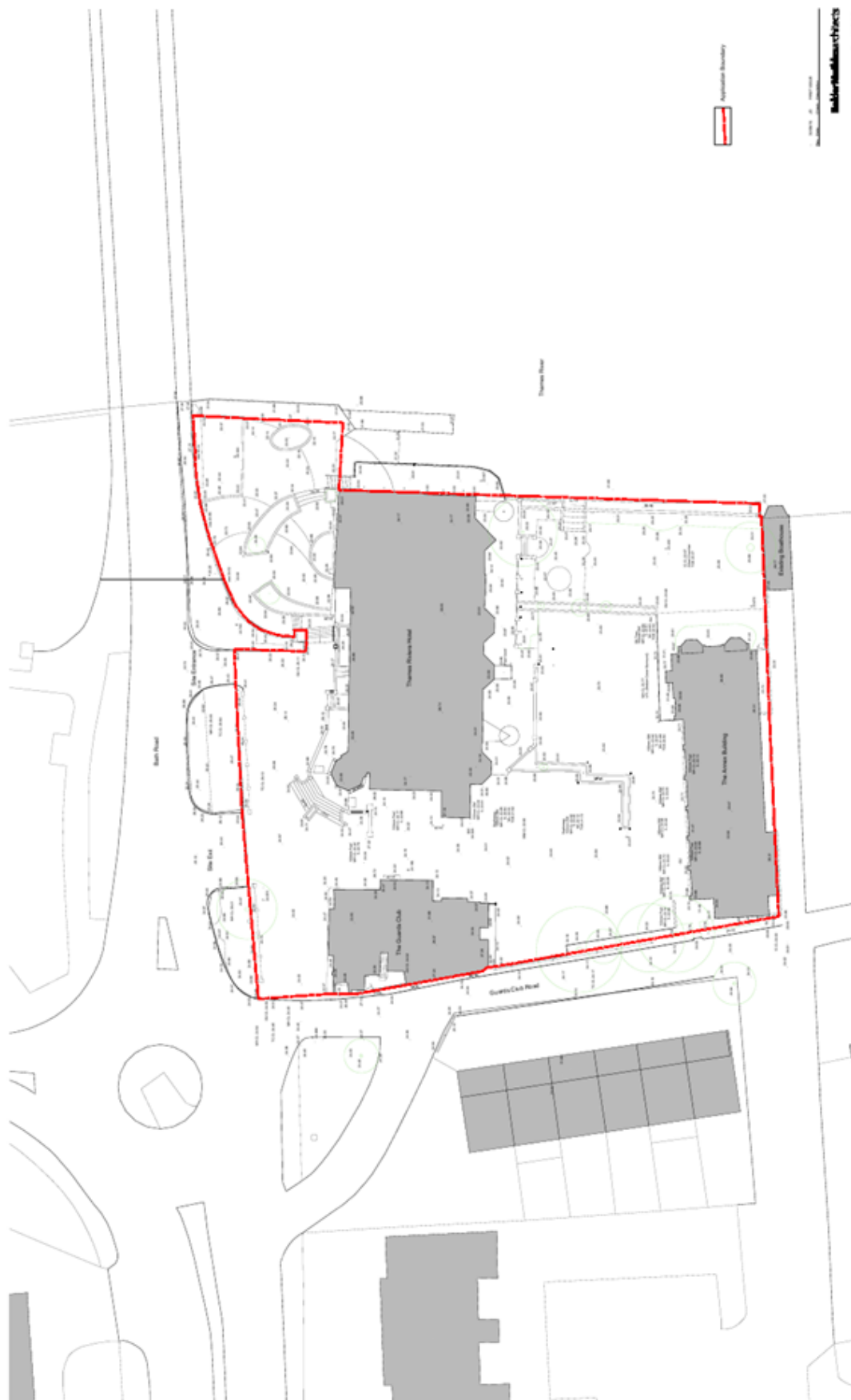
- 1 Your attention is drawn to the provisions of the Party Wall Etc Act 1996. An explanatory leaflet for this Act is available from ODPM Free Literature, PO Box 236, Wetherby, West Yorkshire, SL23 7NB. Tel: 0870 122 6236 Fax: 0870 122 6237 Textphone: 0870 120 7405. It can be viewed on-line at: www.safety.odpm.gov.uk/bregs/pwact/index.htm

Appendix A—Location plan, site plan and proposed plans

Site location plan



Existing site plan



Proposed demolition plan



Proposed site plan



Proposed ground floor plan



Proposed first floor plan



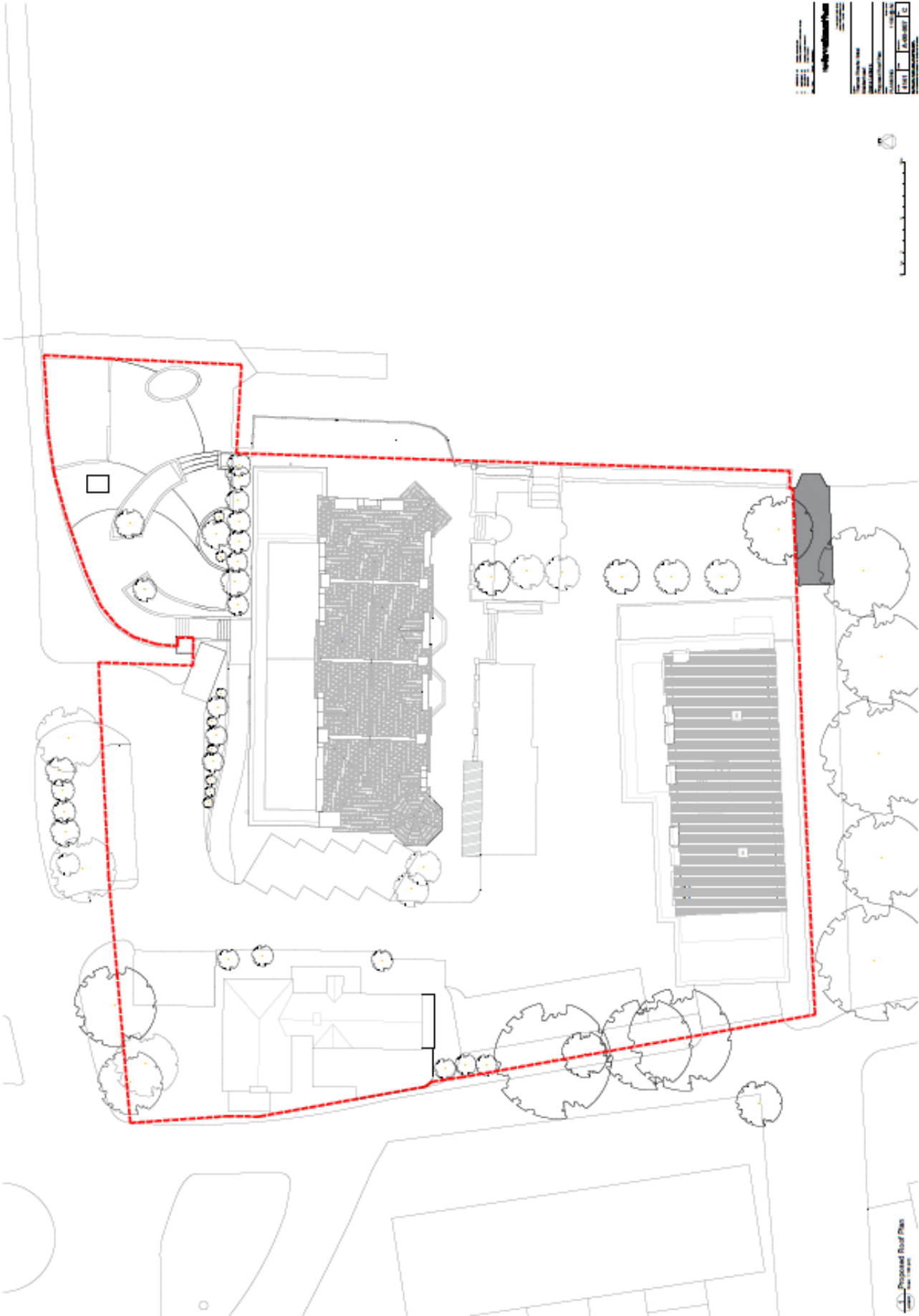
Proposed second floor plan



Proposed third floor plan



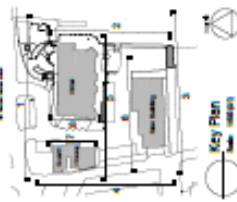
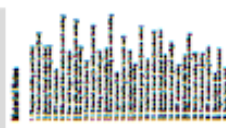
Proposed roof plan



Proposed north elevation—Annexe building



1 North Elevation
Scale: 1/8"=1'-0"



| Year | Number of cases | Number of deaths |
|------|-----------------|------------------|
| 1990 | 100 | 10 |
| 1991 | 110 | 11 |
| 1992 | 120 | 12 |
| 1993 | 130 | 13 |
| 1994 | 140 | 14 |
| 1995 | 150 | 15 |
| 1996 | 160 | 16 |
| 1997 | 170 | 17 |
| 1998 | 180 | 18 |
| 1999 | 190 | 19 |
| 2000 | 200 | 20 |
| 2001 | 210 | 21 |
| 2002 | 220 | 22 |
| 2003 | 230 | 23 |
| 2004 | 240 | 24 |
| 2005 | 250 | 25 |
| 2006 | 260 | 26 |
| 2007 | 270 | 27 |
| 2008 | 280 | 28 |
| 2009 | 290 | 29 |
| 2010 | 300 | 30 |
| 2011 | 310 | 31 |
| 2012 | 320 | 32 |
| 2013 | 330 | 33 |
| 2014 | 340 | 34 |
| 2015 | 350 | 35 |
| 2016 | 360 | 36 |
| 2017 | 370 | 37 |
| 2018 | 380 | 38 |
| 2019 | 390 | 39 |
| 2020 | 400 | 40 |

Webster's Ninth New Collegiate Dictionary

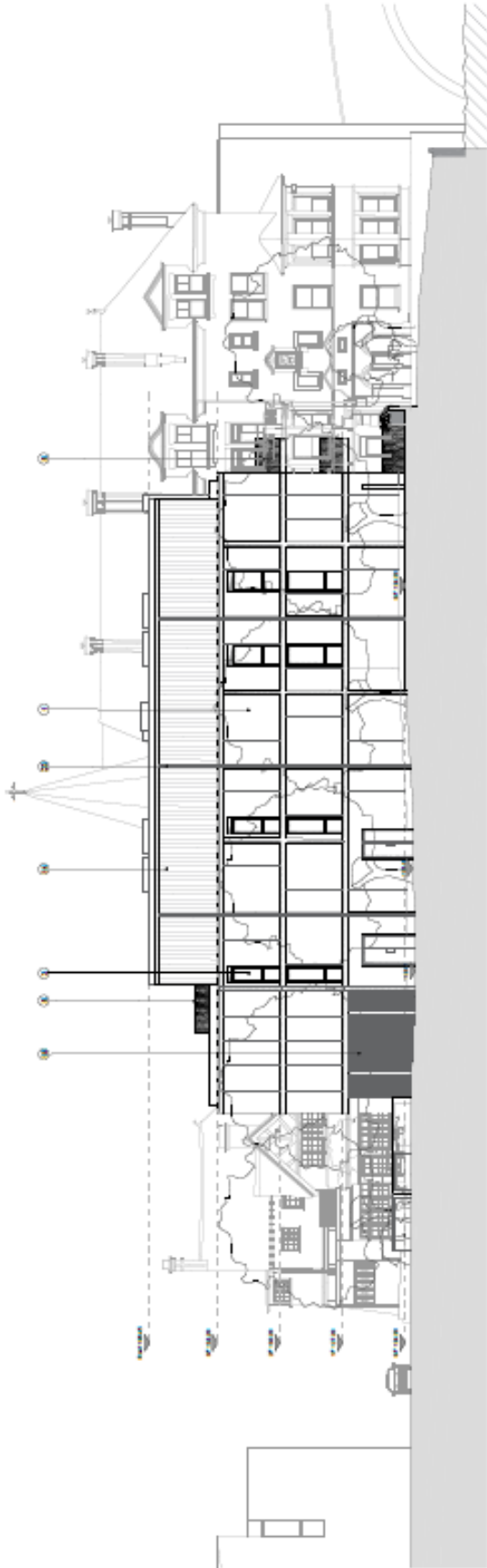
| | |
|--------------------|---------|
| region | |
| Thames Valley | 100.00% |
| Mid and West Wales | 100.00% |
| London | 100.00% |
| UK | 100.00% |

| | | | |
|---------|------|---------|------|
| DATE | TIME | DATE | TIME |
| 4/14/11 | 1:00 | 4/14/11 | 1:00 |

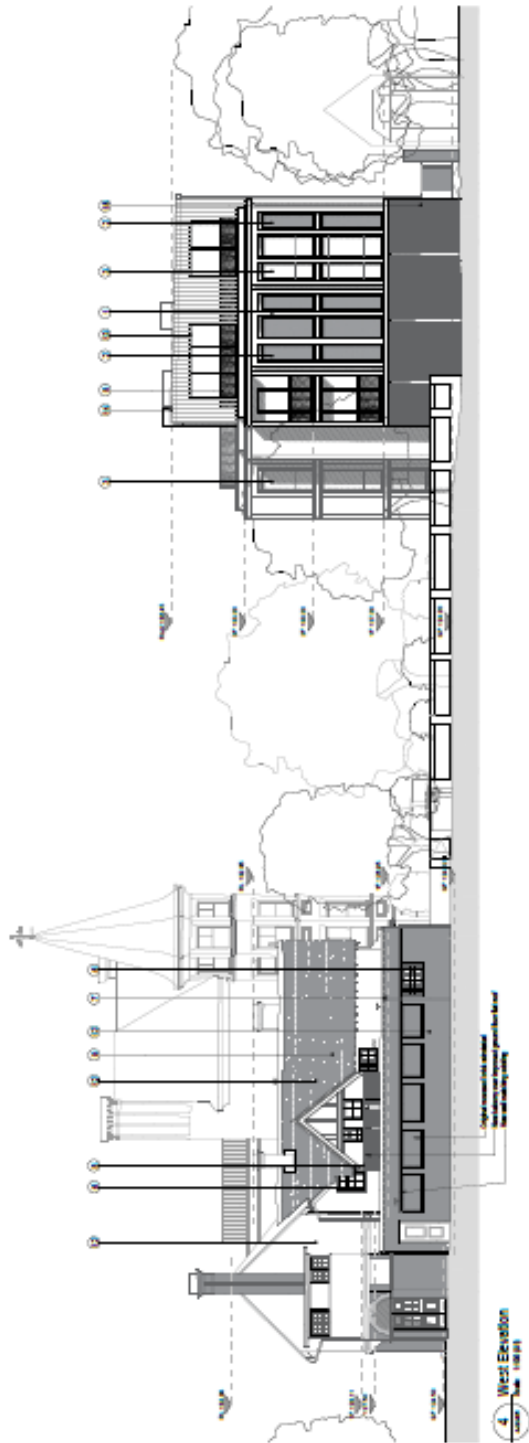


2 East Elevation
Scale: 1/8" = 1'-0"

South elevations (from gardens)



3 South Elevation
Scale 1:100



4 West Elevation
Scale 1:100

Architectural drawing showing a key plan and a list of materials.

Key Plan

Architectural drawing showing a list of materials.

Materials

- 1. Brickwork
- 2. Concrete
- 3. Glass
- 4. Timber
- 5. Metal
- 6. Stone
- 7. Paint
- 8. Plaster
- 9. Tiles
- 10. Roofing
- 11. Landscaping
- 12. Fencing
- 13. Lighting
- 14. Heating
- 15. Cooling
- 16. Security
- 17. Accessibility
- 18. Sustainability
- 19. Health & Safety
- 20. Compliance

Notes

- 1. All materials to be supplied and installed by the contractor.
- 2. All materials to be of a quality and standard as specified in the contract documents.
- 3. All materials to be of a type and brand as specified in the contract documents.
- 4. All materials to be of a color and finish as specified in the contract documents.
- 5. All materials to be of a size and shape as specified in the contract documents.
- 6. All materials to be of a weight and volume as specified in the contract documents.
- 7. All materials to be of a length and width as specified in the contract documents.
- 8. All materials to be of a height and depth as specified in the contract documents.
- 9. All materials to be of a thickness and diameter as specified in the contract documents.
- 10. All materials to be of a surface area and volume as specified in the contract documents.
- 11. All materials to be of a mass and weight as specified in the contract documents.
- 12. All materials to be of a density and specific gravity as specified in the contract documents.
- 13. All materials to be of a strength and tensile strength as specified in the contract documents.
- 14. All materials to be of a modulus and elongation as specified in the contract documents.
- 15. All materials to be of a yield strength and ultimate strength as specified in the contract documents.
- 16. All materials to be of a breaking strength and breaking point as specified in the contract documents.
- 17. All materials to be of a failure mode and failure mechanism as specified in the contract documents.
- 18. All materials to be of a failure rate and failure frequency as specified in the contract documents.
- 19. All materials to be of a failure probability and failure risk as specified in the contract documents.
- 20. All materials to be of a failure consequence and failure impact as specified in the contract documents.

Project Information

Project Name: [Project Name]
Project Location: [Project Location]
Project Date: [Project Date]
Project Status: [Project Status]
Project Manager: [Project Manager]
Project Engineer: [Project Engineer]
Project Architect: [Project Architect]
Project Designer: [Project Designer]
Project Contractor: [Project Contractor]
Project Client: [Project Client]
Project Budget: [Project Budget]
Project Cost: [Project Cost]
Project Revenue: [Project Revenue]
Project Profit: [Project Profit]
Project Loss: [Project Loss]
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Project ROI: [Project ROI]
Project NPV: [Project NPV]
Project IRR: [Project IRR]
Project Payback: [Project Payback]
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Project Risk: [Project Risk]
Project Uncertainty: [Project Uncertainty]
Project Sensitivity: [Project Sensitivity]
Project Scenario: [Project Scenario]
Project Assumptions: [Project Assumptions]
Project Constraints: [Project Constraints]
Project Objectives: [Project Objectives]
Project Goals: [Project Goals]
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Project Results: [Project Results]
Project Performance: [Project Performance]
Project Evaluation: [Project Evaluation]
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Project Meaning: [Project Meaning]
Project Purpose: [Project Purpose]
Project Vision: [Project Vision]
Project Mission: [Project Mission]

East site elevation (from riverside)

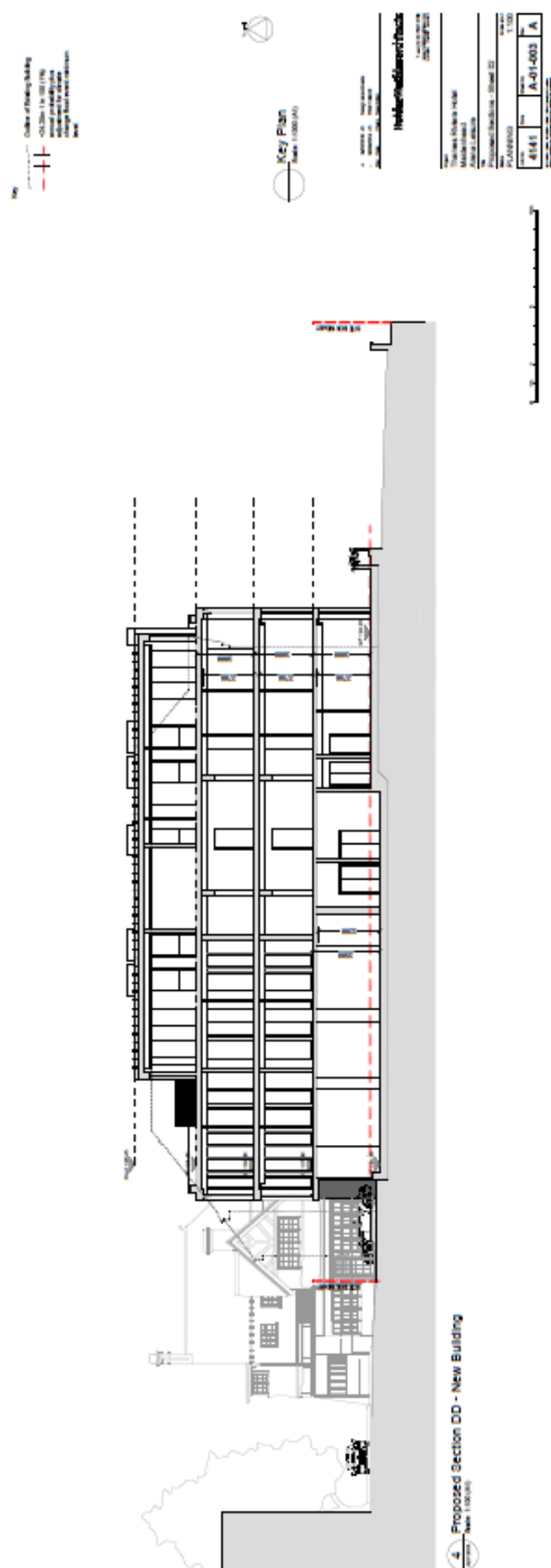
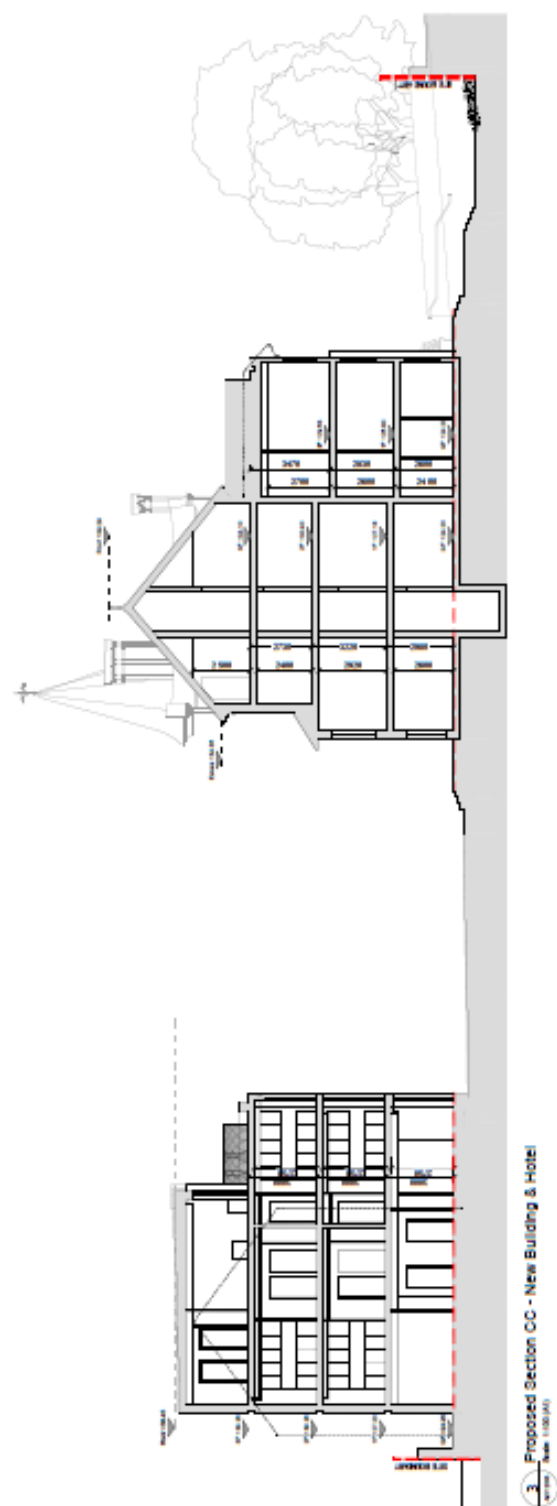


THAMES VALLEY HOTEL
ARCHITECTURAL
Proposed Development - Riverside
1:10 @ A1



Model: 10/10/2023
Scale: 1:10 @ A1

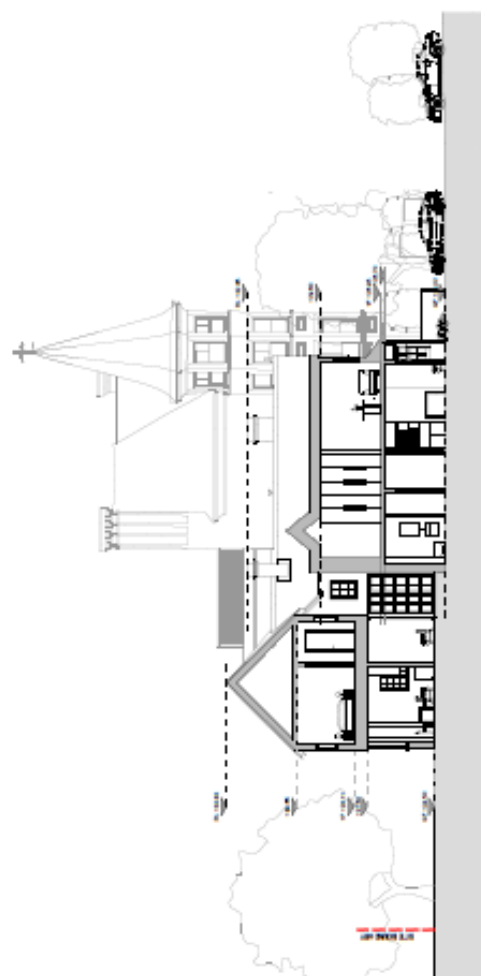
South—north section proposed



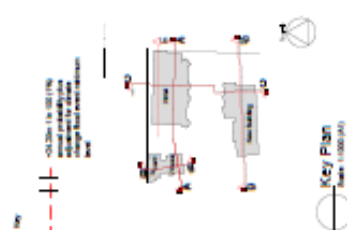
West - east section proposed



1 Proposed Section AA - Guard House & Hotel



2 Proposed Section BB - Guard House



[Return to Table of Contents](#)

Abstract

[This week's featured book](#)

| Government | Percentage |
|---------------------|------------|
| Current government | 85% |
| Previous government | 15% |

Proposed: **Revised** - 2010 and 2011

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 4141 | A-01-002 | A |
|------|----------|---|

Developed Design

Scheme improvements

Arena Leisure

Thames Riviera Hotel

February 2018



Introduction

The purpose of this document is to show the design development of the proposal in response to the comments received from Historic England.

Our response to comments such as:

‘Poorly conceived hotel extension to the west.’
Or

‘very simple forms and geometry, looks very harsh and urban and sits uneasily with both the architecture of the existing hotel’

Has been to concentrate our efforts on the design of a more detailed architectural language, conceiving a delicate expression that enhances the beauty of the historic Architecture and its surroundings.

Historic England showed a serious concern about the partial demolition of the Guards Club building and its replacement with a modern and much simpler volume, for this reason, the Guards Club is to be retained, made good and

refurbished to bring it back to its former glory.

We understand this proposal as an opportunity to undo the damage done to the appearance to the hotel and Guards Club through time and enhance the conservation area they sit in.

This document is divided in three parts: The Hotel Building, Annex Building and the Guards Club. Each section compares the buildings as originally shown for planning and their final appearance after addressing Historic England comments.

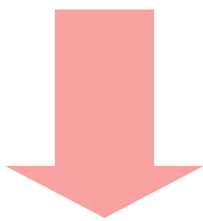
Indeed, Historic England has now confirmed its concerns have been addressed and support the approach taken, and in this respect we would like to thank them for their engagement in this process.



Hotel Building



Original Planning Scheme - Hotel Riverside Elevation



Improving Architectural detailing of the Hotel North Elevation and new extension by breaking down the proposed volume, adding balconies and creating a lighter weight structure



Lightweight structure design developed to a visually lighter Architecture by using curtain wall systems and materials such as brass coloured metal panels .



Proposed Scheme - Hotel Riverside Elevation

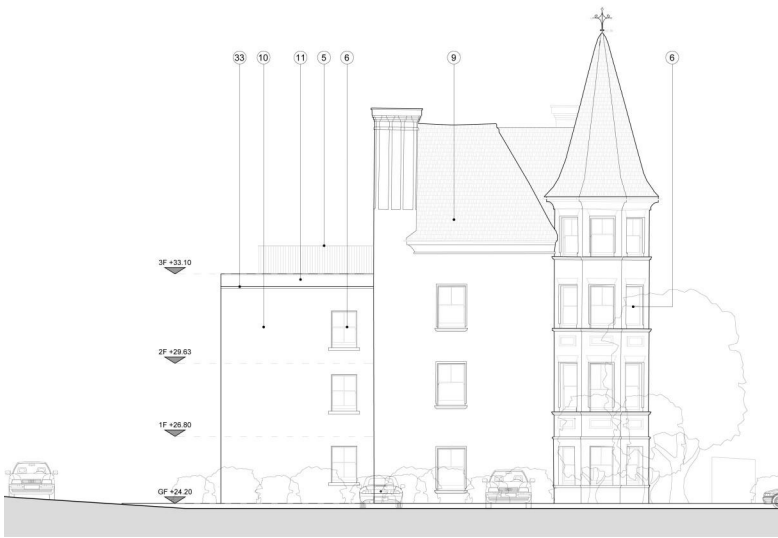


The existing Hotel Architecture is exposed further to give it the importance that it deserves as part of the riverside landscape

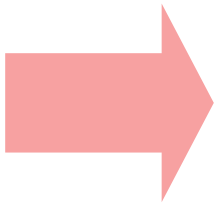
The extension is presented now as a narrower addition to the existing hotel building. Its slender bay expression wraps rhythmically around the new addition, elegantly enhancing the building and unifying the old and the new.



Hotel Building



Original Planning Scheme - Hotel West Elevation



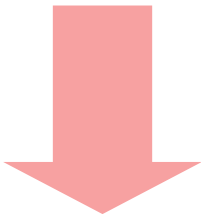
The addition of windows on this elevation creates a lighter feel of the overall Architectural composition



Proposed Scheme - Hotel West Elevation



Original Planning Scheme—Hotel Roadside Elevation



Developed Scheme—Hotel Roadside Elevation

Trees between the road and the building to act as green buffer

Main Entrance

Lightweight structure

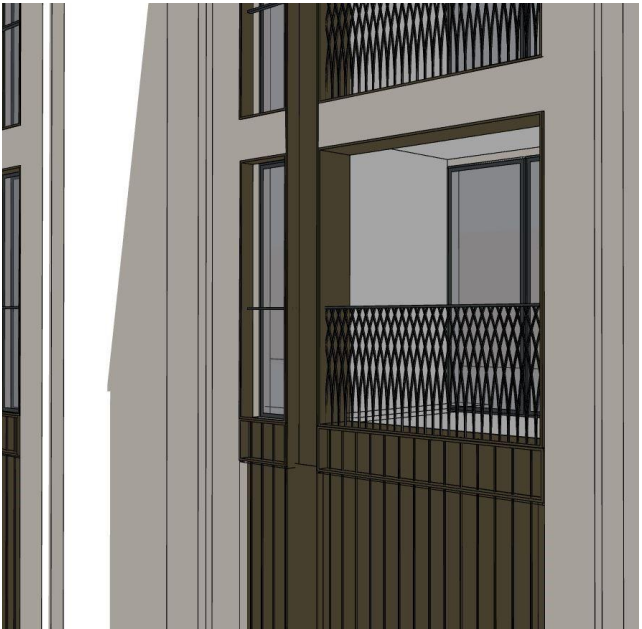
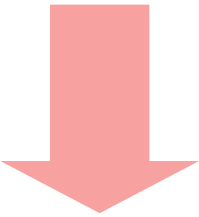
The bay is expressed elegantly in a symmetrical rhythm along the façade .

Annex Building

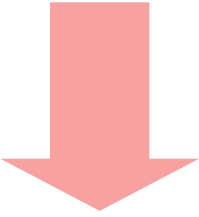


Original Planning Scheme—Annex North Elevation

The design for the Annex Building has evolved to become a more slender and elegant looking building. The colours used and the playful geometry and rhythm link directly to the surrounding proposed buildings as well as the site.



The taller dormer windows on the roof adds playfulness to the character of the building. These imitate the rhythm expressed by the chimney tops and former windows on the main hotel roof, which is directly in front of this elevation



Main Entrance

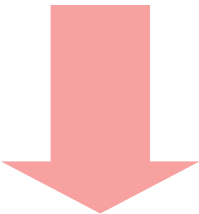
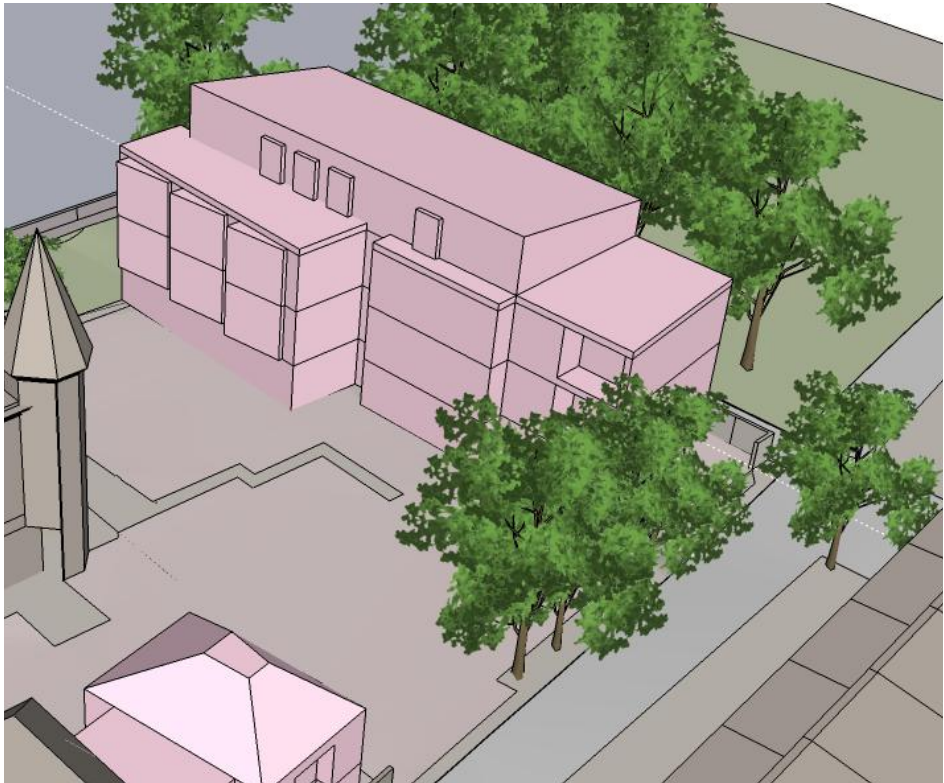
Garage doors

Proposed Scheme—Annex North Elevation

Annex Building



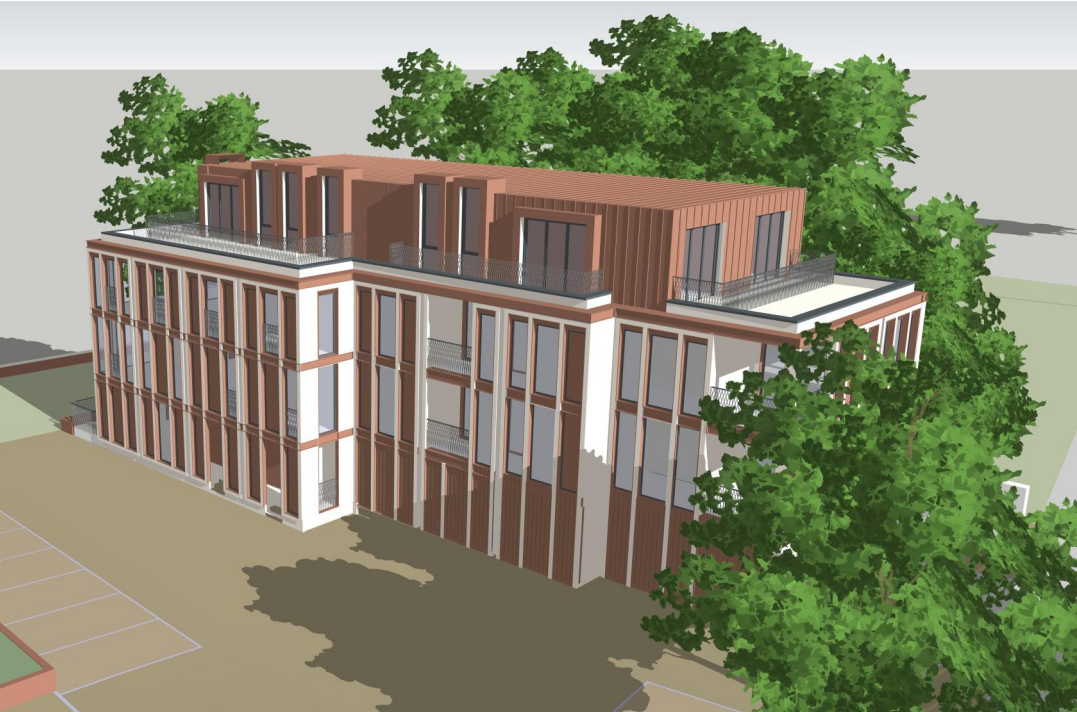
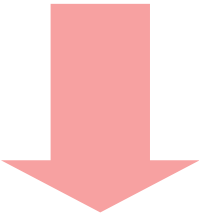
Original Planning Scheme—Annex Riverside Elevation



Proposed Scheme—Annex birds eye view



Proposed Scheme—Annex Riverside Elevation



Guards Club

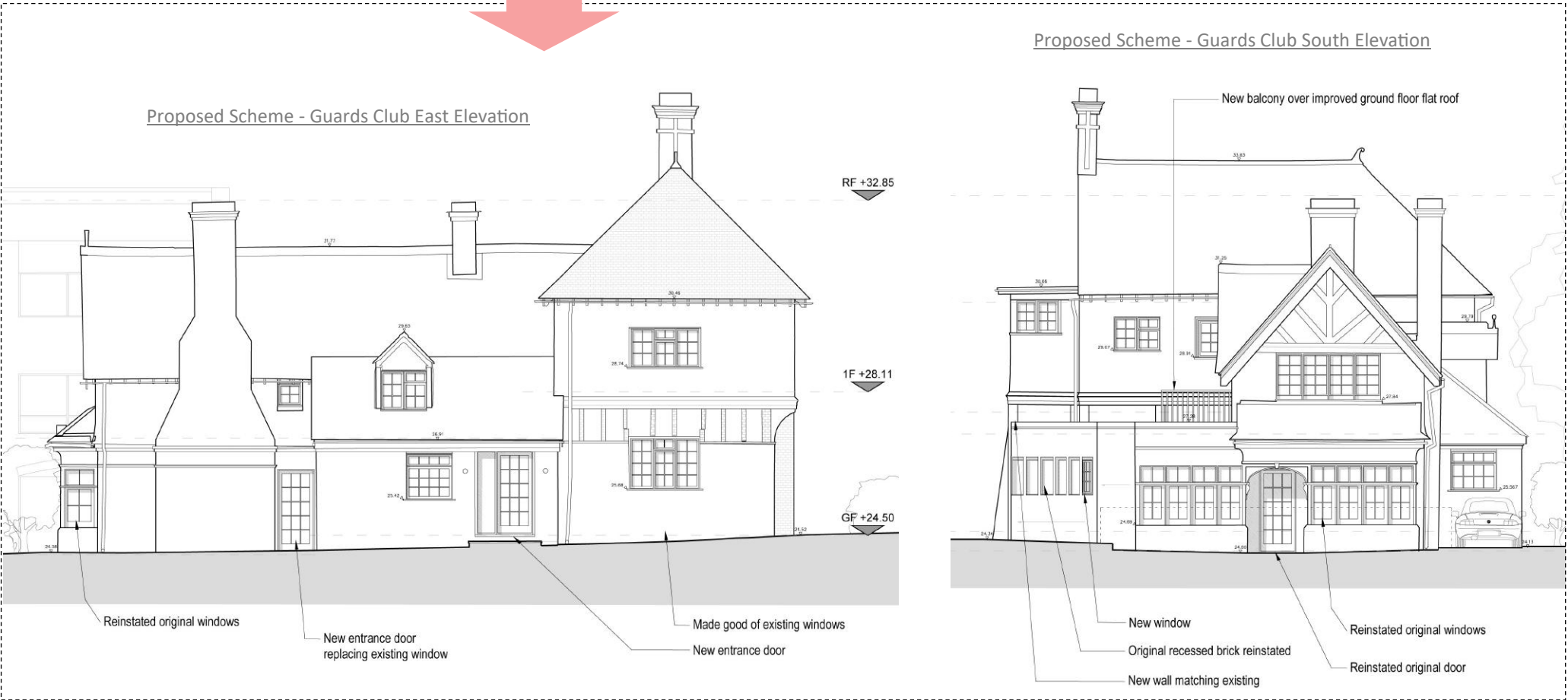


The previous scheme consisted on the partial demolition of the Guards Club building, and the addition of a new residential unit as a modern Architectural expression

The proposed scheme intends to go back to the existing Guards Club building design to refurbish it entirely. Only slight alterations in its Architecture are required to transform the existing building into two high quality residential units.

Made good of the materials is required throughout the building - Roof tiles, brick walls, windows etc All to match existing.

It is proposed to replace an existing late extension and create a more suitable volume in its place, including outdoors space for both units that add an extra element of character to the overall Architecture.



Guards Club

Ground Floor (planning)



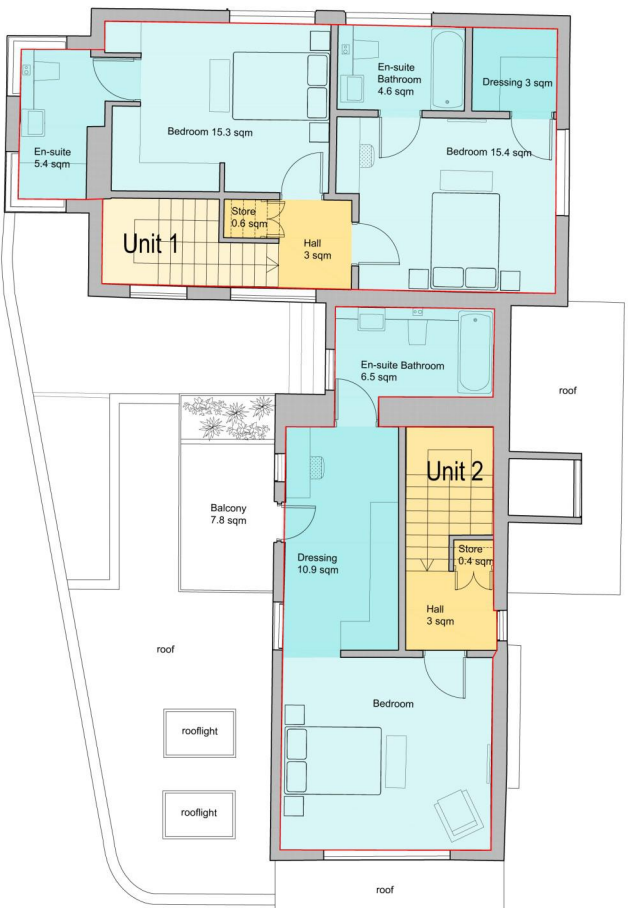
Planning First Floor (planning)



Proposed Ground Floor



Proposed First Floor



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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

26 September 2018

Item: 2

| | |
|-------------------------|---|
| Application No.: | 18/01392/FULL |
| Location: | 48 - 52 St Marks Crescent Maidenhead |
| Proposal: | Construction of 2 x 4-bed detached houses, 3 x 3-bed and 1 x 2-bed semi-detached houses with parking and access |
| Applicant: | Mr Bradbury |
| Agent: | The Edwards Irish Partnership LLP |
| Parish/Ward: | Maidenhead Unparished/Pinkneys Green Ward |

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

1. SUMMARY

- 1.1 The proposed development, by virtue of its appearance, density, scale, and design, is considered to have an acceptable impact on the character and appearance of the area. The proposal would harmonise well with surrounding development and would form a continuation of development on St Francis Road.
- 1.2 It is considered that there would be an acceptable relationship between the proposed dwellings and the existing dwellings in close proximity to the site. Whilst the dwellings would be readily visible from the amenity areas of neighbouring dwellings, it is not considered that it would be to a degree that would result in the development appearing overbearing or obtrusive.
- 1.3 A sufficient amount of parking spaces have been provided to serve the proposed dwellings and the Highways Authority consider the impact of the development on the surrounding road network to be acceptable.
- 1.4 There are protected trees on the site that contribute to the character and appearance of the area. It is considered that the development would have an acceptable impact on these trees subject to compliance with the submitted details.

| |
|--|
| It is recommended the Panel GRANTS planning permission with the conditions listed in Section 10 of this report. |
|--|

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The 0.21 hectare site is located within Maidenhead and comprises of the rear gardens of 48-52 St Marks Crescent which lie to the south of the site. To the centre of the application site are a group of trees subject to TPO 001/2000 and 015/2001. To the north of the site are residential properties fronting Alwyn Road. To the northeast within the neighbouring garden at no.91 Alwyn Road there is a protected hornbeam, TPO 038/2006, in close proximity to the shared boundary. To the east are properties fronting St Francis Road, which is a cul-de-sac served by a private road joining St Marks Crescent with St Paul's Gardens beyond. The surrounding area is an established leafy, residential area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for the construction of 2 x 4 bed detached houses, 3 x 3 bed and 1 x 2 bed semi-detached houses with parking and access.
- 4.2 17/02779/FULL – Construction of 5 no.3 bedroom and 1 no.2 bedroom semi-detached dwellings with garages, parking and access. Refused.

The above application was refused due to the impact of the proposal, by reason of its density, layout and siting, on the long term future retention of trees which are subject to a Tree Preservation Order and which contribute to the visual amenity and leafy character of the area.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 2, 4, 5, 8, 11, 12, 15

Royal Borough Local Plan (1999)

- 5.2 The main Development Plan policies applying to the site and the associated policies are:

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

These policies can be found at

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

Borough Local Plan: Submission Version

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

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

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP2, SP3, NR2 and IF2 in this case. The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded as a material planning consideration.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

5.3 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i principle of development
- ii impact of the proposal on the character and appearance of the area
- iii impact on neighbouring properties
- iv impact on protected trees
- v highways and parking
- vi other considerations

i Principle of development

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

ii Impact on the character of the area

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

6.4 The surrounding area is identified as an inter-war suburb in the Council's Townscape Assessment, and comprises of medium density residential development of detached and semi-detached suburban dwellings on crescents, avenues and cul-de-sacs. Grass verges, street trees and front gardens contribute to a leafy character. The architectural detailing typically comprises of bay and bow windows, casement windows, recessed porches, and moderately pitched, hipped or gabled clay tiled roofs with chimneys that add visual interest to the skyline.

- 6.5 The proposed development forms a continuation of development along St Francis Road and the siting, orientation, scale and form of the proposed dwellings would follow the existing grain and patterns within this cul-de-sac. For this reason, the proposal would not result in a density that would be out of keeping with the surrounding density or disproportionate to their plots. The proposed mass and bulk of the dwellings would also be similar to existing houses on St Frances Road having comparable eaves heights, widths, and depths. Whilst the proposed dwellings on plots 1-4 would be slightly taller than the adjacent dwellings on St Francis Road, they would not appear noticeably taller and the hipped roof design would create a greater sense of space between the developments providing a satisfactory transition in heights. This is demonstrated in the street scene drawing submitted to support the application. The separation distance of approximately 18m between the flank elevation of plot 4 and that of the neighbouring dwelling to the east at no.12 St Paul's Gardens would be sufficient in terms the development not detracting from the appearance and character of this neighbouring street scene. The orientation of the proposed dwellings on plots 5 and 6 along with their location at the end of the cul-des-sac, therefore occupying a less prominent position within the street scene, would mean that their proposed appearance would not be unduly harmful.

iii Impact on neighbouring properties

- 6.6 The development plan does not include a policy on separation between properties. Paragraph 127 f) of the NPPF seeks to secure a high standard of amenity for existing and future occupiers.
- 6.7 The proposed dwellings on plots 1 to 4 would be sited largely in line with the neighbouring dwellings to the west and the dwelling on plot 1 would not project significantly beyond the rear or front elevations of no.10 St Francis Road. The same would apply to the relationship between the dwelling on plot 4 and no.12 St Pauls Gardens. The back to back distances between dwellings on plots 1-4 and properties along Alwyn Road as well as the back to back distances between dwellings on plots 5-6 and properties along St Marks Crescent are considered sufficient to mitigate any visual intrusion or loss of light to these neighbouring dwellings. The same applies to the back to side distance between plot 6 and the dwellings along St Francis Road. The first floor flank wall windows in each dwelling do not serve habitable rooms and can therefore be conditioned to be obscurely glazed to prevent any direct overlooking. A condition to prevent the addition of any further windows at first floor level and above is also considered reasonable for the same reason. Based on this assessment, it is not considered that the proposal would have a detrimental impact on the amenities of any of the neighbouring properties in terms of loss of light, overlooking or overbearing appearance.
- 6.8 Generous gardens have been allocated to each unit. It is considered that these provide an adequate amount of amenity space in relation to the size of the dwellings and the number of bedrooms.

iv Impact on protected trees

- 6.9 Trees growing within and adjacent to this site are subject to Tree Preservation Orders (TPOs). TPO 001/2000 includes two mature sycamore trees within the area shown as Plot 6 on the site plan. A group of trees within plots 5-6 is subject to TPO 015/2001 and a hornbeam growing within the adjacent property at 91 Alwyn Road Maidenhead is subject to TPO 38/2006.
- 6.10 The relevant Development Plan policy is N6. The Council's Tree Officer has been consulted on the proposal and initially raised concern. An amended Arboricultural Impact Assessment (AIA), Arboricultural Method Statement and Tree Protection Plan were submitted and additional information regarding utilities, drainage and hard and soft landscaping was received. The Tree Officer has confirmed that based on this additional/amended information that the impact of the proposal on these protected trees that contribute to the character of the area is acceptable subject to conditions. These conditions (Conditions 11-15) require a detailed landscaping scheme together with a landscape management plan to be submitted and approved to ensure the establishment of suitable replacement planting. All conditions recommended are considered reasonable. The proposal would comply with policy N6.

v Parking and Highways

- 6.11 Local plan policy T5 requires all new development to comply with the Council's adopted highway standards. The access to the site would be via an extension of St Francis Road which is a private residential cul-de-sac which joins the local highway network via St Marks Crescent. The Highways Authority have been consulted on the proposal and have confirmed that they raise no objection to the proposed access provided that it would be consistent with the existing, continuing the block paved, at-level shared use characteristics.
- 6.12 Three parking spaces have been allocated for the proposed 4 bed dwellings, one within garages and two in front of the garages in tandem form parking. Two parking spaces each have been provided for the 3 and 2 bed units. This level of parking provision complies with the Council's adopted parking standards. Whilst the Highways Authority initially raised concerns with regards to the proposed tandem layout of the parking for plots 5 and 6, as tandem parking has been approved on other developments in St Francis Road, it would be difficult for the Council to request for this to be amended. The Highways Authority agreed with this and confirmed that the proposed parking layout is therefore acceptable.
- 6.13 It is considered that sufficient space exists on site to provide secure cycle storage and refuse/recycling storage and this can be covered by condition. A swept path analysis should also be secured by condition (condition 10) to ensure that the turning head accommodates turning provision for a refuse vehicle.
- 6.14 The proposed development has the potential to generate 38 two way trips per day. The Highways Authority do not consider this to be detrimental to the local highway network. Concerns have been raised by neighbours with regards to the use of St Francis Road as the access due to this being a private road. However, rights of way and contributions towards maintenance of a private road is not a material planning consideration and planning permission does not negate any other requirements or obligations and the onus is on the developer to seek and gain the relevant access rights.

vi Other Material Considerations

Housing Land Supply

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

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposal would be CIL liable for any chargeable residential floor area to be provided, at the rate of £100/£240 per sq.m.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

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

| Comment | | Where in the report this is considered |
|---------|--|---|
| 1. | Harmful relationship of plot 4 with the protected trees | 6.9-6.10 |
| 2. | Negative impact on prices of properties along Alwyn Road | Not a material planning consideration |
| 3. | Development should be considered in combination with the rest of development along St Francis Road in terms of providing affordable housing | The proposal is below the threshold for contributing to affordable housing. Each application is assessed on its own individual merit in this respect. |
| 4. | Building and preparations works should be kept within normal working hours | Informative will be included to cover this |
| 5. | Impact on privacy | See 6.6-6.8 |
| 6. | Overdevelopment of the site – should be restricted to 4 dwellings | See issue i and ii |
| 7. | Unacceptable level of traffic entering onto St Marks Crescent causing highway safety concerns | See 6.12 |
| 8. | Fence should be erected along boundary with no.46 St Marks Crescent which is sensitive to the trees and hedge to increase privacy and security | Condition to be included requesting details of all walls/fences or any other means of enclosure to be submitted and approved. |
| 9. | Angle of driveways will make it difficult to manoeuvre on site | Highways Authority have suggested a condition in this respect |

Other consultees

| Consultee | Comment | Where in the report this is considered |
|------------------------|---|--|
| Highways Authority | No objection subject to conditions | Issue v |
| Environment Protection | Conditions and informatives recommended | Noted |
| Tree Team | No objection subject to conditions | Issue iv |
| Thames Water | Advice to applicant regarding waste and water | Included as informative |

9. APPENDICES TO THIS REPORT

- Appendix A – Location and site plan

- Appendix B – Street scene
- Appendix C – Plans and elevation plots 1 and 2
- Appendix D – Plans and elevation plots 3 and 4
- Appendix E - Plans and elevation plot 5
- Appendix F – Plans and elevation plot 6

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1
- 3 No development shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 4 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 5 The development shall not be occupied until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 6 The first floor window(s) in the flank elevation(s) of the approved dwellings shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the windows shall not be altered without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
- 7 No further window(s) shall be inserted at first floor level or above in the flank elevation(s) of the approved dwellings without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 8 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.

- 9 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.
- 10 No part of the development shall commence until a swept path analysis has been provided to demonstrate that a Borough refuse vehicle can enter and exit the site in a forward gear. The plan provided should be clearly detailed.
Reason: To ensure that the development is provided with adequate turning facilities in order to reduce the likelihood of lengthy reversing movements by large vehicles which could be detrimental to pedestrian and highway safety. Local Plan policy T5 refers.
- 11 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 12 Prior to the commencement of development details of the areas to be used for on site materials storage, construction workers' parking, and for ancillary temporary building(s) including any phasing of use such areas, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details.
Reason: To ensure that retained landscaping on the site is not damaged or destroyed during construction. Relevant Policies - Local Plan DG1, N6.
- 13 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 14 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 15 Prior to the commencement of development a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall cover any areas of existing landscaping, including woodlands, and all areas of

proposed landscaping other than private domestic gardens.

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

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

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

Informatives

- 1 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 2 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 3 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.
- 4 applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities. Applicant should be aware the permitted hours of construction working in the Authority are as follows:
- Friday 08.00 - 18.00
08.00 - 13.00
working on Sundays or Bank Holidays.
- 5 Applicant and their contractor should take all practicable steps to minimise dust disposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmacked before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties.
- 6 Thames Water Utilities advise that the applicant reads their guide to working near or diverting waste pipes, <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. They also advise that where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Service will be required.

Notes
 All dimensions and levels on site are to be checked prior to commencement of work.
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SCALE
 0 5 10 15 20 30 40 50

18/01392

Residential development
 Rear of 48-52 St Mark Crescent
 MAIDENHEAD
 Berks

Mr A Bradbury

SITE PLAN

Scale: 1:500 at A2 **Date:** April 2018

The Edwards Irish Partnership LLP
Architects & Surveyors
 Elm 11, Bridge House, Mulberry Business Park, Farnborough Road,
 Wokingham, Berks RG41 2DT
 Tel: 0118-960-4405 Fax: 0118-960-4406 Email: enl@edwardsirish.com

Job 2375 Dwg. 12 A

Site Plan 1:500

Location Plan 1:1250

14 MAY 2018

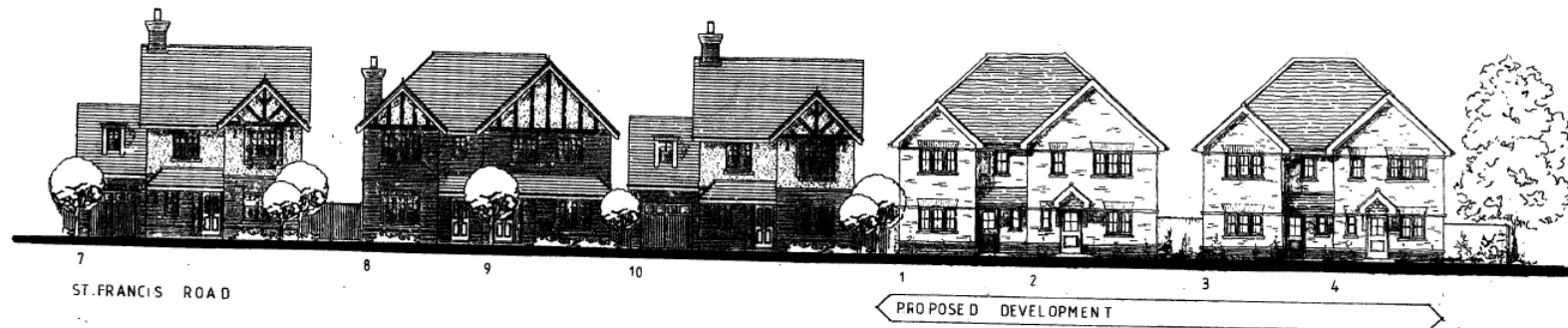
RECEIVED

PLANNING

SITE AREA = 0.213ha = 0.526acres

| | |
|-----------------|--------------------------------|
| 2 ^{Nº} | 4 bedroom detached houses |
| 3 ^{Nº} | 3 bedroom semi-detached houses |
| 1 ^{Nº} | 2 bedroom semi-detached house |
| 6 ^{Nº} | TOTAL |
| 8 ^{Nº} | Unassigned parking spaces |

Appendix B – Street scene



18/01392

A: PLOTS 3 AND 4 AMENDED TO KEEP CLERK OF WORKS BOUNDARY 10.5.2018

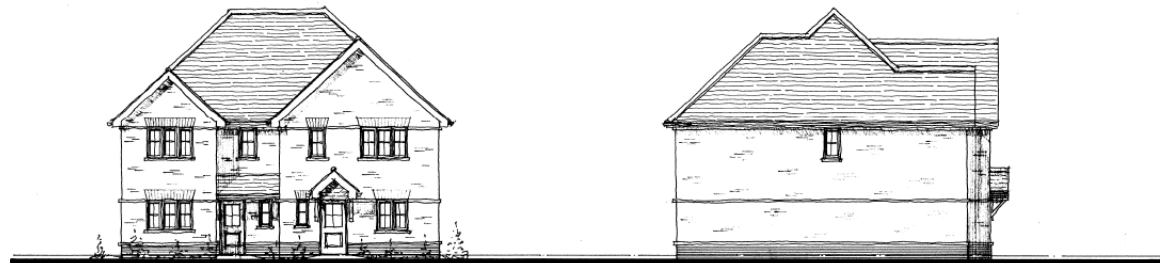
| | |
|---------|---|
| Project | Residential development Rear of 48-52 St Marks Crescent MAIDHEAD Berks |
| Client | Mr A Bradbury |

| | |
|---------|--------------|
| Drawing | STREET SCENE |
| Scale | 1:200 at A3 |
| Date | October 2017 |


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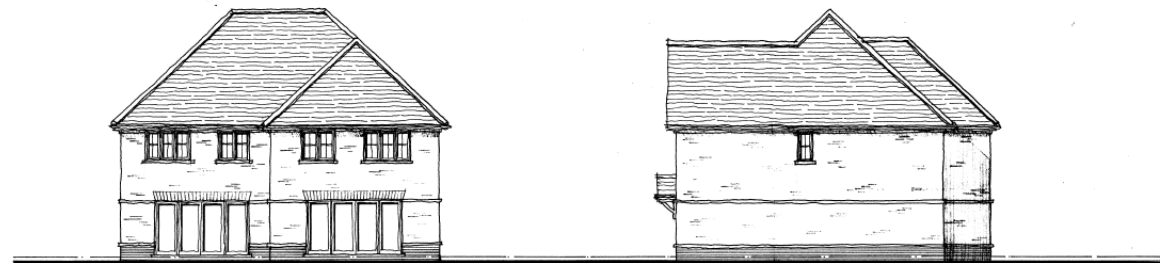
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| Job | 2375 | Dwg. | 08A |
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Appendix C – Plans and elevations plot 1 and 2



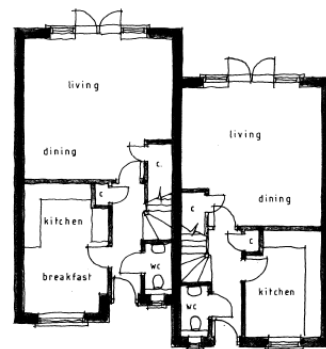
FRONT ELEVATION

SIDE ELEVATION

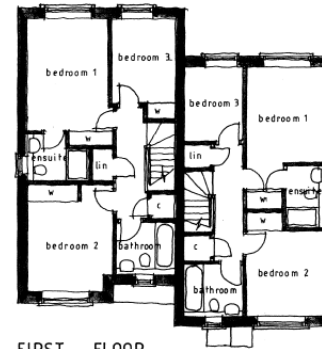


REAR ELEVATION

SIDE ELEVATION



GROUND FLOOR



FIRST FLOOR

Notes

All dimensions and levels on site are to be checked prior to commencement of work.

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SCALE

0 1 2 3 4 5 6 8 10

MATERIALS

ROOF : CONCRETE INTERLOCKING TILES
TO BE AGREED.

WALLS : RED MULTI-STOCK FACE BRICKWORK.
WITH CONTRASTING FACE BRICK RUN,
STRING COURSE AND FLAT ARCH
LINTELS TO BE AGREED.

WINDOWS : WHITE UPVC COTTAGE STYLE WINDOWS
DOORS : WHITE UPVC FASCIA SOFFIT AND
BATHROOM

GROSS INTERNAL FLOOR AREAS -

Plot 1 = $110.55 \text{ m}^2 = 1190 \text{ ft}^2$

$$\text{Plot 2} = 33.75 \text{ M}^2 + 1063 \text{ FT}^2$$

18/01392

| | |
|---------|---|
| Project | Residential development Rear of 48-52 St Marks Crescent MAIDENHEAD Berks |
|---------|---|

Client
Mr A. Bradbury

PLANS and ELEVATIONS
PLOTS 1 and 2

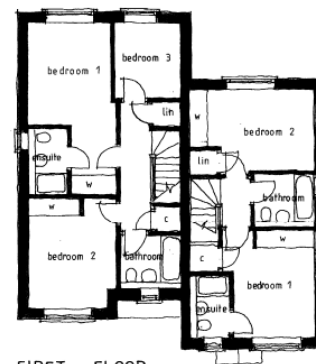
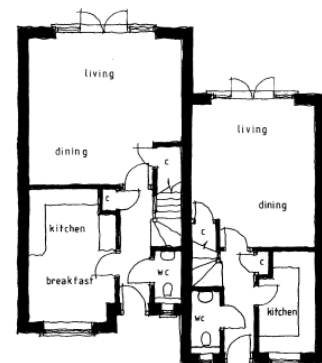
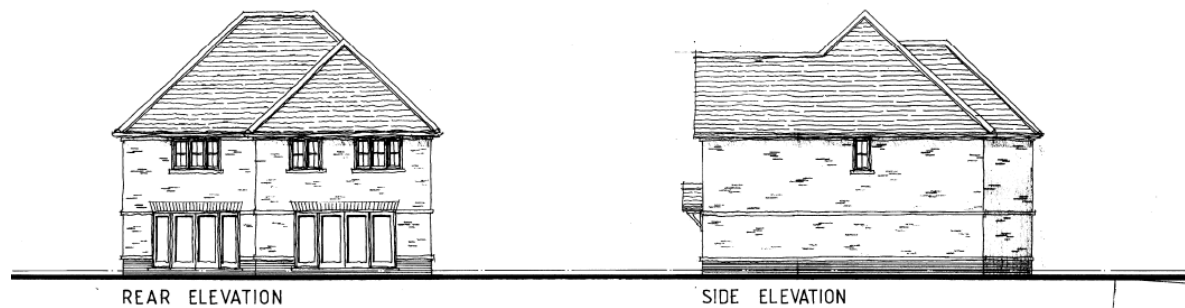
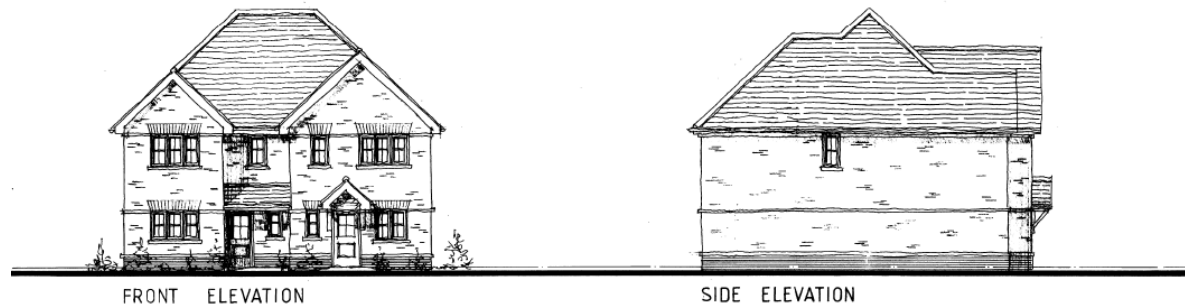
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|-------|-------------|------|-----------|



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Job 2375 Dwg. 01

Appendix D – Plans and elevations plot 3 and 4



Notes

All dimensions and levels on site are to be checked prior to commencement of work.

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SCALE
0 1 2 3 4 5 6 8 10

MATERIALS

Roof : CONCRETE INTERLOCKING TILES
TO BE AGED.

Halls : RED MULTI-SIDED FACE BRICKWORK,
WITH CONTRASTING FACE BRICK RUN
STRING COURSE AND FLAT IRON
LINTELS TO BE AGED.

WINDOWS : WHITE UPVC COTTAGE STYLE WINDOWS.

DOORS : WHITE UPVC COTTAGE STYLE AND
BARN DOORS.

GROSS INTERNAL AREAS :
Plot 3 = 110.05 m² = 1190 ft²
Plot 4 = 80.00 m² = 861 ft²

18/01392

Project Residential development
Rear of 48-52 St Marks Crescent
MAIDENHEAD
Berks

Client
Mr A Bradbury

Drawing
PLANS and ELEVATIONS
PLOTS 3 and 4

Scale 1:100 at A2 Date April 2018



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PLANNING

Appendix E – Plans and elevation plot 5



Notes

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SCALE
0 1 2 3 4 5 6 8 10

MATERIALS

Roof : CONCRETE INTERLOCKING TILES
TO 100 Pitches
WALLS : RED MULTI-STOCK FACE BRICKWORK
WITH CONTRASTING FACE BRICK
FLINT STRONG COLOUR AND
FLINT NEAR JUNCTIONS TO BE ADDED
WINDOWS : WHITE UPVC COTTAGE STYLE WINDOWS
DOORS : WHITE UPVC PINEA DOOR AND
BRICKWORK

GROSS INTERNAL FLOOR AREAS :
HOUSE : 124.55 M² (1340 SF)
GARAGE : 18.00 M² (194 SF)

18/01392

A : CHANGE ROOF AMENDED TO CLIENTS 10/15/2018
REQUIREMENTS

Project Residential development
Rear of 48-52 St Marks Crescent
MAIDENHEAD
Berks

Client Mr A Bradury

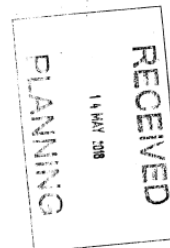
Drawing PLANS and ELEVATIONS
PLOT 5

Scale 1:100 at A2 Date April 2018

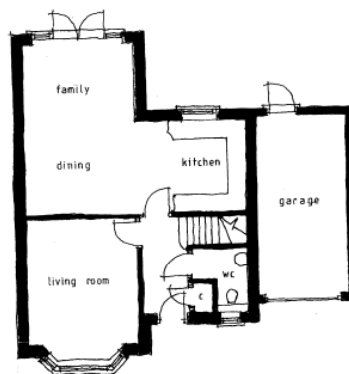
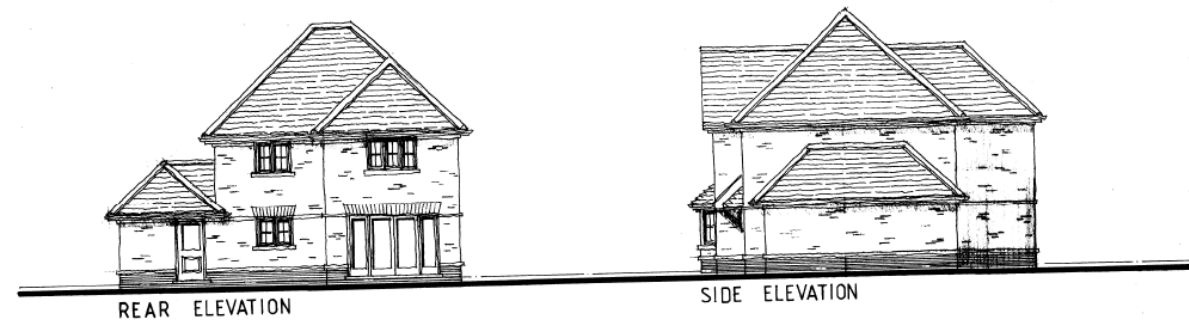
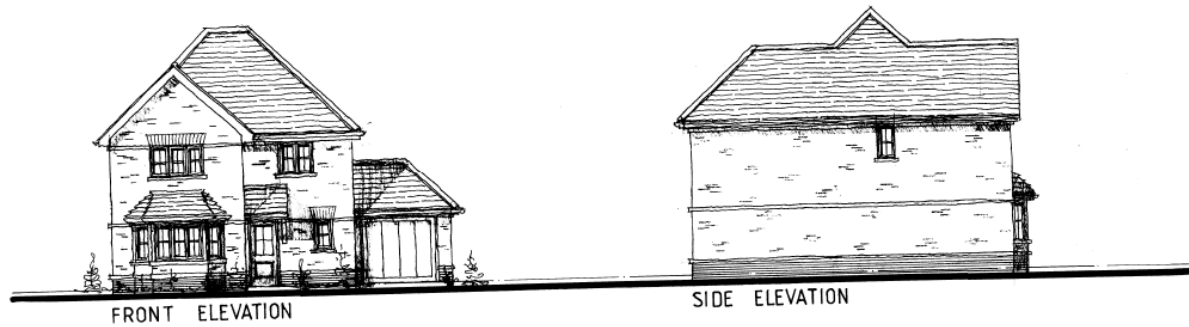


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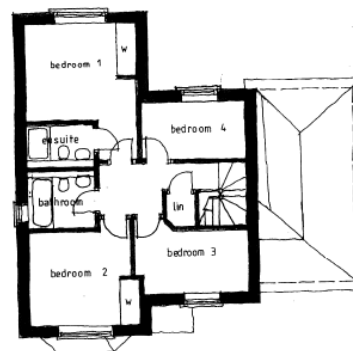
Job 2375 Dwg. 10 A



Appendix F – Plans and elevation plot 6



GROUND FLOOR



FIRST FLOOR

Notes

All dimensions and levels on site are to be checked prior to commencement of work.

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SCALE
0 1 2 3 4 5 6 8 10

MATERIALS

Roof : CONCRETE INTERLOCKING TILES TO BE FIXED.

WALLS : RED MULTI STOCK FACE BRICKWORK WITH CONTRASTING FACE BRICK FLINTH STRING COURSE AND FLAT ARCH LINTELS TO BE FIXED.

WINDOWS : WHITE UPVC COTTAGE STYLE WINDOWS.

DOORS : WHITE UPVC PASCIA SPOT AND BAREBOARDED.

GROSS INTERNAL FLOOR AREA =

HOUSE = $124.30 \text{ m}^2 = 1340 \text{ ft}^2$

GARAGE = $18.00 \text{ m}^2 = 194 \text{ ft}^2$

18/01392

Project Residential development
Rear of 48-52 St Marks Crescent
MAIDENHEAD
Berks

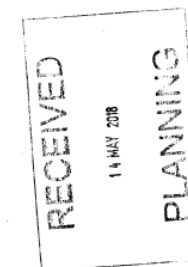
Client
Mr A Bradbury

Drawing
PLANS and ELEVATIONS
PLOT 6

Scale 1:100 at A2 Date April 2018


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Job 2375 Dwg. 11



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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

26 September 2018

Item: 3

| | |
|--|--|
| Application No.: | 18/01608/FULL |
| Location: | York Road Redevelopment Area York Road Maidenhead |
| Proposal: | 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. |
| Applicant: | |
| Agent: | Mr Andrew Gale |
| Parish/Ward: | Maidenhead Unparished/Oldfield Ward |
| If you have a question about this report, please contact: Christine Ellera on 01628 795963 or at chrisie.ellera@rbwm.gov.uk | |

1. SUMMARY

- 1.1 The application site relates to 1.65 hectares of land located to the north and (partly) south of York Road, Maidenhead. York Stream defines the eastern boundary of the application site. Town Hall and Maidenhead Library are located to the north, Desborough Bowling Club to the south west and residential and commercial buildings to the west. The most eastern part of the site (adjacent to the waterway) falls within flood zone 2 and marginally flood zone 3.
- 1.2 This is a full planning application for a residential led, mixed use redevelopment of the site. The proposed development would comprise of 5 buildings, varying from 4-8 storeys in height to provide a total of 229 new residential dwellings, 1,930 sqm GEA of commercial and/or community/cultural floor space (Use Class A1/A3/B1/D1). The proposed buildings would largely utilise the existing street layout. Table 1 in the main report summarises the quantum of development proposed for each block, including the proposed level of parking provision.
- 1.3 As part of the development some minor changes are proposed to St Ives Road, along with the relocation of some of the on-street parking bays. A comprehensive landscape strategy and wider delivery of public realm enhancements and a new public open space forms a key part of the proposed development.
- 1.4 The report sets out the relevant Development Plan and other policy considerations relevant to this planning application as well as the extent of the pre-application discussions and community engagement undertaken by the applicant in advance of the submission of the planning application. The report also sets out the main material planning considerations and assessment in relation to this planning application.
- 1.5 The proposed development looks to make efficient use of previously developed land in a highly sustainable location to achieve housing at an appropriate density for a mixed use scheme. The proposed development would also contribute to the regeneration and revitalisation of Maidenhead Town Centre and forms a key part of ensuring the Council maintains a rolling five year housing land supply. The proposed development is considered to be visually acceptable and would offer a suitable residential environment for future occupiers and would make a policy compliant contribution towards affordable housing provision.
- 1.6 The development would create a built form which is above that currently prevailing in the area and would also have some minor impact on the amenities of the adjacent residential dwellings in terms of loss of daylighting, overshadowing and increased overlooking/ loss of privacy. However

the minor harm identified is considered to be outweighed by the need to make optimal use of this site within a sustainable town centre location and meeting housing need for the area, in accordance with the National Planning Policy Framework (2018).

- 1.7 The reports sets out matters which have been identified to conflict with the Development Plan and where appropriate has been identified and justified by way of other material considerations. On this basis the Officer recommendation is to approve subject to matters sets out below.

It is recommended the Panel DEFERS AND DELEGATES the decision to GRANT planning permission to the Head of Planning subject to the following:

- **The conditions listed in Section 11 of this report (including any non-material changes to the recommended conditions*).**
- **Referral to the Secretary of State** (and/or receiving no adverse comments from the re-consultation with the Environment Agency on additional supporting information).**
- **The completion of a Section 106 Legal Agreement to secure matters to make the development acceptable in planning terms.**
- **No new material planning considerations being raised by the expiry date of the re-consultation process on the amended plans (19 September 2018) which would amend the Officer recommendation.**
- **Ensuring a suitable resolution on matters regarding Sustainable Urban Drainage to enable the recommended condition to secure an appropriate strategy for drainage.**

In the event that the EA withdraws its objection (21 day consultation period ends 25 September 2018) and item 2 above falls away; the Head of Planning to be authorised only to GRANT if the remaining 4 items are secured. Should any one of the items be contested the application to be brought back to Panel for further consideration.

**Officers are working with the applicant to resolve and agree (in accordance with the 2018 regulations) pre-commencement conditions as soon practically possible to ensure the prompt and smooth commencement of the development on site.*

***the application is currently subject to a formal objection from the Environment Agency, as a statutory consultee. In the event the local planning authority resolves to grant planning permission with that EA objection outstanding then it will be legally necessary to refer this application to the Secretary of State.*

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel. In this instance the Council owns the land in addition to the application being for major development. The assessment of the proposal and the recommendation is made by the Local Planning Authority.
- At the request of Councillor Wilson as this site forms an important part of the regeneration of Maidenhead Town Centre.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site relates to 1.65 hectares of land located to the north and (partly) south of York Road, Maidenhead. York Stream (which forms part of Maidenhead Waterway) defines the eastern boundary of the application site. The Town Hall and Maidenhead Library (a Grade II Listed Building) are located to the north, the Desborough Bowling Club to the south west and residential and commercial buildings to the west.
- 3.2 The application site includes Grove Road and Town Hall car parks, the Maidenhead Heritage Centre, and the Royal Voluntary Service's (RVS) York Centre and Café. The land to the

immediate south of Maidenhead Library was previously occupied by two substantial five storey, Council-owned office buildings and is now vacant following their demolition.

- 3.3 The most eastern part of the site (adjacent to the waterway) falls within flood zone 2 and marginally flood zone 3a.
- 3.4 With the exception of 18 Park Street, the freehold of which is owned by the Maidenhead Heritage Trust the application site is owned by the Royal Borough of Windsor and Maidenhead ("the Council"). The site is located within the Maidenhead Town Centre, as defined by the Maidenhead Town Centre Area Action Plan (AAP) (2011) but outside of the primary or secondary retail frontage.
- 3.5 The key roads through the site include York Road which links the east and west of the town centre from the south and on which Maidenhead Football Club is located. York Road has a two-way operation between Forlease Road and Park Street and one way westbound between Park Street and Queen Street. St Ives Road is a one way street (north to south) and also forms a key route through the town and provides direct access to the library and town hall. Park Street is a two-way single carriageway road that forms a priority junction with York Road to the south. To the north there is no vehicular link to the High Street. Grove Road Car Park falls within the application site and provides 82 parking spaces. Town Hall Car Park has 111 spaces. There are currently a further 22 on street parking spaces within the application site.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 This is a full planning application for a residential led, mixed use redevelopment of the site. The proposed development would comprise of 5 buildings, varying from 4-8 storeys in height to provide a total of 229 new residential dwellings, 1,930 sqm Gross External Area (GEA) of commercial and/or community/cultural floor space (Use Class A1/A3/B1/D1). The proposed buildings would largely utilise the existing street layout.
- 4.2 A proposed new public square and public realm enhancements, along with car parking, access, roads, landscaping and other associated works is included in the scheme. This is following demolition and clearance of all existing buildings/ structures currently contained within the application site.
- 4.3 The proposed buildings are as follows:

Block A: This is the only building proposed south of York Road (on the current location of the Maidenhead Community Centre and the RVS York Centre). The proposed development at the highest point will be 8 storeys, due to the fall in the land the building height varies from around 25.5m- 26m. This reduces down to 4- 5 storeys in height along the southern end to around 15- 12m in height. The articulations in the height and scale allow for green roof and roof terrace areas. Access is via York Road, through an existing right of access. A total of 51 units are proposed to be contained in this block, with ancillary parking, cycle stores and refuse storage area.

Block B: This block is located to the south of the library and west of the waterway. The building is bounded by York Road to the south. A new public open space is proposed between the proposed building and the library. The northern elevation, facing the library would be 4 to 5 storeys; some 14- 16m in height in relation to ground level at St Ives Road (with lower ground floor level facing the watercourse). Commercial floor space is proposed to face the new public open space and waterway. The building height steps up so that the south west corner is 8 storeys and would be 26m in height. A first floor podium garden is proposed to provide residential amenity. Vehicular access to this building is taken via St Ives Road. A total of 69 units are proposed to be contained in this block, with ancillary parking, cycle and refuse stores.

(N.B. due to the evolution of the design process there is no 'Block C')

Block D: Is located to the south of the Town Hall and would be in the form of a perimeter block on the site where the current Town Hall Car Park is located. Ground floor commercial use is proposed to the north end of the ground floor, facing the Town Hall. This block ranges from 4 storeys in height up to 7 storeys (approximately 16- 19m in height). An enclosed first floor podium garden is proposed above the ground floor. Vehicle access to this building is taken via Park Street. A total of 77 units are proposed to be contained in this block, with ancillary parking, cycle and refuse stores.

Block E: This proposed block would be 4 to 5 storeys in height with the upper floor articulated back with a height ranging from around 15.8- 9.6m. The ground floor provides private garages and a communal parking area, along with duplex apartment entrances. This block faces Park Street, as part of redeveloping Grove Road Car Park, this block (with block F) looks at reinstating the historic street pattern of Grove Road to the west. A total of 22 units are proposed in this block.

Block F: This block forms the most western block and would be 3 to 4 storeys in height with the upper floor articulated back (some 9.8- 15m in height). The ground floor provides private garages and a communal parking area, along with duplex apartment entrances. This block faces the reinstated Grove Road Car Park. A total of 10 units are proposed in this block.

- 4.4 All units would be provided with their own separate balcony. All blocks are proposed to be flat roof with brown and/or green roofs proposed where possible.
- 4.5 The below table sets out the proposed parking for each building. The development proposes 95 off street car parking spaces split between the 5 apartment blocks. Overall this equates to 0.4 spaces per unit (the average per building does vary).

| Block | One bedroom units | Two bedroom units | Three bedroom units | Total units | Car Parking Spaces | Car Parking spaces per unit | Cycle Parking Spaces | Commercial floor space (sqm) |
|--------------|-------------------|-------------------|---------------------|-------------|--------------------|-----------------------------|----------------------|------------------------------|
| A | 20 | 25 | 6 | 51 | 18 | 0.35 | 64 | - |
| B | 34 | 34 | 1 | 69 | 20 | 0.29 | 106 | 1,289 |
| D | 32 | 38 | 7 | 77 | 19 | 0.25 | 88 | 641 |
| E | 11 | 9 | 2 | 22 | 23 | 1.04 | 32 | - |
| F | 4 | 6 | 0 | 10 | 15 | 1.5 | 24 | - |
| Total | 101 | 112 | 16 | 229 | 95 | 0.41 | 314 | 1930 |

Table 1: The above table provides a summary of the proposed development.

Of the above units, the following would be affordable:

| Block | Shared ownership | rent to buy | affordable rent | Social Rent | Total |
|--------------|------------------|-------------|-----------------|-------------|-----------|
| A | 17 | - | - | - | 17 |
| B | - | - | - | - | 0 |
| D | 13 | 11 | 17 | | 41 |
| E | - | - | - | - | 0 |
| F | - | - | 3 | 7 | 10 |
| Total | 30 | 11 | 20 | 10 | 68 |

Table 2: The above table provides a summary of the affordable housing provision

- 4.6 The development is proposed to be phased as follows and this would be secured in the legal agreement:

Phase 1: Block B and D (including open space) delivering a total of 146 units, 41 of which would be affordable

Phase 2: Block A delivering a total of 51 units, 17 of which would be affordable

Phase 3: Blocks E and F: delivering a total of 32 units, 10 of which would be affordable

Proposed highway works:

- 4.7 In terms of proposed highway works the development would also introduce a raised table along St Ives Road between the Town Hall Gardens and Library Square. The width of the carriageway will be narrowed to 5.5m at the point south of the library and continue to York Road. Grove Road will be re-instated and converted to a one-way operation (northbound). This amounts to off site works which would be required to be completed using a section 278 agreement.
- 4.8 Overall the proposals include 18 on-street parking spaces (4 less than current), two of the spaces with electric charging points. There will not be any loss of on-street disabled spaces, although the existing disabled space on Park Street will be re-provided on the other side of the street.
- 4.9 All public car parking spaces will be lost as part of the proposed development, no on site public car parking would be re-provided.

Proposed landscape works:

- 4.10 A key focus of the proposed scheme centres on the new Public Square and open space to the immediate south of the existing Library and to the north of proposed Block A. This public space measures 44m by 35m and includes a change of level of some 4m from St Ives Road to the current ground level adjacent to the waterway. The square has been designed to allow for level access and new level access from York Bridge (south of Building B) through to Maidenhead Library and Town Hall.
- 4.11 The scheme as a whole provides increased areas of open space and landscaping (as well as proposed public art). Indicative landscaping plans have shown new landscaping around the southern frontage of Town Hall, and that around Desborough Theatre and the Registry Office. A new pedestrian link is proposed to link Broadway through the site to the proposed new open space and wider civic/ cultural quarter.
- 4.12 Amended plans were submitted on the 14 August 2018. These proposed enhancements to some of the proposed design features and elevation treatments including amending projecting balconies to be inset balconies, brick detailing and generous 'shopfront' bays. These are not considered to materially change or impact on the scale and nature of the proposed development.
- 4.13 Planning History relevant to this site:

17/03601/EIASC: EIA screening request for the demolition and clearance of all existing structures within the application site; New residential dwellings (anticipated to be predominantly 1 and 2 bedroom flats), with a maximum of approximately 300 units and a minimum of approximately 220 units (Use Class C3); Up to 1,200 sq.m of commercial floorspace at principally ground floor as food and beverage establishments (Use Class A3/A4); Up to 408 sq.m of community/cultural floorspace (Use Class D1); Development ranging from 2 to 14 storeys in height (from approximately 4.5m tall / +32.65m AOD up to approximately 40m tall / +73.5m AOD); and associated infrastructure to support the development including access, roads, parking, water, drainage, landscaping and open space.

Confirmed not EIA development: 11.12.2017

- 4.14 The Local Planning Authority is currently or has recently considered a number of other planning applications which are considered to be relevant to the context of this application, these are:

Vicus Way/ Stafferton Way

18/02105/FULL: Erection of five storey split-deck multi-storey car park with access and associated landscaping following removal of existing slab and hardstanding (Regulation 3 application).

Pending Consideration

Ten Pin, Holmanleaze

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

Approved: 02.08.2018

Clyde House, Reform Road:

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

Braywick Leisure Centre

17/03372/FULL: Erection of new leisure centre; formation of outdoor sports pitches; vehicle parking; and associated works including retention of adventure golf course and hire shop/office building.

Approved: 25.06.2018

Maidenhead Waterways

11/02183/FULL: Restoration and enhancement of the waterways channels, including: new weir and lock, boat rollers and fish pass at Green Lane; new winding hole and day moorings; removal of the weir at Town Moor and beneath York Road Bridge, selective works to widen, deepen and line channels to create a minimum 1.3m deep draught navigable channel, formation of new towpath along the east side of Moor Cut, alterations to raise height of Library footbridge and two pipe bridges; demolition of Chapel Arches footbridge and works to trees within the Town Centre Conservation Area; new surfacing, landscaping and associated works, temporary vehicle accesses and construction compounds.

Approved: 21.12.2012

15/04284/FULL: Pontoon on the west bank of York Stream for mooring boats (at the Chapel Arches Bridge).

Approved: 22.12.2017

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

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

Royal Borough Local Plan

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

- N6 Trees and development
- DG1 Design guidelines
- NAP 1 Road/rail noise and development
- NAP3 Polluting development
- NAP4 Pollution of groundwater and surface water
- R1 Protection of Urban Open Spaces
- R3 Public Open Space Provision in New Developments (provision in accordance with the minimum standard)
- R4 Public Open Space Provision in New Developments (on site allocation)
- R5 Children's playspace
- E1 Location of Development
- E 6 Other Sites in Business and Industrial Uses

- E10 Design and Development Guidelines
- S1 Location of shopping development
- H3 Affordable housing within urban areas
- H6 Town centre housing
- H8 Meeting a range of housing needs
- H9 Meeting a range of housing needs
- H10 Housing layout and design
- H11 Housing density
- T5 New Developments and Highway Design
- T7 Cycling
- T8 Pedestrian environment
- P4 Parking within Development
- IMP1 Associated infrastructure, facilities, amenities

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

- 5.3 The above document forms part of the adopted Development Plan and provides a mechanism for rejuvenating the Maidenhead Town Centre. The document focuses on; Place making, Economy, People and Movement. The AAP also identifies six sites for specific development - the Opportunity Areas, which includes York Road. With specific reference to this site the document identifies that the area also includes Maidenhead Football and Desborough Bowls Clubs. Whilst the football club wishes to remain in the town centre, the bowls club have indicated a willingness to relocate. The document states that any redevelopment proposals will be expected to include suitable open and amenity space recognising the open urban character of the site. The development and design principles for this opportunity area includes the replacement of existing car parking.
- 5.4 Policies of relevance include:
- Policy MTC 1 Streets & Spaces
 - Policy MTC 2 Greening
 - Policy MTC 3 Waterways
 - Policy MTC 4 Quality Design
 - Policy MTC 5 Gateways
 - Policy MTC 8 Food & Drink
 - Policy MTC 10 Offices
 - Policy MTC 12 Housing
 - Policy MTC 13 Community, Culture & Leisure
 - Policy MTC 14 Accessibility
 - Policy MTC 15 Transport Infrastructure
 - Policy OA3 York Road Opportunity Area
 - Policy IMP2 Infrastructure & Planning Obligations
- 5.5 The Council's planning policies in the Development Plan can be viewed at:
https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Borough Local Plan: Submission Version

- 5.6 Borough Local Plan Submission Version ("BLPSV") is currently under Examination by the Secretary of State under section 20 of the 2004 Act, together with the various prescribed submission documents in accordance with Regulation 22 of the 2012 Regulations. Once adopted, the BLP will supersede the saved policies of the 1999 Local Plan and several policies in the Maidenhead Town Centre Area Action Plan (BLPSV, para. 1.4.3). Appendix A to the BLPSV sets out the existing development plan policies that will be replaced by the BLPSV Policies when adopted, subject to the recommendations of the Local Plan Inspector.
- 5.7 The BLPSV comprises up-to-date strategic and development management policies for the Borough, which together with site allocations secure the delivery of development to meet objectively assessed needs of the Borough over the plan period. Specifically the BLPSV sets out

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

- 5.8 Until it is adopted by the Council under section 23 of the Planning and Compulsory Purchase Act 2004, the BLPSV does not form part of the statutory development plan for the Borough. As such, in accordance with paragraph 48 of the NPPF (2018) and Section 38(6) of the Planning Act, when taking planning decisions, the Council may give weight to relevant policies in the BLPSV:

"... according to:

- 1) the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- 2) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- 3) the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

- 5.9 When dealing with planning applications this means the Council must continue to determine applications in accordance with the adopted Development Plan, unless material consideration indicate otherwise. By publishing and submitting the BLPSV for independent examination, the Council has formally confirmed its intention to adopt the BLPSV, subject to the recommendations of the Local Plan Inspector.

- 5.10 The policies and site allocations within the BLPSV have been prepared having due regard to, and are consistent with, national planning policy requirements and are supported by a comprehensive and up-to-date evidence base and Sustainability Appraisal.

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

- SP1 Spatial Strategy
- SP2 Sustainability and placemaking
- SP3 Character and design of new development
- HO1 Housing Development Sites
- HO2 Housing Mix and Type
- HO3 Affordable Housing
- HO5 Housing Density
- ED1 Economic Development
- ED2 Employment Sites
- ED3 Other Sites and Loss of Employment Floorspace
- TR6 Strengthening the Role of Centres
- HE1 Historic Environment
- HE3 Local Heritage Assets
- NR1 Managing Flood Risk and Waterways
- NR2 Trees, Woodlands and Hedgerows
- NR3 Nature Conservation
- EP1 Environmental Protection
- EP2 Air Pollution
- EP3 Artificial Light Pollution
- EP4 Noise
- EP5 Contaminated Land and Water
- IF1 Infrastructure and Developer Contributions
- IF2 Sustainable Transport
- IF3 Green and Blue Infrastructure
- IF8 Utilities

- 5.12 The site also forms part of the York Road allocations in the emerging Borough Local Plan (BLP). Policy OA3 York Road Opportunity Area will be superseded in part by HO1 Housing Development Sites and ED2 Defined Employment Sites.

- 5.13 The wider allocation of York Road Opportunity Area in the AAP and that proposed in the housing allocation in the BLPSV is 4.5 hectares and includes the land to the south of the site including the Desborough Bowling Club and Maidenhead Football Club. This allocation looks to provide approximately 320 residential units as part of a mixed use scheme across the whole site.
- 5.14 The weight the LPA considers should be attributed to each policy, having due regard for the level of unresolved objections is, where relevant, discussed further below and in the planning balance section.
- 5.15 The Borough Local Plan Submission Version can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary planning documents

- 5.16 Supplementary planning documents adopted by the Council relevant to the proposal are as material planning considerations:

Sustainable Design and Construction SPD
Interpretation of Policy R2 to R6 - Public Open Space provision
Interpretation of Policy F1 – Area Liable to Flood

More information on these documents can be found at:

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

Other Local Strategies or Publications

- 5.17 Other Strategies or publications considered to be material planning consideration relevant to the proposal are:

- RBWM Parking Strategy – view at:

More information on this documents can be found at:

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

- 5.18 The above parking strategy was adopted in 2004 and there have been material changes in government Planning Policy regarding parking standards since this document was adopted. The weight therefore attributed to this document is set out below in the planning considerations and overall planning balance.

6. PROACTIVE ENGAGEMENT AND PUBLIC CONSULTATION

- 6.1 Since summer 2017 the applicants have undertaken a series of public consultation events and stakeholder meetings. The emerging proposals were exhibited to the public in the Nicholson Shopping Centre in September 2017 and January 2018. Further information regarding the engagement activities undertaken and responses to comments received are detailed with the Statement of Community Involvement prepared by Oracle which was submitted in support of this planning application.
- 6.2 Extensive pre-application discussions have taken place as part of this planning application. Since summer 2017, a total of eleven pre-application meetings have been held with RBWM and other key consultees, further additional workshops and discussions to work proactively and positively in order to develop a suitable scheme. The design of the scheme has also benefitted from the detailed feedback of Design:South East, which was appointed to provide independent design review in December 2017.
- 6.3 A further two meetings have taken place during the consideration of this planning application to resolve any outstanding matters and consultation responses and a further to discuss proposed conditions and legal agreement.

7. EXPLANATION OF RECOMMENDATION

The key issues for consideration are:

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

Issue i) Principle of the redevelopment of this site

- 7.1.1 The Maidenhead Area Action Plan (AAP) (2011) identifies that the application site forms part of the wider Policy OA3, York Road Opportunity Area which is allocated for a residential and office led mixed use development.

The allocation is split into land north and south of York Road:

Land North of York Road

- 12,000 m2 of office floorspace (gross);
- 100 residential dwellings (gross);
- Public square capable of hosting events; Green space (e.g. pocket park) fronting York Stream;
- Café and restaurant uses at ground floor

Land South of York Road

- 60 residential dwellings (gross);
- Up to 2,000 m2 of office floor space (gross);
- Community facilities;
- A multi-use community, cultural and leisure facility.

- 7.1.2 The AAP (2011) is clear that the redevelopment of this Opportunity Area may be achieved through a single or phased approach; with land either side of York Road coming forward at separate times. Any proposals for the area will however need to be planned in a comprehensive manner and ensure effective integration between land north and south of York Road.
- 7.1.3 The AAP (2011) states the redevelopment of this area would be residential led with office as the other primary land use. The area also forms part of the town centre's civic quarter which includes the council's existing offices as well as the Town Hall and listed library building. The AAP seeks to maintain the civic function of this area and, therefore, where existing buildings are replaced, development proposals will be expected to re-provide accommodation for the council.
- 7.1.4 The emerging BLPSV, as a whole, looks to direct a significant level of growth to Maidenhead Town Centre as the main urban core and sustainable location within the Borough. The York Road sites are allocated as site HA5 in the emerging BLPSV Policy HO1 to provide approximately 320 residential units as part of a mixed use scheme on the site. Policy ED2 of the BLPSV also identifies York Road as a site for mixed use redevelopment however lacks further specifics regarding the quantum of development proposed as part of this allocation.
- 7.1.5 The BLPSV would effectively double the housing allocation for the area and would supersede the allocation set out in policy OA3 of the AAP (2011). The allocation still identifies the provision of

green infrastructure including a pocket park to link existing green and blue infrastructure and enhancing connections to York Stream, along with improved pedestrian and cycle links in the town centre. At the time of writing this report less weight is being attributed to the Housing Allocations contained in the BLPSV as a material consideration due to the level of unresolved objections against the housing allocations.

- 7.1.6 When factoring out the part of the allocation taken up by the football club, the allocations in the BLPSV (and its supporting evidence base) suggest a density of 102 dwellings per hectare could be delivered as part of mixed use redevelopment of the whole of the York Road Opportunity Area. The application site forms a significant part of, but not the whole of the opportunity area. In terms of this application site the proposed development would represent a mixed use scheme of 139 dwellings per hectare, which equates to around 60 units above the proposed housing allocation.
- 7.1.7 The NPPF (2018) which is a material consideration to be given significant weight seeks to achieve appropriate densities. Paragraph 122 is clear the development should make efficient use of land, taking into account the identified need for different types of housing and other development, land availability, local market conditions and viability; infrastructure needed to support the development and the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places. Paragraph 123 continues that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 7.1.8 The BLPSV identifies Maidenhead as an area of 'Strategic Growth.' The Borough is heavily constrained by Green Belt and as such a significant amount of future development is direct to the town centre as a sustainable urban location. Accordingly the principle of a residential led redevelopment, above the AAP (2011) nor that anticipated in the BLPSV need not be unacceptable, subject to other material considerations (notably impact on the character of the area and infrastructure needed to support the cumulative development.)
- 7.1.9 In relation to the proposed commercial floor space, it is proposed that the ground and lower floor of Building B, adjacent to the Waterway and facing the proposed new public open space would provide 1,289 square metres (sq.m) Gross External Area (GEA) of flexible commercial floorspace (Use Class A1/A3/B1/D1). Building D facing town hall would provide a further 41 sq.m GEA of flexible commercial floorspace. The applicants propose this to be a flexible use for the 1,930 sq.m GEA of commercial floor space which could be used as an A1 (shop), A3 (Café and restaurant), B1 (office) and/or D1 (Assembly and leisure).
- 7.1.10 Current adopted Development Plan policies and those contained in BLPSV directs A1 (shop) uses to the primary retail frontage of Maidenhead Town Centre and then wider commercial uses the secondary retail area, the key aim being to reinforce the vitality of the primary retail frontages and to avoid significant levels of vacancies in these key core areas. These same policies direct office and community uses to the York Road area.
- 7.1.11 It is recognised that in the current economic climate it is reasonable for commercial uses to be allowed to be flexible to adapt to change and ensure maximum occupancy, however it remains that the site has been designated for a residential led development, with the secondary main use being office, A1 (shop) uses are contrary to the adopted planning policy. Further consideration needs to be given to potential retail occupancy to ensure the wider town centre is not undermined.
- 7.1.12 The applicants have also committed to the relocation of the Heritage Centre within this identified commercial floorspace (discussed further below in paragraphs 7.2.6) and as such the wider available commercial floor space for office and or/ retail would potentially be fairly limited.

Nonetheless, and having due regard for the need to direct retail shops to the main primary retail frontage of the town centre it is considered both reasonable and necessary to include into the Section 106 legal agreement. This would ensure the primary shopping frontage of the town centre is not undermined. The legal agreement would secure that no more than 858.5 square metres (gross internal area) of the commercial floor space be provided within the development and also that no one large retail unit would occupy all of the commercial floor space. Therefore and whilst this A1 (shop) use would remain contrary to policy there is a limitation on the degree of impact.

Prejudicing the wider redevelopment of the York Road Housing Allocation

- 7.1.13 Paragraph 3.29 of the AAP is clear that some sites could be developed independently of one another, it is preferable for landowners to work together to achieve a better solution which would unlock opportunities to make more substantial changes across the town centre. The Development Plan is clear that the redevelopment of this Opportunity Area may be achieved through a single or phased approach; with land either side of York Road coming forward at separate times. Any proposals for the area will, however, need to be planned in a comprehensive manner and ensure effective integration between land north and south of York Road.
- 7.1.15 Whilst the LPA intends to produce site wide Development briefs there is currently no one masterplan which underpins how the redevelopment of this site could come forward that would enable developers to undertake a consistent approach.
- 7.1.16 In view of this the applicants have submitted a Memo entitled: 'Comprehensive redevelopment of the York Road Opportunity Area'. This note has been prepared to further explain how the Proposed Development at York Road, Maidenhead (planning application ref. 18/01608/FULL) has been designed with consideration of future developments in the York Road Opportunity Area and will not prejudice their design or delivery. The memo sets out how the development within this application site accords with the indicative master planning set out in the Area Action Plan to ensure that the adjacent land within the York Road Opportunities Area would not be prejudiced by this development.
- 7.1.17 Additional modelling has also been provided to show how the development of the wider area could take place, as well as showing the emerging proposals currently being developed by the other majority land owners of this site.
- 7.1.18 It is considered that the level of information submitted demonstrates that the development proposed would not prejudice the wider redevelopment of the area. This is without prejudice to any future decision issued by the LPA in regards to the emerging proposal at the adjoining sites.

Issue ii) Loss of community facilities

- 7.2.1 Policy MTC13 of the AAP (2011) states that:

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.*

- 7.2.2 Paragraph 92 of the NPPF (2018) states that in order to provide the social, recreational and cultural facilities and services the community needs LPA's should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. It further states that decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

7.2.3. Policy IF7: Community Facilities of the BLPSV states that:

When a proposal will involve the loss of social and community facilities which are not being replaced, applicants will be required to provide evidence that they have consulted with an appropriate range of service providers and the community, to prove that there is no need for, or requirement for, the facility from any other service provider for an alternative social or community facility that could be met through change of use or redevelopment. In addition applicants are expected to provide evidence that:

- a. there is no significant local support for its retention*
- b. there are alternative premises within easy walking distance*
- c. any such alternative premises offer similar facilities and a similar community environment to the facility which is the subject of the application*

7.2.4 The housing allocation, HA5: York Road contained in the BLPSV policy HO1 also identifies the need to retain existing community uses unless acceptable provision is made elsewhere, this is a material consideration.

7.2.5 The community buildings which falls within the red line of the application site are the Maidenhead Community Centre and Royal Voluntary Service (RVS) Centre, located to the south of the application site where 'Block B' is proposed, and the Maidenhead Heritage Centre, which is located to the north of Grove Road Car Park. The community centre currently provide a main hall, back and front rooms, cafe (with kitchen area). The rooms are hired out and used by a wide variety of users including fitness classes, support groups and religious/cultural groups and does provide a valued service to the local community. The RVS Centre provides social activities and community facilities primarily for the older generations.

7.2.6 In terms of the Maidenhead Heritage Centre, the proposed development has identified that part of the commercial floor space proposed will accommodate the existing Heritage Centre. The legal agreement will ensure that the loss of the existing Heritage Centre should not take place until this alternative facility has first been provided, thus ensuring that retention of this community facility.

7.2.7 In relation to the loss of the Maidenhead Community Centre and Royal Voluntary Service (RVS) Centre the applicants have proposed to provide, as part of any legal agreement an obligation to deliver improvement works to the Desborough Suite (financial contribution of £650,000). This will enable the Desborough Suite to serve a wider function and expand the current variety of activities on offer. This obligation will facilitate better utilisation for community uses.

7.2.8 In addition the recently approved Braywick Leisure Centre will also provide some 9,500 sq m of internal floorspace which would include a swimming pool and children's training pool; squash courts; a fitness suite; a spinning studio; a multipurpose sports hall; fitness and holistic studios; a crèche, a café; and a multi-functional hall for use for community functions (the latter facility being is of key relevance). Overall this new leisure facility will provide new and adaptable, greater amount of flexible floor space to be used by the community. This is a material consideration of some weight as it provides increased flexible community space for the local community and Maidenhead Town Centre more specifically.

7.2.9 Whilst having due regard to the requirement in the Development Plan for the retention of community facilities to meet the needs of the Borough and the growing population of Maidenhead, the Council is looking at opportunities to provide more flexible and adaptable community available facilities through the consolidation and effective use of existing assets. The applicants proposed mitigation, along with the wider strategy being put forward by the Council, is considered together to constitute acceptable alternative provision for community use being provided for apart of the redevelopment of this site. This element of the scheme is policy compliant.

Issue iii) Design considerations including the impact on heritage assets

- 7.3.1 Policies DG1 and H10 of the adopted Local Plan seeks to ensure that residential development will be of a high standard of design and landscaping, compatible with the area and street scene. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area.
- 7.3.2 Policy MTC1, MTC 4 and OA3 of the Maidenhead AAP (2011) emphasise the need for place making and creating a high quality, town centre environment and sets out a framework for how this can be delivered in the York Road Opportunities Area. Policy MTC2 sets out the need for 'greening' and incorporating green infrastructure into the town centre.
- 7.3.3 Section 12 of the NPPF (2018) deals with achieving well designed places and delivery of developments that will function and contribute to the overall quality of the area in the long term. To achieve this development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; they should be sympathetic to local character and history, including the surrounding built environment and landscape setting. The NPPF (2018) is clear in emphasising that this should not prevent or discourage change (such as increased densities).
- 7.3.4 The NPPF (2018) further states that design quality should be considered throughout the evolution and assessment of individual proposals and encourages early discussion between applicants, the local planning authority and local community about the design and style and that designs should evolve to take account of the views of the community. National policy guidance is clear that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 7.3.5 The NPPF (2018) further encourages local planning authorities to utilise design advice and review arrangements, particularly for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should also have regard to the outcome from these processes, including any recommendations made by design review panels.
- 7.3.6 The Applicants Statement of Community Involvement sets out the extensive discussions with the local community, the application was also subject to 11 pre-application discussions with the LPA along with Design South East independently reviewing the proposals.
- 7.3.7 Policies SP1 and SP2 of the BLPSV states that new developments should positively contribute to the places in which they are located and that larger developments should provide a harmonious, integrated mix of uses, where appropriate, that foster a sense of community, vibrancy and activity, along with contributing to the provision of social, natural, transport and utility infrastructure to support communities. The policy further promotes the community integration and sustainable place making. Policy SP3 sets out a number of principles to achieve a suitable high quality design. In reviewing the level of unresolved objections to these policies on the BLPSV significant weight is given to these overarching design principles to ensure appropriate development.

Potential Impact on Heritage Assets

- 7.3.8 This site lies to the south of the Maidenhead Town Centre Conservation Area and adjacent to the grade II listed Library and Memorial Garden. Close by is the Town Hall, which dates from 1960; which, whilst not listed, is a focal building within the town centre and has considerable communal value. Just off the north western boundary of the site is no 25- 27 Broadway, which is a grade II listed building, and to the north along the High Street are The Bear Hotel and no 1-3 High Street, which are also grade II listed. Along the High Street and Queen Street there are a number of buildings of local townscape interest, which could be considered to be non- designated heritage assets. Features of the townscape of the area are the variety of the architectural styles and ages

of the buildings, and the use of traditional building materials, particularly within the conservation area, which is an element that gives the town centre a degree of visual consistency and cohesion.

- 7.3.9 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This includes its setting. Section 16 (2) sets out desirability of preserving or enhancing listed buildings including their setting. In addition, the decision maker must consider the tests on the effect of proposals on heritage assets as contained in Chapter 16 of the NPPF (2018).
- 7.3.10 Policy CA2 of the adopted Development Plan is consistent with the statutory guidance and the NPPF (2018) and provides greater clarification on Development Affecting the Conservation Area.
- 7.3.11 A Heritage, Townscape and Visual Impact Assessment (dated May 2018) prepared by Icení has been submitted in connection with this planning application.
- 7.3.12 The development proposes enhanced open spaces that would be visible from gateways into the conservation area. This is considered to be a visual improvement on the currently underused and unattractive open spaces mainly used for parking on the boundary of the area (temporary and permanent). The proposal also includes the re-establishment of "lost" townscape that is Grove Road and Park Street that forms the backdrop to the historic area.
- 7.3.13 Overall it is considered that the new development would make a positive contribution to local character and distinctiveness. The proposed taller blocks are set well away from areas and buildings that are considered to be historically significant. Any harm to the setting of the conservation area and that of the listed building, 25-27 Broadway, would be minimal, and hence would be considered as less than substantial. In terms of the setting of the listed library, the creation of a new open space could be considered to make a positive contribution to the setting of this asset and also that of the Town Hall. Therefore it is considered that the works would preserve and potentially enhance the wider setting of the conservation area and would not cause harm to adjacent heritage assets and complies with the statutory tests and policy CA2 of the Borough Local Plan and those relevant policies contained in the BLPSV as material considerations.
- 7.3.14 In terms of archaeological impact, paragraph 189 of the NPPF (2018) states that local planning authorities should:
- 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'*
- 7.3.15 An archaeological desktop assessment has been submitted in connection with this application, prepared by Pre-Construct Archaeology (PCA) and dated May 2018. In conclusion PCA's report states that it is likely that further archaeological work may be needed as a means of mitigating the potential archaeological resource. Berkshire Archaeology considers that this is a reasonable assessment and that the application area is likely to have some archaeological interest and that some form of investigation would be merited. This is set out in recommended condition 22.

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

Density

- 7.3.16 As set out above in paragraph 7.1.5 the York Road Housing allocations in the BLPSV suggest a density of 102 dwellings per hectare could be delivered on this site as part of mixed use scheme. The proposed development would represent a mixed use scheme of 139 dwellings per hectare, which equates to 60 units above the proposed housing allocation (within the application site).
- 7.3.17 The quantum of development proposed above that proposed as part of the BLPSV need not be unacceptable provided that there is suitable justification based on the merits of this scheme (not just in terms of design but also wider considerations such as infrastructure). Density is only one

consideration, the form the development takes as a result is key to determining its acceptability in context.

7.3.18 In terms of achieving appropriate densities the NPPF (2018) is clear that planning decisions should support development that makes efficient use of land. This is subject to a number of factors including the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change. This is also subject to taking into account the availability and capacity of infrastructure and services, including the scope to promote sustainable travel modes that limit future car use.

7.3.19 Part of the applicant's case for why they consider the proposed density is acceptable includes the recent redevelopment of Berkshire House, the extant planning permission to the site known as "The Landing" and the Chapel Arches redevelopment. Each application should be considered on its individual merits having due regard for the wider planning balance and the site's particular location. Even proposals within the town centre boundaries all have their own context and consideration for the appropriateness of taller buildings. Nonetheless this does demonstrate and reinforce the position that Maidenhead Town Centre has been allocated as an area for strategic growth and therefore, there is a need to maximise previously developed land in the urban area.

Layout and desire lines

7.3.20 Policy MTC 4: Quality Design of the AAP (2011) sets out that proposals will be required to be of high quality. A specific focus is creating buildings, streets and spaces that should have a clear image and be easy to understand. The NPPF (2018) sets out that need to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

7.3.21 York Road is the busiest vehicular route through the site, the secondary routes run North-South across the York Road site, using the roads and paths that orientate along York Stream. The main pedestrian route connecting the station to the High Street runs North-South along Queen Street. Existing routes orientated East-West, includes an alleyway connecting to the Broadway Opportunity Area.

7.3.22 The site benefits from the lawn/ gardens fronting the Town Hall and public areas north of the library which includes an amphitheatre. The path running north to south across York Stream has recently been remodelled with new landscaping and planting.

7.3.23 The applicants Design and Access Statement (dated May 2018) prepared by the architects Conran and Partners sets out how the proposed development will endeavour to strengthen existing routes through the site and create new connections. The proposed layout looks at opportunities to improve connections across the site and waterway. The proposed development largely focuses around utilising the existing street patterns and forming perimeter blocks facing the existing streets. Block E and F seek to reintroduce the Grove Road and strengthen the historic street layout.

7.3.24 As part of the pre-application discussion the position and configuration of the proposed open space was subject to significant discussion and the proposal now looks at creating an improved pedestrian link from Broadway and the High Street through to the site to the waterway. This is considered to tie in with the principles in the AAP and give a strong link to blue infrastructure in the context of greening the town. The scheme also looks at enhancing pedestrian movements and level access from York Road through the proposed new public open space and to enhance the wider civic and cultural functions in this area.

7.3.25 Due to the change in ground levels the waterway is not visible from St Ives Road. The layout of the development looks to create an active front to the waterway and create views to the waterway whilst also taking into account constraints such as these level changes and the requirement to provide disabled access.

7.3.26 The street level elevations have, wherever possible, sought to create interaction with the street commercial units proposed. These would be located along an improved pedestrian route at ground floor to the northern elevation of Block D (opposite Town Hall) and the north of Block B, south of the open space and to the eastern elevation to strengthen the level of activity along key routes. Residential lobbies are proposed to be located on key elevations and focus points to create interaction with the street and wherever possible having front doors along the street frontages (particularly for block E and F). Block B and D would have some areas of dead frontage along St Ives Road and Park Street respectively, however these areas are designed to be the minimal needed for the operation of the perimeter blocks and are adjacent to areas of activation and benefit from a high degree of natural surveillance.

Scale and Massing

7.3.27 Policy MTC 4: Quality Design seeks development which should be appropriate in terms of site coverage, urban grain, layout, access, scale, proportion, mass and bulk, height, roofscape and landscape. Policy MTC 5: Gateways identifies that York Road, when approaching from the east is a gateway location where there is an emphasis on creating high quality entrances that will enhance the town centre's image and identity. Policy MTC 6: Tall Buildings of the AAP further states that Tall Buildings Areas are focused around the railway station and south of Bad Godesberg Way. New tall buildings on sites outside the Tall Buildings Areas, which do not currently accommodate a tall building, will be resisted. The justification of policy MTC 6 clarifies that for the purposes of this AAP, tall buildings are those which are noticeably higher than 20 metres.

7.3.28 The applicants Design and Access Statement (dated May 2018) looks at current building heights in Maidenhead Town Centre and the surrounding area which indicates that the majority of building heights are between 3-6 storeys. The buildings along the main east-west High Street are predominantly 3 storeys with the exception of Berkshire House, which has recently been extended from 12 storeys to 15 storeys. The document states that typically in central Maidenhead, buildings taller than 3 storeys have been located either at intersections of roads or following the ring road that marks the perimeter of the town centre.

7.3.29 The massing proposes 4- 5 storeys adjacent to the existing buildings on Broadway, and York Road to the west of the site, and also looks to be 4-5 storeys in height adjacent to the Town Hall and the Listed Building. Through the pre-application discussion it was considered important to maintain building heights closer to the Town Hall and the Library to 5 storeys or lower to ensure those civic buildings maintained their prominence in this civic quarter; this is reflected in the scheme. The Design and Access Statement then seeks to justify taller built form at key gateway locations notably on the south eastern end of the site where York Road and St Ives Road meet. The Design and Access Statement proposes that the elements of height in this location will signify a gateway entrance when approaching Maidenhead Town Centre from the east. At this corner point the proposed building height is a maximum of 8 storeys which is then articulated down. This articulation and reduction in massing and scale means that mostly the built form would have a perceived height of 4-5 storeys. Changes in brick tone, setting back top floors and different volumes to the building help to reduce the scale of the proposed development. Nonetheless parts of the proposal would be higher than 20 m. The applicants Planning Statement sets out that whilst the proposal includes buildings over 20m in height (maximum height of 26m), these are in certain key locations and adequately integrated into the scheme and will complement the appearance and character of the surrounding opportunity area and the wider town centre.

7.3.30 Officers consider that the proposed development, as a whole, would be greater in height and mass than existing character of the area. This was an area of significant discussion and negotiation through the pre-application process and those who were party to the pre-application public engagement would note that the scheme has been materially reduced in height from the original proposition. Officers welcomed this change. It falls to be considered by the planning authority as to whether this change is harmful in this location and in the context of the development plan and giving appropriate weight to other material considerations. At a maximum height of 24m in key locations it is not considered that this scheme would result in tall buildings which are 'noticeably higher than 20m. Policies TR3 and SP3 of the BLPSV seek to encourage and permit greater flexibility on tall buildings near Maidenhead Town Centre, provided they are of

exceptional high-quality design and do not cause unacceptable impacts. An additional material consideration to take into consideration is the NPPF (2018) which now has an emphasis on achieving appropriate densities to promote regeneration. The town scape and layout justification in the design and access statement (DAS) is a valid approach in this location, Officers accept that it is a gateway. On balance, giving significant weight to the BLP SV and NPPF (2018) as material considerations driving the efficient use of land plus the wider regeneration benefit; the proposed approach to height and mass in this part of the site as justified in the DAS is considered to be acceptable.

Proposed architectural detailing

- 7.3.31 The Design and Access statement sets out the principles and architectural approach for the various proposed blocks. Overall the justification is based on a 'campus' redevelopment and the advice of the Design Review Panel which set out that the aesthetic would need to be relatively homogenous in order to be successful. The above document sets out that the design is a 'simple, calm architectural expression' with the aim to not distract from the strength of the Maidenhead Library's design. The predominant use of brick is also proposed. All buildings are proposed to have generous windows which provide passive surveillance and implied animation, wherever possible full height Juliet balconies are proposed onto the new public space.
- 7.3.32 All proposed units have private balconies with the use of inset corner balconies to 'soften' the corners of the building as well as utilising 'feature' projecting balconies to create visual interest and points of difference. Along the 'longer' elevations of Park Street and St Ives Road, in-set balconies are proposed, this is to provide rhythm and establish a structure to the elevations.
- 7.3.33 Within the application site are proposed different character areas and zones of architectural 'styles'. Buildings A and B will be often read 'as one' along the York Stream, being of the 'waterside' character zone, block D being opposite the Town Hall and Desborough Theatre being a 'Formal and Urban' character and Block E and F, integrating into the existing historic layout of Grove Road being a 'Home zone'.

Landscape (including trees)

- 7.3.34 As set out above Policy MTC1, MTC 4 and OA3 of the Maidenhead AAP (2011) emphasise the need for place making and creating a high quality, town centre environment and sets out a framework for how this can be delivered in the York Road Opportunities Area. High Quality landscaping forms a key part of this. Local Plan policies N6 and DG1 also provides general design policies on the importance of high quality landscaping in delivering successful schemes. Policy N6 of the adopted Local Plan states that plans for new development should, wherever practicable, allow for the retention of existing suitable trees and include an appropriate tree planting and landscaping scheme. Where the amenity value of trees outweighs the justification for development, planning permission should be refused.
- 7.3.35 BLPSV Policy SHP3 requires development to protect trees and vegetation worthy of retention and sets out that comprehensive green and blue infrastructure schemes should be integrated into proposals. Policy NR2 of the BLPSV seeks the protection and retention of trees, and where needed suitable mitigation. Where the amenity value of the trees outweighs the justification for development, planning permission may be refused.
- 7.3.36 Full details and a design narrative of the applicants Landscape Strategy is set out in the Landscape Report which is submitted as part of this application. In summary the overall design strategy is to create a series of connected spaces which form a cohesive design whilst also having their own character areas.
- 7.3.37 The Landscape Strategy set out that the main design objectives are:
- To create an open Campus feel through the spaces
 - Better connectivity with York Stream
 - Maintaining the existing character of Town Hall Gardens
 - Opening up the area outside the Desborough Theatre

- 7.3.38 An indicative palette of hard landscaping has been provided as part of this application, further detailed samples will be provided and considered under conditions (see conditions 7). The provision of public art, lighting, signage and street furniture across the site along with proposed planting will also be dealt with by way of conditions (see conditions 8.16 and 7).
- 7.3.39 The Council's Tree Officer has reviewed the proposal and has raised a number of queries and concerns about the proposed development. This includes concerns over the impact on the Tulip tree next to Desborough Theatre. However, any incursion into the area round the Tulip tree is marginal and does not reduce the amount of landscaping around the tree as a whole.
- 7.3.40 The Council's Tree Officer has also raised concerns about Building A to the south of York Road which is much closer to the banks of York Stream and would result in the loss of a semi-mature willow tree. A 'B' category mature Horse Chestnut (no.1 on the tree survey) is also shown to be removed. This too is located on the southern side of York Road, adjacent to the proposed access. This tree fronts York Road and along with the other Horse chestnuts on the neighbouring land to the west, makes a very significant contribution to the character and appearance of the street.
- 7.3.41 A number of trees are proposed to be removed as part of this scheme. However in accordance with the above planning policies it is not considered that the amenity value of the trees outweighs the justification for the wider comprehensive development. The proposal is to replace them with trees planted in the pavement. The removal of particular trees is integral to the overall scheme and removal will be compensated by the long term planting associated with this large development. Therefore it is considered the scheme provides an appropriate landscape strategy for the area (subject to additional information provided as part of conditions- see conditions 7 for landscaping and condition 23 for tree protection. The delivery of the landscaping will be secured through the legal agreement as set out in paragraph 8.2).
- 7.3.42 Concerns have been raised that the 'redline' for the application site only includes half the southern half of the open space in front of Town Hall with the preference this be designed in its entirety that falls outside of the scope of the planning considerations; but falls within the Council's Ownership. Other concerns have been expressed about new pathways, shrub bedding and management matters such as the location of the Town Hall Christmas Tree. The former can be resolved through condition 7 which requires a final landscaping scheme and the latter not being a matter relevant to the planning merits of this application.

Other design considerations

- 7.3.43 The AAP (2011) and the NPPF (2018) both seek opportunities to design out crime and create safe and accessible areas.
- 7.3.44 The Thames Valley Police Crime Prevention Design Advisor has raised some concerns and formally objected to the proposal. In relation to the concerns expressed by the Thames Valley Police it is considered that the Applicant has sought to incorporate Secured by Design principles as far as practicable. However, this needs to be balanced against urban design requirements in order to create successful spaces. The proposed development is considered to have incorporated opportunities for designing out crime wherever possible. Much of the matters, such as details of post boxes or fobbed access fall outside of the remit of planning. No general design concerns have been raised about the garaging located off Park Street and Grove Road and these elevations and the streets will be well surveyed from upper floor windows and/or balconies.

Issue iv) Highway considerations and Parking Provision

- 7.4.1 Policy TF6 of the adopted Local Plan states that all development proposals will be expected to comply with the Council's adopted highway design standards. Policy MTC4 on Quality design sets out that development will be expected to satisfactorily address traffic, movement, servicing and parking impacts. Policies MT14 and MTC 15 of the AAP (2011) sets out that accessibility to the town centre will be optimised with an emphasis on sustainable modes of transport. Policy MTC15 sets out the transport infrastructure needed to support development. Much of these

highway improvements set out side of this application site and forms part of the wider strategy improvement to the town centre.

- 7.4.2 The NPPF (2018) states that developments should promote opportunities for sustainable transport modes can be (suitable to the type of development and its location), provide safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 7.4.3 The NPPF (2018) is clear that proposals should be designed to give priority to pedestrian and cycle movements having due regard for the wider areas and design access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. A further priority is to address the needs of people with disabilities and reduced mobility and create places that are safe, secure. Developments should also take into consideration from the onsite access for deliveries, servicing and emergency vehicles; and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 7.4.4 A Transport Statement (TA) and Residential Travel Plan has been prepared by Aecom and submitted in support of this planning application. The assessment below considers the submitted information against the Development Plan and gives regard to material planning considerations.

Loss of Public Car Parks

- 7.4.5 The overall vision for Maidenhead contained in the AAP is a rejuvenated town centre with the aim that centrally located car parking will cater predominantly for short-stay shopping trips, while long-stay commuter parking will be allocated to sites further out from the centre. The justification for Policy MT14 of the AAP (2011) identifies that developments will be expected to improve accessibility into and through the town centre by design, the provision of parking and cycling facilities and provision of/or contributing towards key infrastructure projects. It further considers that the re-provision of car parking as part of a comprehensive retail-led development within the Broadway Opportunity Area provides scope for increasing centrally located short stay car parking, replacing some of the smaller surface car parks elsewhere. Policy OA1 further supports the principle of the redevelopment of the current Nicholson/ Broadway Car Park. The housing allocation, HA5: York Road contained in the BLPSV also identifies the need for replacement of existing public car parking.
- 7.4.6 The proposed development would result in the loss of Grove Road and Town Hall Car Parks (193 car parking spaces). Both are surface car parks and provide well-used short stay pay and display public parking. Town Hall Car Park is used for staff between 8:00- 17:00 hours weekdays and is open to the public outside of these times.
- 7.4.7 The applicant's justification for the loss of car parking is contained in their Planning Statement (paragraph 5.46). This states that the loss of existing car parking on the site will be mitigated through the temporary provision of 100 spaces at Saint-Cloud Way, and 60 spaces at Clyde House Warehouse, Reform Road. The applicant considers that this would mitigate the temporary loss of parking at Town Hall Car Park. Grove Road Car Park is located within the third phase of development, and the new permanent car parking provision at Broadway would be completed by the time this third phase commences, thus mitigating the loss at the time.
- 7.4.8 Temporary parking does not mitigate the complete loss of all public car parking on this site. However, planning applications 18/01558/FULL and 18/01796/FULL at Clyde House, Reform Road and Ten Pin, off Saint Clouds Way (respectively) do provide for a total of 160 spaces to accommodate temporary car parking for Council staff during this time (permission up to five years). It is recognised that this will assist in freeing up existing spaces in the main town centre car parks (currently used by staff) to provide a greater level of access by the public to short and

long stay use during the period of redevelopment but it does not amount to compliance with policy in this respect.

- 7.4.9 The applicants reference to the 'new permanent car parking provision at 'Broadway' is assumed to relate to the potential redevelopment of Nicholson/ Broadway Car Park. In October 2016 the Cabinet Regeneration Sub-Committee agreed in principle that the Council progress the option of redeveloping Broadway Car Park (often referred to as Nicholson's Car Park) subject to planning permission. In September 2017, Council agreed a capital budget for the construction of new temporary and permanent parking provision across the Borough. This included budget provision and plans for temporary parking provision whilst the Broadway Car park is being redeveloped (subject to any planning permission granted). This budget, along with options to take forward for the redevelopment of Broadway Car Park, was reconsidered at the Cabinet Regeneration Sub-Committee meeting on 25 January 2018. In all instances the Council sets out that the redevelopment of the existing Broadway Car Park would not commence until the temporary parking to support it is in place.
- 7.4.10 In so far as that relates to the assessment of this planning application the Broadway Car Park in the centre of the town is expected to be closed and redeveloped (subject to planning). This, along with other regeneration projects that affect existing parking provision, create a need for mitigation measures to maintain an adequate parking supply for Maidenhead Town Centre.
- 7.4.11 At the current time a planning application for the redevelopment of the Broadway Car Park has not been submitted, therefore no weight can be afforded to it as a material planning consideration. However, plans for a 5 storey car park at Vicus Way/ Stafferton Way are progressing (ref: 18/02105/FULL). Therefore it is considered both reasonable and necessary to propose a Grampian condition that the closure of Grove Road car park for proposed redevelopment should not take place until a clear mitigation strategy for town centre short stay parking provision has been implemented, constructed and open to the public. Condition 4 is required to make the development acceptable and secure broad compliance with Policy MT14 of the AAP (2011).
- 7.4.12 The requirements of this Grampian condition means that, if a clear mitigation strategy cannot be demonstrated, agreed and implemented; phase 3 of the development at Grove Road will not be in a position to move forward. To allow phase 3 to be delivered without the appropriate mitigation for loss of public car parking in place could lead to undermining the provision of short stay car parking which is key to the vitality and vibrancy of Maidenhead Town Centre.

Sustainable transport modes

- 7.4.13 In terms of giving priority to sustainable transport modes, the application site is in one of the most sustainable locations in the Borough. The application site is located within Maidenhead Town Centre, in walking distance to all local services and amenities. The Maidenhead Waterway also provides improved pedestrian and cycle links from the north of the town, through to the south and Bray beyond. This also provides strong links to the site where the new Braywick Leisure Centre is currently being built.
- 7.4.14 Maidenhead Train Station is also within walking/ cycling distance for the site and provides direct links to London and Reading. Cross Rail is set to open in Maidenhead in early 2019 which will improve the train times to London and strengthen the public transport links to Maidenhead Town Centre.
- 7.4.15 There are good bus routes through the town centre, however these are limited (particularly in evenings). The Council is in the process of looking to implement a rapid bus transport link where residents of Maidenhead Town Centre (and parts of the wider Borough) will have access to a more frequent, adaptable and flexible bus network to meet the needs of local residents. As part of the legal agreement the applicants have offered a financial contribution of £10,604 towards the implementation of this improved bus network, to support the needs of future residents and to encourage sustainable modes of transport and reduce reliance on private vehicles.

- 7.4.16 There are some areas where routes are poor and improved connections, signage and pathways are needed. The Council has prepared a 'missing links' document that seeks to complete the 'missing links' between planned major development areas in and around Maidenhead and to improve their connectivity to the town centre and surrounding residential areas and local facilities. As part of this strategy a new 'inner-ring' is proposed for pedestrians and cyclists around the town centre. The Council has already been successful in being awarded funding towards these proposals and the applicants have also proposed a further £8,753 towards this scheme. This will be secured by way of a legal agreement and goes to make the development acceptable in planning terms by assisting in creating a town centre environment which promotes less reliance on using private vehicles for transport.
- 7.4.17 A draft travel plan has been submitted as part of this planning application which proposes a number of actions to support the applicant's initiatives to promote sustainable modes of transport. The implementation of the travel plan will be secured through the legal agreement. It is required to make the development acceptable in planning terms and to achieve mitigation as set out in the Transport Assessment.
- 7.4.18 A car club space is also proposed within the application site. This too forms part of the Council's wider initiative to secure a car club operator to utilise key sites around the town (including at other nearby major sites) to operate a car club. It is part of a wider package of works proposed by the applicants (working with the Council) to encourage future residents of Maidenhead to have less need and/or reliance on private vehicles.
- 7.4.19 Overall it is considered that the proposed development is one which is designed to enhance and encourage town centre living without the need for private vehicles and will support the Council's wider strategy to promote sustainable modes of transport.

Highway safety and capacity considerations

- 7.4.20 The NPPF (2018) states at paragraph 109 that:

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

- 7.4.21 The main changes to the highway network proposed as part of this development is the introduction of a raised table on St Ives Road between the Town Hall Gardens and Library Square. A kerb upstand of 50mm would be retained to provide a delineated carriageway and ensure the proposal is suitable for those with limited mobility or visual impaired. The carriageway width of St Ives Road will be narrowed to 5.5m south of the library to the southern end of the road where it adjoins York Road. Grove Road would be reinstated and have a one-way operation for northbound vehicular traffic. Any modifications to the highway network will be secured through the relevant and appropriate legal agreements.
- 7.4.22 The applicants have also modelled the proposed development, having due regard for the likely location of any displaced parking (i.e. the likely new Broadway Car Park) and the wider proposed developments coming forward in the town centre, including the pending planning application for the nearby site known as 'the Landing'. This modelling work concludes that there will be no undue negative impact on the wider highways network. It has therefore been demonstrated that the proposal would be acceptable in terms of highway capacity. In this regard the proposal complies with the relevant policies of the Development Plan and the NPPF (2018).

Parking Provision

- 7.4.23 The proposed development includes 95 car parking spaces for new residents which includes 5 suitable for disabled use. 20% of these spaces would have active electric vehicle charging points and a further 20% would provide passive electric charging points. This results in a parking ratio of 0.41 spaces per home.

- 7.4.24 The proposal includes 18 on-street parking spaces which is a 4 space reduction from the current provision of 22 spaces. Two of the 18 spaces would be supported by electric charging points. Some disabled spaces would be relocated to Park Street to ensure no loss of on street disabled parking bays. Modifications to the highway will be sought under a S78 Highway Agreement, secured through the Section 106 legal agreement.
- 7.4.25 Census data shows that the borough has an average car ownership level of 1.5 cars per dwelling across the borough, with lower levels (0.5 to 0.6) in Maidenhead Town Centre. Based on the results reported in the applicants TA it shows an average car ownership of 0.48 for flats in the Town Centre. The proximity of public transport, retail, commercial and local facilities as well as on-street parking restrictions also has a bearing upon the levels of car ownership. The applicants TA refers to the borough's approach to recent residential development within the town centre where parking levels below the Parking Strategy (2004) was considered acceptable.
- 7.4.26 As set out above in paragraphs 7.4.13 to 7.4.19 the applicants have also proposed a wider package of works to promote sustainable modes of transport and assist in creating a town centre environment with less reliance on private vehicle's. On this basis and having due regard for this wider package of works proposed by the applicants it is considered that the proposed level of parking provision is appropriate for this sustainable town centre location. The proposal complies with the Development Plan in this regard and to the Parking Strategy (2004) which is a material planning consideration afforded some weight due to the date it was prepared.
- 7.4.27 The development proposes an average cycle parking provision of 1.37 cycle spaces per unit, which exceed the Borough's current standard set at 1 cycle space per dwelling. Further details of storage can be dealt with by way of Condition 10.

Services, access, and refuse

- 7.4.28 Servicing of the development will take place on York Road in 2 loading bays located on the footways, in 1 loading bay located on Park Street and St Ives Road. Each of the residential refuse store rooms proposed will be within 25m of a loading bay. The exception to this is the refuse store on the western side of Block D, with the distance to the nearest servicing bay approximately 28m, which exceeds the 25m identified in the 'Manual for Streets'.
- 7.4.29 Separate secure refuse and recycling stores are shown. These should comply with space standards set out within the Sustainable Design and Construction SPD and further details and provision would be dealt with by way of Condition 13 and 15.

Issue v) Affordable Housing Considerations

- 7.5.1 Policy H3 Affordable Housing of the adopted Local Plan requires that this development provides 30% affordable housing on site, this would equate to 68.7 affordable housing units being provided. Policy HO3 of the BLPSV has effectively the same requirements however given the number of unresolved objections limited weight is afforded to the policy as a material consideration. The adopted guidance on affordable housing rounds down to the nearest whole unit: thus 68 units should be affordable as part of this proposal.
- 7.5.2 The proposed scheme is providing a total of 229 dwellings, this includes 68 affordable homes proposed to be provided by the applicants, this is policy compliant. It is proposed to provide the following tenure mix:
- 30 x Shared Ownership (44.1%)
 - 11 x Rent to Buy (16.1%)
 - 20 x Affordable Rent (29.4%)
 - 7 x Social Rent (10.2%)
- 7.5.3 All proposed homes have been designed as tenure-blind, meaning the design, materials, appearance and layout does not differ from the rest of the development. All products comply with the affordable housing definition as set out in the revised NPPF (2018). Paragraph 65 of the

NPPF (2018) sets an expectation that 10% of homes on major development sites should be available for affordable home ownership. The proposed scheme would exceed this figure.

- 7.5.4 The Council's Housing Enabling Manager has highlighted that the need set out in the Strategic Housing Market Assessment would be 80% of rented tenures and 20% intermediate housing. The proposal delivers an overall tenure split of 40% rented and 60% intermediate housing. The tenure mix is not specified in adopted policy; this is a consideration in the BLPSV. The NPPF (2018) has introduced other factors in relation to affordable housing which have to be considered as material to the scheme. It is recognised that the applicant is delivering a mix of tenures and clustered through the scheme. Management of units presents issues for a higher-level of rented units. On this basis the proposed affordable housing provision is considered to be acceptable. Affordable housing units will be secured in the Section 106 legal agreement including the nomination rights.
- 7.5.5 In addition to the above, a further 20 one-bedroom shared ownership homes funded directly by the Borough currently held by the Local Planning Authority through the collection of financial contributions on other sites for offsite affordable housing provision are to be provided within this scheme. It is funded from S106 monies collected from other developments. This does not form a benefit of this proposed development and is not a material consideration for this specific purpose. Having been secured through other schemes to make those developments acceptable the units should be required to be delivered on this site through the section 106 obligations and nomination rights should be sought: this will be negotiated with the developer but ultimately is in the gift of the freeholder, the Council.

Issue vi) Impact on Neighbouring Amenity

- 7.6.1 There are no specific policy's in the adopted Local Plan or the Maidenhead Town Centre AAP regarding impact on neighbouring amenity. Paragraph 127 (f) of the NPPF (2018) is a material planning consideration to be given significant weight and states developments should:

“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.

- 7.6.2 Policy SP3 of the BLPSV states that development will be expected to have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight. However this is balanced against paragraph 123 of the NPPF (2018) which states that where there is an existing or anticipated shortage of land for meeting identified housing needs:

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

- 7.6.3 The adjacent residential dwellings potentially affected by the proposed development are:

- Three storey properties along Fotherby Court located to the east of the site across the waterway and south of York Road- notably No. 2- 18 (even numbers) which rear garden areas back onto the waterway.
- Flats in Swanbrook Court, Bridge Avenue located to the east of the site across the waterway and north of York Road
- Units above retail units located to the west of the applications site along Queens Street, Broadway and York Road

(Potential impact on the adjoining redevelopment sites are dealt with under paragraphs 7.1.13 - 7.1.18).

- 7.6.4 The Daylight and Sunlight Analysis prepared by Baily Garner (dated 31 August 2018) looks at the potential impact on these adjacent dwellings. The assessment is based on the Building Research Establishment (BRE) guidelines, which are used nationally as guidance and apply equally to rural and urban locations. BRE recommendations are guidelines rather than adopted policy.

- 7.6.5 In relation to Fotherby Court, the above assessment identifies that all windows currently receive a good amount of daylighting. The above assessment indicates that the proposed development would result in a marginal loss of daylighting levels to all windows in the rear facing elevations of No. 2- 18 (even numbers) Fotherby Court. In addition to the above properties, No 60 in Fotherby Court is located perpendicular to the waterway. There are no side facing windows overlooking Block A which would be affected by the proposed development.
- 7.6.6 In terms of overshadowing Fotherby Court is located to the east of block A and the Daylight and Sunlight Analysis demonstrates that the rear elevations of some properties would be overshadowed by the proposed development after mid-afternoon, this depends on the time of year. In December shading is likely to take place from 14:00, in March from 15:00 hours and in June from 17:00 hours.
- 7.6.7 In relation to the flats at Swanbrook Court and as set out in Daylight and Sunlight Analysis the proposed development is not considered to have a significantly greater impact on light levels and/or overshadowing than the previous office block that used to be located on this site. This is a material consideration.
- 7.6.8 In terms of potential overlooking the proposed development would be positioned around 20- 25m from properties across the waterway. The development would be up to 8 storeys in height and include balconies facing the units across the waterway. This would create a level of activity along the waterway and town centre location which is to be encouraged, however it would also create a degree of increased overlooking currently not experienced by occupiers of the adjacent residential properties.
- 7.6.9 In terms of the potential impact properties on to the west of the application site (rear elevation of properties backing on to Grove Road Car Park): the results of the above assessment set out that the proposed development would not significantly harm the amenities of occupiers of nearby residential properties to the west of the application site. Separation distances to these adjacent dwellings varies from approximately 13m- 20m. In terms of privacy, upper floor rear facing windows in Block F are mostly for non-habitable rooms (bathrooms and landings) and/or secondary windows serving kitchens. However rear facing balconies are proposed, these will create a degree of overlooking. However in the centre of the town centre where the urban gain is tightknit this form of relationship is considered to be acceptable.
- 7.6.10 The marginal loss of daylighting and overshadowing impact on No. 2- 18 (even numbers) Fotherby Court is a material consideration that weighs against the proposed scheme. As does the increased overlooking and loss of privacy resulting from the development. However this needs to be considered in the context of Paragraph 123 of the NPPF (2018) which sets out that for those local authorities with a shortage of land for meeting identified housing needs, local planning authorities should refuse planning applications which they consider fail to make efficient use of land.
- 7.6.11 The NPPF (2018) further state that authorities should therefore take a flexible approach in applying policies or guidance relating to daylight and sunlight, where it is consider they would inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). The Council's BLPSV sets out how it will meet the objectively assessed need for the Borough, which includes some green belt release to meet housing need. This demonstrates a shortage of urban land for meeting identified housing needs. It is therefore key for land in the urban area to make optimal use of the potential of each site. Further consideration needs to be given to the amount of privacy afforded to developments which are located in urban locations, particularly those in peripheral town centre locations where a greater degree of overlooking is expected. On this basis and having due regard for the degree of harm the proposed development would have on the amenities of the occupiers of the adjacent residential units, the town centre location and the above policy context in this instance the relationship is considered to be acceptable.

Issue vii) Provision of a Suitable Residential Environment

- 7.7.1 There are no specific policy's in the adopted Local Plan or the Maidenhead Town Centre AAP regarding provision of a suitable residential environment. Paragraph 127 of the NPPF (2018) states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. All the proposed units are of a sufficient internal floor space to accord with the Nationally Described Space Standards (2015).
- 7.7.2 The Daylight and Sunlight Analysis prepared by Baily Garner (31 August 2018) also deals with the proposed accommodation. The assessment sampled 45 apartments from all the blocks. These units have been selected on the basis of their location in the development, typically where they are considered to face more challenging daylight scenarios. This includes units facing into courtyards and within close proximity of neighbouring buildings/other blocks. These therefore form the 'worst case' scenario.
- 7.7.3 This assessment confirms that within the proposed accommodation, all bedrooms achieve suitable daylighting. 31% of the Living areas fail the relevant assessments. The assessment identifies that these are representative of combined living/kitchen/diners which often have deeper kitchen areas which are reliant on artificial lighting, just living areas would meet the tests but because of their open plan layout the whole combined area of the room is included within the calculation.
- 7.7.4 In terms of overshadowing due to the courtyard layout of the blocks, some units would also experience a degree of overshadowing from within the scheme particularly those on lower floors. Notwithstanding this, for a large-scale development such as this, constrained as it is by orientation; it is acknowledged that the layout has, as far as practically possible, looked to maximise the amenity levels for each unit. Overall the levels of amenity in terms of sun/ daylight to habitable rooms are acceptable for a development of this nature.
- 7.7.5 In terms of privacy, due out the layout there are a number of windows in flats positioned at close right angles from those adjoining. These windows are typically secondary or serve non habitable rooms (landings and bathrooms etc.)
- 7.7.6 In terms of units facing across the internal court yards separation distances vary. At the closest point, facing flats on Block B afford a minimum of 15m separation distance. Block D affords around 28m separation distance. Block E and F are closer, with only 10m space (but less in height). However and as acknowledged above, wherever possible flats are dual aspect so units do not rely solely on one elevation for outlook. Overall and as the proposal is for a flatted development in the urban area where a greater level of mutual overlooking usually occurs, this relationship is considered acceptable.
- 7.7.7 The BRE guidance suggests for an amenity area, such as a garden, to appear sunlit throughout the year, at least 50% of the garden or amenity area should receive 2 hours of sunlight on 21st March. The public open space to the north of Block B, along with the existing open space in front of Town Hall and Desborough Theatre would comply with the BRE guidance. The proposed private courtyard to Block E would also comply with this guidance. The private courtyards to Blocks B and D, fall short by only achieving 40% of the courtyards receiving 2 hours of sunlight on 21st March. Whilst the proposal falls below the BRE guidance in view of the wider open space provision and enhancements proposed this is considered to be acceptable.
- 7.7.8 The current Local Plan, notably policies R3 and R4, requires on site open space. However it is not specific on a flatted development such as this how this should be provided. Policy IF4 Open Space of the BLPSV refers to open space being undertaken in accordance with the housing allocation.
- 7.7.9 In terms of amenity provision all units would afford their own independent balcony. Blocks B and D both benefit from podium level garden areas. Communal roof terraces are proposed to Block A and also a new public open space is proposed as part of this scheme, to the south of library. Improved open space is also proposed to the south of Desborough Theatre and part of the Town

Hall frontage. Overall the proposed development is considered to provide a suitable amenity and setting for future residents. The proposed landscaping plans show opportunities for informal children's play space as part of this. This will be dealt with by way of condition and/or planning obligation as appropriate.

Issue ix) Infrastructure Provision

- 7.8.1 The BLPSV allocates the whole of the York Road Opportunities Area to deliver 320 residential units. The Council has published its Infrastructure Delivery Plan (IDP) in January 2018 which takes into account the BLPVS housing allocations and sets out the infrastructure needed to support the development coming forward in the Borough over the Plan period (including social infrastructure) and how this will be funded.
- 7.8.2 This proposed development would represent approximately 60 units above the proposed housing allocation for the site area. The applicants have submitted Social Infrastructure Assessment prepared by Icenl. Their assessment assumes that the application delivers 78 dwellings above the allocations. (Variation as the Officer assessment has deducted the area of the football club out of the assumed area of development for this site allocation).
- 7.8.3 In terms of the impact on health services, the applicants Social Infrastructure assessment highlights that Council's IDP does state that the existing provision of GPs in Maidenhead is better than the Department of Health's target patient ratio. However, as set out in IDP, the Borough has a high concentration of residential and nursing homes which places pressure on existing facilities due to the higher dependency of elderly patients in primary care facilities. The Clinical Commissioning Group (CCG) assumes no surplus capacity GPs in the Borough and estimates a need for additional GP's to meet the future growth across the Borough. The IDP identifies how the Council, working in connection with the CCG and the NHS, can look to accommodate the future growth in demand.
- 7.8.4 The applicants Social Infrastructure Assessment states that Education provision can be met from this development and identifying that the nearby schools have been identified as schools where there is future capacity for extensions. However, the potential expansion of nearby schools are to support planned development contained in the BLPSV and does not allow for any additionality. The Education Authority has confirmed that in anticipating the demand for school places, the IDP had assumed that much of the proposed units generated from this site would be two bedroom. This application provides a more balanced mix of two and one bedroom units (one bedroom units having less demand on school places). Therefore the Education Authority has confirmed that the school places resulting from this development can be met within the existing assumptions made on this site and that this proposal would not create any greater pressures on Education Provision for Maidenhead.
- 7.8.5 The Social Infrastructure Assessment also looks at the onsite provision as part of this application, and the increased public open space proposed as part of this development this is considered a benefit and a piece of infrastructure provided as part of this scheme. However, the financial contribution towards Desborough Theatre cannot be seen as increased infrastructure provision or an additional benefit, it simply forms part of a mitigation strategy for the loss of community facilities resulting from this development. Additional section 106 contributions have been agreed as part of this proposal to improve wider pedestrian and cycle links in the town centre, as set out earlier in the report. Full list of matters to be secured by way of a legal agreement is set out below in paragraph 8.2

Issue x) Environmental Considerations

Flooding and Sustainable Urban Drainage

- 7.9.1 The east edge of the application site (running parallel to the Maidenhead Waterway) falls within flood zone 3 and 2. The proposed access to all buildings falls within flood zone 1 or outside of the flood zone. A Flood Risk Assessment and Drainage Strategy dated May 2018, along with a subsequent Addendum dated June 2018, has been provided by CTP Consulting Engineers in

support of this planning application. The reason for the addendum is since preparing the Flood Risk Assessment the Environment Agency (EA) has updated the extent of flood zone 3 (although they have not distinguished between flood zone 3a High Probability or flood zone 3b The Functional Floodplain). The EA has been consulted on the addendum report and has raised an objection.

- 7.9.2 In accordance with the NPPF (2018) and its associated guidance a sequential test for the development is required. The aim of the Sequential Test is to steer development to areas at the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If the sequential test cannot be met the principle of the development in Flood Zone 2 and partly flood zone 3a is not acceptable. Reasonably available sites would usually include any sites that are suitable, developable *and* deliverable.
- 7.9.3 The geographical search area of the Sequential Test is the Borough and the assessment utilises the Council's most recent housing position in the Housing and Economic Land Availability Assessment (HELAA) (2016). This is an approach endorsed by the LPA. This sets out sites which are considered developable.
- 7.9.4 The application site is considered to be deliverable. Therefore the sequential test has discounted alternative sites which have an anticipated delivery period of greater than 5 years as they are not considered to be a viable alternative for the purposes of this assessment. The applicant's sequential test has also discounted site which are not capable of providing a roughly equivalent number of dwellings as they are not 'suitable'. Only one site, Sunningdale Park which is entirely in flood zone 1 has been identified as sequentially preferable. The owners of this site are currently in process of advancing their own planning applications and therefore it is not considered available.
- 7.9.5 Paragraph 019 of the National Planning Policy Guidance (NPPG) states that:

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

For reasons set out above the proposed development is therefore considered to comply with the Sequential Test.

The Exceptions Test

- 7.9.6 As it has been demonstrated that it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the Exception Test then needs to be applied as a marginal part of the application site falls within flood zone 3A. For the Exceptions Test to be passed it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 7.9.7 The applicants consider that the proposed development would provide significant sustainability benefits to the community which would outweigh flood risk. This is recognised by Officers and can be summarised as:
- Enhanced town centre environment with improved connectivity, accessibility and legibility;
 - Enhanced leisure provision through the inclusion of food and beverage use and the wider vitality of the town centre
 - New and improved open space;
 - Provision of high-quality floorspace for the new Maidenhead Heritage Centre
 - Contributions towards improving the adjacent Desborough Suite

- The proposal includes 229 homes.
- efficient use of underutilised brownfield land
- improve existing green and blue infrastructure

- 7.9.8 The second part of the Exception Test requires development to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, reduce flood risk overall.
- 7.9.9 Policy MTC 4 of the Maidenhead Town Centre Area Action Plan 2011 seeks high quality design to ensure flood risk is not increased and flood risk to be reduced where possible. Policy F1 of the adopted Local Plan 2003 requires proposals to ensure flood storage capacity is not reduced and flood flow is not impeded. Paragraph 163, footnote 50 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit a Flood Risk Assessment when development is proposed in such locations to demonstrate flood risk will not increase as a result of the proposal.
- 7.9.10 The habitable space of any residential dwellings is designed to be above the flood level for the York Stream (taking climate change into account). Any floorspace below this level would consist of commercial space.
- 7.9.11 A late consultation response was received from the Environment Agency (submitted 10 weeks into the consideration period of this application). This has raised three objections to the scheme. The first objection is that the FRA did not demonstrate that the proposed development would not result in a loss of flood plain storage nor did the FRA explore opportunities to increase flood storage.
- 7.9.12 In response, the applicant's has submitted additional information, this evidence proposes to provide a clear void under the foot print of Block A to allow the unimpeded flow of flood water of York Stream. In terms of Block B it has been confirmed that the building does not encroach into the flood envelope and that there would be no loss of flood plain storage. Moreover the evidence demonstrates that there would be an increase in the flood storage volume. Therefore the additional information submitted shows that the proposed development would not increase flood risk elsewhere, and, where possible, reduces flood risk overall. The Environment Agency have been re-consulted on this additional information as it is material to this application. The Panel will be updated at the meeting on the outcome of this re-consultation. Officers are of the view that the aforementioned Development Plan policies have been met and without prejudice to any further comments offered by the Environment Agency it is considered that the Exceptions Test has been passed.
- 7.9.13 The NPPF (2018) states that development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
1. within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 2. the development is appropriately flood resistant and resilient;
 3. it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 4. any residual risk can be safely managed; and
 5. safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 7.9.14 The proposed development located in the most vulnerable areas of flood risk (flood zone 2 and 3) is proposed commercial floor space shown on the ground and lower ground floor of Building B and the proposed parking for building B. Residential development is located in areas of less probability of flooding. Accordingly the most vulnerable development is located in areas of lowest flood risk.

- 7.9.15 In terms of flood resilience and resistance a Flood Risk Assessment (FRA) has been submitted as part of this planning application. The FRA sets out design measures to ensure that the basement level parking is safe from water entry (to protect these areas, the elevation plans show that the Finish Floor Levels of the entrance to the basement level parking will be above the predicted flood level, plus climate change). The FRA also states that a Flood Risk management plan will also be provided as part of any development granted (see condition 26 which deals with flood protection). Any ground floor units and lobby areas are proposed to be positioned above predicted flood level, plus climate change which means that safe dry access and egress from the site can be achieved.
- 7.9.16 As set out above in paragraph 7.9.11 the Environment Agency has provided a late consultation response and raised objections on a number of grounds. This includes that the submitted FRA fails to demonstrate if there is any loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development and if so that it can be mitigated for and also that the FRA has failed to explore opportunities to increase flood storage.
- 7.9.17 An FRA addendum (dated 4 September 2018) confirms that the development for Block A and Block B does not negatively affect the flood plain storage of York Stream and that the proposals represent a net increase in storage which will in turn reduce flood risk elsewhere. Members of the panel will be verbally updated on the views of the EA at the Maidenhead Development Panel meeting.
- 7.9.18 Further objections have been raised from the EA in regards to the proposed development being within close proximity to the York Stream and would be unlikely to receive Environment Agency Flood Risk Activity Permit for the works. It was also raised that the development would result in an unacceptable obstruction to flood flows thereby increasing the risk of flooding to the wider area.
- 7.9.19 The additional supporting evidence provided highlights that access to York Stream south of York Road is very difficult due to the steep topography of the land and that access is more practically served from the opposite bank. In terms of Block B the previous buildings located south of Maidenhead Library did not provide any access to York Stream, this proposal would result in buildings being located further away and provide a public square which improves access compared to the previous situation. This is a material consideration. There is also a proposed public path running along the Western side of the York Stream which previously did not exist providing further improvements to the access in this locality.
- 7.9.20 Notwithstanding the evidence put forward by the applicant a Flood Risk Activity Permit falls under separate legislation and outside of the remit of planning. It is not within the remit of the Local Planning Authority to consider matters dealt with under separate legislation. Therefore the second grounds for the EA objection is not relevant to the planning merits of this application.
- 7.9.21 The EA, in the objection to this application, has referred to Policy MTC 4 of the AAP (2011) which seeks to ensure flood risk is not increased and flood risk to be reduced where possible. For reasons set out above it is considered that compliance with this policy and policy F1 of the adopted Local Plan have been met.

Sustainable Drainage

- 7.9.22 In terms of Sustainable Urban Drainage and as introduced from 6 April 2015 the Government strengthened planning policy on the provision of sustainable drainage systems (SuDS) for 'major' planning applications. Paragraph 165 of National Planning Policy Framework states that all 'major' planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development.

- 7.9.23 In accordance with The Flood and Water Management Act 2010 the Royal Borough in its role as Lead Local Flood Authority (LLFA), is a statutory consultee for all major applications. The LLFA has considered the proposal and the applicants Sustainable Urban Drainage information submitted as part of this planning application (including the additional information submitted during the course of the application).
- 7.9.24 The LLFA still has a number of queries regarding the proposed sustainable urban drainage strategy. Accordingly, in the event Members are minded to approve this planning application it is recommended that delegated authority be granted to the Head of Planning to allow for SUDs to be satisfactorily resolved in advance of issuing any decision. Thames Water have also raised concerns in their response about sewage capacity, this is a 'standard' response which can be dealt with by way of conditions and or separate agreements which fall outside of planning.

Impact on Maidenhead Waterways

- 7.9.25 The Maidenhead Waterways runs along the eastern boundary to the site and forms an integral part of the master planning, layout and wider open space and public enhancements proposed as part of this application. There are significant changes of levels (4 metres approx.) from St Ives Road to the waterway. Due to the change of levels from the street level, full views of the water waterways are not possible from St Ives Road.

- 7.9.26 Policy MTC3: Waterways of the AAP (2011) states that:

The improvement and integration of the waterways to create a high quality, safe, green corridor through the town centre will be encouraged.

Developments adjacent to the waterway will be expected to:

- *Embrace their waterside setting through design and landscaping.*
- *Conserve or enhance biodiversity.*
- *Allow for continuous pedestrian and cycle access along the waterside.*
- *Improve access to the waterside.*

Development which prejudices the improvement and integration of the waterways, including the potential implementation of the Maidenhead Waterway Project, will be resisted.

- 7.9.27 The above policy is clear that an appropriate balance is needed between providing access to the waterway whilst also conserving and enhancing biodiversity. The justification for the above policy is that the design of developments should embrace their waterside setting by incorporating landscape and biodiversity improvements, through presenting an active frontage to the waterway and making the area feel more open and safe rather than enclosed. Developments should enhance waterside setting and improve the town's integration with the waterway. Further guidance is set out in the Maidenhead Waterways Framework (2009).

- 7.9.28 This planning application seeks to provide level access from York Road adjacent to the waterway and then through to the Town Hall and the Library creating access for all. Currently those utilising the waterway who want to access the Library or Town Hall have to cross from the eastern side of the waterway via the foot bridge adjacent to the library and then through the 'amphitheatre' seating area. The access is via steps which creates issues for those with limited mobility, small children or disabilities who have to rely on the library internal lift access. This is not always accessible or convenient. The proposed new path from York Road along the western edge of the application site, to the proposed new open space is considered to be a significant benefit of this scheme. Further 'stepping down' the public open space to water level would not facilitate access for all which is sought as part of this proposal (and should be for all). Planning permission has recently been granted for a mooring adjacent to the Chapel Arches where the channel is wider, and only 100m or so up from the application site. Given the wider context and competing requirements of this scheme it is not considered that there is a compelling case to require an access for the mooring of boats on this site.

- 7.9.29 On this basis the proposed development is considered to embrace the waterside, conserve the biodiversity setting by ensuring that areas of biodiversity enhancements sought as part of the waterway redevelopment are not lost and also promotes the continuous pedestrian and cycle

access along the waterside whilst improving access to the waterside for all. The proposed development is therefore considered to be wholly in compliance with the aforementioned policy on development adjacent to the Maidenhead Waterway.

- 7.9.30 The Maidenhead Waterways Group consider that this development should contribute to a raised or replacement York Road Bridge. The application is providing a new public area of open space and improved pedestrian and cycle way access and financial contributions to enhance and improve the visual appearance and the connectivity of this site. It is not considered necessary by any adopted planning policy for this planning application to replace this bridge in order to make the development acceptable in planning terms. As such a contribution would not meet the statutory tests in the Community Infrastructure Levy Regulations or meet the requirements of the Council's Regulation 123 List. It would not be lawful to seek it.
- 7.9.31 In terms of the proposed pathway referred to by the Maidenhead Waterways Group behind the library. The removal of this pathway was undertaken following comprehensive pre-application discussions with Officers to ensure the proposed biodiversity enhancements secured as part of the initial waterways application were not lost by this proposal. Officers also remain unconvinced that there sufficient space for a path to the rear of the Grade II listed library. In any event, the inclusion of this pathway is neither considered reasonable or necessary to make the development acceptable in planning terms.

Impact on Biodiversity

- 7.9.32 Policy MTC 3 of the AAP (2011) seek to conserve and enhance biodiversity and policy OA3 also looks for development within the application site to embrace the waterside setting and also protect the integrity, quality and biodiversity of York Stream whilst improving access to the waterside and allowing for pedestrian and cycle access. Paragraph 170 of the NPPF (2018) states that planning decisions should contribute to and enhance the natural and local environment. The emphasis is on minimising impacts on and providing net gains for biodiversity. Paragraph 175 of the NPPF (2018) states that:

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

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

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

- 7.9.33 Policy NR 1 of the BLPSV also seeks to ensure development does not reduce the waterways ecological network or habitat. Emerging Policy NR 3 of the BLPSV requires proposals to protect and enhance biodiversity and to prevent deterioration of the ecological status of rivers in accordance with the Water Framework Directive. Policy IF 3 of the BLPSV seeks the provision of high quality green and blue infrastructure of river corridors.
- 7.9.34 The most notable area of ecology is the York Stream Local Wildlife Site.
- 7.9.35 The Environment Agency has raised objections as it considers an 8 metre buffer zone should be provided to incorporate enhancements for wildlife and to provide biodiversity interest.
- 7.9.36 In response to this a Water Framework Directive Assessment has been provided by the applicant and in support of this application, prepared by AECOM and dated August 2018. This sets out that York Stream is heavily modified with metal sheet-piled banks where it borders the York Road site. The proposed development will enhance the riverbanks in order to provide an active space for amenity and leisure purposes, with a key aim of enhancing the green corridor along the watercourse and improving biodiversity on the site compared to the current site character. It is proposed that around half of the combined York Stream frontage will have an offset of greater

than 8m from the water's edge (currently less than a third of buildings are less than 8m from the waterway). The applicants have also shown that where possible a buffer strip will be provided which will promote biodiversity enhancements, detailed matters can be dealt with by way of condition.

- 7.9.37 During construction the Water Framework Directive Assessment has set out measures to ensure that the York Stream is not adversely affected during building the proposed development.
- 7.9.38 Following the submission of a revised Water Framework Directive the Council's Ecologist has confirmed that the proposed development is acceptable in terms of biodiversity, subject to a number of pre-commencement conditions. These pre-commencement conditions are considered to be reasonable and necessary to ensure the York Stream Local Wildlife Site is suitably protected during construction. This is set out in condition 24.
- 7.9.39 Therefore and notwithstanding the objections raised by the EA in terms of biodiversity the proposed development is considered to comply with above aforementioned policies and acceptable in this regard.
- 7.9.40 Maidenhead Waterways has also highlighted that the consented waterway works are only part implemented and that channel conditions in the York Stream are expected to have changed before any development is completed at the York Road site. Specifically, construction of the Green Lane weir and deepening the channel to 1.3m throughout the area. The above assessment has been undertaken in accordance with the relevant guidance and takes into account potential enhancement for the current state of the waterway and mitigation during construction. It remains that the waterway has been heavily modified and its catchment constrains its ecological potential. Any enhancements provided as part of the wider Maidenhead Restoration programme will only increase the biodiversity enhancements of this area.

Impact on Air Quality and Noise

- 7.9.41 Whilst the Maidenhead AAP (2011) acknowledges that most of the town centre is covered by an Air Quality Management Area there are no specific Development Plan policies regarding air quality. The NPPF (2018) states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas
- 7.9.42 An Air Quality Assessment has been prepared by AECOM and submitted in connection with this application. The findings and conclusions of the assessment were that the air quality impacts from the development are not considered to be significant. Due to the anticipated net reduction in vehicle movements in comparison to the existing site use the proposed development is likely to have a beneficial impact on local air quality. It is considered that the findings and conclusions of this Assessment are acceptable and have raised no objection subject to conditions. These are set out in recommended condition 17 which deals with air quality during construction.
- 7.9.43 Policy NAP1 of the adopted Local Plan deals with noise and seeks to restrict developments in areas subject to external daytime noise levels. This is not considered to be up-to-date as it has been superseded by other advice and guidance over how to deal with developments near sources of noise. The NPPF (2018) seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 7.9.44 In terms of impact on noise, one of the aims of the proposal is to create increased vibrancy and activity to this underutilised part of the town centre. Inevitably this would increase the level of noise into this area, particularly in later hours of the day/ early mornings. The greatest level of activities will be directed to the area around the proposed public square and the current civic/ cultural functions of the town centre currently take place. Given the urban, town centre location and also the modest level of commercial floor space proposed as part of the planning application, this is not considered to result increased levels of noise or disturbance which would have a detrimental impact on the amenities of the occupiers of the surrounding or proposed residential

properties. Conditions are recommended to ensure suitable acoustic measures these are set out in condition 20.

Contaminated Land

- 7.9.45 Policy NAP4 of the Borough Local Plan seeks to ensure that development will not pose an unacceptable risk to the quality of groundwater. A Contaminated Land Assessment, Desk Study Report has been prepared as part of this application. This sets out how the applicants will deal with any contaminated land discovered at this site. This is considered acceptable subject to conditions. These are set out in recommended Condition 18.

Sustainability and Energy

- 7.9.46 New development is expected to demonstrate how it has incorporated sustainable principles into the development including, construction techniques, renewable energy, green infrastructure and carbon reduction technologies. This is set out in the NPPF (2018). An 'Energy Statement' prepared by Baily Garner dated May 2018 has been provided as part of this planning application. This sets out the sustainable technique incorporated into the proposed development. This includes passive design, insulation and natural ventilation to improve the efficiency of the residential building. The Statement proposes a 10% carbon reduction over current building regulations based on the fabric performance of the proposed buildings and the provision of photo voltaic panels on parts of the roof of all buildings.
- 7.9.47 In terms of sustainable design and construction, a 'Site Waste Management Plan' prepared by AECOM (dated 29 May 2018) has been provided as part of this planning application. This document looks at how waste will be minimised during the construction process and how materials selected will have low environmental impact.
- 7.9.48 The proposed development is also designed to minimise pollution, be adaptable to climate change and also consider health and wellbeing are part of the development. On this basis the proposed development is considered to sufficiently incorporate sustainable design techniques into the proposed development and complies with National and locally adopted and emerging policy in this regard, along with the Council's adopted Sustainable Design and Construction SPD (2009).

Issue xi) Other Material Considerations

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

For decision-taking this means:

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

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

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

- 7.10.2 Footnote 7 of the NPPF (2018) clarifies that policies which are most important for determining the application are out-of-date includes include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 7.10.3 Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted in January 2018. The Borough Local Plan sets out a stepped housing

trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory.

- 7.10.4 However in exerting this position, this site forms part of this five year housing land supply. As such without the timely delivery of this site the Council's position to demonstrate a five year housing land supply position *could* be compromised. Whilst this proposal exceed the allocation for this part of the housing allocation the delivery of this site in a timely phased manner weighs considerably in favour of this scheme and ensuring the Council does not prejudice their wider five year housing land supply position.

Issue xii) Conclusion – Planning Balance

- 7.11.1 The proposed development is consistent with the NPPF (2018) in so far as it looks to make efficient use of previously development land in a highly sustainable location to achieve housing at an appropriate density for a mixed use town centre location. The proposed development would also contribute to the regeneration and revitalisation of Maidenhead Town Centre and facilitates the delivery of a rolling five year housing land supply. This weighs considerably in favour of the scheme. A new public open space and setting would be provided around the proposed development and the wider civic and cultural function of this area which weighs in favour of this scheme.
- 7.11.2 The proposal results in the loss of existing well used community facilities, contrary to the development plan however it is a material consideration that suitable mitigation is offered to mitigate any loss of community facilities.
- 7.11.3 The proposed development is considered to preserve and enhance the wider setting of the conservation area and would not harm to adjacent heritage assets, it meets the statutory test in the Listed Buildings and Conservation Area Act. The height and scale of the proposed development would be above and beyond that currently prevailing in the immediate area, however the height and scale is considered to be one which broadly accords with the AAP (2011) and general design policies which identify this site for redevelopment and regeneration. The proposal forms part of the Council's spatial strategy to 2033 to direct strategic growth to Maidenhead.
- 7.11.4 The loss of town centre car parks will be addressed as part of the Council's wider Parking Strategy and can be secured through suitable conditions. The proposed development does not raise any significant highway capacity issues and would not prejudice highway safety. Having due regard for the nature and location of the proposal, sufficient residential car and cycle parking would be provided. Some harm would arise from the loss of existing trees and impact on the York Stream, however a wider coherent landscape strategy is proposed to mitigate any loss incurred and would enhance the area.
- 7.11.5 The proposal would provide sufficient provision of affordable housing to comply with the relevant policies and would provide a suitable residential environment for future occupiers in an urban location.
- 7.11.6 The proposed development would have a minor impact on the daylighting levels currently received from the nearby residential properties across the waterway, notably adjacent Fotherby Court and increased overshadowing and would result in increased overlooking. However, having due regard for the degree of harm the proposed development would have on the amenities of the occupiers of the adjacent residential units, the town centre location and the relevant policy context in this instance the relationship is considered to be acceptable.
- 7.11.7 In terms of flooding the proposed development is considered to pass the sequential test. In terms of the exemptions test, as well as wider flooding considerations there is currently an outstanding objection from the Environment Agency regarding flood storage. The applicants have submitted additional information to overcome these objections. Members will be advised on the outcome of the re-consultation exercise at the Panel meeting.

- 7.11.8 The objections from Maidenhead Waterways regarding the scheme are also noted, however for reasons set out above the proposed development is considered to comply with the relevant planning policies and would improve access to and create a waterway setting. This weighs in favour of this scheme.
- 7.11.9 There are some wider environmental considerations which at the time of writing this report remain matters for discussion. This includes Sustainable Urban Drainage, this is reflected in the recommendation to the Panel.
- 7.11.10 The proposed development is considered acceptable in terms of biodiversity, air quality and noise (subject to the necessary conditions). Biodiversity enhancements sought as part of this proposed development also weigh in favour of this scheme and will be secured by way of conditions. Subject to conditions the proposed development does not raise any significant issues in terms of contaminated land and would incorporate suitable renewable and sustainability techniques.
- 7.11.11 For reasons set out above the proposed development is considered to be acceptable. There is conflict with the Development Plan which has been identified in the Officer assessment of the proposal and justified through other material considerations. The planning balance, and therefore the Officer recommendation is to approve subject to the resolution of the matters set out at section 1 of this report.

8. INFRASTRUCTURE PROVISION

- 8.1 The site is CIL liable however the CIL rate for Maidenhead Town Centre is set at £0 per square metre and as such there will be no CIL receipts generated from this development. However the wider affordable housing provision and financial contributions to make this development acceptable in planning terms is set out above. As is the wider regeneration benefits of this proposed development, and the delivery of infrastructure as part of this development, notably the new areas of public open space.
- 8.2 It is proposed that a section 106 legal agreement will secure the following:
- Residential Travel Plan
 - Details of Car Club provision as part of this scheme, including one parking space provided on street
 - Details of waste receptacles to be provided (refuse/recycling/ food wastes bins)
 - Contribution of £8,753 towards improve cycle links
 - Contribution of £10,604 towards improved bus links
 - Provision of £650,000 towards improvements to Desborough Theatre.
 - Heritage Centre to be re-provided in the redevelopment
 - Monitoring costs
 - Timing of delivery of landscaping works
 - Restriction in the amount of commercial floor space which can be occupied by an A1 use class.
 - Secure affordable housing provision as set out above in Table 2

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

130 neighbour notification letters were sent out to the occupiers of adjacent properties.

3x site notice advertising the application were displayed; one in front of Town Hall, one at Grove Road Car Park (adjacent to the Heritage Centre) and a further along York Road (opposite Desborough Bowling Club) on the 15 June 2019 and the application was advertised in the Maidenhead & Windsor Advertiser on the 21 June 2018.

3 letters were received objecting to the application including one from the Maidenhead Civic Society, comments made can be summarised as:

| Comment | | Where in the report this is considered |
|---------|--|---|
| 1. | Block A would be 8 stories in height, nearly three times the height of Fotherby Court opposite. | Section 7.6 deal with impact on neighbouring amenity including Fotherby Court |
| 2. | The Area Action Plan states that buildings should respect the low to medium rise character of the area and should not result in unacceptable adverse impact on existing developments | Section 7.3 deals with design, in particular para 7.3.27- 7.3.30 deal with height and scale |
| 3. | Block A is closer than the existing buildings | Section 7.3 deals with design, in particular para 7.3.27- 7.3.30 deal with height and scale. Section 7.6 deals with impact on neighbouring amenity |
| 4. | Open space should be to the south of York Road | Section 7.3 deals with design, in particular para 7.3.24 addresses the location of the open space |
| 5. | Block A would overpower properties on Fotherby Court and block B would affect Swanbrook Court | Para 7.6.5- 7.6.11 |
| 6. | The over dominance of Block A onto Fotherby Court is not clearly shown in sections and drawing | Para 7.6.5, 7.6.6, 7.6.10- 7.6.11 |
| 7. | The Daylight and Sunlight Analysis shows the daylighting to Fotherby Court would be reduced from good daylighting to moderate/low lighting below the guidelines. | Para 7.6.5, 7.6.6, 7.6.10- 7.6.11 |
| 8. | Block A lacks imagination and little attention paid to the design | Section 7.3 deals with design, para 7.3.31 to 7.3.33 deals with the architectural approach |
| 9. | Public consultation had little information on Block A | Para 6.1- 6.3 deals with pre consultation. |
| 10. | Query's conflict of interest in the Council determining this application as this is a Joint Venture redevelopment on Council owned land. | The application is being considered in accordance with the Council's constitution. landownership matters do not affect an Officer recommendation |
| 11. | Inadequate attention paid to cultural and heritage demands and opportunities for the area | Loss of community facilities is dealt with under section 7.2. Improved public space is addressed in para 7.3.34- 7.3.38 |
| 12. | Parking is inadequate | Para 7.4.23- 7.4.27 |
| 13. | Pleased that the height is restricted to height stories and welcome the low rise mews style houses. | Section 7.3 deals with design, in particular para 7.3.27- 7.3.30 deal with height and scale |
| 14. | Outside of the elevations facing York Stream the design is poor | Section 7.3 deals with design, para 7.3.31 to 7.3.33 deals with the architectural approach |
| 15. | Significant reduction in street parking and disabled spaces should be provided. | Para 7.4.24 |
| 16. | There will be need for a defined set down/ pick up area. | Para 7.4.28 |

Consultees

| Consultee | Comment | Where in the report this is considered |
|-------------------|--|--|
| Highway Authority | No objections subject to conditions, full consideration of Highway Authorities comments are set out in Officer Report. | Section 7.4 |

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| Conservation Officer | <p>It is considered that the works would preserve and potentially enhance the wider setting of the conservation area. In terms of the setting of the listed library, the creation of a new open space could be considered to make a positive contribution to the setting of this asset and also that of the Town Hall, which is an important civic building with considerable communal value.</p> <p>Further comments and queries have been raised about improving the scale of the development.</p> | Para 7.3.8-7.3.15 |
| Landscape Officer | <p>The landscape information can be approved by way of condition, provided the following information is provided pre- commencement.</p> <p>Concerns are raised about south side of Town Hall forecourt being landscaped without taking into consideration the entire forecourt. This matter should be considered as part of wider discussions.</p> | Section 7.3 deals with design, in particular para 7.3.34 - 7.3.42 |
| Urban Designer | <p>For the most part the scheme is well considered. There are some elements of the application - in particular the key elevations - that could do with more consideration and more work to be really successful. (these have been addressed through revisions)</p> | Section 7.3 deals with design |
| Lead Local Flood Authority | <p>Raises further queries and questions about the drainage strategy proposed.</p> | Para 7.9.22-7.9.24 |
| Ecology Officer | <p>Any increase footfall is unlikely to significantly increase recreational pressure upon the waterways, as it is already well used. However wildlife in York Stream would be adversely affected by increased dust, noise and light pollution, and surface water run-off and littering during construction and operation.</p> <p>Blocks A and B will be located close to York Stream will result in the shading of the stream. Excessive shading can reduce the quality of the waterway, lower water temperatures, and affect the stream's capacity to support fauna. A revised lighting scheme should be submitted to the determination of the application to demonstrate that the proposal.</p> | Para 7.9.32-7.9.39 |
| Tree Officer | <p>Raises a number of concerns and queries regarding the impact on trees</p> | para 7.3.34 - 7.3.42 |
| Environmental Protection (air quality) | <p>Air quality report will be submitted during the planning application is considered acceptable, no objections subject to conditions.</p> | |
| Environmental Protection (noise and construction) | <p>No objections subject to conditions.</p> | |

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| Housing Enabling Manager | <p>This application proposes 68 affordable homes; 27 homes for rent and 41 homes for intermediate tenure. The application also mentions the purchase of 20 market units which will be delivered as additional shared ownership housing using public subsidy.</p> <p>Of the 41 intermediate homes set out in the application, 30 will be delivered for shared ownership and 11 made available for Rent to Buy. This delivers an overall tenure split of 40% rented and 60% intermediate housing. This will deliver a shortfall in rented housing provision which should be planned to be provided on a future development to ensure that the borough's housing needs are met. The shortfall equates to an additional 28 homes for rent which should be provided on another site/ application in order to ensure a sufficient supply of rented housing for residents in need of the tenure.</p> | Section 7.5 |
| Natural England | No objection subject to conditions | Informative 13 |
| Highways England | No objection | n/a |
| RBWM Access Advisory Forum | <p>Low profile kerbs rather than flush access in St Ives Road should be provided.</p> <p>It is not evident from the Landscape Report (P53-P55) that sufficient consideration has been given to the visual contrast of paving, lighting and street furniture to ensure visually impaired people are able to safely navigate through the public realm.</p> <p>While the proposal asserts that there is no loss of on-street parking spaces in St Ives Rd and Park St it is unclear whether there will still be the same amount of double yellow lines, away from junctions etc, on which Blue Badge holders are also able to park</p> | Para 7.3.38 and 7.4.24 |
| Environment Agency | <p>The EA were consulted on this application on the 12.06.2018 and then re-consulted on the 16.07.2018. Following Officers chasing a response on the 16.08.2018 the EA finally provided a consultation response on the 24.08.2018.</p> <p>This consultation response raises objections on three grounds, this can be summarised as follows:</p> <ul style="list-style-type: none"> • The FRA fails to demonstrate if there is any loss of flood plain storage or explore opportunities to increase flood storage. • The proposed development involves building within close proximity to the York Stream main river and would be unlikely to receive Environment Agency Flood Risk Activity Permit • The proposed development is unacceptable as it involves building within close proximity to the York Stream main river and is contrary to Planning Policy which seeks to conserve and enhance the natural environment | Para 7.9.1-7.9.21 and para 7.9.32-7.9.39 |

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| Maidenhead Waterways | <p>Raise Objection. The consultation response from the Maidenhead Waterways Restoration Group raises a number of concerns these can be summarised as follows:</p> <ol style="list-style-type: none"> 1 Seek the replacement of York Road Bridge with greater headroom for boats to pass under 2 Object to the scale and design of the narrow southern part of the site (Block A) which would dominate the waterside area and face immediately onto the 3 storey residential houses. 3 Concerns about the stability of the recently constructed waterway channel walls. 4 As proposed, the southern part of the site has no active frontage onto the water or public access. 5 Missed opportunity to ensure open views of the restored waterway, to provide a proper water level public path and any form of boat loading or access area. 6 Block B fails to step down sufficiently as they approach the waterway. 7 No safe access point for boat loading/unloading. <p>No streamside path or active frontage shown to link Block B past the Library. If this strip of land remains outside of the application 'red line' boundary, we recommend that funding for a linking public footpath by the water along the eastern edge of the Library should be committed by Countryside as part of a site specific S106 agreement.</p> | Para 7.9.25-7.9.31 and para 7.9.40 |
| Berkshire Archaeology | <p>Considers the application area to have some archaeological interest and that some form of investigation would be merited but that this can be undertaken post-consent should the scheme be permitted.</p> | Para 7.9.45 |
| Thames Water | <p>The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.</p> | Para 7.9.24 |

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| Thames Valley Police | Concerns relating to the access to and from the podium gardens on the first floor access to the podium at first floor level is not located directly off the core thereby requiring users to enter the first floor residential corridor to gain access. This gives rise to excessive noise, activity and permeability on route to the amenity area and also first floor residents being affected by activity taking place on the podium itself. Further concern raised in relation to the lack of active surveillance provided from both Block F & E at ground floor level to Grove Road and request amendments are made to provide a provision for active surveillance (lounge or kitchens) from the dwelling to the street at ground floor level. Additional concerns are relating to the inclusion of an unsecured rear courtyard parking area to Block F which is easily accessed from Grove Road where active surveillance is lacking. Further queries were given about fob access, the type of bin storage openings, and garages being accessed directly from the street, locations of lifts, postal boxes and details of any boundary treatments. | |
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9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B- Phasing Plan
- Appendix C – Overall lower ground floor plan
- Appendix D - Overall ground floor plan
- Appendix E – Overall third floor plan
- Appendix F- Block A front elevation (opposite York Road)
- Appendix G- Block A side elevation (facing York Stream)
- Appendix H- Block B north elevation (opposite the library)
- Appendix I- Block B side elevation (facing York Stream)
- Appendix J- Block D north elevation (opposite the Town Hall)
- Appendix K- Block D east elevation (along St Ives Road)
- Appendix L- Block E east (front) elevation
- Appendix M- Block F east (front) elevation
- Appendix N- Indicative landscape masterplan

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out and maintained in accordance with the details of lower ground floor slab levels as shown on drawing No. 9002_CPL-B-B1-DR-A-D__20-2151_Rev.P1 or such amended drawing as first agreed in writing by the Local Planning Authority.
Reason: To prevent an increased risk of flooding elsewhere due to impedance of flood flows. Relevant Policy - Local Plan F1.
- 3 Prior to the construction of the building known as 'Block B' samples of the materials to be used on the external surfaces of this building hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the above, no development above ground floor slab level of each individual phase as set out in the approved phasing plan shall take place until samples of the materials

used on the external surfaces of each building which forms part of each individual phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Sample materials shall be made available on site when discharging this condition as set out informative 1.

The development shall only be carried out in accordance with the approved materials or such other details first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Royal Borough of Windsor and Maidenhead Local Plan Local Plan DG1; Area Action Plan MTC4, MTC6, OA3.

- 4 Prior to the commencement of phase 3 full details shall be submitted to and approved in writing by the Local Planning Authority regarding the mitigation strategy to deal with the loss of the short stay public car parking, this shall include a detailed schedule for timing of works to take place. This agreed strategy shall have be fully implemented prior to the commencement of phase 3 of the development hereby approved and/or the closure of Grove Road Car Park.

Such details can include wider mitigation strategy including providing alternative long stay car parking.

Reason: In the interest of providing suitable off street short stay parking to support the vitality and viability of the Town Centre as required by policy MTC1, MTC4, MTC14, MTC15 and OA3 of the Area Action Plan (2011) and the National Planning Policy Framework (2018).

- 5 In addition to the S106 legal agreement which ensures the continued operation of the Heritage Centre, full details shall be submitted to and approved in writing by the Local Planning Authority in advance of the commencement of the development hereby approved to show how the Maidenhead Heritage Centre will continue to remain open and operate during the construction of phases 1, 2 and any parts of phase 3 of the development hereby approved. The development shall thereafter be undertaken entirely in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the proposed development does not result in the loss of impede the operation of the community facility as required by the National Planning Policy Framework (2018), along with policy MTC13 of the AAP (2011)

- 6 All buildings or premises to be used for purposes identified as 'commercial' in the approved floor plans of block B and/or block D shall only be occupied as either A1, A2, A3, B1, D1 or D2 uses as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended)

Reason: To ensure that the mix of uses to support the mixed use redevelopment of this site and to encourage the vitality and viability of this part of Maidenhead Town Centre. Relevant Policies - AAP MTC8 and OA3.

- 7 No development above ground floor slab level (excluding foundations and/or any internal retaining walls) of each individual phase shall take place until full details of hard and soft landscaping works (including walls gates and fences) for that respective phase, have been submitted to and approved in writing by the Local Planning Authority. This shall include a schedule of undertaking that the proposed works including the public open space and new pedestrian routes shall be open and accessible to the public and samples of all hard surfacing.

Any approved soft landscaping works, including tree planting shall be carried out as approved within the first planting season following the substantial completion of each relevant phase of the development and retained in accordance with the approved details.

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

Reason: To ensure a form of development that maintains, and contributes positively to, the

character and appearance of the area. Relevant Policies - Local Plan DG1, policy MTC1, MTC2, MTC3, MTC4 and OA3 of the Area Action Plan (2011) and the National Planning Policy Framework (2018).

- 8 Full details of public art to be incorporated in the relevant phase shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the relevant phase. This includes a schedule of installing the proposed works, which shall thereafter be adhered to unless an alternative schedule is otherwise agreed in writing with the Local Planning Authority.
Reason: In the interests of the visual amenities of the area and the character and appearance of the area and to ensure the timely delivery of the open space. Relevant Policies - Royal Borough of Windsor and Maidenhead Local Plan DG1, and CA2 and AAP MTC4, OA3
- 9 Notwithstanding the approved plans or any indication given otherwise, no construction works (including piling or foundations but excluding archaeological investigations) to block B or block A shall commence until full details of any relevant works to the banks of York Stream 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 maintained thereafter.
Reason: In the interests of the visual appearance of the area and to ensure that the York Stream within this development can connect to the adjacent parts to the North and South of the site. Relevant Policies - Local Plan CA2, AAP MTC4
- 10 No part of the relevant buildings shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the details set out in the approved plans. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1, Area Action Plan MTC4 and MTC14
- 11 Prior to the commencement of any works or demolition to each individual phase (excluding archaeological investigations) a construction management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan DG1, AAP MTC4
- 12 No part of the relevant buildings shall be occupied until vehicle parking spaces for the relevant building have been provided in accordance with the approved plans. The spaces approved shall be retained for parking in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1, AAP MTC4, OA3
- 13 The relevant part of the development shall not be occupied until a detailed servicing strategy, including hours of operation, has been submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
Reason: In the interests of highway safety and the free flow of traffic and in the interests of the living conditions of the occupiers of existing buildings and future occupiers of the development. Relevant Policies - Local Plan DG1, AAP MTC4, MTC14
- 14 Notwithstanding the approved plans or any indication given otherwise, all access gates or building doors abutting the highway or the new streets and spaces within the development shall open away from the aforementioned areas when opening or when in the open position and shall thereafter be maintained in such condition.
Reason: In the interests of pedestrian and highway safety. Relevant Policies - Local Plan DG1,

- 15 The development shall be carried out in accordance with the Waste Management Plan prepared by AECOM dated 29 May 2018. No part of the relevant phase shall be occupied until a refuse and recycling strategy has first been submitted to and approved in writing by the Local Planning Authority and implemented in full. These facilities shall be kept available for use in association with the development at all times.

Reason: To enable satisfactory refuse collection to take place in the interests of highway safety and convenience, to ensure effective waste collection services and to maximise recycling. Relevant Policies - Local Plan DG1, AAP MTC4

- 16 No construction (excluding piling, foundations and enabling works) above ground floor slab level of each of the respective phases shall commence until an external lighting scheme has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented before the occupation of each respective phase and thereafter the lighting shall be operated in accordance with the approved scheme and maintained as operational.

This includes any lighting proposed along or adjacent to the waterway of Phase 1 and 2. Details to be submitted shall accord with the Memo entitled 'Guidance on bats and lighting' prepared by AECOM and dated 24 August 2018.

The scheme shall include the following:

- i. The proposed design level of maintained average horizontal illuminance for the site.
- ii. The proposed vertical illumination that will be caused by lighting when measured at windows of any properties in the vicinity
- iii. The proposals to minimise or eliminate glare from the use of the lighting installation.
- iv. The proposed hours of operation of the lighting.

Reason: To ensure the development contributes to the visual amenities of the area and in the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - AAP MTC4, MTC6, OA3.

- 17 No development (excluding archaeological investigations) shall take place until a phase specific Construction Environmental Management Plan for each individual phase has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. Thereafter the development shall be undertaken entirely in accordance with the approved Plan.

Reason: To protect the environmental interests (noise, air quality, waste, ground water, ecology, water quality) and amenity of the area and for highway safety and convenience. Relevant Policies - Local Plan CA2, LB2, DG1, NAP3, NAP4, T5, T7, ARCH2, AAP MTC4, MTC13, MTC1

- 18 No development for each phase (excluding archaeological conditions) approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of each phase shall each be submitted to and approved, in writing, by the local planning authority.

1. All previous issues
2. Potential contaminants associated with those uses.
3. A conceptual model of the site indicating sources, pathways and receptors
4. Potentially unacceptable risk arising from contamination at the site.

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

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

19. Prior to the commencement of any works above ground floor slab level, details of measures to incorporate sustainable design and construction shall be submitted to and approved by the Local Planning Authority in writing. This should be based on the Energy Statement prepared by Bailey Garner dated May 2018 or such other details as agreed in writing by the Local Planning

Authority. The development shall thereafter be undertaken entirely in accordance with the approved details.

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

- 20 No development above ground floor slab level of each individual phase shall take place until details of acoustic and noise attenuation measures for the residential units hereby approved have been submitted to and approved in writing by the Local Planning Authority. This shall include any appropriate mitigation measures and will accord with the outline recommendations contained in the Noise Assessment (2018) prepared by AECOM shall be provided as part of this. The development shall be carried out in accordance with the approved details and retained as such thereafter.

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

- 21 Notwithstanding the approved plans or any indication given otherwise no development above slab level of phase 1 shall take place until a strategy for the installation of all fixed plant and equipment associated with air moving equipment, compressors, generators, ventilation or plant and machinery of a like kind has been submitted to and approved by the Local Planning Authority in writing. The strategy shall ensure that any flue or ducting shall be fully integrated into the buildings hereby approved.

Prior to the installation of all fixed plant and equipment associated with air moving equipment, compressors, generators, ventilation or plant and machinery of a like kind which shall accord with this approved strategy, details shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings and in the interest of the visual amenity of Conservation Area and setting of the adjacent listed buildings. Relevant Policies - Local Plan NAP3, DG1, CA2 AAP MTC4.

- 22 No development of each phase, other than demolition of existing buildings on site to ground level shall take place until the applicant, their agents or successors in title have secured and implemented a programme of archaeological field evaluation in accordance with a written scheme of investigation for that specific phase, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The results of the evaluation will inform the preparation of a mitigation strategy which will be submitted by the applicant and approved in writing by the Local Planning Authority prior to the commencement of the development. The mitigation strategy shall be implemented in accordance with the agreed scheme.

Reason: The site lies in an area of archaeological potential, particularly in relation to the prehistoric settlement and land use of the Middle Thames Valley and the historic management of the York Stream. The potential impacts can be mitigated by a programme of archaeological work in accordance with national and local planning policy. Relevant Policies - Local Plan ARCH2, ARCH3, ARCH4 and the National Planning Policy Framework.

- 23 Prior to commencement of development for each phase including any demolition, an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area off-site in accordance with the approved tree protection plan. Each phase of the development shall be carried out in accordance with the approved statement.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan NE6, DG1; Area Action Plan MTC3 and MTC4

24 TO BE AMENDED BASED ON RE-CONSULTATION WITH THE ENVIRONMENT AGENCY

Prior to the commencement of any works or demolition (excluding archaeological investigations), full details of biodiversity enhancements along York Stream and measures to protect the waterway during construction shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include maintenance and management of these areas.

All details provided shall accord with the Water Framework Directive Assessment (V4) dated August 2018 and the requirement of informative 16 and 17.

All mitigation measures to be undertaken during construction should be implemented prior to commencement of the relevant phase of development (excluding archaeological investigations) and shall be retained thereafter until completion of the relevant phase.

All agreed biodiversity enhancements shall be undertaken the first planting season after completion of the relevant phase and shall be maintain in accordance with an agreed management plan.

Reason: In the interest of biodiversity as required by policy MTC3, MTC4 and OA3 of the AAP (2011) and the National Planning Policy Framework (2011).

25 TO BE AMENDED BASED ON RE-CONSULTATION WITH THE ENVIRONMENT AGENCY

Prior to construction of the relevant phase a full scheme of flood compensation measures and flood storage details shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on the Addendum to Flood Risk Assessment dated 4 September 2018. The development shall be carried out and maintained in accordance with the approved scheme.

Reason: To prevent an increased risk of flooding elsewhere due to impedance of flood flows and reduction of floodwater storage capacity. Relevant Policy - Local Plan F1, policy MTC4 of the AAP (2011) and the National Planning Policy Framework (2018) and its associated guidance.

26 TO BE AMENDED BASED ON RE-CONSULTATION WITH THE ENVIRONMENT AGENCY

The proposed development shall be undertaken in accordance with the flood protection details as set out in the Flood Risk Assessment prepared by CTP consulting engineers and associated addendums dated: May 2018, 22 June 2018 and 4 September 2018 respectively. The development shall be carried out and maintained in accordance with the approved scheme.

Reason: To prevent an increased risk of flooding elsewhere due to impedance of flood flows and reduction of floodwater storage capacity. Relevant Policy - Local Plan F1, policy MTC4 of the AAP (2011) and the National Planning Policy Framework (2018) and its associated guidance.

27 SUSTAINABLE URBAN DRAINAGE CONDITIONS- TO BE ADDED BASED ON THE OUTCOME OF DISCUSSIONS WITH THE LEAD LOCAL FLOOD AUTHORITY

28 Prior to the occupation of the relevant phase, information shall be submitted to demonstrate that that either:-

All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed no occupation of the relevant phase shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

29 The development hereby permitted shall be carried out in accordance with the approved plans listed below:

As set out in the Drawing Register by Conran and Partners (project number 9021), last revisions dated the 13.08.2018 and received by the Local Planning Authority on the 16.08.2018, or such other approved plans and associated drawing register as approved in writing by the Local Planning Authority.

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

Informatives

- 1 With reference to condition 3 (sample of materials) in all instance the materials provided shall include the following: a) Brickwork Panel(s), Sample panel(s) of brickwork showing the typical facing brick(s), method(s) of bonding and colour of pointing to be used for external surfaces of the development. The sample panel shall be erected on site and maintained there during the course of construction. Details submitted shall broadly accord with the details set out in the York Road Design and access Statement Addendum August 2018.
- 2 The Local Planning Authority has set out conditions required in a phased manner to ensure that the construction of each part of the development is undertake without being restricted by undue conditions. However the full discharge of each individual phase should have due regard for the wider site and should provide details of how each phased area connects with any phase agreed before. Failure to provide this information as part of the discharge of individual conditions could lead to delays in considering discharge of conditions applications.
- 3 In the interest of clarity each phase is set out in plan 9021-0-ZZ DR-A-D__20-7002 Rev P1 dated 05/24/18
Blocks are as shown on the approve block plan set out in plan 9021-0-ZZ DR-A-D__20-7001 Rev P1 dated 05/24/18
Phase 1: All works to the north of York Road and east of Park Street which fall within the application site including Blocks B and D, along with the approved public open space north of Block B and improved landscaping to the north of Block D and any highway works along St Ives Road and Park Street.
Phase 2: Block A and all associated parking, access and landspacing within the application site position to the south of York Road
Phase 3: Block E and F and all associated parking, access and landspacing within the application site positioned on the east of Park Street.
- 4 With reference to condition(s) 7 regarding Landscaping the information submitted in connection with the discharge of this condition should include.
The soft landscape package should include tree planting plan, detail planting plan and schedules.
The provision for watering will be provided within the Library Square for maintenance of the soft areas. It should be an in ground type of watering point which is vandal proof.
Hand landscape plans will include complete paving specification of various paving elements, including make, thickness, colour etc. Material samples should be provided under a condition.
The landscape proposal will need to include SUDs/ drainage details.
Typical tree pit details in hard and soft landscape will need to be provided.
Existing / proposed services plan needs to be provided showing locations of all the proposed and existing trees.
Ground level parking strategy/ cycle parking strategy in the public realm need to be provided.
The external lighting scheme should also be part of public art; as the public realm is being designed for night time events near the theatre. Current proposal details only functional lighting.
Location of tree pits should be considered where it does not restrict footway widths.
A refuse strategy detailing temporary holding areas in public realm on collection day, if any, should be provided.
Full details of green and/or brown roofs including maintenance.
- 5 With reference to condition 11 on Construction Environmental Management Plan, the plan should include, but not be limited to:

Procedures for maintaining good public relations including complaint management, public consultation and liaison

Arrangements for liaison with the Environmental Protection Team

All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

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

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

Procedures for emergency deviation of the agreed working hours.

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

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

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

The applicant is advised to follow guidance with respect to dust control:

London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.

- 7 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal.

The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 68 3830 and follow good practice.

- 8 With reference to condition 20 and the details of noise and acoustic information where commercial uses (restaurants or cafes) are permitted below residential units there is likely to be a generation of amplified music, live music and/or through their operation high levels of internal noise (i.e. busy restaurants). The building sound insulation to be provided between the commercial use below and the residential flat above should be designed and built to ensure that the sound reduction between the two uses is capable of achieving an internal noise level within the residential unit of 10dB below the daytime and night time standard specified, please refer to the table below.
- | Indoor ambient noise levels in residential units unoccupied and unfurnished | Period | Sound Insulation | Internal Noise Level criteria |
|---|-------------------------|-----------------------------|-------------------------------|
| Day time (07.00 to 23.00) | 20 dB LAeq,16 hours | Night time (23.00 to 07.00) | 20 dB LAeq,8 hours |
| Night time (23.00 to 07.00) | 35 dB L _{Amax} | | |

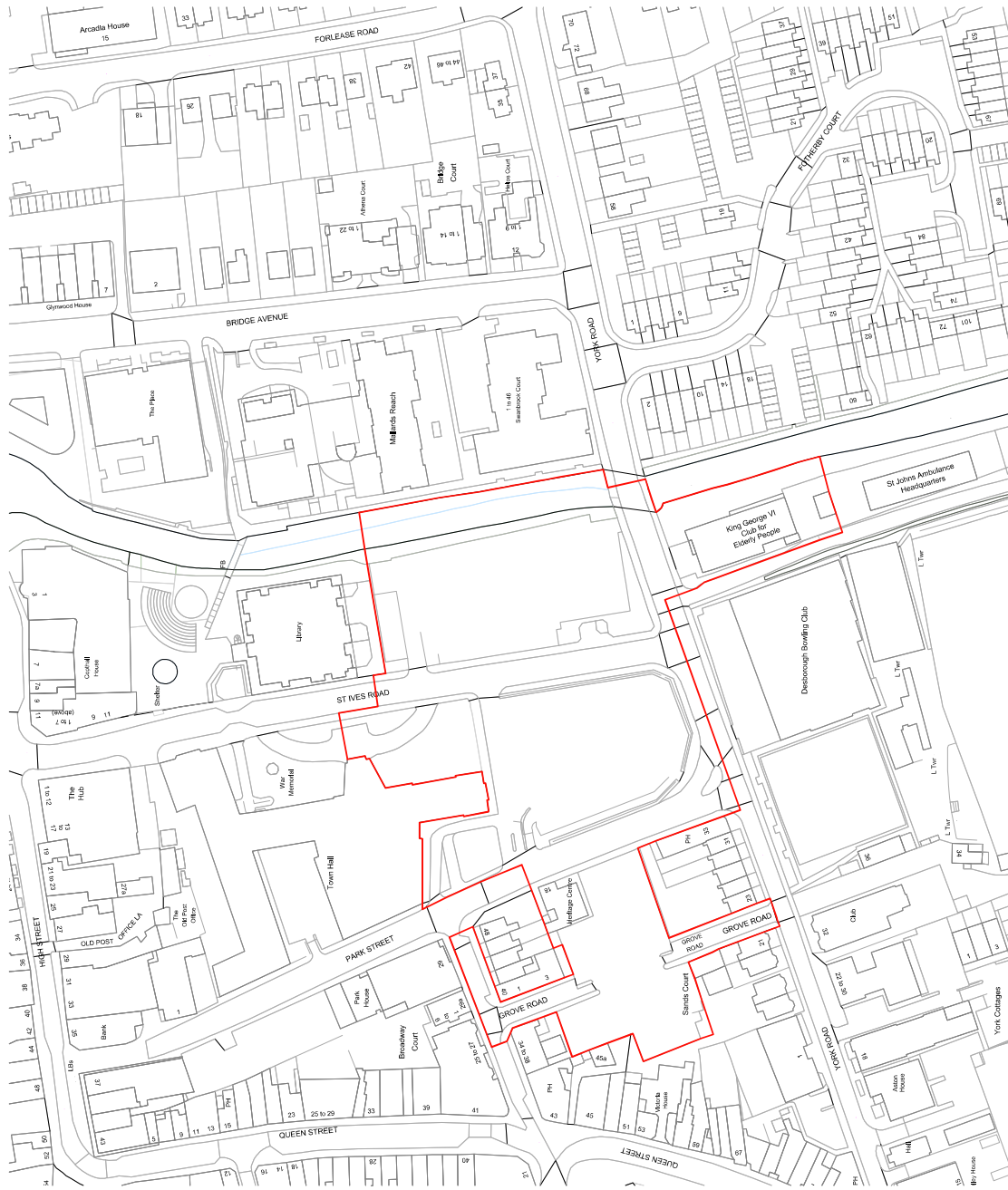
- 9 With reference to condition 27 full details of the location and visual appearance of the proposed PV panels on relevant phases (as per the Energy Statement prepared by Bailey Garner dated May 2018) shall be submitted to and approved in writing by the LPA. These shall show that the proposed PV panels are not visible from the streetscene or wider area, including being overtly visible from long distance views (which include the train line).

- 10 Works of repair or maintenance of plant, machinery or equipment shall only be carried out at the

site between 08:00 and 18:00 hours Mondays to Fridays, 08:00 and 13:00 on Saturdays and at no time on Sundays, or Bank Holidays or Public Holidays

- 11 External flues or ducting are operational development and will require separate full planning permission unless they form part of the approved plans (or are not considered "de minimis"). Large extractor flues are unlikely to be considered visually acceptable in visually prominent positions, or within or adjacent to the Conservation Area and/or listed buildings
- 12 The applicants is advised that any planning permission does not grant nor override the need to submit the relevant advertisement consent for any signage proposed in connection with the development hereby approved. This application does not provide any agreement that the indicative signage shown in the approved plans or any documentation associated with this application are visually acceptable. Large signage is unlikely to be considered visually acceptable.
- 13 The applicant's attention is drawn to the consultation of Natural England which states that:
Demolition and construction activities adjacent to a watercourse which flows directly into the SSSI could cause pollution, dust, disturbance and other impacts upon the site. The following measures must be assured to ensure the impact is minimised: All those involved should be informed of the status and legal obligations attached to the designation and where the boundary of the protected area is;
No pollution from demolition or construction of the development must adversely affect the SSSI and a the Construction Method Statement demonstrating how best practise will be used to minimise dust etc. must be submitted to, and approved in writing by the Local Planning Authority. All works must then proceed in accordance with the approved statement with any amendments agreed in writing.
You should have due regard for the above in dealing with conditions 11 (construction management plan), condition17 (Construction Environmental Management Plan) and condition 24 (Biodiversity)
- 14 The applicant is advised that the proposed landscaping plans as set out in the documents register prepared by Outer Space (project number LN00514) last revised on the 01.09.2018 does not form part of the approved plans. This is because some matters dealt with by condition including (but not exclusive to) biodiversity enhancements and/or tree planting will supersede these plans. Accordingly the landscaping plans have been taken as indicative with full details to be agreed in the relevant conditions
- 15 With reference to condition 16 the lighting scheme will include detail of how this will not adversely impact upon wildlife. The report should include the following figures and appendices:
A layout plan with beam orientation
A schedule of equipment
Measures to avoid glare
An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being ecologically sensitive.
- 16 With reference to condition 24 (biodiversity) a construction environmental management plan (CEMP: Biodiversity) will be required. This shall include:
a) Risk assessment of potentially damaging construction activities.
b) Identification of "biodiversity protection zones".
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including precautionary measures for nesting birds, otter and water vole.
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) Use of protective fences, exclusion barriers and warning signs.
- 17 With reference to condition 24 (biodiversity) proposed enhancement should include include bat and bird boxes or bricks (suitable for use by swifts), enhancements to the stream and wildlife-

friendly planting.



1041

A horizontal scale bar with markings at 25m intervals from 0 to 125m.

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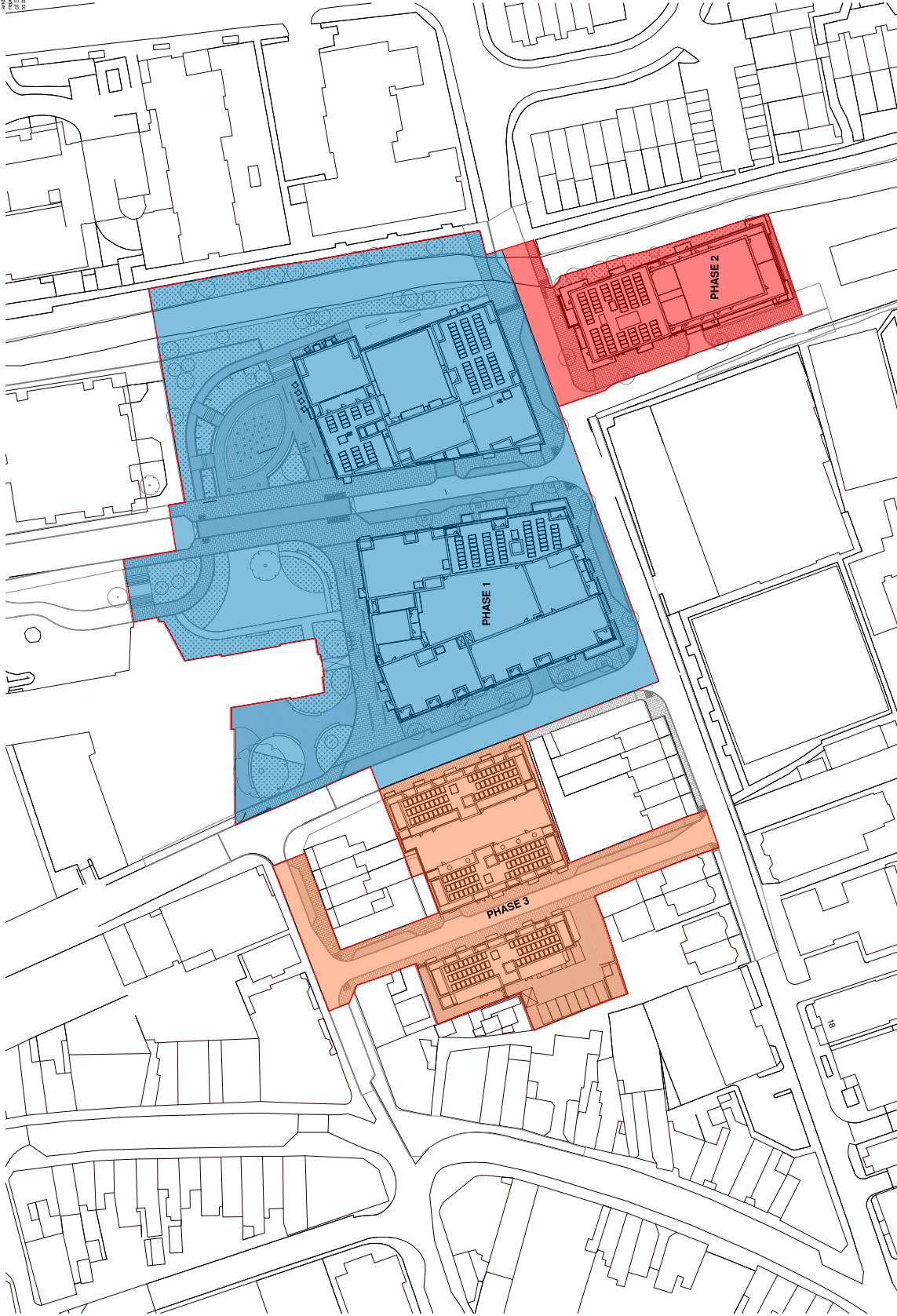
Project: MAIDENHEAD: YORK ROAD
Client: Countryside
Drawing title: Site Boundary Plan

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| Notes | By | | Checked | | Rev | Date | | Reason |
|-------|----|---------|----------|---------|-----|-------------------------|--|--------|
| | By | Checked | By | Checked | | | | |
| | P1 | | 30.05.18 | | | Issued for planning | | |
| | P2 | | 06.06.18 | | | OS Licence number noted | | |

| Rev | Date | Reason |
|-----|----------|-------------------------|
| P1 | 30.05.18 | Issued for planning |
| P2 | 06.06.18 | OS Licence number noted |

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1:500
0m 10m 20m 40m

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Rev. Date Reason
P1 30.05.18 Issued for planning

By Checked
RS AW

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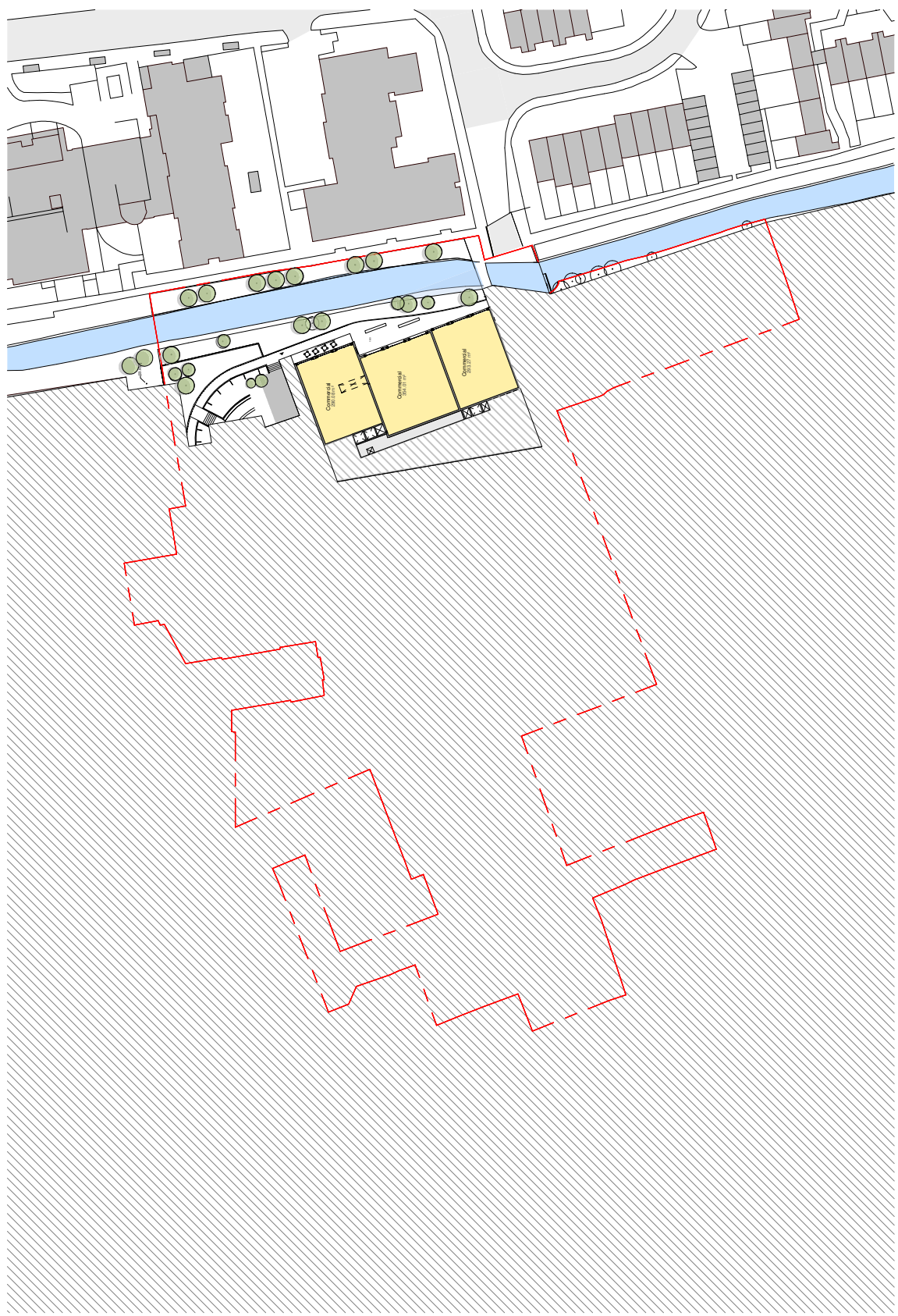
Project: York Road, Maidenhead
Client: Countryside Properties
Drawing Title: Proposed Phasing Plan

Scale: 1:500 @A1 Date: 05/24/18 Drawn by: AD
Drawing No: 9021- 0-ZZ-DR-A-D 20/7002 Rev: P1
Status: PLANNING Checked by: AW

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- Colour Legend
- Commercial
 - 1 Bed 2 Person
 - 2 Bed 3 Person
 - 3 Bed 4 person
 - 3 bed 5 Person



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Rev: P1
Date: 30.05.18
Reason: issued for planning

By: RS
Checked: AW

Notes:

Project: York Road, Maidenhead

Client: Countryside Properties

Drawing Title: Lower Ground Floor Plan

Scale: 1 : 500 @A1

Date: 11/07/17

Drawn by: AD

Drawing No: 9021 - 0-00-DR-A-D

Rev: P1

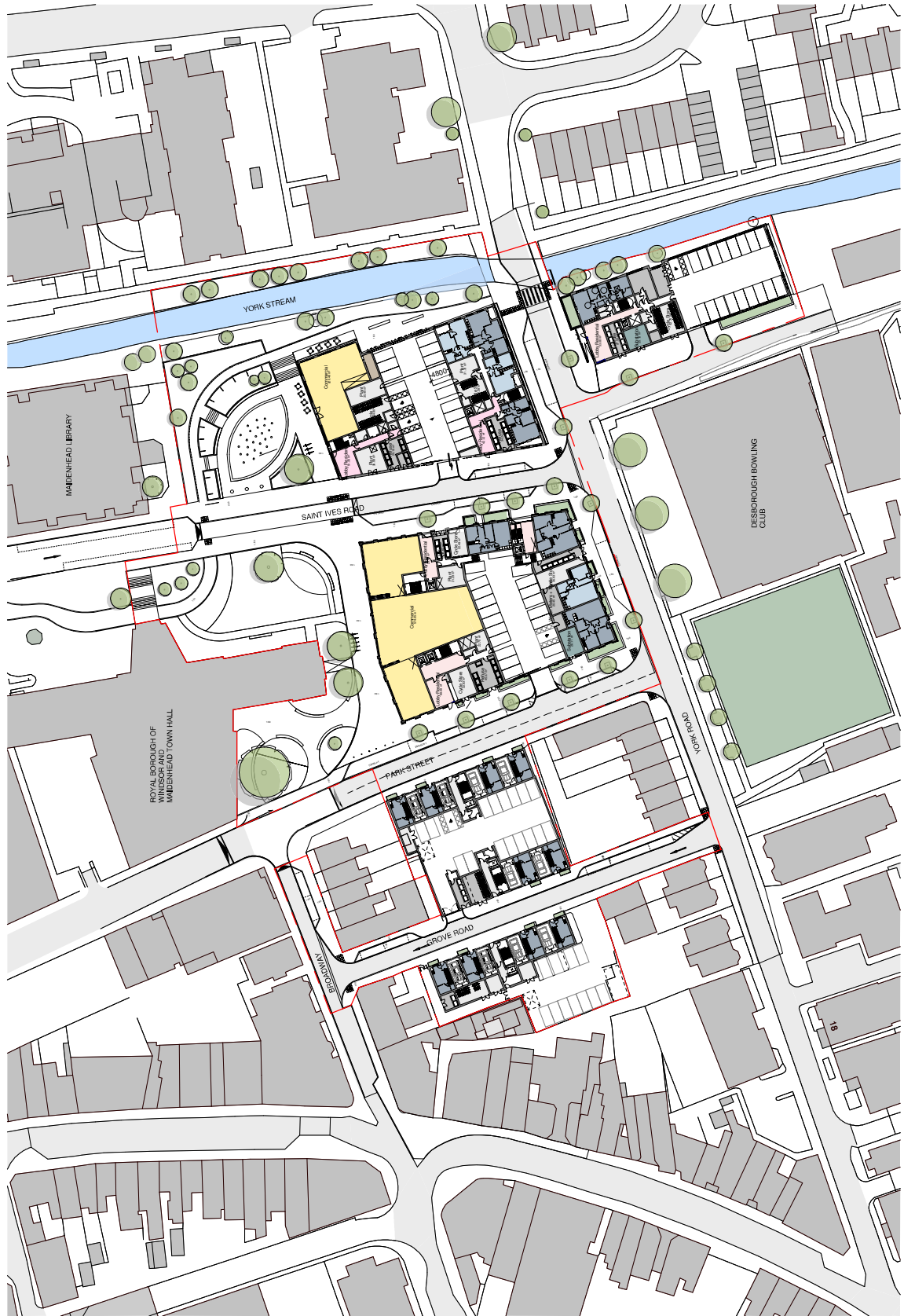
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 - 2 Bed 4 Person
 - 3 Bed 5 Person



1:500
0m 10m 20m 40m

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|------|----------|----------------------------|----|---------|-------|
| Rev. | Date | Reason | By | Checked | Notes |
| P1 | 30.05.18 | Issued for planning | AW | AW | |
| P2 | 06.08.18 | Post submission amendments | AW | AW | |






Project: York Road, Maidenhead
Client: Countryside Properties
Drawing Title: Ground Floor Plan

Scale: 1:500 @A1 Date: 11/07/17 Drawn by: AD
Drawing No: 9021- 0-00-DR-A-D 20-0100 Rev: P2
Status: PLANNING Checked by: AW

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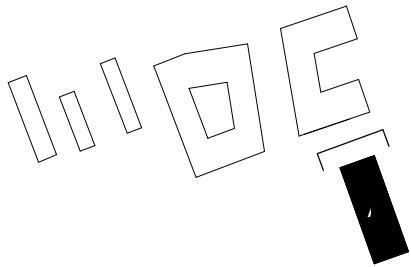
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|  | 2 Bed 3 Person |
|  | 2 Bed 4 person |
|  | 3 bed 5 Person |



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| Scale: 1 : 500 @A1 | Date: 11/07/17 | Drawn by: AD |
| Drawing No: 9021- | 0-03-DR-A-D | Rev: P2 |
| Status: PLANNING | Checked by: AW | |

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Scale: 1 : 500 @A1 Date: 11/07/17 Drawn by: AD
Drawing No: 9021- 0-03-DR-A-D 20-0103 Rev: P2
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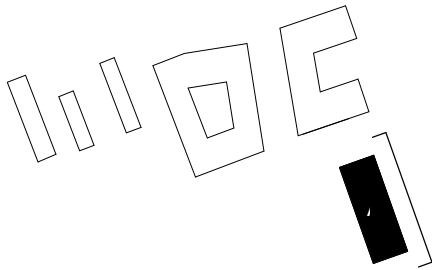
Rainwater pipes shown in elevation where external, otherwise RWP's are internal. Setting out as per delivery architects drawings.

Boiler flues not shown on elevations; refer to detailed bay elevations for principles. Setting out as per delivery architects drawings.

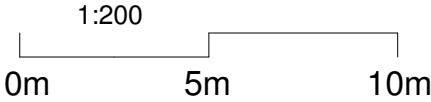
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| Project: | York Road, Maidenhead | | |
| Client: | Countryside Properties | | |
| Drawing Title: | Proposed Block A Elevation - North | | |
| Scale: | 1 : 200 | Date: | 05/17/18 |
| Drawing No: | 9021- | A-ZZ-DR-A-D | 20-1300 |
| Status: | FOR PLANNING | | |
| Drawn by: | AD | Rev: | P1 |
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| Rev | Date | Reason | By | Checked |
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| P1 | 30.05.18 | Issued for planning | RS | AW |

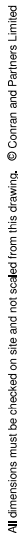
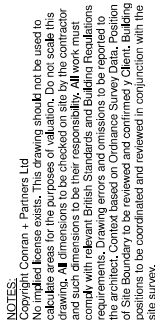
Notes:

Rainwater pipes shown in elevation where external, otherwise RWPs are internal. Setting out as per delivery architects drawings.
Boiler flues not shown on elevations; refer to detailed bay elevations for principles. Setting out as per delivery architects drawings.

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|----------------|-----------------------------------|-------------|----------|
| Project: | York Road, Maidenhead | | |
| Client: | Countryside Properties | | |
| Drawing Title: | Proposed Block A Elevation - East | | |
| Scale: | 1 : 200 | Date: | 05/17/18 |
| Drawing No: | 9021- A-ZZ-DR-A-D__20-1301 | Drawn by: | AD |
| Status: | FOR PLANNING | Rev: | P1 |
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| Rev | Date | Reason | By | Checked |
| P1 | 30.05.18 | Issued for planning | AW | AW |
| P2 | 06.08.18 | Post submission amendments | AW | AW |

Notes:

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Project:

Client:

Drawing Title:

Scale:

Drawing No:

Status:

Drawn by:

Rev:

Checked by:

York Road, Maidenhead

Countryside Properties

Proposed Block B Elevation - North

1 : 200

05/16/18

B-ZZ-DRA-D_20-2300

FOR PLANNING

AD

P2

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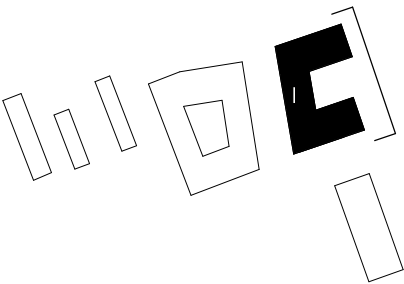
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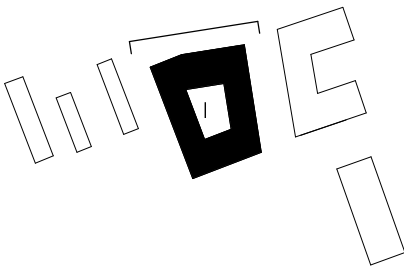
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| P1 | 30.05.18 | Issued for planning | RS | AW |

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|----------------|-----------------------------------|
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| Client: | Countryside Properties |
| Drawing Title: | Proposed Block B Elevation - East |
| Scale: | 1 : 200 |
| Date: | 05/16/18 |
| Drawn by: | AD |
| Drawing No: | 9021- B-ZZ-DR-A-D_20-2301 |
| Rev: | P1 |
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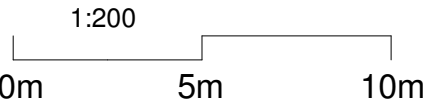
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| Client: | Countryside Properties |
| Drawing Title: | Proposed Block D Elevation - North |
| Scale: | 1 : 200 |
| Date: | 05/16/18 |
| Drawn by: | AD |
| Drawing No: | 9021- D-ZZ-DR-A-D__20-4300 |
| Rev: | P1 |
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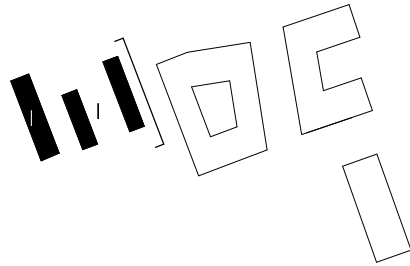
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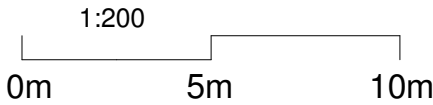
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| Client: | Countryside Properties |
| Drawing Title: | Proposed Block D Elevation - East |
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| Date: | 05/16/18 |
| Drawn by: | AD |
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| P1 | 30.05.18 | Issued for planning | RS | AW |

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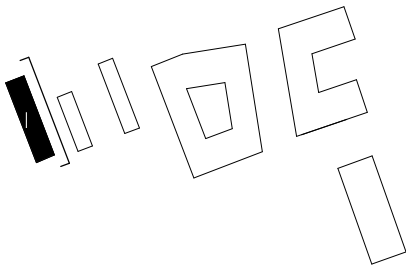
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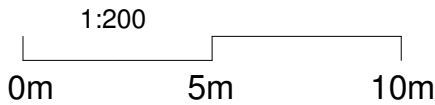
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| Client: | Countryside Properties | | |
| Drawing Title: | Proposed Block E Elevation - East | | |
| Scale: | 1 : 200 | Date: | 16/05/18 |
| Drawing No: | 9021- E-ZZ-DR-A-D | 20-5301 | Rev: P1 |
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| Project: | York Road, Maidenhead | | |
| Client: | Countryside Properties | | |
| Drawing Title: | Proposed Block F Elevation - East | | |
| Scale: | 1 : 200 | Date: | 17/05/18 |
| Drawing No: | 9021- F-ZZ-DR-A-D | 20-6301 | Rev: P1 |
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2.8 Landscape Masterplan (core spaces linking the town centre with York Stream)



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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

26 September 2018

Item: 4

| | |
|-------------------------|---|
| Application No.: | 18/01779/FULL |
| Location: | L'Leno 14 Market Street Maidenhead SL6 8AB |
| Proposal: | Extension to the second floor and construction of a three-storey extension to create 3 x 2 and 3 x 1 bedroom flats. |
| Applicant: | Mr Kalomar |
| Agent: | Dezine ForYou |
| Parish/Ward: | Maidenhead Unparished/Oldfield Ward |

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

1. SUMMARY

- 1.1 The proposed development is situated within the Conservation Area of Maidenhead Town Centre. It is considered that the development by reason of its proposed scale, height and design would have an unacceptable impact on the special character of the conservation area and the character and appearance of the area in general.
- 1.2 It has not been demonstrated that the proposed development would not have an unacceptable impact on the amenities of neighbouring properties in terms of loss of light and overshadowing. It is considered that there is currently a degree of mutual overlooking and this would not be materially exacerbated as a result of the proposal.
- 1.3 No on-site parking would be provided; however, it is considered that the site is situated within a highly sustainable location and the lack of parking provision is therefore acceptable. An on site cycle store would also be provided.
- 1.4 The bin store is shown in the proposed plans to be located at second floor level and no information has been provided to show how refuse would be satisfactorily collected and removed from second floor.

It is recommended the Panel REFUSE planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

- | | |
|----|---|
| 1. | The proposed development, by virtue of its design, height and scale, would appear as a prominent addition to the area, out of character with existing developments, and would result in less than substantial harm to the significance of the designated heritage asset of the Maidenhead Town Centre Conservation Area. No public benefit has been identified which would outweigh this harm. As such, the proposal would be contrary to the requirements of Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Area) Act 1990, local plan policies CA1, CA2 and DG1 along with the requirements outlined within Paras 192 and 195 of Chapter 16 and paras 127 and 130 of Chapter 12 of the National Planning Policy Framework July 2018 (NPPF). Furthermore, the proposal is also contrary to policy HE1 of the Borough Local Plan Submission Version to which a significant level of weight is afforded. |
| 2. | The proposed development would project above adjoining development and would be situated in close proximity to the existing development located on the opposite side of Market Street. It has not been adequately demonstrated that the proposal would not result in an unacceptable level of harm to the living conditions of the neighbouring occupiers by virtue of loss of light and overshadowing and the proposal is therefore contrary to paragraph 127 of the NPPF and policy SP3 part L of the Borough Local Plan Submission |

| | |
|-----------|---|
| | Version, which seek to ensure a good standard of amenity for existing occupants and to which significant weight is afforded. |
| 3. | Due to its positioning at second floor level as well as the lack of information regarding its management, the provision for storage and collection of waste is inadequate and contrary to policy SP3 of the emerging Borough Local Plan Submission Version, 2017 and paragraph 127 of the NPPF to which significant weight is afforded. |

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Derek Wilson to discuss whether it is in character with other flatted extensions approved in Market Street.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The proposal site has a site area of 201.80sqm and consists of a three storey flat roofed building which has a café at ground floor and ancillary storage at first floor level. A residential unit exists on the second floor. The site occupies a corner plot between Market Street and Providence Place.
- 3.2 The site is situated within Maidenhead Town Centre and is located on the edge of the Conservation Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for an extension to the second floor (6.8m x 4.9) and construction of a three-storey extension (approximately 12.3m x 13.5m on each floor) to create 3 x 2 and 3 x 1 bedroom flats. The resultant building would have an overall height of 19.45m. The ground and 1st floor of the building would remain in commercial use.
- 4.2 There is some planning history to the site however none that is highly relevant to this proposal and its assessment. The most recent application at the site which was for a similar proposal, application reference 18/00109/FULL, was withdrawn.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 5, 7, 11, 12, 16

Royal Borough Local Plan (1999)

- 5.2 The main planning policies are:

| Design/character | Housing | Conservation Area | Highways/parking issues |
|---------------------------|-------------------|-------------------|-------------------------|
| DG1, H10, H11, MTC4, IMP2 | H2, H3, H6, MTC12 | CA1, CA2 | P4, MTC14 |

These policies can be found at

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

Maidenhead Town Centre Area Action Plan (adopted September 2011)

Borough Local Plan: Submission Version

| Issue | Local Plan Policy |
|---|-------------------|
| Design in keeping with character and appearance of area | SP2, SP3 |
| Sustainable Transport | IF2 |

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was

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

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary planning documents

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i principle of development
- ii impact on the character of the Conservation Area and the appearance of the area in general
- iii impact on neighbouring amenities and the acceptability of living conditions of future occupants
- iv parking and highways
- v other considerations

a) Principle of development

6.2 Policy MTC12 of the Area Action Plan (APP) recognises that town centres are becoming increasingly more important as places to live and this is welcomed. The intensification of urban areas is also supported to protect the Green Belt and Maidenhead Town Centre is seen as a location where higher density housing developments can be supported. This is consistent with the approach of the NPPF (2018). The proposal is therefore considered to be acceptable in principle.

b) Impact on the character of the Conservation area and the appearance of the area in general

- 6.3 The proposal site is situated at the edge of the Maidenhead Town Centre Conservation Area. The Council is required to pay special attention to the desirability of preserving the character or appearance of the Conservation Area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.4 The significance of Maidenhead Town Centre Conservation Area is its Architectural and Historic importance. Architecturally the Conservation Area possesses a good number of historic buildings that have survived from a wide ranging period, nestled tightly together in a dense urban plan form. Historically the town centre has developed in response to the train station and still has many of its medieval plot sizes. The building, although of no architectural merit, contributes to the mixed use of the town centre. Its appearance, on this corner site, through its double faced cafe design, is not out of place with other buildings in the Conservation Area.
- 6.5 Local Plan Policies CA1 and CA2 require that any development should enhance or preserve the character of the Conservation Area and policy HE1 of the emerging Borough Plan, as a material planning consideration, states that development proposals should seek to conserve and enhance the character, appearance and function of heritage assets and their setting, and respect the significance of the historic environment.
- 6.6 It is considered that the proposed development would not positively contribute to the significance of the historic environment or the appearance of the Conservation Area and would rather work against the surrounding environment. The proposal is at a height, scale and design which would detract from this important view into the Conservation Area. The proposal, although proposing some red brick, does not respond well to the Conservation Area in the design of its elevations. The south elevation in particular shows a completely blank façade which would be an intrusive and baleful addition to the skyline of the Conservation Area. The remaining facades do not present enough architectural interest to be considered as an acceptable addition to this corner position and gateway point into the Conservation Area. Because of its sensitive location and height, the building should be sympathetically designed and take into account views from the High Street. Although it is accepted that there are tall buildings close by, the addition of this three storey building with pitched roof extension would create a large drop in building height between this side of the building and the end of the building more towards the High Street. The proposal does not at all consider the appearance of the rest of the building and the impact this drop in height would have on the character of the Conservation Area. However, this does not mean that a three storey extension across the whole property would be acceptable. Additionally, the proposed extension would be too high for this corner position, and is not at the same scale as the surrounding buildings identified. Therefore the design is contrary to policy CA2 of the Local Plan which states that 'extensions to existing buildings should be of a high design standard which is sympathetic in terms of siting, proportion, scale, form, height, materials and detailing to adjacent buildings and the character of the area in general. The proposal fails to comply with the Development Plan and does not meet the statutory test set out in paragraph 6.3.
- 6.7 The development is therefore considered to cause less than substantial harm to the significance of the heritage asset. Paragraph 196 of the NPPF states that this harm should be weighed against the public benefits of the proposal including where appropriate securing its optimum viable use. In this case, it is not considered that there are any public benefits that would outweigh the harm to the Conservation Area. It has not been demonstrated that this is the optimum place, height or design.
- 6.8 In terms of the impact of the proposal on the character and appearance of the area in general, policy MTCP4 states that development should be visually attractive from all angles and enhance street and spaces through quality design and architecture. Policy MTCP4 also states that development proposals should be appropriate in terms of site coverage, urban grain, layout, access, scale, proportion, mass and bulk, height, roofspace and landscape. Section 12 (Achieving well-designed places) of the NPPF and Local Plan Policy DG1, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area.

- 6.9 In line with the Conservation Officer's comments, the proposal is not considered to be in keeping with developments in the vicinity due to its proposed height and design located on a prominent location within the street scene. The proposal would appear overbearing when viewed in the context of the street scene. Whilst it is acknowledged that there are taller buildings on the western and northern end of Market Street, the proposed development would result in the building being the tallest along this section of the eastern side of Market Street, which in itself would make the building appear more prominent than its surrounding buildings. There is also a poor visual integration between the proposed extension and the existing building and the contrast would, visually, draw further attention to the site.
- 6.10 Paragraph 118 e) of the NPPF states that '*planning polices and decisions should support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed and can maintain safe access and egress for occupiers*'. In this case, as explained above, it is not considered that the proposal would be consistent with the height of surrounding buildings nor is it considered to be well designed. The proposal would therefore not accord with this overarching national policy, which is afforded significant weight as a material planning consideration.

c) Impact on neighbouring amenities and the acceptability of living conditions of future occupants

- 6.11 The Development Plan does not include policy on separation between properties. Paragraph 127 f) of the NPPF seeks to secure a high standard of amenity for existing and future occupiers. Concerns have been raised by neighbours that the proposed development would result in an unacceptable level of overlooking to residential dwellings within Exchange House situated adjacent to the site. However, it is considered that there is already a level of mutual overlooking between the two sites and as the main outlook of the proposed units would be to the north, it is not considered that this mutual level of overlooking would be significantly and detrimentally exacerbated as a result of the proposal.
- 6.12 Concern has also been raised with regards to the loss of light to adjacent properties. It has been mentioned in the Design and Access Statement that '*the scale and massing of the proposed building has been carefully considered to ensure that there is no loss of amenity to neighbouring development and no loss of light or overshadowing*'. However, no further explanation has been provided as to how the building has been designed to ensure this and no surveys in relation to shadowing have been provided. The proposed building would be situated in close proximity to developments on the opposite side of Market Street and it would be taller than the majority of surrounding buildings. The building is therefore likely to have an unacceptable level of impact on surrounding development in terms of loss of light and overshadowing and insufficient supporting information has been provided to demonstrate otherwise. These material considerations indicate the proposal is unacceptable, this is given significant weight.

Parking and Highways

- 6.13 Local Plan Policy P4 and T5 are relevant in this case. No parking provision would be provided on site. As the site is situated within the Town Centre where public transport is easily accessible, the absence of car parking in this highly sustainable location would therefore likely be supported. It should be noted that the Council would not be supplying any parking permits as a result of the lack of parking. It is considered that the proposal complies with the development plan in this regard.
- 6.14 It is not considered that the proposal would result in a significant increase in the number of vehicle movements within the vicinity. The proposal thus complies with policy T5.

- 6.15 The proposed plans show that a bin store and refuse collection point would be located at second floor. Whilst it has been mentioned in the application form that the waste would be collected by a private company, no information has been provided regarding how the refuse will be collected or transported from this second floor store. This refuse provision is therefore considered inadequate and unacceptable. As such, Policy SP3 of the Borough Local Plan Submission Version and paragraph 127 f) of the NPPF (2018) are not complied with. These are given significant weight as material considerations weighing against the grant of permission.

Other considerations

- 6.16 Paragraph 11 of the NPPF (2018) sets out that there will be a presumption in favour of Sustainable Development and states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted the plan on 31 of January 2018. The Borough Local Plan (BLPSV) sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory.
- 6.17 With regards to affordable housing requirements, the net number of dwellings resulting from the scheme would be 6 and therefore the development would not be required to provide for affordable housing.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposed development would be liable to pay CIL however, as the site is situated within the Town Centre Area Action Plan where the charging rate is £0, no payment would need to be made under the CIL charging regime.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

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

| Comment | | Officer response |
|---------|--|--|
| 1. | Will resulting in parking issues in the town centre | See 6.3 |
| 2. | Direct overlooking to adjacent buildings | 6.11 |
| 3. | Unacceptable in appearance and the impact of this on the Conservation Area | Issue ii |
| 4. | Building significantly higher than surrounding properties | Issue ii |
| 5. | Disturbance during construction | Informative could be included on any permission to inform of working hours |

Other consultees

| Consultee | Comment | Officer response |
|--------------------------|--|---|
| Environment Protection | Conditions recommended | Noted |
| Maidenhead Civic Society | 'We commented on the previous similar application (18/00109) which was withdrawn. We remain concerned at the conflict in architectural style between the existing three storeys and the additional three storeys which have been placed above. Although many surrounding properties are of | Matters raised addressed under issue ii |

| | | |
|----------------------|---|--------------|
| | mixed architectural merit for a Conservation Area, this is a highly prominent site especially when viewed looking south along Market Street. Consequently, this is an opportunity to introduce a building that genuinely improves and enhances the Conservation Area. Regrettably, this proposal does not, and we agree with the negative comments made by the Conservation Officer. The contrast between the existing three storeys and the upwards three storey extension is incompatible with the Conservation Area. If this site is to be developed into residential units, then a purpose built, architecturally cohesive building is preferable – which with five storeys should include a lift’. | |
| Conservation Officer | Recommend refusal | See issue ii |

9. APPENDICES TO THIS REPORT

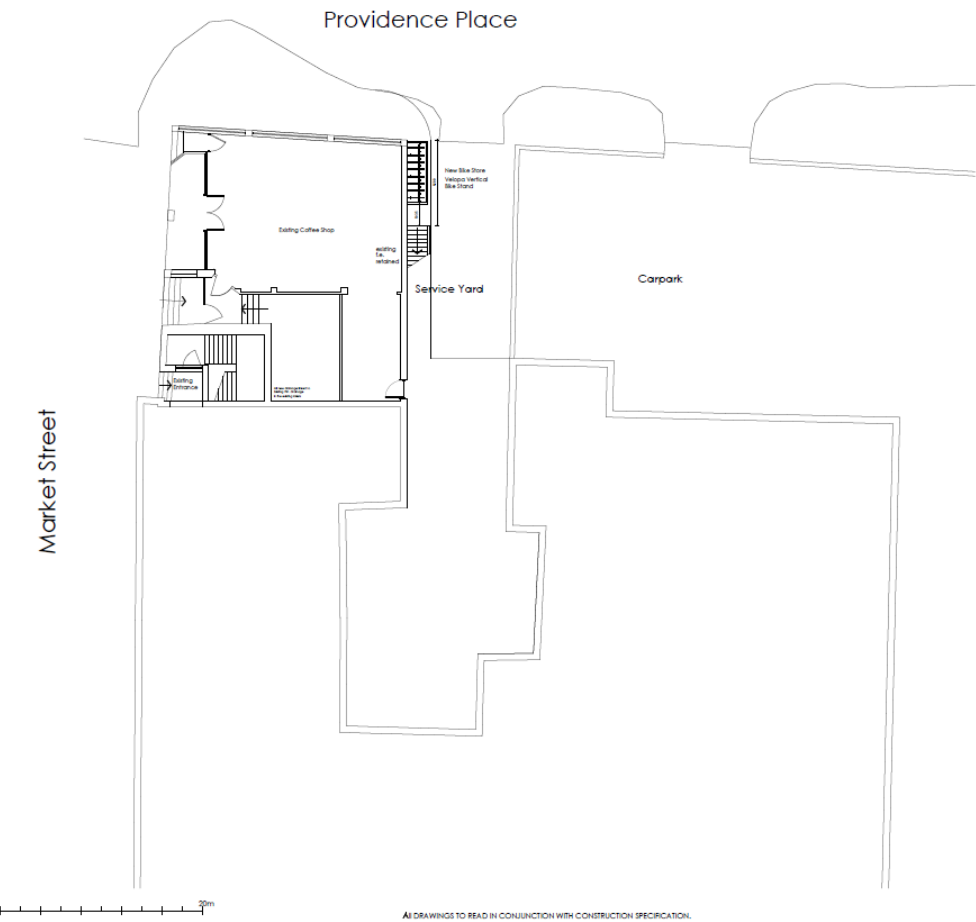
- Appendix A – site location plan
- Appendix B – Proposed north elevation
- Appendix C – Proposed south elevation
- Appendix D – Proposed west elevation
- Appendix E – Proposed east elevation
- Appendix F – Existing and proposed second floor
- Appendix G – Proposed third to fifth floor and roof plan

10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposed development, by virtue of its design, height and scale, would appear as a prominent addition to the area, out of character with existing developments, and would result in less than substantial harm to the significance of the designated heritage asset of the Maidenhead Town Centre Conservation Area. No public benefit has been identified which would outweigh this harm. As such, the proposal would be contrary to the requirements of Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Area) Act 1990, local plan policies CA1, CA2 and DG1 along with the requirements outlined within Paras 192 and 195 of Chapter 16 and paras 127 and 130 of Chapter 12 of the National Planning Policy Framework July 2018 (NPPF). Furthermore, the proposal is also contrary to policy HE1 of the Borough Local Plan Submission Version to which a significant level of weight is afforded.
- 2 The proposed development would project above adjoining development and would be situated in close proximity to the existing development located on the opposite side of Market Street. It has not been adequately demonstrated that the proposal would not result in an unacceptable level of harm to the living conditions of the neighbouring occupiers by virtue of loss of light and overshadowing and the proposal is therefore contrary to paragraph 127 of the NPPF and policy SP3 part L of the Borough Local Plan Submission Version, which seek to ensure a good standard of amenity for existing occupants.
- 3 Due to its positioning at second floor level as well as the lack of information regarding its management, the provision for storage and collection of waste is inadequate and contrary to policy SP3 of the emerging Borough Local Plan Submission Version, 2017 and paragraph 127 of the NPPF.

Appendix A – Location Plan

Block Plan 1:1250



Location Plan 1:1250

DZ4U
DESIGN & BUILD LIMITED

architecture + planning

07 888 658 416

plan@destine4u.co.uk

Client:
Mr Y Kalomar

Project:
14 Market Street
MAIDENHEAD

Drawing:
Proposed
Location Plan

Job No: 1609-YMM

Scale: 1:200 / 1:1250

Date: Dec 2017

Dwg No:
PL-01

Do not Scale. Use figure dimensions only. Subject to site survey and all necessary consents. All dimensions to be checked by user and any discrepancies, errors or omissions to be reported to the Architect before work commences. This drawing is to be read in conjunction with all other relevant drawings.

ALL DRAWINGS TO READ IN CONJUNCTION WITH CONSTRUCTION SPECIFICATION.

Appendix B – Proposed north elevation



Appendix C – Proposed south elevation



Appendix D – Proposed west elevation



Proposed West Elevation

3m 10m ALL DRAWINGS TO READ IN CONJUNCTION WITH CONSTRUCTION SPECIFICATION.

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Client:
Mr Y Kalomar

Project:
14 Market Street
MAIDENHEAD

Drawing:
Proposed
Elevations

Job No: 1609-YMM
Scale: 1:100
Date: Dec 2017

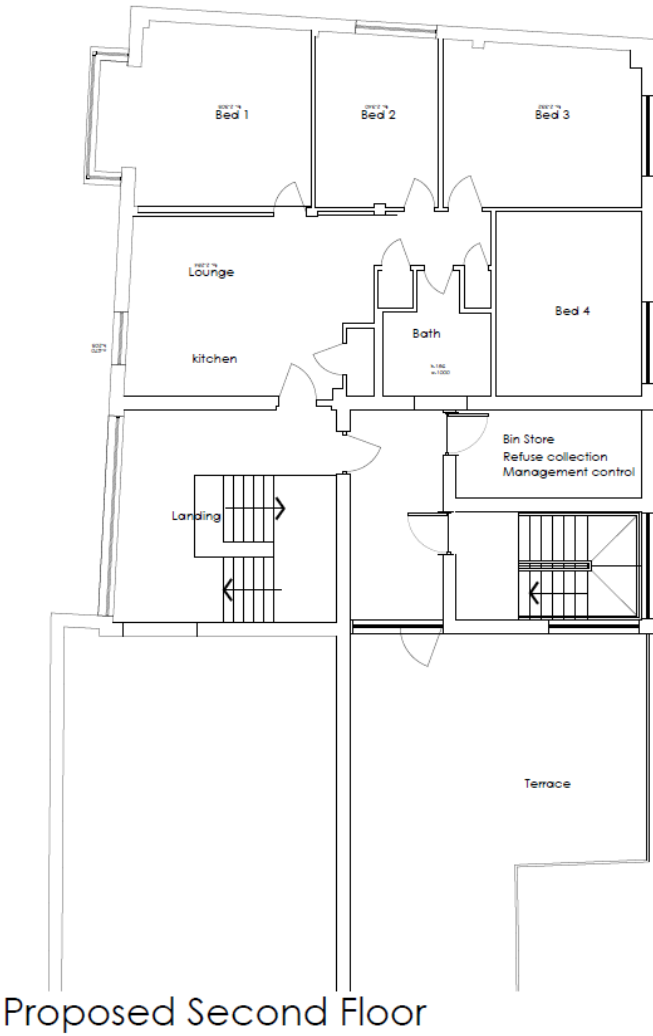
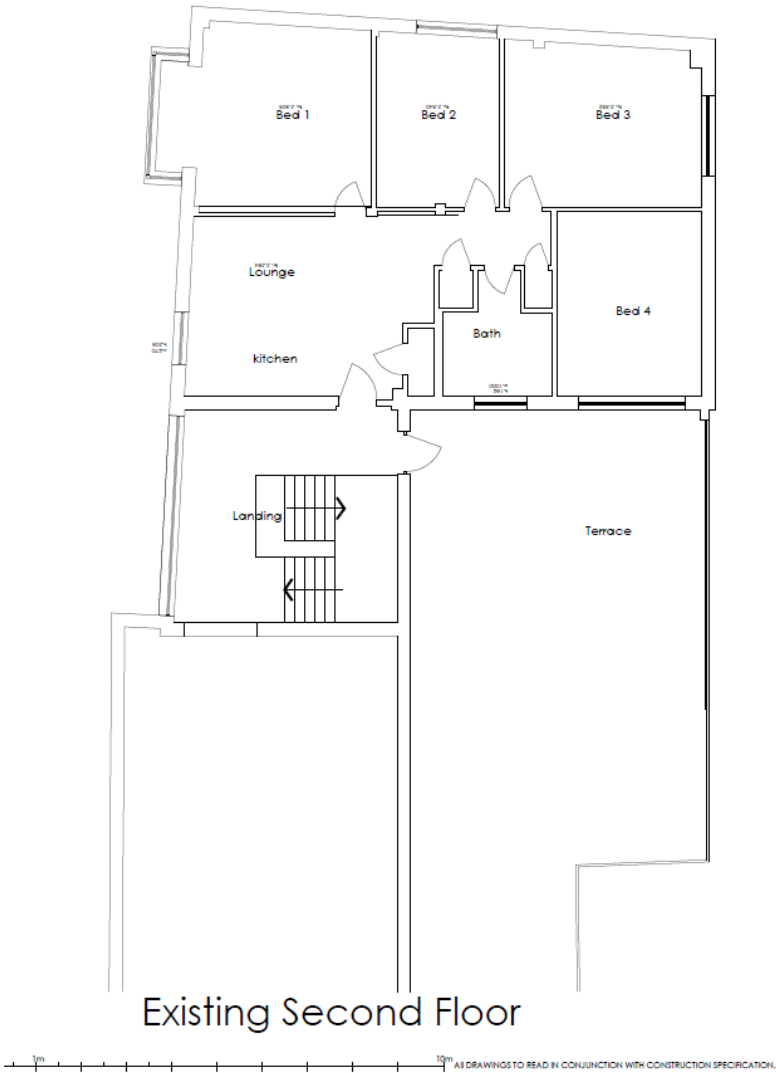
Dwg No:
PL-07

Do not Scale. Use figured dimensions only. Subject to site survey and all necessary consents. All dimensions to be checked by user and any discrepancies, errors or omissions to be reported to the Architect before work commences. This drawing is to be read in conjunction with all other relevant drawings.

Appendix E – Proposed east elevation



Appendix F – Existing and proposed second floor



Do not Scale. Use figured dimensions only. Subject to site survey and all necessary consents. All dimensions to be checked by user and any discrepancies, errors or omissions to be reported to the Architect before work commences. This drawing is to be read in conjunction with all other relevant drawings.

DZ4U
DESIGN & BUILD LIMITED

architecture + planning

07 888 658 416

plan@dezine4u.co.uk

Client:
Mr Y Kalomar

Project:
14 Market Street
MAIDENHEAD

Drawing:
Plans -Existing
& Proposed

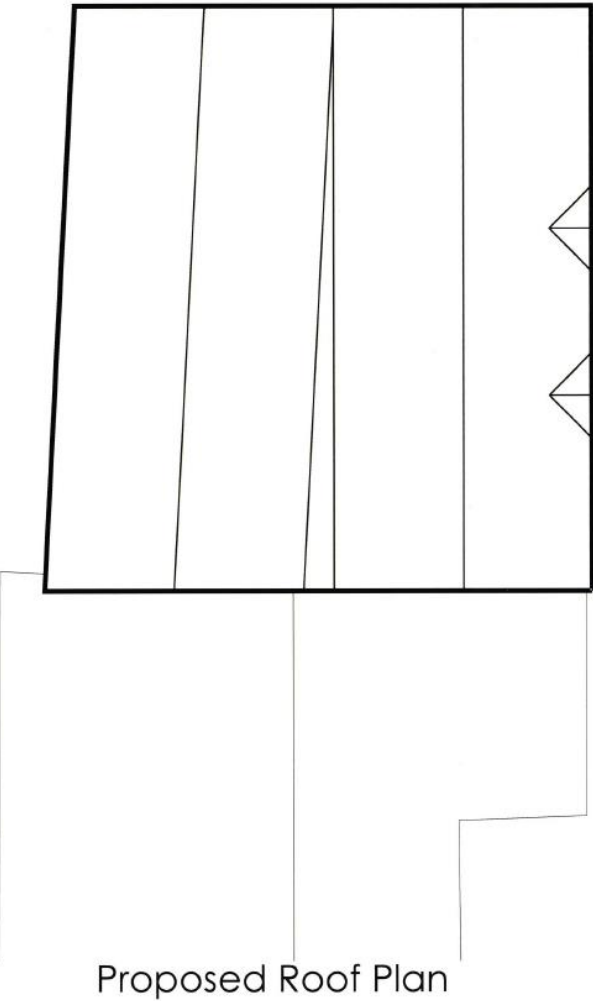
Job No: 1609-YMM

Scale: 1:100

Date: Dec 2017

Dwg No:
PL-03

Appendix G – Proposed third to fifth floor and roof plan



26 JUN 2018

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plan@dezine4u.co.uk

Client:
Mr Y Kalomar

Project:
14 Market Street
MAIDENHEAD

Drawing:
Proposed
Plans

Job No: 1609-YMM
Scale: 1:100
Date: Dec 2017

Dwg No:
PL-04

Do not Scale. Use figured dimensions only. Subject to site survey and all necessary consents. All dimensions to be checked by user and any discrepancies, errors or omissions to be reported to the Architect before work commences. This drawing is to be read in conjunction with all other relevant drawings.

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

26 September 2018

Item: 5

| | |
|---|--|
| Application No.: | 18/01831/FULL |
| Location: | Braybrook House River Gardens Bray Maidenhead SL6 2BJ |
| Proposal: | Demolition of existing dwelling and erection of replacement dwelling |
| Applicant: | Mr Moore |
| Agent: | Mr Jake Collinge |
| Parish/Ward: | Bray Parish/Bray Ward |
| If you have a question about this report, please contact: Alys Hughes on 01628 796040 or at alys.hughes@rbwm.gov.uk | |

1. SUMMARY

- 1.1 The site of the proposed development is situated within the Green Belt and the replacement dwelling, due to its scale, height and bulk, would be materially larger than the one it would be replacing. The proposal therefore constitutes inappropriate development and no very special circumstances exists.
- 1.2 The proposal site is situated within flood zones 2 and 3 and due to the proposed floor level of the dwelling and the reduction in ground covered area, the dwelling would result in a betterment from the current situation on site in terms of flood risk.
- 1.3 The proposal would have an acceptable impact on the residential amenity of the area and therefore there would be no detrimental impact on the amenities of neighbouring properties.
- 1.4 A sufficient amount of parking would be provided on site and it is not considered that the proposal would have an unacceptable impact on traffic generation in the area.

It is recommended the Panel REFUSE planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

- | | |
|----|--|
| 1. | The proposed replacement building, by reason of its scale, height and bulk, would be materially larger than the one it would replace, meaning that the proposal would constitute inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is not considered that any very special circumstances exist that would outweigh the harm identified by inappropriateness and any other harm. Consequently the proposed development would impact on the openness and character of the Green Belt. The proposal is therefore contrary to paragraphs 133, 143, 144 and 145 of the National Planning Policy Framework (NPPF), the provisions of saved Policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and policy SP5 of the emerging Borough Local Plan Submission Version which significant weight is afforded. |
|----|--|

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Burbage in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises of 0.62 hectares of land on the banks of the Thames and is occupied by a chalet style bungalow with accommodation in the roofspace, a boat house, tennis courts and a pool house. The dwelling and the pool house are located on the eastern half of the site. River Gardens is a private road, arranged around a quadrangle which centres on a square of amenity space. The northern section of the quadrangle – where the application site is located- addresses the Thames and is characterised by large detached dwellings on generous plots that are varied in terms of their style and form.
- 3.2 The proposal site is situated within the Green Belt and is located on land designated as flood zones 2 and 3. The site also forms part of the setting of the river Thames.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 Planning permission is sought for the replacement of the chalet bungalow with a two storey dwelling. The proposed dwelling would be set over voids which are proposed as part of the flood mitigation measures.

4.2 Planning History

| Reference | Description | Decision & Date |
|---------------|---|--|
| 96/30485/FULL | Single storey front extension | Approved 08/10/1996 |
| 99/33969/FULL | Single storey side extension (amendment to permission 96/30485) | Approved 19/08/1999 |
| 00/35796/FULL | Two detached houses with access and garage facilities | Refused 04/03/2000 Appeal Dismissed |
| 04/41522/FULL | New double garage to front and render finish to external brickwork | Refused 26/03/2004 |
| 04/42073/FULL | Construction of new double garage to front of dwelling and render finish to external brickwork of house | Refused 04/06/2004 |
| 08/00334/FULL | Timber entrance gates with brick piers and walling | Refused 07/04/2008 |
| 09/00286/FULL | Timber entrance gates with brick piers and walling | Approved 14/04/2009 |
| 13/02235/FULL | Construction of a detached boathouse with first floor ancillary accommodation over, following demolition of existing | Approved 25/09/2013 |
| 14/00521/CPD | Certificate of lawfulness to determine whether a proposed single storey outbuilding is lawful | Permitted Development 03/03/2014 |
| 15/00417/FULL | Erection of 5 bedroom detached house and garage and modifications to site. | Refused 15/04/2015 |
| 16/00082/FULL | Replacement 5 bed detached dwelling | Refused. 28/11/2017 |
| 16/01065/CPD | Certificate of lawfulness to determine whether the construction of tennis court and boundary fence is lawful. | Permitted Development 22/06/2016 |
| 16/03060/FULL | Alterations to the design and layout of the replacement boathouse (as approved under 13/02235) | Approved 1/12/2016 |
| 17/00019/CPD | Certificate of lawfulness to determine whether a detached outbuilding for home office use is lawful. | Pending consideration |
| 17/03333/VAR | Alterations to the design and layout of the replacement boathouse(as approved under 13/02235) as approved under planning permission 16/03060/ULL to vary condition 3 (approved plans) to substitute approved drawing number 2200/BH/01B with drawing number 2200/BH/01C | Permitted. 22/12/2017 |
| 18/00218/PDXL | Single storey rear extension no greater than 8m in depths, 3.99m high with an eaves height of 2.1m. | Permitted. 05/03/18 |
| 18/00312/CPD | Certificate of lawfulness to determine whether the proposed erection of a single storey side extension and the provision of habitable accommodation in the existing roof void id lawful. | Permitted 05/04/18 |

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 4, 5, 11, 12, 13

Royal Borough Local Plan (1999)

5.2 The main policies are:

| Design/character | Highways and Parking | Green Belt | Flooding | Trees and Ecology |
|------------------|----------------------|------------|----------|-------------------|
| DG1, H10, H11 | P4, T5 | GB1, GB2 | F1 | N6 |

These policies can be found at

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

Borough Local Plan: Submission Version

| Issue | Local Plan Policy |
|---|-------------------|
| Design in keeping with character and appearance of area | SP2, SP3 |
| Sustainable Transport | IF2 |
| Flooding | NR1 |
| Green Belt | SP5 |

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

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP2, SP3, SP5 and IF2 in this case. Lesser weight should be accorded to Borough Local Plan Submission Version policy NR1 due to the extent and nature of objections raised to it by representations on the Borough Local Plan Submission Version. The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary planning documents

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i whether the proposal is an appropriate form of development in the Green Belt
- ii impact on character and appearance of the area
- iii impact on the amenities of neighbouring occupiers
- iv flood risk
- v trees and landscape
- vi highways and parking
- vii biodiversity

a) Green Belt

- 6.2 The site is situated within the Green Belt where development is restricted to protect its open and undeveloped character. The NPPF outlines that the primary purpose of Green Belts is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and permanence. Paragraph 145 of the NPPF states that the construction of new buildings within the Green Belt should be regarded as inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 goes on to list certain exceptions to inappropriate development, one of which includes the replacement of a building provided that the new building is in the same use and is not materially larger than the one it replaces. Policies GB1 and GB2 are largely consistent with the NPPF as is policy SP5 of the emerging Borough Local Plan which is a material planning consideration.
- 6.3 The proposed replacement dwelling would not alter the existing use of the site and therefore whether the proposal would fall under the above exceptions to inappropriate development lies with an assessment of whether it would be materially larger.
- 6.4 Materially larger has not been defined in the NPPF however it has emerged from case law to be a matter of fact and degree, with an assessment considering all of the relevant circumstances such as the floor area, volume and height of the relevant building.
- 6.5 The existing dwelling consists of a detached bungalow with accommodation in the roofspace. The total floorspace of the dwelling, which includes the accommodation within the roofspace, is 363.75sqm which is the same figure noted in the planning statement. In the previous application, reference 16/00082/FULL, the figure included in the case officer report was 324.75sqm. The difference between the two figures is due to the inclusion of further attic space which has now been utilised. The scale of the building is in fact the same as it was under application 16/00082/FULL. The ridge height of the existing building is 6.1m high with the eaves height at 3.3m.
- 6.6 The proposed dwelling would be two storey and would have a floorspace of 557sqm. This figure is the same as that provided in the planning statement. The proposed ridge height of the dwelling when measured from the proposed plan is 7.8m with an eaves height of 5.7m.
- 6.7 The proposed dwelling would therefore result in a percentage increase of 53% in floorspace from the existing, a 28% increase in ridge height and a 73% increase in eaves height. The proposed

dwelling would be a full two storey dwelling that would be raised to overcome flooding concerns whilst the existing is a bungalow with accommodation provided within the existing roofspace. Based on these comparisons, and due to a combination of increased floorspace, height and bulk, the proposed dwelling is considered to be materially larger than the existing. The additional floor adds a significant amount of bulk at first floor level which currently does not exist and which is further exacerbated by a number of proposed two storey gabled elements.

Furthermore, the proposed pool house built under Permitted Development, as it is existing and is proposed to remain, has not be included in the floorspace calculations. However, the proximity of the dwelling to the existing pool house, with a separation distance of just 1.5m, would result in the pool house appearing as part of the proposed dwelling rather than as a separate outbuilding. This would result in the dwelling appearing even greater in scale. Currently there is a separation distance of approximately 8.3m between the pool house and the existing dwelling.

- 6.8 The agent has put forward the case that extensions could be built to the existing dwelling under Permitted Development (PD) which includes a single storey side extension (applied for under 18/00312/CPD) and a single storey rear extension (applied for under 18/00218/PDXL). Whilst it is acknowledged that the total floorspace of the existing dwelling as a result of these PD extensions, if constructed, would be greater, this is given limited weight in the assessment of the application. The first reason for this is that the assessment of materially larger is based on a comparison between the existing and the proposed. These PD extensions have not been constructed and therefore are not part of the existing dwelling. Secondly, the extensions under PD are single storey, not exceeding 4m in height. They would therefore have a lesser impact on openness than the proposed two storey dwelling and are not therefore comparable in bulk or massing terms but only in floorspace, which is only one determining factor in the assessment of materially larger, as outlined under 6.4 above.
- 6.9 It has also been put forward by the agent/applicant, that if permission was granted, that the Council would have control over future development on the site by removing Permitted Development rights. However, when taking into consideration the amount and scale of outbuildings currently on site, it is unlikely that any further outbuildings would be considered to be incidental, which is one of the criteria under Class E of the Order. Furthermore, as explained above, future extensions to the proposed dwelling under PD would be limited to 4m in height, which would have a lesser impact on the openness of the Green Belt than the scheme currently under consideration. Therefore, it is not considered that this is an acceptable fall-back that justifies the scale of the proposed dwelling.
- 6.10 Reference has also been made to the fact that the ridge height of the proposed dwelling would be similar to those of surrounding dwellings. However, in Green Belt terms each application is assessed primarily on its own individual merits and not on what might exist in the vicinity of the site.
- 6.11 The proposal, for the above reasons, does not fall under the replacement building exception to inappropriate development as outlined under paragraph 145 of the NPPF. The proposal is therefore inappropriate development and there are no very special circumstances that outweigh the harm by inappropriateness and any other harm.

b) Impact on character and appearance

- 6.12 Considering the context of the site, which is characterised by dwellings that are mixed in terms of style and form, there is no objection to the design of the proposed dwelling per se. However the increase in scale of the proposed buildings, compared to the existing, in combination with the other built form on the site, is considered to have a negative impact both on the openness of the Green Belt and upon its rural character. The proposal thus complies with policy DG1.

c) Impact on amenities of neighbouring occupiers

- 6.13 Due to the generous plot size of the proposal site as well as neighbouring sites, a good level of separation exists and would remain between the neighbouring dwellings and the proposed new dwelling. Because of this, it is not considered that the proposal would have an unacceptable

level of impact on the amenities of neighbouring properties in terms of loss of privacy, loss of light or overbearing impacts.

d) Flood Risk

6.14 The proposal site is situated within Flood Zone 2 (medium probability of flooding) and 3 (high probability of flooding). The NPPF and National Planning Guidance sets out that the sequential test and exception test should be applied for residential development within flood zone 3, however as the application is for a replacement dwelling located within the same part of the application site as the existing dwelling, it is considered that the sequential test has been passed.

6.15 Proposals within flood zone 3 are required to comply with Local Plan Policy F1 which states that in areas liable to flood, development including extensions over 30sqm shall not be permitted unless it can be demonstrated to the local planning authority that the proposal would not itself or cumulatively with other development:

- 1) impede the flow of floodwater
- 2) reduce the capacity of the flood plain to store water; or
- 3) increase the number of people or properties at risk from flooding

Due to the dwelling being raised above the ground, the ground covered area of the proposed development would be significantly less than that of the existing. The proposal would not therefore significantly reduce the capacity of the flood plain to store water and would not increase the risk of flooding to others.

6.16 Paragraph 163 of the NPPF also requires that development is appropriately flood resilient and resistant, including the provision of safe access and escape routes. The Flood Risk Assessment (FRA) demonstrates that the existing finished floor levels have been set at 23.54 AOD which takes into account climate change. The proposed dwelling, by reducing the amount of ground covered area and also having floor levels set above the existing, would provide a betterment for future occupiers and the Environment Agency agrees with this. No safe access or egress is possible from the site in flood conditions, however this is the current situation on site and as such there would be no increased risk to occupiers of the dwelling. Were the application to be recommended for approval, a condition could be included on any permission to ensure that the development is carried out in accordance with the details contained in the FRA.

Trees and landscaping

6.17 The proposal is unlikely to impact upon any of the trees on the periphery of the site which is a material consideration. If the application were to be approved a landscaping scheme and tree protection could be secured by way of conditions in line with policy N6.

Highways and parking

6.18 The Highways Authority have been consulted on the proposal and have confirmed that they do not consider that the replacement dwelling would have a detrimental effect on the local highway network in terms of the potential movements per day. The proposal thus complies with policy T5.

6.19 4 allocated parking spaces have been shown on the proposed site plan which would be a sufficient level of provision for a 5 bedroom dwelling in accordance with the Council's Parking Strategy therefore complying with policy P4.

Biodiversity

6.20 Under application 16/00082/FULL, a bat survey was submitted where it was identified that the proposed demolition of the existing house would destroy a maternity roost and summer day roost for soprano pipistrelle bats. It was also considered that the proposed works could harm and/or disturb any bats present at the time of demolition. In order for the demolition to go ahead

lawfully, a European Protected Species (EPS) licence would need to be obtained before any works commenced. Under the terms of the EPS licence, mitigation for the impacts of the demolition work on bats in order to avoid harming bats, and compensatory roost provision would be required and a working method statement would need to be submitted for consideration. If planning permission was approved, this would be secured by condition.

7. Other Considerations

- 7.1 The proposal would be CIL liable for any chargeable residential floor area to be provided, at the rate of £100/£240 per sq.m.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

4 letters were received supporting the application, summarised as:

| Comment | | Where in the report this is considered |
|---------|--|--|
| 1. | The occupants contribute to local activities and residents at River Garden would like to see them stay | Not a material planning consideration |
| 2. | Proposed plan is vast improvement on the existing dwelling | No objection in terms of visual impact. See issue ii |

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

| Comment | | Where in the report this is considered |
|---------|---|---|
| 1. | Proposed dwelling would be materially larger than existing | See issue i |
| 2. | If minded to approve, permitted development rights should be removed | Noted |
| 3. | Pool house should be included in new floorspace calculations | See 6.7 |
| 4. | Impact on flood risk | See issue iv. Environment agency raise no objection |
| 5. | Negative impact on the character of the area | See 6.12 |
| 6. | Would set a dangerous precedent for similar developments in the Borough | Noted |

Statutory consultees

| Consultee | Comment | Where in the report this is considered |
|--------------------|---|--|
| Parish Council | 'Recommend for refusal – GB1, GB2, GB3 and F1. The applicant has failed to demonstrate that there any special circumstances which would outweigh harm to the Green Belt. The proposed development due to its siting, scale, bulk, mass and floorspace would result in a disproportional addition over and above the original dwelling on site. This would therefore represent inappropriate development in the Green belt. The development sits in an area liable to flooding'. | Noted. Assessment of the Green Belt carried out under issue i. |
| Environment Agency | Proposal considered to be a betterment from current situation. Confirmed no objection subject to conditions | Noted. Issue iv |

Other consultees

| Consultee | Comment | Where in the report this is considered |
|------------------------|---|--|
| Highways Authority | No objection subject to conditions and informatives | Noted. Issue vi |
| Environment Protection | No objection | Noted |

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site layout plan
- Appendix C - Existing elevations
- Appendix D - Proposed elevations
- Appendix E – Existing floorplans
- Appendix F - Proposed floorplans

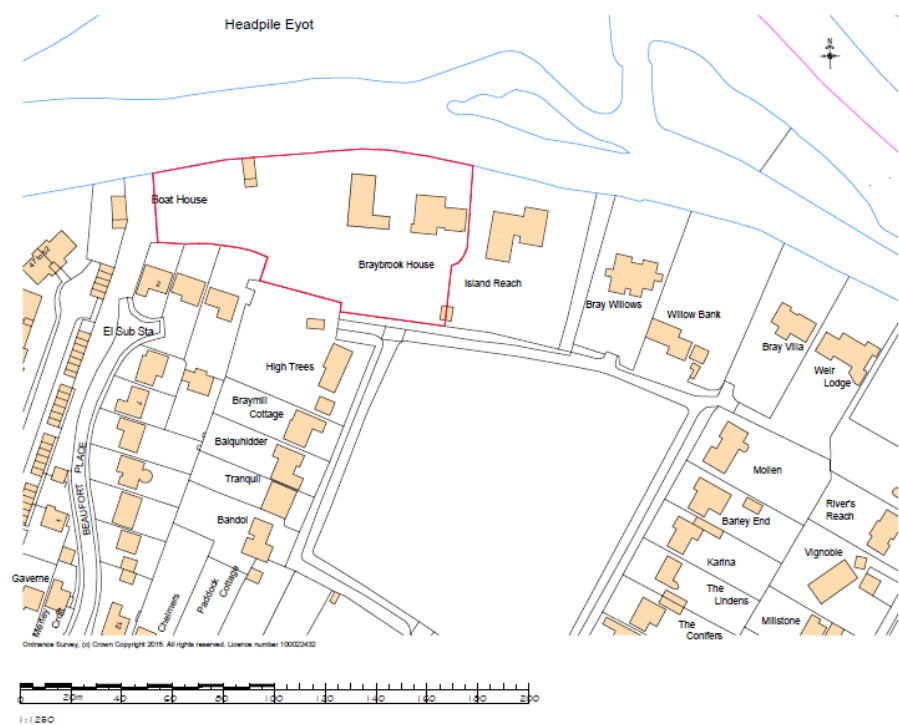
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- 1 The proposed replacement building, by reason of its scale, height and bulk, would be materially larger than the one it would replace, meaning that the proposal would constitute inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is not considered that any very special circumstances exist that would outweigh the harm identified by inappropriateness and any other harm. Consequently the proposed development would impact on the openness and character of the Green Belt. The proposal is therefore contrary to paragraphs 133, 143, 144 and 145 of the National Planning Policy Framework (NPPF), the provisions of saved Policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and policy SP5 of the emerging Borough Local Plan Submission Version.

Informatives

- 1 The positioning of the building labelled as the existing office on the submitted site plan has been incorrectly drawn and is in fact positioned in closer proximity to the boat house than what is shown on the plan.

Appendix A – Site location plan



Planning Issue 22.12.15

Project

REPLACEMENT DWELLING
BRAYBROOK HOUSE
RIVER GARDENS
BRAY

Client

MR AND MRS MOORE

LOCATION PLAN

Scale 1: 1250 Date 21.12.15

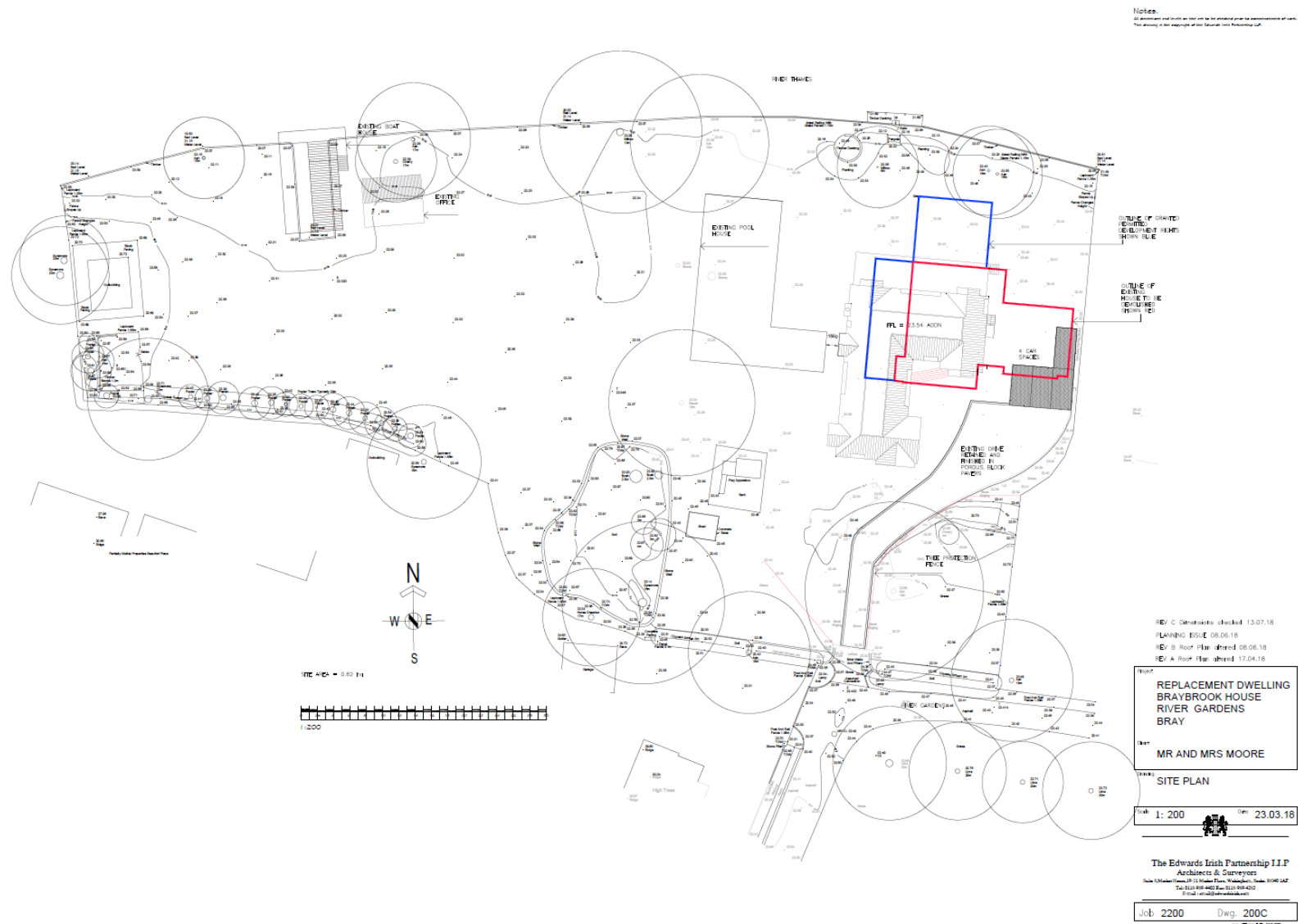


The Edwards Irish Partnership LLP
Architects & Surveyors
Suite 1.1, Malpas House, 15 Malpas Place, Malpas, Cheshire, SN6 4JF
Tel: 01274 616 616 Fax: 01274 616 617
Email: info@edwardsirish.com

Job 2200 Dwg. 105

100% 100% 100% 100%

Appendix B – Site Plan



Appendix C – Existing elevations

Notes:
All dimensions and levels are to be confirmed prior to construction of work.
The drawing is the property of the Edwards Irish Partnership LLP.




PLANNING ISSUE 21.12.17

PROPOSED EXTENSION
BRAYBROOK HOUSE
RIVER GARDENS
BRAY

M MOORE

EXISTING HOUSE
ELEVATIONS

1:100 17.12.17

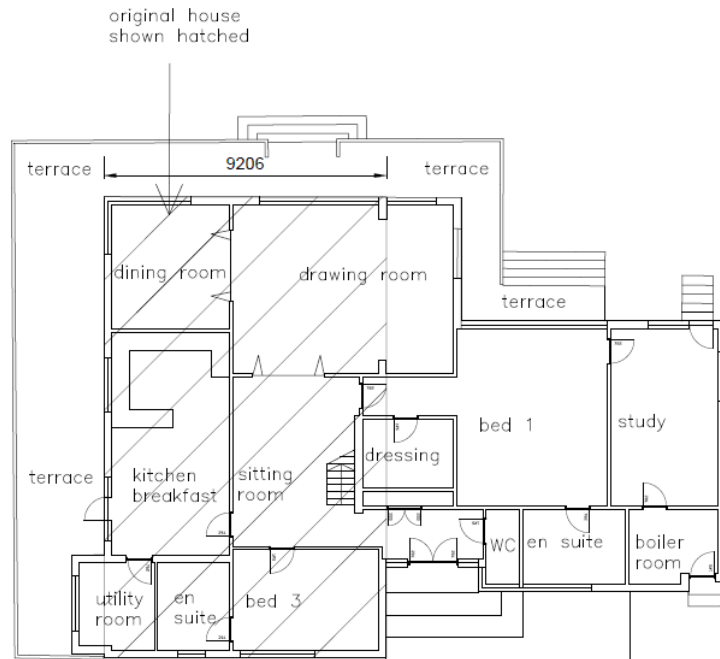

The Edwards Irish Partnership LLP
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Job: 2200 Dwg: 51

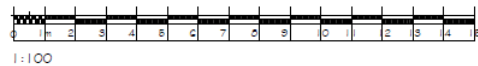
Appendix D – Proposed elevations



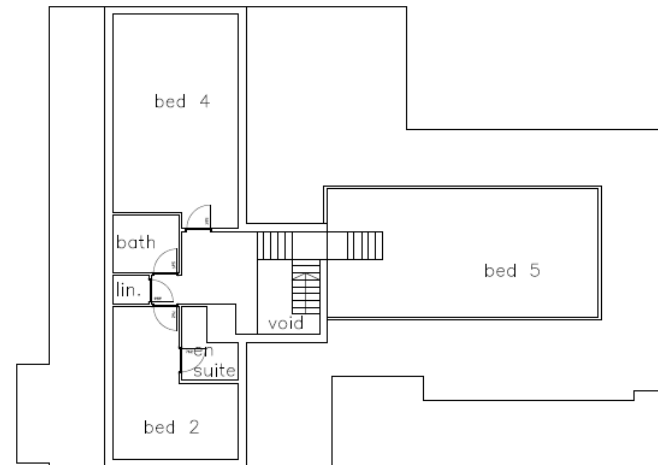
Appendix E – Existing floor plan



EXISTING GROUND FLOOR PLAN
245.7 sq.m. GROSS EXTERNAL AREA



Notes.
All abbreviations and units are taken from the International System of Units.
The drawing is the copyright of the Educational Tools Publishing LLP.



EXISTING FIRST FLOOR PLAN
118.05 sq.m. GROSS EXTERNAL AREA

PLANNING ISSUE 20.06.2018

Project
PROPOSED EXTENSION
BRAYBROOK HOUSE
RIVER GARDENS
BRAY

M MOORE

**EXISTING HOUSE
FLOOR PLANS**

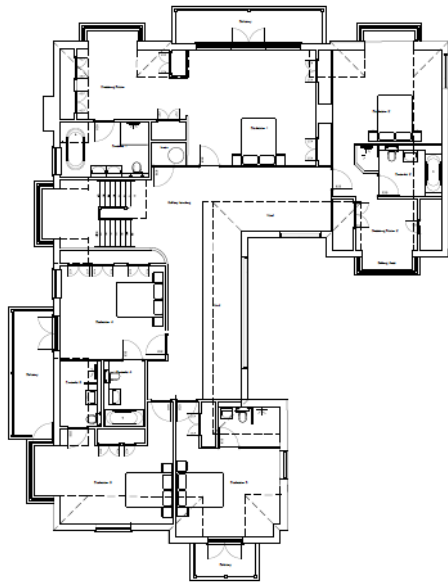
Scale 1: 100 Date 17.12.17



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Job 2200 Dwg. 50C

Appendix F – Proposed floor plan



FIRST FLOOR PLAN 1:100
gross external floor area= 279.52 sq.m.
TOTAL GROSS EXTERNAL = 556.94 SQ.M.



GROUND FLOOR PLAN 1:100
FINISHED FLOOR LEVEL = 23.54 AODN
gross external floor area= 277.42 sq.m.
entrance steps = 9.43 sq.m.
rear decking terrace = 65.00 sq.m.
kitchen steps = 2.80 sq.m.
Total proposed = 354.65 sq.m.
Existing house plus solid raised terrace
including steps = 355 sq.m.

REV F Bed 1 Window/Just balcony note
13.09.2018
REV E Notes added to July window
09.07.2018
PLANNING ISSUE 08.06.2018
REV D FTL Added 11.06.2018
REV C Kitchen door added 08.06.2018
REV B Rear terrace added 04.06.18
REV A SE Corner 17.04.18

Project
**REPLACEMENT DWELLING
BRAYBROOK HOUSE
RIVER GARDENS
BRAY**

Client
MR AND MRS MOORE

Drawn
**GROUND AND FIRST
FLOOR PLANS**

Scale
1: 100 Date
23.03.18

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Job: 2200 Dwg. 201F

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

26 September 2018

Item: 6

| | |
|-------------------------|--|
| Application No.: | 18/01984/REM |
| Location: | Land Including Thames Auto Sales And The Amber Centre And Former Unit 5 Oldfield Road Maidenhead |
| Proposal: | Reserved Matters (Landscaping) application pursuant to outline planning permission 17/02812/OUT for demolition of existing buildings, erection of a three storey building in the southern part of the site, erection of a part two/part three/part four storey building in the northern part of the site to provide 67 residential dwellings and associated parking. |
| Applicant: | David Howells |
| Agent: | Not Applicable |
| Parish/Ward: | Maidenhead Unparished/Oldfield Ward |

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

1. SUMMARY

- 1.1 This is a reserved matters application in connection with outline planning permission 17/02812/OUT to provide 67 dwellings and associated car parking. The principle of development has been established. This reserved matters application only seeks permission for the proposed landscaping of the development.
- 1.2 The proposed landscaping scheme includes the planting of new shrubs and trees, together with the retention of some trees. Given the level of development granted permission on this site, the landscaping scheme is considered to be acceptable.

| |
|---|
| It is recommended the Panel GRANTS planning permission with the conditions listed in Section 9 of this report. |
|---|

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site consists of three elements: Thames Auto Sales (a single storey car sales unit and associated forecourt), the Amber Centre (a two storey commercial building divided into two units), and a piece of previously developed land that has been cleared (former commercial site).
- 3.2 The whole site is located to the east of Maidenhead town centre, and fronts both Oldfield Road which forms part of the circulatory route around the town centre and the suburban residential street of Oldacres to the north. To the north Oldfield road leads to the A4, while to the south it goes underneath the railway bridge and connects with roads leading to the M4 and Windsor.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

| Application | Description | Status |
|---------------|--|----------|
| 03/40374/FULL | Erection of a two storey storage and distribution warehouse with ancillary parking | Approved |

| | | |
|-----------------|--|--------------------------|
| 04/00114/COU | Use of building for single occupier B1(office) purposes | Approved |
| 04/41736/FULL | Erection of a two storey storage and distribution warehouse | Approved |
| 04/00461/OUT | Erection of a two storey storage and distribution warehouse with ancillary parking (revision to approved 03/40374) | Refused (Appeal Allowed) |
| 08/02161/FULL | Redevelopment to provide 19 no. B1 commercial units of two three and four storeys with associated parking and landscaping | Refused (Appeal Allowed) |
| 12/01892/FULL | Redevelopment to provide 19 no. B1 commercial units of two three and four storeys with associated parking and landscaping. Renewal of planning permission 08/02161 (allowed on appeal) | Refused (Appeal Allowed) |
| 13/00569/OUT | 9 Dwellings and associated works | Refused (Appeal Allowed) |
| 14/02892/REM | Reserved Matters associated with 13/00569/OUT for 9 dwellings | Approved |
| 15/01215/VAR | Vary Condition 1 of 13/00569 | Approved |
| 15/01388/FULL | Change of use of premises to use as a tyre retailing and fitting centre (sui generis use) | |
| 15/02846/VAR | Vary Condition 17 of 15/01215/VAR | Refused |
| 15/02851/VAR | Vary Condition 1 of 15/01226/VAR | Approved |
| 15/02111/OUT | 9 Flats and associated works | Withdrawn |
| 15/03979/CONDIT | Discharge of conditions required by 12/01892 | |
| 16/02209/OUT | 9 flats and associated works | Refused |
| 16/01519/CONDIT | Details required by condition 2 (material samples) 4 (flood evacuation plan) 9 (sustainability measures) 10 (hard surface for driveways and road) 12 (construction management plan) 13 (tree protection) 14 (scheme of remediation) 15 (environmental noise assessment) of planning permission 15/01215/VAR as approved under 13/00569 for outline planning application (with appearance, landscaping, layout and scale reserved) for the erection of 9 residential dwellings, with associated car parking and landscaping | Discharged |
| 18/02078/CONDIT | Details required by condition 3 (external materials) 7 (car park flooding) 8 (remediation) 11 (no piling) of planning permission 17/02812 | Pending consideration. |
| 18/02039/CONDIT | Details required by condition 4 (slab levels) 20 (construction environmental management plan) 22 (archaeological field evaluation) of planning permission 17/02812 | Pending consideration. |

- 4.1 Outline planning permission (means of access, appearance, layout and scale only to be determined) for demolition of existing buildings, erection of a three storey building in the southern part of the site, erection of a part two/part three/part four storey building in the northern part of the site to provide 67 residential dwellings and associated parking was granted on the 6th December 2017.
- 4.2 The principle of the quantum of development, the layout, access and scale has been accepted on this site when the outline planning permission was granted. This application is for reserved matters, and seeks to deal with the matter of landscaping. The acceptability of the landscaping scheme is the only matter for consideration; this includes soft and hard landscaping.

- 4.3 Drawing SH20701 11C shows the proposed landscaping which includes new shrubs and trees, some of the proposed tree planting includes:
1. Common hornbeam (4 proposed on the boundary to Oldfield Road)
 2. Liquidambar styraciflua within the site
 3. Common hornbeam within the site.
 4. Fild Maple trees planted on the northern boundary of the application site.
- 4.4 Also submitted with the application is a landscape specification and landscape management and maintenance plan.
- 4.5 The landscaping plan shows that the internal roadway would be laid in Brindle Alpha Tumbled block paving. The proposed parking areas are to be laid out in Autumn Gold Alpha Tumbled block Paving.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections

Section 12- Achieving well designed places

Royal Borough Local Plan (1999)

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

| Design | Trees |
|--------|-------|
| DG1 | N6 |

These policies can be found at

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

Borough Local Plan: Submission Version

| Issue | Local Plan Policy |
|---|-------------------|
| Design in keeping with character and appearance of area | SP2, SP3 |
| Trees | NR2 |

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

The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Whether the proposed landscaping scheme is acceptable

Whether the proposed landscaping scheme is acceptable

- 6.2 The relevant Development Plan Policies are DG1 and N6. Given the amount of built form (buildings and car parking spaces) approved in the outline permission, it is considered that an acceptable level of new tree planting and soft landscaping is proposed. In addition, the species of trees are considered to be acceptable within the context of this site and the wider area.
- 6.3 The new trees proposed on the site, close to Oldfield Road and Old Acres, will assist to soften the appearance of the built development. The trees would be at a height of circa 3-3.5 metres when planted.
- 6.4 The proposed landscaping scheme, and landscape management plan is considered to be acceptable.
- 6.5 The landscaping plan shows the proposed materials for the hard surfacing of the site, and these materials are considered to be acceptable. A different palette of materials will be used for the car parking spaces and internal access road, which will provide some variation across the site. The materials for hard surfacing are considered to be acceptable.

Other considerations

- 6.6 The materials for the proposed buildings are yet to be approved, but the materials proposed can be found under reference 18/02078/CONDIT.
- 6.7 The impact of the demolition of the Amber Centre, and damage this could have to neighbouring properties is not a material planning consideration; it is not a consideration for this reserved matters application.
- 6.8 The impact of the demolition of the Amber Centre on 3 off site protected trees cannot be taken into consideration under this application; this would have been considered under the outline planning permission.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

17 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 18th July 2018 and the application was advertised in the Maidenhead Advertiser on 19th July 2018.

1 letter was received objecting to the application, summarised as:

| Comment | | Where in the report this is considered |
|---------|---|--|
| 1. | Cannot find details of the rendering for the buildings that is proposed. | 6.6 |
| 2. | Concerns over the demolition of the Amber Centre, and the damage this could cause to 21 Old Acres | 6.7 |
| 3. | Concerns over the demolition of the Amber Centre and impact on 3 | 6.8 |

| | | |
|--|-------------------------------------|--|
| | protected trees within 21 Old Acres | |
|--|-------------------------------------|--|

Consultees

| Consultee | Comment | Where in the report this is considered |
|----------------------------|--|---|
| Tree Officer | <p>There are in no objections to the proposed landscape scheme, so long as hard and soft landscaping elements are carried out in strict accordance with the following plans and documents;</p> <p>ACD Landscape Proposals SH20701 11C – May 2018 ACD soft landscape specification sh20701spec – May 2018 ACD landscape management and maintenance plan - SH20701Man – 2/07/2018 – REV-A</p> | 6.2-6.4 |
| Lead Local Flood Authority | No objection | Noted. |
| Environmental Protection | No objection | Noted. |
| Highways | <p>No objection, subject to the following condition being imposed.</p> <p><i>No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway. Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.</i></p> | This condition was put on the outline consent; conditions on the outline and reserved matters permission must be read together. |
| Environment Agency | <p>We are not a statutory consultee for reserved matters applications.</p> <p>Please take account of any conditions, informatives or advice that we provided in our response to the outline application when making your determination of this reserved matters application.</p> | Noted. |
| Council's Ecologist | <p>This application concerns reserved matters (landscaping) pursuant to the approved outline application for the erection of 67 dwellings following the demolition of existing buildings (17/02812/OUT).</p> <p>Previously, it was advised that the management plan should be amended to detail the installation/creation of biodiversity enhancements (and persons responsible), the timing of maintenance activities, and confirm the specifications of the products to be installed.</p> <p>The landscape plans have been revised to address the above points, providing specifications of the enhancement features and details of appropriate maintenance. As such, the landscape plans are acceptable in terms of ecology, and there are no objections to this application on ecological grounds.</p> | Noted. See recommended condition. |

8. APPENDICES TO THIS REPORT

- Appendix A - Site location
- Appendix B – Proposed landscaping scheme

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

- 1 The soft landscaping shall be carried out in accordance with the following approved documents:
ACD Landscape Proposals SH20701 11C - May 2018
ACD soft landscape specification sh20701spec - May 2018
ACD landscape management and maintenance plan - SH20701Man - 2/07/2018 - REV-A

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, unless the Local Planning Authority gives its prior written consent to any variation.

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

- 2 The biodiversity measures as shown on drawing SH20701 11C - May 2018, shall be read in conjunction with the approved landscape management and maintenance plan.
Reason: To ensure adequate biodiversity enhancements are provided.

Appendix A – Site location plan



[illegible]

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

26 September 2018

Item: 7

Application No.: 18/02075/FULL

Location: Land Adjacent To Lee Cottage School Lane Cookham Maidenhead

Proposal: 3 No. 4 bedroom detached dwellings with double carports

Applicant: Mr And Mrs Ground

Agent: Mr Leslie Jones

Parish/Ward: Cookham Parish/Bisham And Cookham Ward

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

1. SUMMARY

- 1.1 The application proposes the erection of 3 dwellings, with car ports and associated hardstanding. The development would constitute a form of inappropriate development within the Green Belt, and it would have a significant impact upon the openness of the Green Belt. The Very Special Circumstances given are afforded limited weight and do not outweigh the substantial harm to the Green Belt.
- 1.2 The application fails to demonstrate that the Sequential Test (in respect of flood risk) has been passed. Other harm arising from the proposed development is the failure to demonstrate that there would be no adverse impacts on ecology, that the scheme would cause harm to the character of the area, and the scheme would appear as a visually intrusive form of development when viewed from Lee Cottage, causing harm to residential amenity.
- 1.3 The proposal does not comply with the Development Plan. Relevant material planning considerations identified weight against the development and are given significant weight.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

| | |
|----|--|
| 1. | The scheme constitutes inappropriate development in the Green Belt, and would result in a significant impact on the openness of the Green Belt, contrary to policies GB1 and GB2 (part A) of the Local Plan. |
| 2. | The application fails to demonstrate that the Sequential Test (in respect of flood risk) can be passed, contrary to paragraphs 155 and 158 of the NPPF. |
| 3. | The application fails to demonstrate that there would be no adverse impacts upon ecology contrary to paragraph 175 of the NPPF. |
| 4. | The scheme would result in harm to the character of the area, contrary to policies DG1 and H11 of the Local Plan. |
| 5. | The proposed dwelling in the western part of the site would appear visually intrusive when viewed from Lee Cottage, contrary to paragraph 127 of the NPPF. |

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Kellaway, irrespective of the recommendation of the Head of Planning

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the south side of School Lane measures circa 0.28 hectares. The site is situated towards the end of an un-adopted access road which serves several residential properties. To the east of the application site are school grounds to Holy Trinity Church of England Primary School. To the west and north of the site are detached residential properties.
- 3.2 The application site is situated within the Green Belt. The north-east of the application site adjoins the boundary of the Cookham High Street Conservation Area. The application site is part grassed, and part overgrown with vegetation. The surrounding properties in the area tend to be large detached dwellings on spacious plots however there is no uniformity in terms of architectural style.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

| Application reference | Description | Decision |
|-----------------------|---|--|
| 87/00130/OUT | LAND ADJ LEE COTTAGE SCHOOL LANE COOKHAM BERKS ERECTION OF THREE DETACHED HOUSES WITH GARAGES | Refused 21 st March 1988 |
| 88/00152/OUT | ERECT THREE DETACHED HOUSES AND GARAGES | Refused 19 th August 1988. Dismissed on appeal 20 th September 1989. |
| 89/00223/OUT | ERECTION OF TWO HOUSES AND GARAGES | Refused 8 th June 1989 Dismissed on appeal 20 th September 1989. |

- 4.1 In the appeal from 1989, the Inspector considered two schemes; Appeal A was for the erection of 3 detached houses with garages, along with alterations to existing private drive, and Appeal B was for the erection of 2 detached houses with garages, along with alterations to existing private access.
- 4.2 Both of the appeals were dismissed, on the basis that the development did not fall under the exceptions to inappropriate development in the Green Belt. The Inspector did not consider either of the schemes constituted 'limited infilling' within the Green Belt. The Inspector was of the view that Very Special Circumstances to allow inappropriate development in the Green Belt did not exist. The Inspector also raised concerns over highway safety based on the site access as it was proposed in the appeal schemes.
- 4.3 This application seeks full planning permission for the construction of 3 detached dwellings, with double car ports. The proposed dwellings would have projecting front gables, which would have a height of 8.1 metres. The dwellings would have a mixture of pitched and half hipped roofs, and would be finished in a mixture of materials, including red brick, tile hanging, render, and boarding.
- 4.4 The proposed car ports would have a maximum height of 5.4 metres, and an eaves height of 2.1 metres. The car ports would be enclosed fully on the rear elevation. The car ports would be finished in red brick and larch weatherboards, with small plain clay tiles to the roofs. Each of the plots would have their own vehicular access, and gates are indicated to be erected across each of the access points.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections

Section 4- Decision-making
Section 9- Promoting Sustainable Transport
Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

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

Section 16- Conserving and enhancing the historic environment

Royal Borough Local Plan

5.2 The main planning policies are:

| Design/character | Highways and Parking | Green Belt | Flood Risk | Impact on setting of Conservation Area | Archaeology |
|-------------------------|-----------------------------|-------------------|-------------------|---|--------------------|
| DG1, H11 | P4, T5 | GB1, GB2 (part A) | F1 | CA2 | ARCH2 |

These policies can be found at

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

Borough Local Plan: Submission Version

| Issue | Local Plan Policy |
|---|--------------------------|
| Design in keeping with character and appearance of area | SP2, SP3 |
| Sustainable Transport | IF2 |
| Green Belt | SP5 |
| Historic Environment | HE1 |
| Flood Risk | NR1 |
| Ecology | NR3 |

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

Significant weight is to be accorded to Borough Local Plan Submission Version policies relevant to this application, aside from Policy NR1. Lesser weight should be accorded to Borough Local Plan Submission Version policy NR1 due to the extent and nature of objections raised to it by representations on the Borough Local Plan Submission Version. In addition Policy SP5 of the Borough Local Plan Submission version is not fully consistent with the NPPF, and so is given moderate weight.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary planning documents

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:

1 Cookham Village Design Statement

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Development within the Green Belt;
- ii Development within the flood zone;
- iii Impact on character of the area, including impact on adjacent Conservation Area;
- iv Parking and Highways
- v Residential Amenity
- vi Ecology
- vii Archaeology
- viii Planning balance

Development within the Green Belt

- 6.2 The National Planning Policy Framework (NPPF) details that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; it confirms that the essential characteristics of Green Belts are their openness and their permanence (paragraph 133). At paragraph 134 it identifies five purposes for the Green Belt, the third being 'to assist in safeguarding the countryside from encroachment'.
- 6.3 At Paragraph 144, the NPPF stipulates that when considering any planning application, Local Planning Authorities should ensure that **substantial weight** is given to any harm to the Green Belt and that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.4 Development within the Green Belt is *prima facie* inappropriate, however, paragraphs 145 and 146 of the NPPF set out exceptions to inappropriate development in the Green Belt.
- 6.5 The Local Plan was adopted well before the publication of the NPPF. The tests set out in Policy GB1 to determine whether a development would be inappropriate are not fully consistent with those in the Framework. This is seen in relation to the erection of certain categories of buildings. Also, Policy GB2 (A) imposes an additional test with a view to safeguarding the openness of the Green Belt. Policies GB1 and GB2 (part A) of the Local Plan are consistent in part with the NPPF, and so are given weight, but not full weight in the consideration of this application.
- 6.6 Paragraph 145 of the NPPF allows the construction of certain new buildings as an exception to inappropriate development in the Green Belt. The scheme is not considered to fall under any exceptions to inappropriate development in the Green Belt as set out under paragraph 145. The scheme is not considered to constitute 'limited infilling in a village' as per paragraph 145. The Inspector in the 1989 planning appeal for this site concluded that the proposal for 2 or 3 houses did not constitute limited infilling. In more recent appeal decisions within the Borough, the tests

for what does or does not constitute limited infilling has been set out by an Inspector. In the case of Beckfords, Warren Row (APP/T0355/W/17/3167166), it was stated:

'Whilst the term 'infilling' is not defined within the Framework, Policy GB3 refers to the closing of an existing small gap in an otherwise built up frontage. Although I have found that Policy GB3 carries limited weight, I see little reason to deviate from this definition of infilling for the purposes of assessing the proposal against the Framework. Indeed, I note that the Inspector in an Appeal Decision that I have been referred to accepts a broadly similar definition of infilling. While that particular appeal related to a site within a different local authority, it is a further indication that infilling can be taken to mean the development of small gaps within a built up frontage.'

- 6.7 The 1989 appeal decision and 2017 appeal decision are material planning considerations to which significant weight should be given in reaching a decision. The applicant in their Design and Access Statement sets out that this piece of land does not perform well in terms of the purposes of the Green Belt, as set out in the NPPF, and have included their submissions made for the emerging Borough Local Plan as to why the site should be removed from the Green Belt. Irrespective of whether the applicant has made submissions through the Borough Local Plan process to remove the land from the Green Belt, this site is located in the Green Belt and the scheme has to be considered on this basis and assessed against relevant planning policy. The scheme fails to comply with the development plan.

Openness

- 6.8 An essential characteristic of the Green Belt is its openness. The effect of the proposal on openness requires consideration because it is not an explicit part of the assessment as to whether or not the development types are inappropriate.
- 6.9 In this case, the site has no built form on it. The scheme would introduce 3 relatively large two storey dwellings, 3 car ports, which would be partly enclosed and of a fairly substantial height, 3 sets of gates across the vehicular access, and hardstanding for the parking and turning areas. Taking into account the amount and scale of development proposed, it is considered the scheme would have a significant impact upon the openness of the Green Belt. In this regard the proposal fails to comply with the development plan, or with the NPPF as a material consideration which is given significant weight.

Development within the flood zone

- 6.10 The application site is situated in flood zone 2 (medium risk flooding). The NPPF sets out that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 6.11 The application of the Sequential Test is discussed at section 6 of the submitted Flood Risk Assessment. Within this section of the FRA, it is stated that the application site is the only one in the ownership of the applicant and therefore the only one available to them to develop. It then goes on to explain that there are no other reasonably available sites at lower risk of flooding in the Cookham area. The statement also sets out that this development would likely be safer than a site at a lower risk of flooding, because the finished floor levels will be higher than the flood level, and so arguably, using a pragmatic approach it is questionable whether the Sequential Test should be applied. They also refer to other schemes in flood zone 3 within the Borough which have been given permission for residential development, and assume this means that if the sequential test was passed in those cases, then it means this scheme should be passed.
- 6.12 It is considered that the applicant has failed to demonstrate that the Sequential Test has been passed. First of all, in the search for alternative sites, the applicant should not limit their search to sites which are only available to the applicant. In an appeal decision at Robin Willis Way, Windsor for 4 dwellings, the Inspector made the following comment about the application of the Sequential Test. This is a material consideration to which significant weight is given.

'In my opinion, a "reasonably available" site is not one which is only available to the appellant; it is a site which is available to the community at large. National guidance does not specify that sites should be suitable, developable and deliverable only by the applicant or appellant.'

- 6.13 The applicant's FRA then goes on to say that a search for sites was made in Cookham. However, a list of the sites is not provided and the area of search for sites should be Borough-wide, not limited to Cookham. The LPA approach has been consistent and must continue to do so.
- 6.14 The comments in respect of the floor levels being raised, and about other residential schemes being allowed in flood zone 3 (and not giving details of these sites, or the size of the schemes) is not adequate to demonstrate that the Sequential Test is passed in this case.
- 6.15 As the sequential test is not passed, no further assessment of the acceptability in the flood zone is required. The proposal fails to comply with the NPPF, which is a material consideration to which significant weight is given.

Impact on character of the area, including impact on adjacent Conservation Area

- 6.16 The site lies to the south of the Cookham Village Conservation Area, and its eastern most point adjoins the Conservation Area. Policy CA2 of the Local Plan is of relevance.
- 6.17 Within the village, the High Street has tightly developed plots, which tend to become larger and more spaciouly laid out towards the village boundaries. The area also has buildings of varied ages and architectural styles, which create a distinctive traditional "organic" village character. The Victorian Holy Trinity C of E Primary School lies to the north east of the site and is located at the entrance to the approach road, it is an important non listed building within the Conservation Area.
- 6.18 The private drive off School Lane, serves Lee Cottage, Butts Leigh and School Lane Cottage. This varied group of houses is informally laid out and each dwelling has substantial grounds, and the development proposed on this application site would form part of this group of housing. There are only glimpsed views into the application site from public areas within the Conservation Area, although the existing vegetation contributes positively to the green backdrop of the designated area and forms a soft edge/screen to the school playing area. Given the limited views of the site from the Conservation Area, it is not considered that the scheme would cause harm to views into or out of the Conservation Area. The Council has had regard to the special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, as required by Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.
- 6.19 The proposed plots would be smaller and more regular than those of the nearby dwellings. It is considered that the formal, regular layout of the development, together with the suburban appearance of the dwellings and amount of hardstanding proposed would be out of keeping with the form and design of existing development in the area, which comprises detached dwellings of varied architectural styles laid out informally in substantial grounds, and would result in harm to the character and appearance of the area. This conflicts with policies DG1 and H11 of the Local Plan.

Parking and Highways

- 6.20 The existing private road can be accessed from School Lane.
- 6.21 Drawing number 205-03 shows three new vehicular accesses would be created off the private road. Each detached dwelling is to have 4 bedrooms, space for 3 car parking spaces per dwelling exists on site. Taking into account the location of this site, each access will need to achieve visibility splays of 2.0m x 15m to the left and right, and the Highway Authority is satisfied this can be achieved.

- 6.22 Drawing number 205-03 shows each site would be provided with a double car port as well as additional hard-standing. Ample room is provided on each site to enable a vehicle to enter and exit the site in a forward gear. Each site could accommodate a refuse storage facility. For refuse collection, the Highway Authority is satisfied with the existing arrangements for the other dwellings on the private road to be followed.
- 6.23 The development has the potential to generate 24 vehicle movements per day. This potential increase in traffic movements is not considered to be significant enough to warrant a refusal on these grounds. The proposal is considered to comply with Local Plan policies T5 and P4.

Residential Amenity

- 6.24 The NPPF at paragraph 127 of the NPPF sets out that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is a material consideration to the determination of the application.
- 6.27 In the case of future occupiers of the proposed dwellings, it is considered the scheme would provide for a high standard of amenity for future occupiers.
- 6.28 With regard to the impact on neighbouring dwellings, the proposed dwellings would be set back over 16 metres away from the front boundary of the site. Given the distance involved, it is not considered the scheme would give rise to unacceptable overlooking to School Lane Cottage (to the north) or would significantly impact on light to this property.
- 6.29 Looking at the impact on the neighbouring residential property to the west of the site (Lee Cottage), the proposed dwelling in the western part of the application site would be highly visible from their garden area. It should be noted the footprint of Lee Cottage is larger than shown on the site location plan. The proposed dwelling is 3 metres away from the boundary with Lee Cottage. Given that the proposed dwelling would be sited significantly further back than Lee Cottage, it would be highly visible when viewed from Lee Cottage. The proposed dwelling (at 2 storey height) is also deep at 12.5 metres. Owing to the proposed siting and scale of the proposed dwelling, it is considered that the proposed dwelling closest to the boundary with Lee Cottage would appear visually obtrusive when viewed from the rear windows in Lee Cottage and when viewed from the rear garden area of this property, which would result in harm to the residential amenity of this property. This is contrary to paragraph 127 of the NPPF.
- 6.30 It is considered that the proposed dwelling would have an impact upon light to the rear garden and rear facing windows in Lee Cottage, however, given that this impact would mainly be limited to during the early part of the morning, it is not considered the impact on light would be so significant to warrant refusal on this ground.
- 6.31 With regard to privacy, the proposed dwelling will not have any direct views into the rear facing windows in Lee Cottage, and the first floor window in the side elevation of the proposed dwelling could be obscurely glazed (a condition could be imposed to secure this). It is not considered that the scheme would result in harmful impact on privacy.

Ecology

- 6.32 The application site comprises a grassland field with scrub. The site is surrounded by habitat of good suitability for use by protected wildlife – it is neighboured by grassland fields with hedges to the south and east, with large connected gardens with trees and hedges to the north and west. There is a risk that the proposed development could impact upon protected species. However, no ecological surveys have been submitted with this planning application, and as such it is not known if any features or habitats that are likely to be of importance or any protected species exist on site, and so it cannot be ascertained what impact this scheme would have. The scheme therefore fails to comply with paragraph 175 of the NPPF.

Archaeology

- 6.33 Policy ARCH2 of the Local Plan is of relevance. Berkshire Archaeology's Historic Environment Record indicates that there are no known heritage assets within the red line boundary or immediately adjacent to it. However the application area lies on a gravel terrace of the River Thames. The Middle Thames Valley is extraordinarily rich in buried remains from the earliest prehistoric period to the present day and this is evidenced by known monuments within and around Cookham. These monuments include an undated, probably prehistoric inhumation burial, Middle to Late Iron Age (500 – 100 BC) and Roman settlement at White Place Farm; cropmark ring ditches and linear features, almost certainly indicating the presence of prehistoric buried remains, between White Place Farm and Mill Lane; and three cropmark enclosures, possibly prehistoric or Roman in date, less than 325m to the south-east of the site.
- 6.34 Cookham is a historic settlement with important Saxon and medieval elements. Although the application site lies outside the area of the historic settlement, the importance of the wider area around Cookham is clear from the discovery of a Saxon inhumation cemetery north of Terry's Lane, Early/Middle Saxon remains (AD 500 – 800) on The Pound and a Saxon inhumation inserted into an earlier Bronze Age barrow at Cock Marsh.
- 6.35 There is an archaeological interest in this green field, undeveloped, site. In accordance with Paragraph 141 of the NPPF which states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'.
- 6.36 Berkshire Archaeology have recommended a condition to secure a programme of archaeological work should planning permission be granted.

Housing Land Supply

- 6.37 Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted in January 2018. The Borough Local Plan sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory.

Planning Balance

- 6.38 Within the Design and Access Statement, it is not explicitly stated that the proposal is inappropriate development in the Green Belt, and that a case of Very Special Circumstances (VSC) has been put forward, however, the DAS does highlight the benefits of the scheme. The benefits of the scheme identified by the applicant, are considered against the harm to the Green Belt, and the other harm identified (as per paragraph 144 of the NPPF).
- 6.39 The benefits of the scheme are listed in the Design and Access Statement, and summarised below.
- a) Understands the Council cannot demonstrate a 5 year housing land supply. The development of this site would provide an important windfall site which would meet the Council's housing need.
 - b) The site is located close to shops, pubs, open space and a school, and so the site is ideal for housing in this respect.
 - c) The homes will be ideal for elderly people wanting to downsize, and for young families.
 - d) The CIL from the development will benefit and support local infrastructure
- 6.40 The Council can demonstrate that it has a 5 year housing land supply. However, even if it were the case the Council could not demonstrate a 5 year housing land supply, the presumption for

granting planning permission, does not apply for schemes that are in the Green Belt (paragraph 11 of the NPPF). The provision of housing is therefore given limited weight as VSC.

6.41 With regard to the site being located close to a school, pubs and open spaces, this is noted, but it is not uncommon for housing developments would tend to be located close to such amenities; this is given limited weight as VSC.

6.42 In respect of the scheme providing homes for elderly or young families, these would be open market homes that would be open for anyone to purchase and occupy. This is not considered to constitute VSC. With regard to the benefit from CIL, the National Planning Practice Guidance sets out that:

‘Whether or not a ‘local finance consideration’ is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.’

6.43 In this case, the applicant has not explained how the CIL payment will make the development acceptable in planning terms. This would not be considered to constitute VSC.

6.44 It is not considered that there is a strong case of VSC which would outweigh the harm to the Green Belt, which is given substantial weight, the significant impact upon the openness of the Green Belt, the unacceptability of the development in flood risk terms, the harm to the character of the area, the potential harm to ecology, and adverse impact on neighbouring residential amenity. The proposal is contrary to the Development Plan; the harm arising from the proposed development is significant and no material planning considerations indicating to the contrary have been identified.

6.45 This overall analysis and conclusions also reflects the content of the Cookham Village Design Statement.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

7.1 The development is CIL liable. The proposed floorspace of the dwellings and car ports is 882 square metres. The CIL forms submitted indicate a lesser floorspace.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

8 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 2nd August 2018 application was advertised in the Maidenhead Advertiser on the 2nd August 2018

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

| Comment | | Where in the report this is considered |
|---------|---|---|
| 1. | Site is on the buffer of the Conservation Area. | 6.16-6.18 |
| 2. | It would set a precedent for other sites which the community would like to be kept green. | Each application is considered on its merits. |
| 3. | Impact on wildlife | 6.32 |
| 4. | Substantial impact on traffic, which is already an issue, and which is near a school. | 6.20-6.23 |
| 5. | Site is in the Green Belt which needs to be protected. | 6.2-6.9 |
| 6 | A number of trees were removed from this site before the application was made; this harmed the visual amenity of the area, and caused | Noted. |

| | | |
|----|--|---|
| | damage to wildlife. | |
| 7 | The application should be refused because of impact on flood risk. | 6.10-6.15 |
| 8 | There is a water well on the site, which indicates the water table is high. | 6.10-6.15 |
| 9 | Adverse impact on privacy | 6.24-6.31 |
| 10 | The scheme fails to achieve a design and layout which responds to the local area. | 6.19 |
| 11 | Entry and exit into that small driveway right next to the school where children are crossing is already a problem. Anyone coming out of that drive in a car and turning left is turning blind. There have already been too numerous 'close calls' to mention of cars hitting children at the access point to this new development. | 6.20-6.23 |
| 12 | Refuse collection of an additional number of houses in this tiny lane will only create more congestion | 6.20-6.23 |
| 13 | Isn't this designated green space or was there a loop hole? | The site is not a designated green space. |
| 14 | More houses in this tiny village means more strain on resources - our local school, our local surgery (which is hard to get appointments at already) | Noted, but this is not considered to warrant a reason for refusal. |
| 15 | I can't see how building materiel's being transported to the site in question would be able to manoeuvre down school lane and into this small road: I have seen the problems caused when the school have had equipment delivered; the lane is too sharp a turning | If planning permission was granted, details would be secured through Construction Management Plan |
| 16 | I believe the 'noise' levels will increase with more housing in this area - particularly in the construction and traffic being caused. | The proposed residential use is not considered to be incompatible in this area. |
| 17 | The application was made during school holidays, and will impact pupils of the school. | Not a relevant planning consideration about when the application was submitted. |
| 18 | The site is considered to be of landscape importance. | It is not considered to be of landscape importance. |
| 19 | Site access has poor visibility. | 6.20-6.23 |
| 20 | There are no footpaths in the vicinity of the site; this scheme will cause danger to pedestrian safety. | 6.20-6.23 |
| 21 | This land is dry belt to assist flood relief from school and other houses. | 6.10-6.15 |
| 22 | The site is situated within the Conservation Area. | 6.16-6.19 |
| 23 | The plans are out of date, and Lee Cottage is not accurately shown. How can an assessment be made based on out of date plans? | 6.29 |
| 24 | The house positioned closest to Lee Cottage will block out all morning light to downstairs rooms | 6.30 |

Consultees

| Consultee | Comment | Where in the report this is considered |
|--------------------------|---|--|
| Highways | <p>The Highways Authority offers no objection to the proposal subject to complying with the following conditions:</p> <ul style="list-style-type: none"> • Details of access to be submitted for approval • Submission of a Construction Management Plan • Parking and Turning to be submitted for approval • Visibility splays | 6.20-6.23 |
| Environment Agency | This planning application is for development we do not wish to be consulted on. | Noted. |
| Cookham Parish Council | Objection on basis of inappropriate building on the Greenbelt and inadequate access. | 6.2-6.9 |
| Cookham Society | <p>This site is in the Green Belt and because of this new housing should be considered inappropriate and this application refused. We note however that the site forms a Green Belt salient with development on three sides. It is virtually invisible from any public highway or footpath. Its contribution to the Green Belt would appear close to negligible. We would welcome an explanation from the Borough of why this site was not taken out of the Green Belt during the preparation of the draft BLP.</p> <p>The issue of safe access to and egress from Cookham village during a flood was recently examined in detail on Application 15/01060 (Cookham Tandoori). This application was refused by RBWM and then refusal on the single issue of flooding was confirmed at appeal. As far as we can see, the risk to vulnerable residents is the same for this application and therefore, for consistency, this application should be rejected on flooding grounds alone.</p> | 6.2-6.9 and 6.10-6.15 |
| Environmental Protection | Recommends a condition for a CEMP. | Noted, such a condition would not be considered necessary. |
| Berkshire Archaeology | <p>No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Local Planning Authority.</p> <p>Reason: The site lies in an area of archaeological potential, particularly in relation to the prehistoric, Roman and</p> | 6.33-6.36 |

| | | |
|----------------------|---|--------|
| | Saxon settlement and land use of this part of the Thames Valley. The potential impacts can be mitigated by a programme of archaeological work so as to record and advance understanding of the significance of any heritage assets in accordance with national and local planning policy | |
| Council's Ecologist | <p>The application site may contain habitats that are suitable for use by protected species and surveys to confirm their presence or absence will need to be undertaken. These surveys and any mitigation plan should be submitted prior to the determination of the application, as per the policy above.</p> <p>The applicant should be aware that some ecology surveys are seasonal and should ensure that factor this into their timeframes for the project.</p> | 6.32 |
| Conservation Officer | It is considered that the rather suburban layout and design of these houses, the loss/lack of soft landscaping and extent of proposed hard landscaping within the curtilage of the site, do not reflect the established character of the immediately adjacent housing area. | 6.18 |
| Tree Officer | <p>The applicants have not submitted any detailed arboricultural or landscaping information to support the application. No significant trees are growing within the site however small trees and hedges are well established on the site boundaries. The hedges are valuable landscape features and would need to be considered as part of any development.</p> <p>I have visited the site and from the information that has been submitted it would appear the proposed development should not directly impact any significant trees. The proposed new dwelling and car port closest to Lee Cottage are located in close proximity to the boundary hedge. Work to construct the new dwelling and carport in this location would likely result in the loss of part of this section of hedgerow.</p> <p>If the applicant is proposing to retain the boundary hedging details of the proposed protection measures will need to be provided in accordance with BS5837 2012 "Trees in relation to design, demolition and construction".</p> | Noted. |

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed block plan
- Appendix C – Proposed Elevations
- Appendix D – Proposed Floor plans

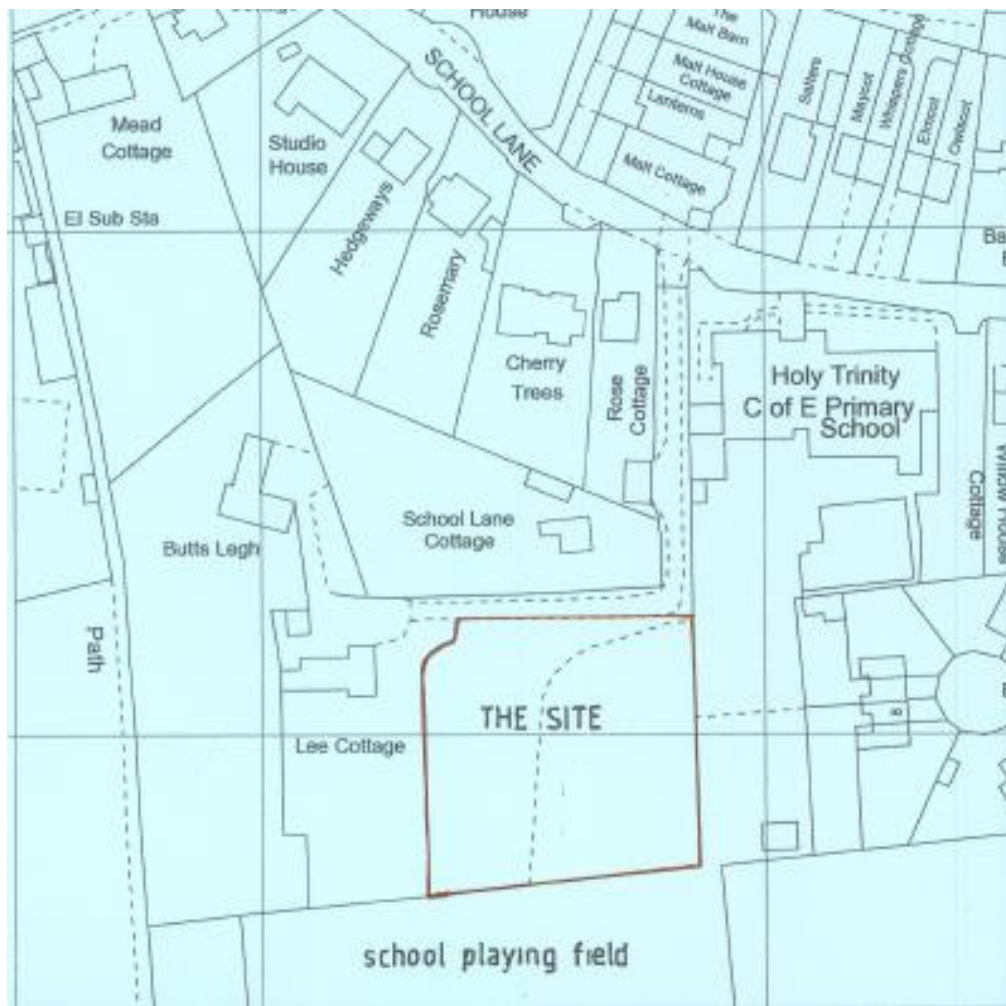
10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The scheme constitutes inappropriate development in the Green Belt, and would result in a significant impact on the openness of the Green Belt. A case of Very Special Circumstances does not exist which would outweigh the harm to the Green Belt and any other identified harm. The

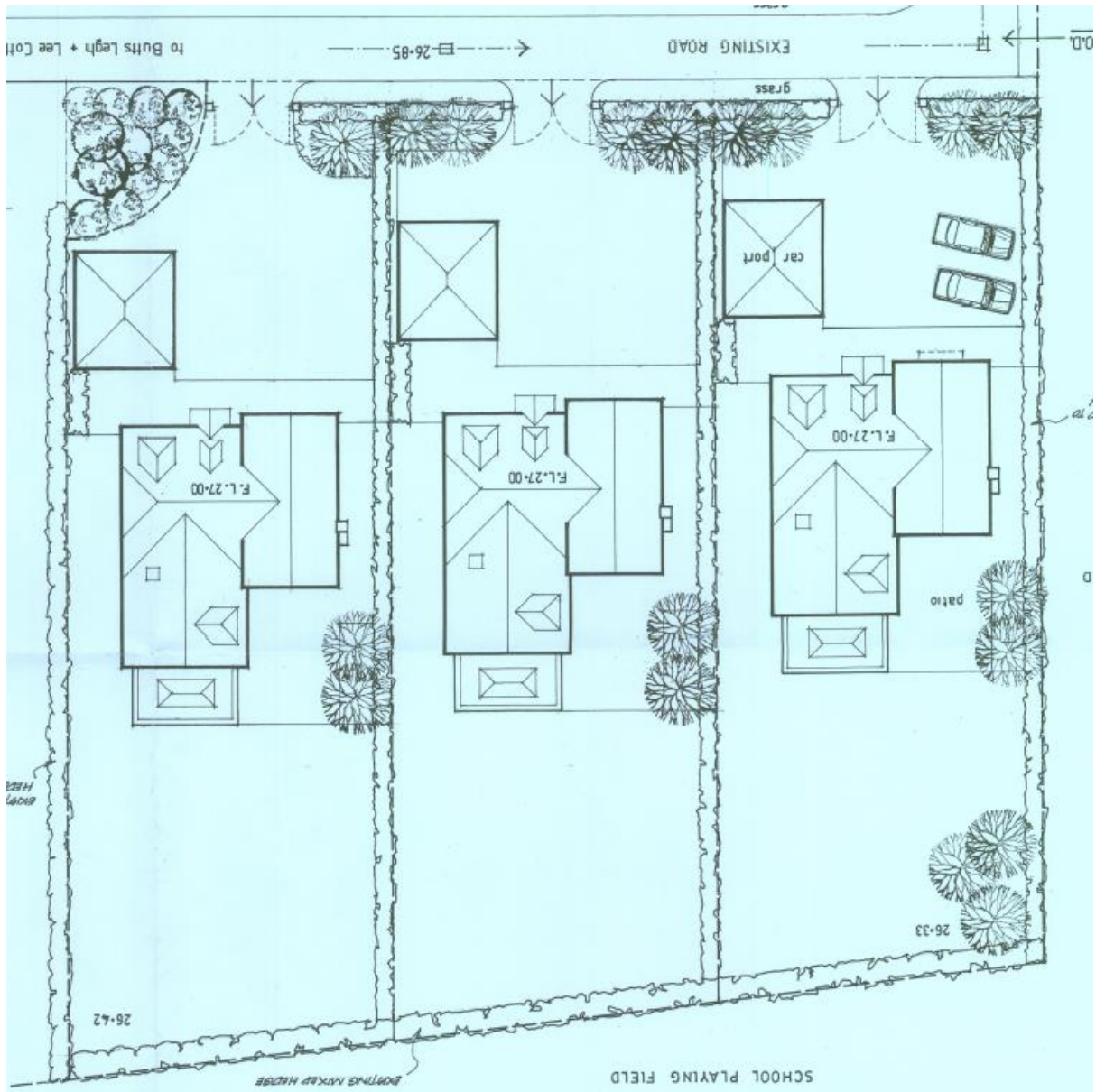
scheme therefore conflicts with advice contained within Section 13 of the National Planning Policy Framework. The scheme also conflicts with Adopted Local Plan Policies GB1 and GB2 (part A), and with policy SP5 of the Borough Local Plan Submission Version.

- 2 The application fails to demonstrate that the Sequential Test (in respect of flood risk) has been passed. This is contrary to paragraphs 155 and 158 of the National Planning Policy Framework and Policy NR1 of the Borough Local Plan Submission Version which seek to ensure that development is directed away from areas at highest risk of flooding so as to avoid, where possible, flood risk to people and property.
- 3 The application fails to demonstrate that there would be no adverse impacts upon ecology. The proposal fails to comply with paragraph 175 of the National Planning Policy Framework and Policy NR3 of the Borough Local Plan Submission Version.
- 4 The proposed scheme, owing to its layout, form and suburban appearance, would be out of keeping with and would result in harm to the character of the area. The scheme fails to comply with Section 12 of the National Planning Policy Framework, Policies DG1 and H11 of the Adopted Local Plan and Policy SP3 of the Borough Local Plan Submission Version.
- 5 The proposed dwelling on the western part of the application site, owing to its siting and scale would appear visually intrusive when viewed from Lee Cottage. This would result in harm to the residential amenities of the occupants of this neighbouring property, contrary to policy SP3 of the Borough Local Plan Submission Version and paragraph 127 of the National Planning Policy Framework.

Appendix A- Site location plan



Appendix B- Proposed block plan



Appendix C- Proposed Elevations

Dwelling on central position on site



front elevation



side elevation E



side elevation W



rear elevation S

Dwelling proposed on western part of the site



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front elevation



side elevation E



side elevation W Scale 1



rear elevation S

Dwelling proposed on eastern part of site



front elevation N



side elevation E

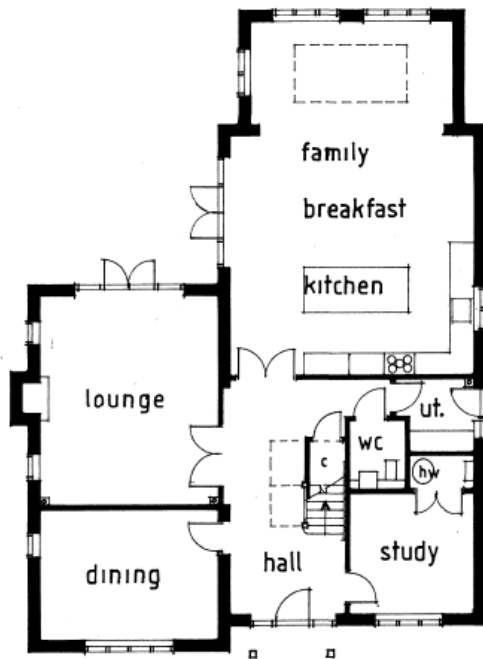


side elevation W

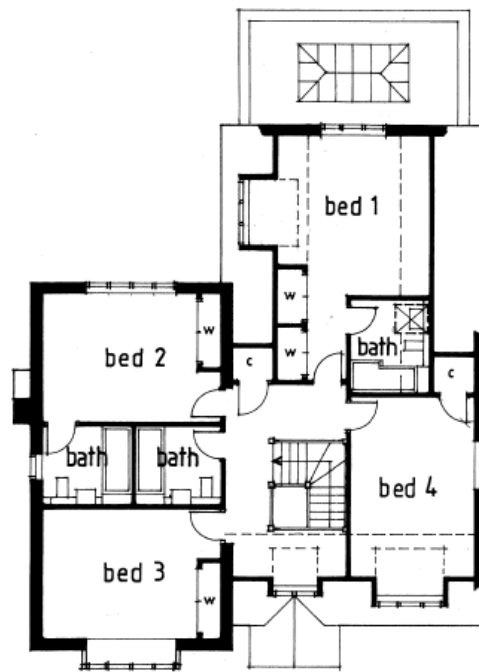


rear elevation S

Appendix D- Proposed Floor plans for dwelling



ground floor plan



first floor plan