

## MAIDENHEAD DEVELOPMENT CONTROL PANEL

13 March 2019

Item: 1

<b>Application No:</b>	18/01804/OUT
<b>Location:</b>	Former Buildings Including Units And Cottages At Water Oakley Farm Windsor Road Water Oakley Windsor
<b>Proposal:</b>	Outline application for access only to be considered at this stage with all other matters to be reserved for demolition of all buildings, structures and hardstanding; residential development for up to 127 dwellings together with associated open space, landscaping, community pavilion and other infrastructure.
<b>Applicant:</b>	Mr Dobie
<b>Agent:</b>	Mr Oliver Bell
<b>Parish/Ward:</b>	Bray Parish/Bray Ward
<b>If you have a question about this report, please contact:</b> Christine Ellera on 01628 795963 or at <a href="mailto:chrissie.ellera@rbwm.gov.uk">chrissie.ellera@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The application relates to a 9.7 hectares site situated to the west of Windsor, to the east of Maidenhead and Fifield and located on the north side of the A308 Windsor Road. The site is accessed from Windsor Road at a roughly central point on its road frontage. The site is within the designated Green Belt and adjacent to Grade II Listed Buildings. The northern boundary is adjacent to the River Thames.
- 1.2 The application seeks outline planning permission, with all matters reserved apart from means of access, for a development comprising 127 residential units together with a proposed community pavilion and on site public open space of some 4 hectares.
- 1.3 The proposed development represents inappropriate development within the Green Belt which, by definition, results in substantial harm to the Green Belt and should not be approved except in Very Special Circumstances. The proposed development would be markedly taller with solid buildings and the subdivision of the area into individual curtilages when compared to the existing/previous buildings on the site. It is considered that the quantum and amount of the more urban form of residential development proposed would, therefore, reduce openness of the Green Belt, despite it possibly having a reduced floor space than the existing buildings and areas of hardstanding/open storage.
- 1.4 The applicant has set out why they consider there are other considerations which equate to very special circumstances which clearly outweigh the harm to the Green Belt and any other harm. Much of the applicant's very special circumstances case is considered to amount to compliance with planning policy to ensure an acceptable form of development, irrespective of its Green Belt location and as such would not amount to Very Special Circumstances.
- 1.5 The improved visual appearance of the frontage of the application site when viewed from the A308 Windsor Road was considered a benefit of this proposal under application 13/02719/OUT, along with the financial contributions towards the re-location of the gymnastic club. In addition the proposed development would remediate the current contaminated land and provide 4 hectares of public open space, which would including a 'community orchard' and a modest community pavilion. These are considered to be benefits which moderately weigh in favour of this scheme. However and having due regard for these considerations, as well as recent case law, it is not considered that this clearly equates to Very Special Circumstances which clearly outweighs the harm to the Green Belt.
- 1.6 It is, however, considered that a key material consideration in the assessment of this case is the previous planning permission granted on this site. Planning permission 13/02719/OUT established a consent for a scheme comprising 44 dwellings in the Green Belt; this is an extant

permission which the applicants have indicated their intent to build out and the LPA must give it appropriate weight. The proposed development would deliver smaller units (2 and 3 bedroom) and provide new homes. This, in combination, would go towards meeting housing need not just in terms of quantifiable numbers, but also in type and should be afforded some weight in the planning balance. This is considered to moderately weigh in favour of this development.

- 1.7 This proposed development would not have a greater visual impact on the Green Belt than the extant planning permission. This goes towards the consideration of the impact this development would have on openness. Whilst the proposed development is considered to have a significant impact on openness on the Green Belt when considered in the light of the existing/ previous development on the site it would not have greater impact on openness than the extant planning permission. This is also a material consideration which significantly weighs in favour of the scheme.
- 1.8 The proposed development would result in the loss of the existing gymnastics club facility on this site, a well-used community facility. Whilst the applicants have set out measures to assist the club in finding alternative premises, such facilities are not proposed to be secured by this proposal. This weighs against the scheme.
- 1.9 In accordance with viability evidence the on-site affordable housing provision in the form of eight shared ownership units is proposed as part of the development. This weighs in favour of the scheme.
- 1.10 The proposed development does not raise any significant highway capacity issues and would not prejudice highway safety. This is subject to modifications to the proposed access and financial contributions towards sustainable modes of transport and other identified mitigation.
- 1.11 The proposed development is not planned for as part of the Council's BLPSV and the infrastructure needed to support the development has not be accounted for. The pressure this proposed development would have on existing infrastructure provision such as school places and GP places needs to be balanced against the benefits of this proposal. The Community Infrastructure Levy could be considered as a material factor weighing in favour of the proposal.
- 1.12 The principle of the proposed design approach is considered to be appropriate, however this will be subject to detailed reserved matters applications where layout, scale and appearance will be considered.
- 1.13 The proposed development is considered acceptable in terms of flooding, drainage and air quality and the provision of suitable sustainability measures will be dealt with at reserved matters stage. There are significant concerns regarding contamination and ground water, including an outstanding objection from the Environment Agency, significant concerns have also been raised by the Council's ecologist in regards to the impact on biodiversity. The applicants have submitted additional information to overcome these issues and Panel Members will be updated on the current position as part of the Updates.
- 1.14 This outline application is considered to demonstrate that the proposal would provide a suitable residential environment and would not impact on neighbouring amenity. This will be considered further at reserved matters stage.
- 1.15 For the reasons set out within the report, it is considered, that the proposed 'fallback' position of the extant planning permission for 44 dwellings on this site is a strong and material consideration. When considered against this extant planning permission this proposed development would make more efficient use of land and provide a more balanced mix of housing which would go towards meeting the Council's need. This is considered to weigh significantly in favour of this scheme. Moreover when considered in the context of this same 'fallback' position the proposed development is not considered to have a greater impact on openness then the extant planning permission. Accordingly and subject to a satisfactory resolution regarding ground contamination and ecology the following is recommended:

<b>It is recommended the Panel DEFERS AND DELEGATES the decision to GRANT planning permission to the Head of Planning subject to the following:</b>	
<b>1.</b>	<b>Submission of information to demonstrate that the proposal would not adversely affect ground contamination, and to secure that through condition or Section 106 as appropriate.</b>
<b>2.</b>	<b>Submission of information to demonstrate that the proposal would not adversely impact on protected species or result in the loss of habitats without meeting the requirement to mitigate or compensate that loss, and to secure that through condition or Section 106 as appropriate.</b>
<b>3.</b>	<b>Following the completion of 1 and 2 above, the referral of the application (including draft conditions and heads of terms) to the Secretary of State as the proposed development represents “Green Belt development” as defined under The Town and Country Planning (Consultation) (England) Direction 2009 and confirmation that the application can be determined by the Borough.</b>
<b>4.</b>	<b>The conditions listed in Section 12 of this report (including any non-material changes to the recommended conditions).</b>
<b>5.</b>	<b>Subject to 3 above, the completion of a Section 106 Legal Agreement to secure matters set out within this report to mitigate the impacts of the proposal and make the development acceptable in planning terms.</b>
<b>6.</b>	<b>In the interest of effective decision making to grant delegated authority to the Head of Planning to determine under delegated powers any reserved matters application(s) associated with this application.</b>

## **2. REASON FOR PANEL DETERMINATION**

- The Council’s Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.
- At the request of Councillor Coppinger as he considers that the proposal is a significant development off the A308 and should be reviewed by Maidenhead Councillors.

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

- 3.1 The site is located on the north side of the A308 Windsor Road, just over 1.5km west of the settlement area of Windsor and approximately 700m from the edge of ribbon development along Windsor Road to the south east of Bray and Holyport. It is located between Windsor Road and the River Thames and extends to about 9.7 hectares. The site is accessed from Windsor Road at a roughly central point on its road frontage and the access continues through the site and on to three off-site residential properties and a secondary access to Bray Film Studios.
- 3.4 To the south of the site beyond Windsor Road and to the west is open countryside, whilst to the east of the site are the Bray Film Studios. Along the River Thames to the north and beyond Bray Film Studios is a hamlet of substantial detached dwellings in spacious grounds leading up to the boundary of the Oakley Court Hotel and its grounds.
- 3.5 The site is in the Metropolitan Green Belt between the towns of Maidenhead and Windsor. In this location the Green Belt plays an important role in preventing the towns from merging into one another and in safeguarding the countryside from encroachment. The north western corner of the site is within the area recognised as the Setting of the River Thames and is at high risk from flooding (zone 3, 1 in 100 year flood event). The area is also a Source Protection Zone as identified by the Environment Agency in order to protect the quality of groundwater abstracted from the gravel aquifer in the area and below the site. Listed buildings in the vicinity are Oakley

Court (Grade II\*) and in closer proximity Down Place and Clock House Tower/Toad Hall (Grade II).

- 3.6 The majority of the site is well contained, as it is bound by two structural landscape components to the east and west and by the river and A308 to the north and south. On the western boundary, a tree/hedgerow line extends from the A308 to the River Thames. On the eastern boundary, a tree belt encloses its south east corner with the Bray Studios site and adjacent existing residential development encloses the rest of the site along this boundary.
- 3.7 Much of the site where former buildings were in situ has now been cleared. Notably those located to the south of the application site. The site still hosts the Phoenix Gym.

#### **4. KEY CONSTRAINTS**

- 4.1 The following are the main constraints associated with the site:
- Designated Metropolitan Green Belt
  - Adjacent to Grade II Listed Buildings
  - Partly in flood zones 2 and 3
  - Source Protection Zone
  - Access from an A Class Road
  - Existing community buildings (Phoenix Gymnastics Club)
  - Setting of the Thames

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

- 5.1 The application seeks outline planning permission, with all matters reserved apart from the means of access to the site, for a development comprising 127 residential units.
- 5.2 The overall parameters proposed for the outline application are:
- Proposed development area of 5.78 hectares (include incidental greenspaces, private gardens, roads etc.)
  - Built footprint of the proposed development is proposed to be a maximum of 9,620sqm (including a minimum of 60sqm for use as a Community Pavilion)
  - Maximum overall volume of 69,900 cubic metres
  - Maximum of 1.42 hectares of hardstanding
  - Public open space of 4 hectares
- 5.3 The proposed site parameter plan shows the area proposed for the residential development to be located in the central part of the application site with 50% of buildings having a height of no more than 9.5m and the rest 10.5m in height and 15% of the houses across the application site (excluding the apartment buildings) to be no higher than 9m.
- 5.4 The masterplans associated with the above application also show a central green with associated access roads. The proposed site parameter plan shows much of the open space would be located to the southern and western end of the application site, this would include a proposed water feature to the southern end of the application site.
- 5.5 The full mix of dwellings would be agreed as part of the reserved matters applications regarding layout and scale. However the applicants have agreed to the following, in principle, mix of housing:

Type of unit	Percentage	Number of units
Two bedroom	Minimum of 35%	44/ 45
Three bedroom	Minimum of 35%	44/ 45
Four bedroom	Maximum of 30%	37

total	100	127
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**Table 1: Indicative housing mix**

- 5.6 The Design Specification submitted with the application sets out the proposed design codes of character areas forming part of the proposed development. This sets out that the development would comprise of 11 character area (areas A-K) which reflect the character of 'Berkshire Villages.'
- 5.7 Details regarding the proposed access are also being applied for. It is proposed that the access to the development will utilise and modify the existing access from the A308 Windsor Road. Internal roads would be considered as part of the reserved matters application regarding layout. Plans have been amended since the initial submission to include a proposed pedestrian/ cycle way along the southern front of the application site.
- 5.8 There are a number of difficulties associated with considering an outline application for a proposal in the Green Belt when the applicant is advancing arguments regarding comparison of volume of development and impact on openness as this goes to matters regarding layout and scale. However an outline application effectively agrees the principle of a certain quantum of development, without considering such detailed matters. Officers consider the most appropriate manner in which to consider this proposed development, in order to give appropriate weight to the applicant's assertions would be by way of a full planning application. However given the LPA has previously accepted an outline application on this site there are limited grounds to object on this basis. Nonetheless and in order to have sufficient information to consider the proposed development, the following additional information has been submitted during the course of this planning application to inform the details of the proposed development:
- A schedule setting out a list of the areas and volumes associated with the proposed development (as set out above in paragraph 5.2)
  - Design Specification document which includes a new Character Area Plan and supporting character area principles.
  - Building Height Parameter Plan (drawing ref. 17162/P112C)
- 5.9 Further to this application, and in the event planning permission is granted the applicant will be required to submit application(s) for the following reserved matters:
- 'Appearance': the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 'Landscaping': the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- 'Layout': the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 'Scale': the height, width and length of each building proposed within the development in relation to its surroundings.
- 5.10 Much of the above detail formed part of the applicant's supporting information however, the above now forms part of the matters to be considered as part of the outline application, and has all been subject to a re-consultation exercise, including the proposed modifications to the access to provide pedestrian and cycle path to the site frontage. Other technical information has been submitted during the course of the application to respond to matters raised by consultees, this includes additional information regarding trees, biodiversity and highways.

Planning History

5.11 The site has a long planning history relating to the former agricultural use of the site and the subsequent changes of use. In relation to residential redevelopment of the site there is one application of relevance.

<b>Ref.</b>	<b>Description</b>	<b>Decision and Date</b>
13/02719/OUT	Outline application (with appearance, landscaping, layout and scale reserved) for the construction of 44 detached dwellings	Permitted: 04.07.2014

Further to the above application the following reserved matters applications have been submitted:

17/02084/REM: Reserved matters (access, appearance, landscaping, layout and scale) for the Riverside Moorings, pursuant to outline planning permission 13/02719/OUT for the construction of 44 detached dwellings. Pending Consideration

17/01949/REM: Reserved matters (access, appearance, landscaping, layout and scale) for plots 1 to 3 application pursuant to outline planning permission 13/02719/OUT for the construction of 44 detached dwellings. Permitted: 04.10.2017

16/00723/REM: Reserved matters (access, landscape and layout) for plots 1 to 3 application pursuant to outline planning permission 13/02719/OUT for the construction of 44 detached dwellings. Permitted: 21.09.2016

16/00721/REM: Reserved matters (appearance, landscaping, layout and scale) for plots 4 to 44 application pursuant to outline planning permission 13/02719/OUT for the construction of 44 detached dwellings. Permitted: 21.09.2016

05/02654/OUT: Erection of 65 residential units (including 20 affordable) plus associated play area, two sports pitches, nature reserve, informal open space, highway access improvements, access roads, cycle ways/ footpaths, parking and landscaping following demolition of existing buildings. Refused: 13.04.2006

The following discharge of conditions has been approved associated with the above application(s):

16/02897/CONDIT: Details required by condition 13 (Landscape Management Plan) of planning permission 13/02719/OUT for Outline application (with appearance, landscaping, layout and scale reserved) for the construction of 44 detached dwellings. Permitted: 30.03.2017

15/03125/CONDIT: Details required by condition 3 (Contaminated Land) of planning permission 13/02719/OUT for outline application (with appearance, landscaping, layout and scale reserved) for the construction of 44 detached dwellings. Permitted: 08.02.2017

16/03368/CONDIT: Details required by condition 9 (foul sewage disposal) of planning permission 13/02719 for outline application (with appearance, landscaping, layout and scale reserved) for the construction of 44 detached dwellings. Permitted: 18.01.2017

16/02906/CONDIT: Details required by Condition 31 (Parking Spaces) for planning permission 13/02719/OUT for Outline application (with appearance, landscaping, layout and scale reserved) for the construction of 44 detached dwellings. Permitted: 29.11.2016

16/00722/CONDIT: Details required by condition 8 (surface water drainage) of 13/02719 for an Outline application (with appearance, landscaping, layout and scale reserved) for the construction of 44 detached dwellings. Permitted: 03.06.2016

15/00506/CONDIT: Details required by condition 16 (Demolition management plan), 20

(Archaeological work) of planning permission 13/02719/OUT for outline application (with appearance, landscaping, layout and scale reserved) for the construction of 44 detached dwellings. permitted: 26.03.2015

A number of discharge of condition application have also been refused or withdrawn associated with aforementioned planning permissions.

**Table 2: relevant planning history**

- 5.12 In addition to the above, permission was granted in 1988 for a glasshouse of 1,187m<sup>2</sup> sited towards the road frontage for the growing and retailing of nursery stock, flowers, fruit and vegetables. It is accepted that this 1988 permission had been partially implemented and therefore remains a live consent.

## 6 DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

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

- GB1 Green Belt
- GB2: Unacceptable development
- N6 Trees and development
- DG1 Design guidelines
- NAP4 Pollution of groundwater and surface water
- R1 Protection of Urban Open Spaces
- R3 Public Open Space Provision in New Developments (provision in accordance with the minimum standard)
- R4 Public Open Space Provision in New Developments (on site allocation)
- R5 Children's play space
- CF1 Protection of existing facilities
- E1 Location of Development
- E2 Industrial and Warehousing Development
- E5 Loss of land in Employment Areas
- E10 Design and Development Guidelines
- H3 Affordable housing within urban areas
- H6 Town centre housing
- H8 Meeting a range of housing needs
- H9 Meeting a range of housing needs
- H10 Housing layout and design
- H11 Housing density
- T5 New Developments and Highway Design
- T7 Cycling
- T8 Pedestrian environment
- P4 Parking within Development
- IMP1 Associated infrastructure, facilities, amenities

These policies can be found at

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

## 7. MATERIAL PLANNING CONSIDERATIONS

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

- 7.1 This document was revised in February 2019 and acts as guidance for local planning authorities and decision-makers, both in drawing up plans and making decisions about planning applications. At the heart of the NPPF is a presumption in favour of sustainable development.

The document, as a whole, forms a key and material consideration in the determination of any planning permission.

7.2 The below sets out some of the key sections of the NPPF associated with this application.

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

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

7.3 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.

7.4 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 the 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.

7.5 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 (2019) and Section 38(6) of the Planning Act, when taking planning decisions, the Council may give weight to relevant policies in the BLPSV:

*"... according to:*

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

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

7.7 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.

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

- SP1 Spatial Strategy
- SP2 Sustainability and Placemaking
- SP3 Character and Design of New Development

- SP5 Development in the Green Belt
- 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

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

The Borough Local Plan Submission Version can be found at:

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

7.10 This document can be found at:

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

### **Supplementary Planning Documents**

- RBWM Interpretation of Policy F1

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

7.11 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance

More information on these documents can be found at:

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

## **8. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

8.1 A total of 13 occupiers were notified directly of the application. A planning officer posted a notice advertising the application at the site on 20.06.2018 and the application was advertised in the Local Press on 28.06.2018.

8.2 Following the neighbours consultation process a total of 6 letters of representation have been received, 5 letters of support including one from the Down Place Residents Association and one letter of objection.

8.3 The 5 letters received supporting the application can be summarised as follows:

Comment		Where in the report this is considered
1.	The application is an improvement of the previous application and provides a more acceptable mix of units	Paragraphs 9.5.1- 9.5.6
2.	Any increase in traffic would be marginal, until recently the site had extra traffic coming to and from the site	Paragraphs 9.7.1- 9.7.14
3.	Maximising this previously developed site should assist in alleviating pressures to build on other Green Belt sites	Paragraphs 9.13.9- 9.13.11
4.	Outline measures to the A308 are considered appropriate	Paragraphs 9.7.1- 9.7.14

**Table 3: Summary of letters of support**

8.4 1 letter was received from the Oakley Green and Fifield Residents Association objecting to the application, comments made can be summarised as follows:

Comment		Where in the report this is considered
1.	Concerns about highway safety and increase in vehicle movements associated with the proposed development	Paragraphs 9.7.1- 9.7.14
2.	Concerns about the cumulative highway infrastructure needed to support this development	Paragraphs 9.7.1- 9.7.14 deals with highway considerations, paragraphs 9.8.1- 9.8.5 deals with infrastructure.

**Table 4: Summary of letters of objection**

### Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	Due to this intensification, it can no longer be argued that the setting of the building is enhanced through the demolition of the existing buildings, as the impact of the intensification of the site will cause more harm than the current setting. The proposals would cause less than substantial harm on the setting of the two Grade II Listed buildings previously mentioned. For this reason Conservation cannot support the increase in housing numbers of this site and would support a refusal of this proposal.	Paragraphs 9.8.1- 9.8.7
Landscape Officer	No comments received. Detailed landscaping to be considered at reserved matters stage.	Paragraphs 9.9.16
Highway Authority	The results of the Transport Assessment show a marginal increase in vehicular movements during the <i>am</i> and <i>pm</i> peak periods. Subject to amendments to the proposed access it is not considered that development raises any issues in terms of highway safety and raises no objection subject to conditions.	Paragraphs 9.7.1- 9.7.14
Environmental Protection	No objections subject to conditions regarding construction management plan and land contamination	Issue ix) deals with

		Environmental Considerations
Lead Local Flood Authority	Following the submission of additional information, no objection subject to conditions.	Paragraphs 9.10.19- 9.10.22
Tree Officer	No objection subject to conditions.	Paragraphs 9.9.16
Council's Ecologist	There will be a loss of Priority Habitat and the LPA will need to decide whether the proposal outweighs the loss / deterioration of these habitats. A bat survey is required for the existing buildings on site that have not been surveyed for bats. In terms of reptiles, a reptile mitigation strategy can be dealt with by way of conditions for the outline permission.	Paragraphs 9.10.12 - 9.10.19
Rights of Way Officer	No objection.	Noted.
District Valuer Service	The applicants Viability Appraisal shows that in order for the scheme to be viable the developer would have to have a profit of 14% with no affordable housing contributions.  Further to discussions with the applicant's viability advisers it is considered that a contribution of approx. £1,087,000 for affordable housing can be achieved on this site. (Officer note: this is still under negotiation).	Paragraphs 9.6.1- 9.6.8
RBWM Access Advisory Forum	Whilst at outline stage, none of the 127 dwellings will be built to Part M 4(2) standards.  Within the emerging Borough Local Plan Policy HO2 specifies that 5% of dwellings, on developments of more than 20 dwellings, should be built to Part M4 (2) standards which would render them suitable for habitation by some people with disabilities.	Paragraph 9.5.6
Environment Agency	Raise objection as insufficient information has been provided to demonstrate that the risk of pollution to controlled waters can be appropriately managed.	Issue ix) deals with Environmental Considerations Including flooding and contaminated land.
Archaeological Officer	The proposal as set out in the 'Illustrative Layout' (17162/P113A) will not have any significant impact on the buried archaeological heritage and no further action is therefore required.	Noted
Ramblers Association	No comments received.	Noted

**Table 5: Summary of consultation responses**

Consultee	Comment	Where in the report this is considered
Bray Parish	Recommended for refusal this is due to the right hand turn	Paragraphs

Council	off the A308 into the development. Considers that the solution the developer has proposed is neither workable nor practical. Concerns regarding the impact on the A308 from the amount of traffic this revised development, along with the other proposed developments in the area will generate.	9.7.1- 9.7.14
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**Table 6: Parish Council comments**

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

The key issues for consideration are:

- i. Principle of the redevelopment of this site
- ii. Planning History
- iii. The loss of Community Facilities
- iv. Housing Mix
- v. Affordable Housing Considerations
- vi. Highway considerations and Parking Provision
- vii. Infrastructure Provision
- viii. Design considerations including the impact on heritage assets
- ix. Environmental Considerations
- x. Provision of a Suitable Residential Environment and Impact on Neighbouring Amenity
- xi. Other material considerations
- xii. Very Special Circumstances/planning balance

### **i) Principle of the redevelopment of this site in the Green Belt and impact on Openness**

9.2.1 A key planning consideration is the principle of the development within the Green Belt. The National Planning Policy Framework (NPPF) states that within the Green Belt a local planning authority should regard the construction of new buildings as inappropriate development. One of the exceptions to this (contained in paragraph 145) includes:

*“g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

9.2.2 Policy GB1 of the Adopted Local Plan (2003) sets out acceptable uses and development in the Green Belt, which differs from the NPPF and therefore cannot be considered to be up-to-date. Part (a) of GB2 of the Local Plan addresses the effect of the proposed development on openness and the purposes of including land in the Green Belt while part (b) goes beyond the scope of Green Belt policy. Therefore, policies GB1 and GB2 are not wholly consistent with the Framework. However GB2 (a) is almost identical to that of the NPPF and is essentially compliant with the aims and objectives of the NPPF.

9.2.3 The principle of the development within the Green Belt will therefore be considered in the context of the NPPF and policy GB2 (a) of the adopted Local Plan.

9.2.4 The definition of previously developed land in the NPPF is:

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; .....; land in built-up areas such as residential*

*gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

- 9.2.5 As established under the previous planning application documentation, the lawful use of much of the site is agricultural, although some of the application site falls within the definition of Previously Developed Land. The Council’s Brownfield Register identifies some 3 hectares of the proposed application site as Previously Developed Land. The Applicants Planning Statement largely agrees with this assessment, but contends that there are additional areas on the site which fall under the definition of previously developed land. This includes the access road which runs down into the site and also the extent of the land to the east of this access road where the established lawful use of the land is for B8 (storage and distribution) use with B1 (office) use. Officers agree with the applicant’s assessment that 3.5 hectares of the site would fall within the definition of ‘Previously Developed Land’.
- 9.2.6 However the application site extends well beyond the area identified as ‘previously developed land.’ Furthermore, much of the buildings that existed on site have now been cleared and cannot therefore be included in the assessment due to the fact the site is in the Green Belt. The application site must be considered as a whole, because all of the site is not classed as PDL then it must follow that part of the development is inappropriate development in the Green Belt. It is well established therefore that the whole of the development should be treated as inappropriate development and any case for very special circumstances (VSC) must clearly outweigh the substantial harm caused to the Green Belt and any other harm identified, including any harm to openness and any encroachment of the countryside.

#### Impact on Openness of the Green Belt

- 9.2.7 This application has to be assessed on its merits against what is on site now. It would be difficult to robustly argue that the erection of a residential development in a far more formalised arrangement than the previous cluster of low scale agricultural buildings would not have greater impact on openness. It is currently unknown what the overall volume of the previously existing buildings on the site were, but they don’t exist now. This proposal would therefore have a substantial impact on the openness of the Green Belt and is clearly contrary to the development plan. However, the LPA should consider whether there are any material considerations which might indicate an alternative conclusion. The Officer assessment for the previous application 13/02719/OUT set out that the redevelopment would not harm the openness of the Green Belt because:

*“Over the site as a whole, while the reduction in the extent of building/open storage footprint is not as great as might be expected, the removal of extensive areas of hardstanding and clinkered surface does help contribute to an overall reduction in built form thus improving the openness of the Green Belt, albeit that the spread of buildings in the form of houses and gardens does extend into areas currently free of buildings.”*

- 9.2.8 However since this previous decision there has been significant and relevant case law regarding how the visual appearance within the Green Belt should be considered. TURNER V SSCLG [2016] EWCA CIV 466 has established a number of key principles in relation to openness, including that it is not simply about volume and that the visual impact of development is implicitly about openness. Similarly Council and Darrington Quarries Ltd [2018] EWCA Civ 489 establishes that an assessment of the likely effects of the development on the landscape, visual impact on openness was “quite obviously” relevant to its effect on the openness of the Green Belt. Euro Garages Limited v SSCLG [2018] EWHC 1753 (Admin) establishes that greater floor area and/or volume does not necessarily mean that there is a greater impact. It is also necessary to consider “the impact or harm, if any, wrought by the change”.
- 9.2.9 This Case Law is a material consideration. The last application simply made an assessment regarding a comparison of built form. The above Case Law establishes that ‘openness of the

Green Belt' is not limited to the volumetric approach; the word 'openness' is open-textured and many factors are capable of being relevant.

- 9.2.10 The existing buildings and permitted glasshouses were of agricultural character and the other elements were open storage, hard surfacing and clinker topping to the former landfill which would have a reduced physical and visual presence. Compared with this would be markedly taller and solid buildings and the subdivision of the area into individual curtilages. It is considered that the quantum and amount of the more urban form of residential development proposed would therefore reduce openness of the Green Belt, despite it possibly having a smaller floor space than the existing buildings and areas of hardstanding/open storage. The applicants Visual Impact Assessment prepared by Barton Wilmore demonstrates that from the A308 Windsor Road the proposed development would be visible and would read as a formalised residential development which is considered to substantially affect the openness of the Green Belt. The visual impact of the development when considered from the existing streetscene is considered within the applicants Very Special Circumstances (see paragraphs 9.13.1 to 9.13.31) however, the absence of other harmful visual effects does not equate to an absence of visual harm to the openness of the Green Belt.
- 9.2.11 As detailed further within the report (see table 7) part of the parameters put forward as part of this planning application is that the proposed overall volume and built form of the development now proposed would be less than the previous permission on this site. However, it is critical in that context to consider whether the previous permission is a true "fallback" position and therefore how much weight to give it; this will be considered in the planning balance and conclusion to the report.
- 9.2.12 As the assessment is required, not just in terms of the harm to the Green Belt but also any other harm, the applicants VSC is considered at the end of the officers report, having due regard for any other harm identified below.

## **ii) Planning History**

- 9.3.1 With reference to the planning history set out in paragraph 5.11, planning permission 13/02719/OUT granted outline planning permission for 44 dwellings on this site. This planning permission established that 'other considerations' resulted in VSC existing to outweigh the harm the principle of 44 dwellings would have to the Green Belt. The 'other considerations' which contributed to VSC can be summarised as follows:
- The proposed development would result in a reduction of the hard, built form of development on the site and a corresponding increase in open space and garden land, generally to the benefit of the appearance of the Green Belt and its openness (*Officer note: see paragraph 9.8.2 on openness*).
  - Measures to decontaminate the site and the resultant environmental and health benefits weighed strongly in support of the proposal.
  - The site's allocation as a housing site in the Borough Local Plan Preferred Options document was also considered a material consideration to justify approval (*Officer note: this site is not allocated for housing in the BLP SV*).
  - A further consideration was Phoenix Gymnastics. This facility has been located on the Water Oakley Farm for over 15 years and (at the time of consideration) was the only specialist gymnastics facility in the East Berkshire/South Buckinghamshire area). It was established that the club had a footfall of over 1000 young people and was highly valued by the community of the Borough and surrounding areas and that it provided a significant recreational and sporting facility. Providing the club with new, purpose-built facilities to enable the club to thrive in the future would give the wider community significant benefits as part of the Very Special Circumstances case. (*Officer note: the application proposed a financial contribution of £167,000 toward the gyms relocation and an 18 month rent free period (resulting in an additional £28,800 over that period) and did not secure the relocation of the facility*).

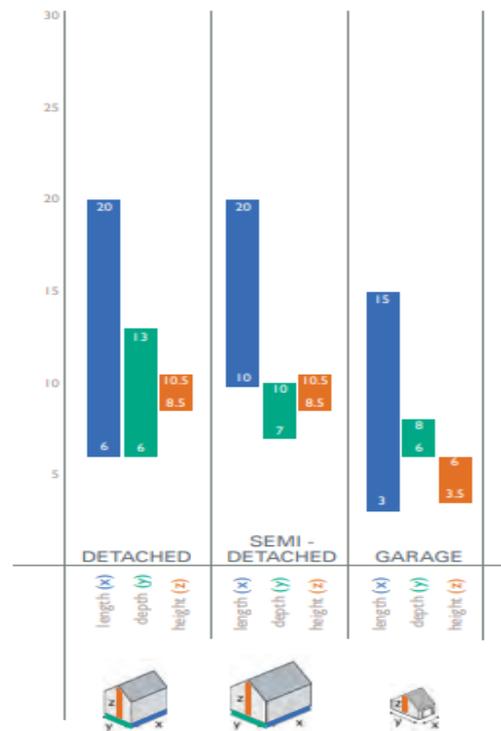
- The need to provide additional housing in the Borough when benefits to openness and visual appearance of the Green Belt could be provided was a further consideration.
- Infrastructure contribution in the region of £483,236.28 was secured as part of the proposed development.

9.3.2 The financial contributions of £167,000 towards Phoenix Gymnastic Club’s relocation, appears to have been in lieu of any financial contribution towards affordable housing or any affordable housing on site. It is unclear from the application file if this was proposed to form part of the applicants VSC considerations or what the policy basis was for establishing such a re-purposing of financial contributions. The principle of the loss of the community facility is considered further below in section iii and the policy requirements for affordable housing in section v.

9.3.3 The only condition which restricted the form of development on this site was condition 37 which states that:

*“Reserved Matters applications submitted pursuant to the permission shall accord with: - Table 14.2 of the Design and Access Statement....”*

9.3.4 Figure 14.2 of the Design and Access Statement is set out below, this sets out a maximum height and scale of the 44 dwellings.



**FIGURE 14.2 BUILDING ENVELOPE PARAMETERS**

**Figure 14.2 contained in the Design and Access Statement for planning permission. 13/02719/OUT**

9.3.5 There are no conditions or plans approved as part of planning permission 13/02719/OUT which limits the mix or type of unit which could come forward on this site.

9.3.6 Table 7 sets out an assessment of the development approved under the reserved matters of application 13/02719 compared to that now proposed. This should be considered in the context of the assessment above relating to the adverse impact on openness of the Green Belt.

	Baseline (original conditions – prior to 44 dwelling outline approval)	Approved scheme (44 dwellings Reserved Matters)	Proposed Development (127 dwellings)
Built footprint	10,072sqm	9,634 sqm	9,620 sqm
Volume (measured above finished floor level)	Unknown	70,050 cubic metres	69,900 cubic metres
Hard standing	2.58ha	1.52ha	1.42 ha
Despoiled land	1.51ha	0	0
Developed Area (inc. gardens, roads etc)	-	6.26ha	5.78ha
Public Open Space	0	3.52ha	4.0 ha

**Table 7: Comparison with previous planning permission**

9.3.7 The applicants planning agent has confirmed that in the event planning permission for this proposal was not forthcoming the applicants would initially build out a first phase of circa 16 dwellings which includes the highest proportion of smaller properties. The remainder of the site would then be built out slowly, in response to market demand. In this instance the “fallback” position is considered to be a strong and material consideration.

### iii) Loss of community facilities

9.4.1 ‘Phoenix Gymnastics Club’ currently operates out of one of the existing buildings within the application site. The proposed development would result in the loss of this well-attended gymnastics club which operates out of a building which falls within the use class of a community facility.

9.4.2 Paragraph 92 of the NPPF 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.

9.4.3 Policy CF1 of the adopted Local Plan states that the:

*“The Borough Council will not permit the loss of existing community facilities and buildings unless it is satisfied that:*

- 1. There is no longer a need for them; or*
- 2. An acceptable alternative provision is to be made elsewhere.”*

9.4.4 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”*

9.4.5 Despite the Development Plan policy the Officer Assessment of planning application 13/02719/OUT did not address the loss of this community facility, it simply set out that part of the applicant’s VSC for the proposed development included a contribution towards the relocation of the club. The sum amounted to £167,000 however, it was not clear that this would secure

alternative provision. This contribution is also proposed as part of this application. A contribution in itself would not meet the requirements of the adopted Local Plan, which seeks to secure its relocation; or indeed the emerging BLPSV policy which is more detailed and afforded significant weight as a material planning consideration. It is questionable whether such a contribution would meet the tests in Regulation 122 of the CIL Regulations 2010 namely Reg 122 (a) necessary to make the development acceptable, given that the only way to make the development acceptable would be to meet the requirements of Policy CF1 by demonstrating that the community facility is no longer needed (which is not the case) or by making alternative provision elsewhere (which the previous consent did not). Equally it could be argued that it fails Reg 122 (c) as it has not been demonstrated to be fairly and reasonably related in scale and kind in that it would not cover the cost of the Club finding a new site, obtaining planning permission and implementing their consent.

- 9.4.6 There has been a material change since the previous decision, Phoenix Gymnastics Club has independently secured planning permission to provide a new facility. This was approved under application 15/02107/FULL at Land to The North of Longlea, Fifield Road, Fifield Maidenhead. This permission will expire on 24<sup>th</sup> March 2019 and at the time of writing the development had not yet commenced. Whilst planning permission has been secured for an alternative facility, the permission will soon lapse. Whilst the applicant is proposing to make a contribution towards its redevelopment, they are not proposing to secure delivery of the re-provided facility in advance of the redevelopment of this site coming forward.
- 9.4.7 Accordingly the proposed development results in the loss of an existing well used community facility, contrary to policy CF1 of the adopted Local Plan, the NPPF and emerging policy IF7 of the BLPSV. This conflict is considered to represent 'any other harm resulting from the proposal'. This will be considered in the context of the VSC below in section xii. The alternative route would be to make it conditional on any planning permission granted on this site that the planning permission 15/02107/FULL be implemented and substantial completion of the new building achieved prior to any dwelling on the Water Oakley site being occupied. However, as this is not within the applicants control it is not a route which has been pursued further.

#### **iv) Housing mix**

- 9.5.1 Policy H8 of the adopted Local Plan states that redevelopments should contribute towards improving the range of housing accommodation in the borough and will particularly favour proposals which include dwellings for small households and those with special needs.
- 9.5.2 Paragraph 61 of the NPPF seeks a wide choice of high quality housing to be provided through the planning system, and requires Local Planning Authorities to identify the housing mix that is required and plan to meet the identified need. This includes a mix of types and tenures of housing for different groups in the community in order to ensure that contributes to the objective of creating mixed and balanced communities. Affordable housing is considered in section v.
- 9.5.3 Policy HO2 of the of the BLPSV states that the provision of new homes should contribute to meeting the needs of current and projected households by providing an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence as set out in the Berkshire SHMA 2016. The mix in the most up to date evidence indicates that there is need for predominately three and two bedroom units (38.6% and 28.6% respectively).
- 9.5.4 The proposed development is for 127 dwellings. As part of the negotiations for this application it has been agreed that the mix of the proposed dwellings would be as follows (see condition 4):
- 35% of dwellings on site being two bedroom units (Minimum of 44/45 units)
  - 35% of dwellings on site being three bedroom units (Minimum of 44/45 units)
  - remaining being four+ bedroom (Maximum of 37/ 38 units)
- 9.5.5 The proposed development would therefore deliver a mix and type of residential development which would broadly accord with the need identified in the Council's most recent evidence and

thus comply with policy save for the fact that there is no affordable housing to ensure a mix of tenures. The further consideration of the weight which should be attributed to this in comparison to the extant planning permission is considered as part of the VSC and overall planning conclusions set out in the balancing exercise at the conclusion of this report.

- 9.5.6 At the reserved matters stage an appropriate level of the proposed units will be expected to be delivered as accessible and adaptable dwellings in accordance with Building Regulations M4(2) to fully reflect the requirements to meeting needs (see condition 7).

#### **v) Affordable Housing Considerations**

- 9.6.1 Policy H3 Affordable Housing of the adopted Local Plan requires that this development provides 30% affordable housing on site, this would equate to 44.7 affordable housing units being provided. The affordable housing guidance would allow this to be rounded down to 44 units. The NPPF is a significant material consideration and at paragraph 63 it is made clear that affordable homes should be provided as part of this scheme. The emerging policy HO3 of the BLPSV is a relevant material consideration, it is compliant with the NPPF, however, due to the number of objections received to it, is given limited weight as a material consideration. Policy H3 has primacy here.
- 9.6.2 A viability assessment prepared by Savills has been submitted in connection with this application which seeks to demonstrate that the proposed development could not viably provide affordable housing on site or make any financial contributions. Paragraph 62 of the NPPF sets out that:
- Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:*
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.*
- 9.6.3 This viability assessment has been independently reviewed by the District Valuers Service (DVS). In line with the NPPF the independent review has been published on the Council's website and the findings of this report are that the methodology utilised by Savills to assess the viability of the proposed scheme accords with the advice set out in the NPPF for undertaking viability assessments.
- 9.6.4 There are a few areas of disagreement between parties regarding the assumptions for undertaking the appraisal including matters such as ground rents, sales, marketing fees and remediation cost. The main area of disagreement was in terms of the bench mark land value. The NPPF and its associated guidance sets out that the benchmark land value should be based on the existing use value, excluding hope value, plus a premium to provide a reasonable incentive for a land owner to bring the land forward for development. This guidance resulted in the initial conclusions of the District Valuers report that the scheme could provide affordable housing provision on site equivalent to £2,952,867. In contrast Savills, whom act on behalf of the applicant, in their initial assessment claim that the scheme is unviable by some -£5,337,000 without making any policy compliant affordable housing provision.
- 9.6.5 There is limited justification for the applicants claiming a 20% developer profit on this site. Whilst a 20% developer profit has been agreed on other sites this is usually on town centre or urban projects where there are logistical or construction cost difficulties and greater risk from redeveloping a site. Whilst this site has contamination issues, the remediation forms part of the applicant's Very Special Circumstances justification and seeking a higher developer profit for developing on a Green Belt site should not be double counted to the detriment of affordable housing provision.
- 9.6.6 Savills on behalf of the applicants have provided a rebuttal to the initial findings of the DVS and they maintain their position that the scheme cannot viably make any provision towards affordable housing. Based on this rebuttal the DVS agreed a revised position on the cost associated with

dealing with contaminated land. The updated appraisal sets out that the scheme could bear an affordable housing provision equivalent to £1,087,000.

- 9.6.7 Further to these discussions the applicants have agreed to provide the affordable housing provision equivalent to £1,087,000 on site, given the need to deliver sustainable communities. The applicants have proposed that the development could viably support the provision of 8 shared ownership units on site, comprising 4 x 2 bed houses and 4 x 3 bed houses. These units would be evenly distributed through the proposed development.
- 9.6.8 The identified need set out in the Strategic Housing Market Assessment would be 80% of rented tenures and 20% intermediate housing. The proposal for shared ownership units would only deliver intermediate housing provision. The tenure mix is not specified in adopted policy; this is a consideration in the BLPSV. On this basis the proposed affordable housing offer is therefore considered to be appropriate given the lack of viability. Rights of nomination will be secured through the S106 legal agreement.

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

- 9.7.1 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. The NPPF states that developments should promote opportunities for sustainable transport modes (suitable to the type of development and its location), providing 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.
- 9.7.2 The NPPF is clear that proposals should be designed to give priority to pedestrian and cycle movements having due regard for the wider areas and design access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. A further priority is to address the needs of people with disabilities and reduced mobility and create places that are safe and secure. Developments should also take into consideration on-site access for deliveries, and servicing and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 9.7.3 A Transport Assessment (TA) and Framework Travel Plan has been prepared by Bellamy Roberts dated May 2018 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.

#### Sustainable transport modes

- 9.7.4 In terms of giving priority to sustainable transport modes, the application site is not located in a high accessibility area or indeed the urban area. However the site is located on a key and main road which connects Maidenhead to Windsor, Eton and the wider area, where it is more than likely future residents will work and visit, although the choice of transport mode to these places is limited.
- 9.7.5 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 to reduce the number of single occupancy car trips. The finalisation, implementation and monitoring of the travel plan will be secured through the Section 106 legal agreement, this will include triggers for implementation, monitoring fees and penalties for not meeting implementation benchmarks. The travel plan also states that all dwellings will be provided with the infrastructure for charging electric vehicles. Conditions are recommended to secure this through the reserved matters applications, along with charging points for the flatted development (see condition 16).

9.7.6 On the 31 January 2019 Cabinet agreed a Cycling Action Plan which aims to improve infrastructure and promote cycling over the 10-year period to 2028. The applicants have agreed a financial contribution of £8,081.42 towards a proposed new cycle way (to joining up with existing section) along the A308. In addition a contribution of £8,176.44 towards improved bus links. This will be secured by way of a legal agreement, if permission is forthcoming, and goes to make the development acceptable in planning terms by assisting in creating improved connections to the urban areas and promotes less need on using private vehicles for transport.

Highway safety and access

9.7.7 The NPPF states at paragraph 109 that:

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

9.7.8 Concerns have been raised regarding the potential for an increased number of units being brought forward on the site known as ‘Down Place’. However in making this assessment it should also have due regard for the current vehicular movements currently taking place along this road in connection with the existing established and lawful uses within the application site, this includes not only the B8 (storage and distribution) uses but also those associated with the Phoenix Gym which still operates at this site.

9.7.9 The development will be served by a new upgraded access as well as a right turn lane, this is as approved under the extant permission. Revised plans have been submitted during the course of the application to also include a new foot/cycle way across the site frontage to facilitate in ensuring suitable pedestrian and cycle-ways along the site frontage.

9.7.10 The Transport Assessment submitted in support of this application demonstrates when accounting for the traffic generated by existing uses on the site, a reduction in daily movements along the Windsor Road. The proposed development would also reduce the number of HGV movements associated with the site. However, the Transport Assessment does show that existing traffic flows result in 12 vehicles coming into the site and 3 leaving in morning peak hour (15 two way trips). The proposed 127 dwellings would result in 13 arrivals and 40 departures (53 two way trips) thus increasing the number of vehicles leaving the application site in the morning. In term of evening peak hours around 22 vehicles currently enter the site and 34 leave (attributed to Phoenix Gym which predominantly operates in the afternoon). This proposed development would result in around 34 arrivals and 16 departures over the afternoon peak hour.

9.7.11 The Parish Council and local residents have concerns regarding the amount of development coming forward along the A308 corridor in the BLPSV and this proposal would be in addition to that planned development. The Highway Authority has considered the proposed revisions and additional information and considers that whilst the proposed development would result in an increase in vehicle movements at peak times (notably those leaving the site in the morning peak hours) there is sufficient capacity to accommodate this increase and as such the proposed development would not raise any significant issues in terms of highway capacity. The proposed access would provide suitable visibility when accessing and egressing the site (see condition 14). The proposed development is therefore not considered to raise any issues in terms of highway safety or capacity.

Parking Provision

9.7.12 The Council’s Parking Strategy (2004) sets out the Council’s recommended parking requirements for new developments. Based on the proposed indicative mix the proposed level of parking would be as follows:

Type of unit	Indicative Number of	Number required	of spaces by the	Total parking spaces
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	units	Council's guidance	
Two bedroom	45	2 spaces per unit	90
Three bedroom	45	2 spaces per unit	90
Four bedroom	37	3 spaces per unit	111
total	127		291 parking spaces

**Table 8: Parking provision required under current guidance**

- 9.7.13 Parking provision would not normally be considered at the outline stage, this is a consideration of the reserved matters regarding layout. However, a further part of the applicants VSC case is that the proposed development would result in less hard-surfacing than the extant planning permission on this site. In considering the principle of this application and also attributing the relevant weight to VSC case made by the applicants it is necessary to understand if sufficient parking can be accommodated to support the principle of 127 dwellings on this site within the quantum of hard-surfacing proposed.
- 9.7.14 The Planning Statement confirms that whilst parking is not for determination at this stage the Illustrative Layout has been designed to demonstrate that parking can be accommodated in accordance with the Council's adopted standards and that the reserved matters applications would comply with this. The applicants planning statement sets out that the proposed level of parking will be achieved through various provisions including basements, garages, informal hardstanding and parking courtyards.
- 9.7.15 Moreover, the applicant has agreed to condition the amount of hardstanding proposed as part of this application (which is less than previously approved on this site) as part of any permission granted (see condition 3). Accordingly and whilst parking is a reserved matter it is considered that the principle of the level of parking associated with supporting a development of this scale can be achieved on this site within the built parameters proposed as part of this application. A wider assessment of the parking provision, having due regard to relevant material considerations, including the NPPF which requires parking provision to have due regard to car ownership levels, will be considered at the reserved matters stage.

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

- 9.8.1 The Council published its latest Infrastructure Delivery Plan (IDP) in January 2018 which sets out the infrastructure needed to support the development coming forward in the Borough over the Plan period (including social infrastructure) and how this may be funded. This IDP takes into account the BLPSV planned development which includes the previous planning permission on this site for 44 residential units.
- 9.8.2 The development would create additional pressures on the infrastructure needed to support residential development. A Social Infrastructure Impact Assessment has not been submitted as part of this application to explain or to justify the requirements of the proposal and its impact on existing infrastructure capacity.
- 9.8.3 The Council's IDP identifies that the existing provision of GPs in Maidenhead is better than the Department of Health's target patient ratio. However, 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.
- 9.8.4 Any increase in housing delivery above that anticipated in the BLPSV would also result in long term increase in the demand on school places. Whilst the IDP does set out the potential expansion of nearby schools to support planned development contained in the BLPSV this does

not allow for any additional development. In terms of the assessment for Green Belt it is not considered that the harm would be so substantial that it would equate to 'other harm' to which the applicants VSC case needs to be considered against. However this is considered to weigh against this scheme and will be considered as part of the wider planning balance.

- 9.8.5 Currently the appropriate mechanism to fund the provision of education or health provision, or indeed any other infrastructure requirements, is through the Community Infrastructure Levy. The site is liable for the CIL at a rate of £240 per square metre (net floor space). CIL will generate receipts which can go towards funding the infrastructure needed to support the development of the borough as a whole, such as towards school places. At outline stage it is not possible to establish the CIL receipts resulting from the development. This will be calculated at the reserved matters stage when the layout is known. However based on the indicative floor space proposed in the applicant's viability assessment this would likely be in the region of £3.5 million (plus indexation).

### **viii) Design considerations including the impact on heritage assets**

#### Potential Impact on Heritage Assets

- 9.9.1 The site is adjacent to Clock Tower House and Toad Hall, two Grade II Listed Buildings fronting the River Thames. The Oakley Court Hotel, listed grade II\*, is located further to east and its setting would not be impacted due to its distance from the application site.
- 9.9.2 Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states special attention should be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Policy LB2 of the Local Plan sets out the guidelines on development affecting listed buildings, the most relevant being to ensure that proposals do not adversely affect their setting.
- 9.9.3 The NPPF states great weight should be given to heritage assets like listed buildings, this includes their setting. The NPPF requires an assessment on the impact of development on the significance of the heritage asset including the setting of the heritage asset. Where impact is harmful there are two levels of harm, 'substantial harm' and 'less than substantial harm'. Having established the level of harm the policies then set out a number of tests that, if met, might present substantial benefits, or in the case of less than substantial harm, public benefits weighed against the harm that would result from the development.
- 9.9.4 Under planning application 13/02719/OUT the loss of openness to the setting of the listed buildings would have been mitigated through trees, hedges and front gardens. In this proposal, much of the trees, hedges and front gardens have been replaced with more hard-standing and sides of buildings, which it is considered to contribute to increasing the urban feel. It is further considered that due to this intensification, it can no longer be argued that the setting of the buildings is enhanced through the demolition of the existing buildings, as the impact of the intensification of the development on the site will cause more harm than the current impact on setting. However, in making this assessment it is concluded that the proposals would cause less than substantial harm to the setting of the two Grade II Listed Buildings. Therefore an assessment needs to be made against the public benefits of this proposal.
- 9.9.5 The applicant's heritage consultants, CGMS in their letter dated 12 December 2018 highlight that although the density of the buildings has increased, the overall built form is proposed to be reduced. Furthermore, it is their position that under application 13/02719/OUT it was considered that the development would not affect the setting of the heritage assets, and given that the scale of the development now proposed is similar, it is difficult to conclude at outline stage, that the proposed development would impact on the setting of the Heritage Assets. Officers disagree.
- 9.9.6 At the reserved matters stage for layout and landscaping, how the form of development is delivered in the context of the setting of the listed buildings will be critically assessed to ensure it is not adversely affected. This will include the approach to the listed buildings and suitable

landscaping to mitigate any impact on setting. To be explicit, the proposed indicative layout provided by the applicants is not considered to achieve this and will need to be reconsidered at the reserved matters stage.

#### Wider design considerations

- 9.9.7 Policies DG1 and H10 of the adopted Local Plan seek to ensure that residential development will be of a high standard of design and landscaping, compatible with the area and street scene. Section 12 of the NPPF deals with achieving well designed places and the delivery of developments that will function and contribute to the overall quality of the area in the long term. To achieve this, development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; they should be sympathetic to local character and history, including the surrounding built environment and landscape setting. The NPPF is clear in emphasising that this should not prevent or discourage change (such as increased densities).
- 9.9.8 The NPPF further states that design quality should be considered throughout the evolution and assessment of individual proposals and encourages early discussion between applicants, the local planning authority and local community about 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.
- 9.9.9 The NPPF further encourages local planning authorities to utilise design advice and review arrangements, particularly for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should also have regard to the outcome from these processes, including any recommendations made by design review panels.
- 9.9.10 When assessing an outline application the key design consideration would be one regarding the principle of the development and if the site can accommodate the quantum of development proposed having due regard for the character of the area. In this instance the quantum proposed is 127 dwellings along with 4 hectares of public open space.
- 9.9.11 The proposed development would result in a density of around 13 dwellings per hectare (dph) over the site as a whole. In the context of the net developable area, the proposed density would be one which would in the region of 22 dph. Whilst this proposed development is well over twice the number of homes previously approved on this site, this density still reflects a fairly generous residential housing scheme. The minimum density encouraged as an average across the Borough would be 30 dph as reflected in Policy HO5 of the emerging BLPSV, afforded limited weight as a material planning consideration. As such, in design terms, the principle of this quantum of development would result in a more efficient use of land than the previous approval, but would not make as efficient use of land as might be expected. This reflects not only that the site is located outside of the urban area but that it is located in the Green Belt, an area of development restraint. Notwithstanding the implications for the Green Belt, it is considered that the site can physically accommodate this amount of development.
- 9.9.12 In terms of the proposed layout, scale, overall visual appearance and landscaping of the proposed development such matters are considered at the outline stage. It is not considered that the principle of the proposed development would result in the loss of any trees of high amenity value.
- 9.9.13 Part of the applicants VSC case sets out that the design quality associated with the proposed development would deliver a high quality design and layout, based upon a 'Berkshire villages design philosophy'. However it is considered that all development should strive to deliver high quality design in accordance with Policy DG1 of the Local Plan, the NPPF and the BLPSV. In order to ensure that the proposed development would deliver high quality design a Design Specification dated December 2018 has been submitted in support of this application. This specification sets out different character areas in which forthcoming reserved matter applications

would be considered against. This will ensure that the proposed development delivers a mix of architectural styles and approaches to redeveloping this site. This will be secured through conditions 3 and 4 and also through design codes (see condition 28 on approved plans).

- 9.9.14 The LPA will encourage the applicant, in advance of the submission of the reserved matters application to seek design advice from Design South East and other design resources to ensure the actual on the ground delivery of a high quality scheme. Any approach to reserved matters applications on this site should be informed by securing high quality design and not by any arbitrary height sought as part of a VSC argument as set out in see paragraph 9.12.4 - 9.12.8. This could be achieved by focusing instead on design codes.
- 9.9.15 In principle the proposed area to be developed is not considered to raise significant issues regarding trees, subject to suitable tree protection details. Proposed tree planting will be considered as part of the reserved matters regarding landscaping and appropriate conditions secured at that stage of the process.

#### Impact on the Setting of the Thames

- 9.9.16 Policy N2 of the adopted Local Plan seeks to preserve and enhance the setting of the River Thames. The proposed developed area would be set back from the main river side frontage and forms part of the approved developed area under the extant permission. Layout and visual impact would be considered at the reserved matters stage.

### **ix) Environmental Considerations**

#### Flooding and Sustainable Urban Drainage

- 9.10.1 The northern edge of the application site (running parallel to the River Thames) falls within flood zone 3 and 2. The developable area proposed includes land within flood zone 2 but not flood zone 3. The proposed access to all buildings falls within flood zone 1 or outside of the flood zone. A Flood Risk Assessment dated May 2018 has been provided by Peter Brett Associates in support of this planning application.
- 9.10.2 In accordance with the NPPF 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.
- 9.10.3 The majority of the site is within Flood Zone 1 'Low Probability' as defined on the EA Flood Zone map. The exception relates to part of the site of the proposed apartment blocks at the northern end of the site. However, the applicants supporting Flood Risk Assessment has further assessed the extent of Flood Zone 2 and has highlighted that the site is subject to error. It has been agreed that the development area proposed is solely within flood zone 1. A copy of a letter from the Environment Agency dated 28th January 2018 confirms this approach.
- 9.10.4 On this basis the development has been assessed as falling within flood zone 1 and the principle of development in this area is acceptable. The EA has also agreed that the proposed development would not raise any issues in terms of flooding.

#### Drainage

- 9.10.5 In terms of Sustainable Urban Drainage and as introduced from 6 April 2015 the Government has 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.

9.10.6 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 applicant's Sustainable Urban Drainage information submitted as part of this planning application (including the additional information submitted during the course of the application).

9.10.7 Following the submission of additional information the LLFA considers that the principle of a working sustainable drainage scheme has been demonstrated. Subject to conditions regarding a detailed sustainable urban drainage scheme (see condition 23) the proposed development is considered acceptable in this regard.

#### Ground contamination

9.10.8 Policy NAP4 of the Borough Local Plan seeks to ensure that development will not pose an unacceptable risk to the quality of groundwater. The applicant's evidence indicated that there is significant potential for contaminated land on this site. Under the previous application 13/02719/OUT it was highlighted that the primary concern was in relation to the landfill areas in the northern and western parts of the site, where biodegradable material in the landfill was generating significant quantities of landfill gas (methane and carbon dioxide).

9.10.9 The Environment Agency had objected to this application in respect to risks to groundwater quality, as they now consider that there is insufficient information to demonstrate that the risk of pollution to controlled water can be appropriately managed. It should also be highlighted that through the discharge of reserved matters conditions (LPA ref 15/03125) the details pursuant to the condition regarding contaminated land were agreed. As part of this condition the Environment Agency, in their response dated 1 December 2015 considered that the advice submitted in connection with remediation was acceptable.

9.10.10 In the interest of consistency Officers had queried with the Environment Agency the current position and given the outline nature of the proposed development and given the proposed area to be developed is approximately the same as the previous permission on this site if this matter can be conditioned.

9.10.11 In any event, after the submission of additional information the EA have withdrawn their objection and have now raised no objections subject to conditions (see conditions 17- 23). The proposed development is therefore considered acceptable in terms of groundwater contamination.

#### Impact on Biodiversity

9.10.12 There are no policies in the adopted Local Plan which deal with ecology or biodiversity.

9.10.13 Paragraph 170 of the NPPF (2019) states that planning decisions should contribute to and enhance the natural and local environment and minimise impacts on, and providing net gains for, biodiversity. Paragraph 175 of the NPPF (2019) 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...*

9.10.14 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. The NPPF (2019) is a material consideration to be given significant weight. Significant weight can also be afforded to Policies NR3 and IF3 of the BLP SV which have received a low level of adverse representation.

9.10.15 Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and their Impact Within the Planning System (this document has not been revoked by National Planning Policy Framework 2) states that:

*“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.”*

9.10.16 The Council's Ecologist considers that there will be a loss of Priority Habitat and the LPA will need to decide if the provision of new houses outweighs the loss / deterioration of these habitats. The Council's ecologist highlights that there are still three buildings on site that have not been surveyed for bats. As such, there is currently insufficient information for the LPA to determine the likely impacts of the works upon bats and that the applicant will need to provide a bat survey report of the three buildings that have not been assessed prior to the determination of the application. There are further concerns about the reptile mitigation however as this is an outline application this can be dealt with at the reserved matters stage.

9.10.17 The applicant's ecologist considers that this proposal will have “considerable increase in diversity and wildlife habitats that would be introduced”. However, this is not evidenced as the design strategy supporting this application does not clearly set out how net gains for biodiversity can be achieved to ensure compliance with the NPPF and emerging policies.

9.10.18 Protected species and priority habitats are a material consideration in the planning process and there is a clear mitigation hierarchy set out in the NPPF which is clear that failure to mitigate, avoid or compensate should result in planning permission being refused. The principle of the redevelopment of this site has already been agreed as part of the extant planning permission and the applicants are in a position where they could clear part of the proposed area to be developed. It can be argued that the impact on protected species has been considered as this position enables the applicants to largely clear the site now without further information being needed. Details of biodiversity mitigation and enhancements as part of the proposed open space can be secured as part of the reserved matters applications. Any impact to protected species would also be covered by separate legislation.

9.10.19 The applicants have now submitted additional bat surveys and information in which they stress that the previous structures on site and those which would be demolished now have and will continue to adhere to the relevant legalisation regarding bats. This is currently being reviewed by the Council's Ecologist and the outcome of this will be reported to the Panel through the Update. Otherwise this is a matter which would be delegated to the Head of Planning to consider.

#### Sustainable Development and Energy

9.10.20 New development is expected to demonstrate how it has incorporated sustainable principles into the development including; construction techniques, renewable energy, green infrastructure and carbon reduction technologies. The Council's adopted Sustainable Design and Construction SPD (2009) provides further guidance on this. However, Sustainable development techniques have moved on since the adoption of this application, notably Code for Sustainable Homes is no longer a national standard. Therefore less weight should be attributed to this document in this regard. Nonetheless the SPD sets out measures for achieving sustainable forms of development, including 10% energy being delivered through renewable sources and meeting BREEAM measures.

9.10.21 The NPPF paragraph 153 states that in determining planning applications developments should comply with any development plan policies on local requirements for decentralised energy supply

unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable

9.10.22 Paragraph 131 of the NPPF also states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

9.10.23 As part of the reserved matters applications it will be expected that the development will demonstrate how, through the design process, it has embraced innovative design to promote high levels of sustainability as part of delivering a high quality designed scheme.

#### **x) Provision of a Suitable Residential Environment and Impact on Neighbouring Amenity**

9.11.1 There is no specific policy in the Development Plan regarding provision of a suitable residential environment or regarding the impact of neighbouring amenity. Paragraph 127 of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

9.11.2 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 or proposed properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.

9.11.3 The government has also published Technical Housing Standards- nationally described space standards (2015) which sets out guidance on floor space requirements for new developments.

9.11.4 A further difficulty with assessing the merits of the application where there is a claim by the applicants that this proposed development would have less volume than the extant planning permission, is ensuring that the proposed development would provide a suitable residential environment. Layout, scale and appearance will be considered at the reserved matters stage. Nonetheless, and based on the indicative information proposed by the applicant, there is nothing to indicate that a suitable residential environment cannot be brought forward as part of this development. This would be considered further as part of any reserved matters application regarding layout, scale and appearance.

9.11.5 In terms of the impact on neighbouring amenity similarly such matters would be considered at reserved matters stage. Nonetheless, based on the proposed area of built form as shown in the indicative masterplan a separation of at least 20m would be given to the nearest existing residential dwelling. On this basis it is not considered that the principle of 127 dwellings on this site could result in a detrimental impact on the nearby existing and proposed residential dwellings.

9.11.6 In terms of proposed open space provision, policies R3 and R4 of the Borough Local Plan seeks the provision of open space within an application site. This states that developments like this should provide a minimum of 15% of the gross site to be public open space and that space for a local equipped area for play (LEAP) should also be provided. For a proposed developable area of 5.78ha area this would equate to 0.87 ha. The indicative layout shows that this will be provided within the proposed open space of some 4 hectares, including a central village green (indicatively shown to be some 0.40 hectares in size). This will be considered further at the layout and landscaping stage.

#### **xi) Other material considerations**

##### Housing Land Supply

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

*“For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;”*

9.12.2 Footnote 6 confirms that land designated as Green Belt forms a ‘restrictive policy’ in so far as it provides a clear reason for refusing an application unless VSC justify the substantial harm to the Green Belt or any other harm.

9.12.3 Accordingly and whilst arguments regarding housing delivery may be a material consideration in assessing this application, the so-called ‘tilted balance’ is not applicable to this application.

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

## **xii) Very Special Circumstances and the Planning Balance**

9.13.1 The harm identified in the above assessment is that the proposed development constitutes inappropriate development within the Green Belt. This is given substantial weight.

9.13.2 The other harm identified is summarised as follows

- harm to the openness of the Green Belt
- that this proposal would result in the loss of the community facility utilised by Phoenix Gymnastics Club

9.13.3 The applicants VSC argument is set out in the planning statement and can be summarised as follows:

The replacement of inappropriate development with a less intrusive form of development;

9.13.4 A fundamental part of the applicant’s argument is that the proposed development would not have a greater impact on the openness of the Green Belt than the extant planning permission on this site and would have less of a visual impact. Set out above in table 7 is the relevant comparisons between the baseline conditions of what was on the site, the reserved matters schemes permitted subsequent to outline planning permission 13/02719/OUT and the development now proposed. This demonstrates that it is not possible to make an assessment regarding the existing/former buildings on the site, although it is acknowledged that this proposed development would reduce hardstanding and provide public open space.

9.13.5 In any case, and as set out above in paragraphs 9.2.1- 9.2.12 this proposed development is considered to be inappropriate development that would result in substantial harm to the openness of the Green Belt by introducing a formalised residential form of development on this site. This would be visible and perceptible from the wider area. The fact that a similar overall built form of development, has been approved on this site is not considered to form ‘other considerations’ which clearly outweigh this harm.

9.13.6 The applicants further argue that the proposed development would have a marginally reduced built footprint, volume, hardstanding and proposed developable area than the previous planning permission on this site. The development would also result in a reduced height to the extant

planning permission. Planning permission 13/02719/OUT granted a maximum height of 10.5m across the developed area as a whole. In contrast it is proposed that 50% of the developed area would not have buildings greater in height than 9.5m and the rest up to 10.5m. The area proposed to be developed is relatively similar to the extant permission (albeit some 0.48 ha less).

- 9.13.7 Officer have raised concerns regarding how these heights would translate to the 'Berkshire villages design philosophy' as much of the proposed design character of the redevelopment would result in a form of development where the height and form would be less than 9.5m in height. Further to these concerns the applicants have also proposed that 15% of the proposed houses being no more than 9m in height. However in committing to 15% being less than 9m in height the applicants seek to caveat that this excludes those delivered through flatted development. As the level of flats are not agreed as part of this outline application it is unclear at this stage how many units 15% would represent. Accordingly it is difficult to attribute anything, but limited weight to the latter assertion.
- 9.13.8 As set out above in paragraph 9.2.8, there has been substantial Case Law on the assessment of openness and the Green Belt since the previous planning permission. Therefore and whilst it was previously concluded that the development would "*improve the openness of the Green Belt*" and this assertion formed part of the previous VSC, in the context of recent case law Officers disagree with the premise of this assessment. Accordingly and whilst this is not considered to form part of an argument for VSC, the weight which should be attached to the fall-back position is considered in the context of this application as part of the overall planning balance. This is considered further below in paragraphs 10.3- 10.4.

#### The efficient use of previously developed land

- 9.13.9 Paragraph 117 of the NPPF promotes effective use of land to meet the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions
- 9.13.10 The proposed development would utilise the same proposed developed area as the extant planning permission but would make more efficient use of it by providing 127 dwellings (as opposed to 44). At the same time the proposed developed area does not raise any issues in term of highway safety.
- 9.13.11 It is true to say that the proposal would make a more efficient use of land, but it does not achieve the minimum density that the borough might expect to achieve as an average in Policy HO5 of the BLPSV, which has limited weight as a material consideration. This is considered to be a related aspect to the supply of housing and is given limited weight as a material consideration.

#### A significant contribution to the housing needs of the Royal Borough

- 9.13.12 The applicants supporting planning statement set out how they consider that the Council does not have a five year housing land supply and how this development would go towards meeting this need.
- 9.13.13 The Officer report has set out that the tilted balance in the NPPF does not apply to this scheme as the site is located within the Green Belt. Government is clear that the supply of housing can be a material consideration which contributes towards a case of Very Special Circumstances but cannot be of sufficient weight on its own to clearly outweigh harm to the Green Belt, in principle.
- 9.13.14 An identified benefit of this scheme is the delivery of housing; in the context of the need identified in the SHMA this amounts to around 17% of a one year supply of homes which is not significant in the context of over 14,000 homes required in the plan period, but would be given limited weight as a very special circumstances given the sites Green Belt location. However this additional housing has not been planned for as part of the Council's IDP which supports the emerging BLPSV (see paragraphs 9.7.15- 9.7.19 on Infrastructure Delivery). The benefits of the

'accelerated housing delivery' needs to be considered in the context of ensuring there is sufficient infrastructure needed to support this increased housing above that set out in the BLPSV. As increased housing is not plan-led it would result in increased pressures on infrastructure and there is currently insufficient capacity to deal with this. Accordingly and whilst the financial contributions identified above and the CIL will go towards meeting this increased housing delivery, this will affect infrastructure delivery.

Delivering a greater proportion of smaller houses relative to the 44 dwelling scheme to suit a broader cross-section of the community and respond to the Council's latest housing needs assessment;

9.13.15 Whilst the development now proposed is marginally reduced in terms of built form, the proposed development would provide for 127 dwellings as opposed to 44 units. As identified in paragraph 9.5.1- 9.5.6 the provision of a more balanced mix of units which reflects the needs of the borough is a benefit of this scheme which is afforded limited weight as a VSC consideration.

The provision of a financial contribution to provide off-site affordable housing, subject to viability

9.13.16 The applicant's claim that the provision of a financial contribution for off-site affordable housing provision forms part of their very special circumstances case. This claim is subject to a viability appraisal.

9.13.17 The provision of affordable housing is considered in paragraph 9.6.1- 9.6.8. In the first instance and in accordance with planning policy the provision of affordable housing should be provided on site. One of the applicant's key arguments is that this scheme would go towards making a meaningful contribution towards the housing needs of the Borough in terms of units and size, but then suggests that any contribution from this site, should, be off site.

9.13.18 Affordable housing provision is simply seeking to comply with planning policy and no provision above and beyond that is proposed by the applicants. Officers consider that compliance with policy should not be double counted as forming part of a very special circumstances case. This is therefore not afforded any weight as a VSC.

Strengthening the Site's role in preventing the merging of settlements and assisting in safeguarding the countryside from encroachment;

9.13.19 Officers remain unconvinced that a scheme which delivers 127 dwellings in the Metropolitan Green Belt of a formalised appearance achieves this ambition. Particularly given the sites location in an important gap between the towns of Maidenhead and Windsor. The visual impact of the proposed scheme in term of the visual appearance from the main road is considered further below. No weight is given to this being an 'other consideration' which weighs in favour of this scheme.

A financial contribution to help secure the future of the Phoenix Gym

9.13.20 The extant permission on this site secured a financial contribution of £167,000 towards the provision of Phoenix Gymnastics Club. This is also proposed as part of this application and was previously considered a benefit of this scheme. However, this benefit needs to be balanced against policy requirements to ensure community facilities are not lost unless re-provision is first secured. As set out above (see paragraphs 9.4.1- 9.4.7) the loss of the community facility as part of this proposal is considered to weigh against this scheme. As a failure to comply with policy it is not considered this can justifiably form part of the Very Special Circumstances case (similar to the affordable homes) and it is accordingly given no weight.

A financial contribution towards the Arriva Click bus service or the provision of a mini bus

9.13.21 A financial contribution is proposed to a new bus service to improve this sites connectivity. This is considered to form part of the financial contributions required to make a development of 127

dwellings in this location acceptable in planning terms and to encourage sustainable modes of transport (see paragraphs 9.7.4- 9.7.6). This is required in order to comply with planning policy and is not an 'other consideration' which weighs in favour of this scheme. It does not amount to VSC and is given no weight as such.

Provision of a community pavilion;

9.13.22 The provision of a community pavilion is a benefit of this scheme. The applicants propose that this will provide a local, convenient space for residents to meet/work, as well as a community book exchange and high speed broadband access. Space will also be provided for a Police Community Support Officer ("PCSO"), if required. The applicants consider that this will aid the sustainability offer of the proposed development and forms a benefit of the proposed development.

9.13.23 The exact location to ensure community accessibility will be dealt with at reserved matters stage. The LPA will seek to secure this in a central and easily accessible location. The ongoing maintenance and management and continued use will be secured by way of legal agreement. Subject to this the provision of this facility is considered to be a moderate benefit of this scheme.

A reduction in activity on the site, including a reduction in traffic and a change in its character (from commercial to domestic)

9.13.24 A reduction in activity on the site was considered to form part of the benefits of the extant permission 13/02719/OUT. Whilst this is also a consideration as part of this application, less weight can be attributed to it regarding this proposal as it is for 127 dwellings as opposed to 44 (see paragraph 9.7.10). The vehicle movements associated with this proposed development would be greater than the extant permission but may still be less than the existing, however at both morning and evening peak times the proposed development will result in increased traffic movements above the existing uses. This is given moderate weight as VSC. Character and visual considerations are considered below and should not be double counted.

Enhancement to the character and appearance of the Green Belt in this area, including the creation and management of a wide swathe of landscaped open space alongside the A308

9.13.25 Under planning application 13/02719/OUT the Officer report considered that '*with development set back at least 80 metres from the road, the proposal's 290 metre landscaped frontage would, in terms of views from Windsor Road, visually strengthen the Green Belt function of separating the towns of Windsor and Maidenhead*'. However since this previous decision there has been substantial case law regarding how the visual appearance of a proposed development within the Green Belt should be considered.

9.13.26 As set out in paragraphs 9.2.1- 9.2.12, having due regard for established Case Law it is considered that the proposed development would have a greater impact on openness than the existing buildings and uses on this site and would therefore result in substantial harm to the openness of the Green Belt. The proposed development would remove the existing built form currently visible from the highway, much of which appears like rural buildings. The proposed development would also result in amending and formalising the access and new foot/cycle way which could be considered to be urbanising in appearance. In terms of a street scene assessment the proposed development would result in increased managed open space along the frontage, the visual appearance of which is a benefit of this proposed development and when considered against the existing uses could be seen as a moderate benefit as part of this proposed development.

9.13.27 In the event permission is granted it is recommended that permitted development rights regarding boundary treatments along the front of the application site are attached to ensure that this area is kept open in terms of its visual appearance (see condition 6).

The management of Green Belt land and securing land against development in perpetuity;

- 9.13.28 The applicant considers that the existing built form on the site does not perform strongly against the purposes of including land within the Green Belt and that the proposed development would strengthen the site's ability to fulfil certain purposes of including land within the Green Belt, in particular preventing neighbouring towns merging into one another. They consider that this is a factor in favour of the proposed development. As part of the evidence base for the BLPSV an Edge of Settlement Analysis (2016) was undertaken. Whilst this site was not assessed the land to the immediate west was considered (Land east of Monkey Island Lane, north of Windsor Road, Water Oakley). The conclusions of the assessment were that this land which was adjacent to the urban area formed a 'very strong' contribution to preventing the unrestricted sprawl of a built-up area; preventing settlements from merging and safeguarding the countryside from encroachment. These form three of the key purposes of the Green Belt. It is difficult to argue that this site, to the immediate east, which is further from the urban area would not perform strongly against these same criteria.
- 9.13.29 The appropriateness of what form of development is or is not appropriate in the Green Belt is dealt with by way of planning policy. As set out above in paragraph 9.12.26, much of the development within the application site appears as rural buildings associated with the lawful and rural uses of the site. The proposed development may seek to secure part of the wider site from further development but first and foremost seeks a form of development which is not appropriate on the site when considered against planning policy and is given the highest degree of harm in that context. Accordingly these assertions made by the applicant that this application would secure land against development in perpetuity is considered to be given no weight as a benefit of this proposal as it is planning policy which achieves this.
- 9.13.30 The proposal does include the provision of 4.0 hectares of amenity open space, which is some 3.1 hectares above the space to be policy compliant. This open space as a whole could be utilised by the public, does weigh in favour of this scheme and could be considered to provide moderate benefit. However, this needs to be balanced against the accessibility of this site and how members of the public, outside of the application site could access the land. There are a number of public footpaths to the southern side of the A308 but there is no clear indication of how this proposed development would enhance wider public access. As part of any reserved matters application for layout it is expected that detailed evidence (including paths through the open space) will be provided that this area will be widely accessible and user friendly for all local residents, including those with limited mobility.

#### Economic benefits through additional population expenditure

- 9.13.31 The applicant(s) planning statement considers that in addition to the construction phase, employment and related expenditure of new residents of the proposed development would help to support local businesses and communities in the longer-term by way of additional disposable income. They estimate that the direct expenditure from 127 households would amount to £3,659,937 per annum (gross). However, how this is possible to be ring-fence in to local expenditure is difficult to estimate.
- 9.13.32 The additional expenditure is a benefit of this development. However this needs to be balanced against the impact the proposed development would have regarding the creation of additional pressures on infrastructure above and beyond that planned for, as set out in paragraphs 9.8.1-9.8.5. This is not afforded weight as a VSC but is considered as part of the overall wider planning balance.

#### Provision of electric charging points for all dwellings

- 9.13.33 The applicants amended travel plan framework states that all dwellings will be provided with the infrastructure for charging electric vehicles.
- 9.13.34 The application site is outside of the urban area. The provision of electric charge points should simply be seen as part of the necessary mechanism needed to make a development of 127

dwellings in this location acceptable in sustainability terms and comply with policies regarding promoting sustainable travel. Accordingly very limited weight should be given to this as a benefit forming part of any VSC.

#### Provision of a community orchard

- 9.13.35 As set out above, the provision of public open space, which will include a proposed community orchard is considered to be an 'other consideration' which weighs in favour of this scheme. However this needs to be balanced against how the public will access this and make use of it.

#### The repair of despoiled or damaged land

- 9.13.36 The proposed development would remediate the site which includes a former landfill area. The NPPF state that decisions should:

*"Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land."*

- 9.13.37 This application is not within a settlement area. Under the previous application the remediation of contaminated parts of this site, notably the landfill area, were considered to weigh in favour of the redevelopment of this site for residential purposes. This formed part of the applicants VSC case for the previous permission. However, the NPPF has now clarified that this is directed to settlement areas to support redevelopment of urban land. Accordingly and whilst the remediation of landfill is considered to remain a benefit, this is only given moderate weight given the site is outside of a settlement location.

#### The introduction of significant biodiversity enhancement opportunities-

- 9.13.38 The proposed development would impact on the existing biodiversity and ecology across the site (see paragraphs 9.10.12- 9.10.19). The assessment of the Council's Ecologist is that the information submitted to support the application has not clearly demonstrated suitable mitigation/alleviation, let alone a clear strategy over how biodiversity enhancements will be brought forward as part of this proposal. Such matters are a consideration of reserved matters. In any case the NPPF requires biodiversity enhancements as part of the redevelopment of any site. Accordingly, this is a policy requirement and no weight is given to it as a VSC.

#### An enhancement in the approach to Down Place, a listed building

- 9.13.39 The applicants consider the proposed development would improve the setting of the adjacent Grade II Listed Buildings and that this forms a 'substantial benefit' provided by this scheme. However, the view of Officers is that it is simply seeking to ensure compliance with planning policy regarding the impact on heritage assets and ensuring development preserves and enhances the setting of listed building (see paragraphs 9.8.1-9.8.7). It should not be double counted as anything beyond policy compliance and is not considered as an 'other consideration' which outweighs the harm.

## **10. CONCLUSION – PLANNING BALANCE**

#### Green Belt balancing exercise

- 10.1 As set out above, the proposed development represents inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

10.2 The Green Belt balancing exercise therefore needs to be if 'other considerations' put forward as part of this planning application equate to VSC which exists to outweigh the harm and any other harm. This harm includes the inappropriate development of 127 dwellings in the Green Belt, the impact on openness and also the loss of the existing community use at this site together with biodiversity and habitat/protected species issues – this equates to substantial harm overall, the highest level of harm. Much of the applicants VSC case amounts to compliance with planning policy to achieve an acceptable form of development which should be sought on any form of development, irrespective of whether a proposal is located in the Green Belt and is consequently given no weight as VSC as set out above. As it stands, whilst there is a case for Very Special Circumstances when those elements are taken together it is not considered that this amounts to a case of substantial weight to clearly outweigh the harm caused in principle and the other harm. The proposal fails to accord with the Development Plan. In line with Section 38(6) it should be considered whether there are any other material considerations which indicate that permission should not be refused.

#### Wider planning balance

- 10.3 The key consideration is the previous planning permission granted on this site, planning permission 13/02719/OUT. The reserved matters consents are mostly in place and conditions discharged, notwithstanding the applicant's case that the permission is not viable due to changes in marketing conditions. To be given weight in the planning balance the decision maker needs to be clear that this extant consent represents a true "fall-back" position, i.e. would the applicant implement that consent if this application is not approved. The applicants have largely secured reserved matters approval across the Application Site (apart from one outstanding matter, on part of the site, which is awaiting approval from the Local Planning Authority). This can be considered as indication to implement redevelopment on the site. The applicants planning agent has confirmed that due to an uncertain housing market, particularly so for large properties the revised proposals are, in the current market, likely to facilitate a quicker sale and are therefore commercially more attractive. In the event planning permission for this proposal was not forthcoming the applicants have advised that they would initially build out a first phase of circa 16 dwellings which includes the highest proportion of smaller properties. The remainder of the site would then be built out slowly, in response to market demand. In this instance the "fallback" position is considered to be a strong material consideration.
- 10.4 The proposed development would be of a similar overall height and form to the extant planning permission which would otherwise be implemented by the applicant. Therefore and whilst it is not considered that very special circumstances exist to outweigh the harm of 127 dwellings in the Green Belt, when considered against the extant planning permission for 44 dwellings the proposed development would not have greater impact on openness. This proposal would also provide a significant proportion of two and three bedroom dwellings which reflects the needs of the Borough. These matters when considered in combination are considered to weigh substantially in favour of this scheme.
- 10.5 This proposed development is not planned for as part of the Councils BLPSV and the impact this proposed development would have on existing infrastructure pressures needs to be balanced against the benefits of this proposal. The Community Infrastructure Levy will assist towards mitigating this impact and could be considered as a material benefit of the scheme.
- 10.6 The proposed development does not raise any significant highway capacity issues and would not prejudice highway safety. This is subject to modifications to the proposed access and financial contributions towards sustainable modes of transport and other identified mitigation.
- 10.7 Following an independent viability assessment, on site affordable housing has been negotiated in the form of eight shared ownership units.
- 10.8 Concerns have been raised regarding the impact on the setting of the nearby Grade II Listed Buildings, the less than substantial harm caused would be outweighed by public benefit in the form of a mix of housing and open space provision.

- 10.9 The proposed development is considered acceptable in terms of flooding, drainage, air quality and the provision of suitable sustainability measures which can be dealt with at reserved matters. There are still unresolved matters relating to contamination and ground water, including an outstanding objection from the Environment Agency. There are further unresolved matters regarding bat surveys.
- 10.10 The outline application is considered to demonstrate that it would provide a suitable residential environment and would not impact on neighbouring amenity.
- 10.11 Therefore, it is considered, that the proposed 'fall-back' position of the extant planning permission for 44 dwellings on this site is a strong and material consideration. When considered against this extant planning permission this proposed development would make more efficient use of land and provide a more balanced mix of housing which would go towards meeting the Council's need. This is considered to weigh significantly in favour of this scheme. Moreover when considered in the context of this same 'fall-back' position the proposed development is not considered to have a greater impact on openness than the extant planning permission. Whilst having due regard for the substantial harm to the Green Belt, on balance, this proposed development is considered to be acceptable.
- 10.12 Accordingly and subject to a satisfactory resolution regarding ground contamination and ecology on the site it is recommended that Panel Members resolve to delegate authority to the Head of Planning in order that the following be achieved:
- Resolution regarding the unresolved objection from the EA regarding ground contamination.
  - A signed section 106 agreement including the following (this list is not exhaustive):
    - i. residential travel plan with penalties, monitoring fee and triggers
    - ii. sustainable transport contribution of £8,176.44 towards improved bus links and £8,081.42 towards improved cycle links
    - iii. mix, tenure, trigger for delivery and nomination rights for affordable housing (if on site) equivalent to £1,087,000 or financial contribution for affordable housing
    - iv. trigger for the provision of community open space, including community orchard and the ongoing maintenance and management in perpetuity
    - v. trigger for the provision of the community pavilion at no cost to the council or other third party and the ongoing maintenance and management in perpetuity
    - vi. section 278 works at the A308 junction
    - vii. financial contribution towards the Phoenix Gym
    - viii. provision of public permissive paths into the site to access the open space, pavilion and orchard
    - ix. plan to identify the public realm
    - x. Details of waste receptacles to be provided (refuse/recycling/ food wastes bins)
    - xi. Reassess the affordable housing provision as part of any reserved matters application being made over two calendar years after the date of the current viability evidence. To ensure reflection of current market conditions.

If this cannot be achieved the application to be reported back to Panel for further consideration.

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

- Appendix A - Site location plan
- Appendix B- Site Masterplan
- Appendix C- Indicative layout

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

- 1 The Development shall commence within two years from the date of approval of the last of the reserved matters.  
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 Details of the appearance, landscaping, layout and scale for each phase of the approved development; (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development of that phase is commenced. Application for the approval of all the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission  
Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended)
- 3 The reserved matters application(s) pursuant to the development approved in outline shall accord with the following Gross External Area restrictions: Built Footprint of proposed development - maximum of 9,620sqm (including a minimum of 60square meters for use as a Community Pavilion)  
Volume (measured above ground finished floor level, excluding chimneys) - maximum of 69,900 cubic metres  
Hard standing - maximum of 1.42ha  
Public Open Space - minimum of 4.0ha (including a minimum of 0.07ha as a Community Orchard)  
Proposed developed area- maximum of 5.78ha  
Reason: To ensure compliance with the applicants Very Special Circumstances for the development hereby permitted in the Green Belt as required by policy GB1 of the Local Plan (2003) and the NPPF (2019)
- 4 The reserved matters application(s) pursuant to the development hereby approved shall ensure that of the 127 dwellings hereby approved 35% (minimum) will be 2 bedroom properties and 35% (minimum) 3 bedroom properties, unless otherwise agreed in writing with the Local Planning Authority.  
Reason: To ensure compliance with the applicants Very Special Circumstances for the development hereby permitted in the Green Belt as required by policy GB1 of the Local Plan (2003) and the NPPF (2019)
- 5 Prior to commencement of the development of each phase (other than demolition to ground floor level) a schedule for the removal of the existing buildings, hardstanding, means of enclosure and all other existing development on the site shall be submitted to and approved in writing by the Local Planning Authority. The demolition relating to each phase shall be undertaken in accordance with these agreed details. In any event, all materials resulting from such demolition works shall be removed from the site prior to occupation of the relevant phase of the development hereby permitted, unless recycled during construction.  
Reason: To protect the openness of the Green Belt as required by policy GB2 of the Local Plan (2003) and the NPPF (2019)
- 6 Notwithstanding the provisions of Classes A, B, D, E and F of part 1 and Class A of part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no enlargement or any other alteration (including the erection of any ancillary building within the curtilage or the provision of a hard surfaced area or means of enclosure not shown on the approved plans) of or to any part of the application site shall be carried out without planning permission having first been obtained from the Local Planning Authority.  
Reason: To ensure compliance with the applicants Very Special Circumstances for the development hereby permitted in the Green Belt as required by policy GB1 of the Local Plan (2003) and the NPPF (2019)

- 7 As part of the reserved matters it should be demonstrated how an overall total of at least 5% of the dwellings across the application site are delivered as accessible and adaptable dwellings in accordance with Part M 4(2) standards.  
Reason: To ensure suitable provision is made for those with limited mobility and disabilities to reflect the needs of the Borough as set out in policy HO2 of the emerging Borough Local Plan and the NPPF (2019)
- 8 Prior to commencement of the development of each phase (including demolition), bat surveys of any trees to be removed and update surveys of any buildings to be demolished shall be undertaken by an appropriately qualified ecologist (that is a member of CIEEM or equivalent), and the results submitted to and approved in writing by the Local Planning Authority. Should bats or evidence of bats be found, no development affecting the bats roost(s) shall commenced until any relevant licence(s) have been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy submitted to and approved in writing by the Local Planning Authority. Should bats or evidence of bats be found and the applicant conclude that a licence for development works affecting bats is not required, the applicant is to submit a report to the council detailing the reasons for this assessment and this report is to be approved in writing by the Local Planning Authority.  
Reason: To ensure that bats, a material consideration, are not adversely impacted upon by the development as required by the NPPF 2019).
- 9 As part of the reserved matters application regarding layout a landscape and ecological management plan (LEMP) shall submitted to the Local Planning Authority. The LEMP shall include the following:  
A biodiversity enhancement scheme to include a description and evaluation of features to be managed.  
A biodiversity net gains calculation using a recognised metric.  
Ecological trends and constraints on site that might influence management.  
Aims and objectives of management.  
Appropriate management options for achieving aims and objectives.  
Prescriptions for management actions.  
Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).  
Details of the body or organization responsible for implementation of the plan.  
Ongoing monitoring and remedial measures.  
The LEMP will be implemented as approved unless otherwise agreed in writing by the local planning authority.  
Reason: To ensure that wildlife is safeguarded and enhancements provided in line with paragraph 175 of the NPPF.
- 10 No tree 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 first occupation of the phase of development. 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.
- 11 Fencing and other measures in accordance with British Standard 5837 to protect, during construction, the trees shown to be retained on the approved plans, shall be implemented in full prior to any equipment, machinery or materials being brought on to the site. These measures shall be 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 prior 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 any works or demolition, a demolition traffic management plan (phase specific or otherwise) showing how demolition traffic, (including cranes), materials storage and removal, 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 in accordance with the NPPF (2019), Local Plan policies T5 and DG1 and AAP policy MTC4
- 13 No part of the development shall be occupied until the vehicular access has been constructed in accordance with the approved plans. The access shall thereafter be retained as approved. Notwithstanding the approved plans or any indication given otherwise the access shall be surfaced with a bonded material across the entire width of the access for a distance of at least five metres measured back from the highway boundary.  
Reason: In the interests of highway safety and the free flow of traffic in accordance with the NPPF (2019) and Local Plan policies T5 and DG1
- 14 No part of the development shall be occupied until the visibility splays as shown on the approved drawings have been provided. The areas within these splays shall be kept permanently 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 in accordance with the NPPF (2019) and Local Plan policy T5.
- 15 Prior to construction of any development the applicant shall enter into a legal agreement with the Council under Section 278 of the Highways Act 1980 to cover the construction of the highway improvement works as illustrated in the drawing titled General Arrangement, Right Turn Lane [5038/1001 Rev B].  
Reason: In the interests of highway safety in accordance with the NPPF (2019) and Local Plan policy T5.
- 16 The applicant shall demonstrate through the reserved matter(s) application that 10% of the proposed parking spaces for flatted development will have electric charging points and a further 10% passive charging points. The reserved matters shall also demonstrate how all dwellings will be provided with the infrastructure for charging electric vehicles, all of which infrastructure shall thereafter be retained and maintained.  
Reason: In the interests of sustainable modes of transport in accordance with the NPPF (2019).
- 17 No development (other than demolition to ground floor level i.e. excluding the removal of floor slabs and below ground foundations) approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:  
A. A site investigation scheme, based on the Summary of Site Investigations, prepared by BRD Environmental Ltd, reference BRD2317-OR7-A, dated June 2018 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.  
B. 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.  
C. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

- 18 Prior to the occupation of the relevant phase of the development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.  
Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.
- 19 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.  
Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.  
Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.
- 20 Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.  
Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.
- 21 The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.  
Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework.
- 22 Prior to the commencement of the each phase (other than demolition to ground level) a scheme for the provision and management of compensatory habitat creation shall be submitted to, and agreed in writing by, the local planning authority and implemented as approved. Thereafter, the development shall be implemented in accordance with the approved scheme. The scheme shall include:  
plans showing the extent and layout of an 8 metre ecological wide buffer zones, scaled so as to show the distance from the bank top of the river Thames.  
details of any proposed planting scheme, which must be of native species appropriate to this location.  
details demonstrating how the buffer zone, will be protected during development.  
details of how the buffer zone will be managed/maintained over the longer term in order to enhance the ecological value. This will include measures to mitigate the impacts of public access, including erosion from dogs entering the watercourse.

details of any ecological enhancements to the watercourse and its river corridor. These are required to compensate for the proposed development and the disturbance it will bring, and to enhance the value of the main river Thames as a wildlife corridor. Suitable enhancements which we would expect to see include:

bat/bird boxes, refugia for reptiles, amphibians, small mammals etc - native planting;  
creating structural complexity to the river bank - removing any hard bank protection and creating a softer more natural marginal edge  
details of any lighting etc that could impact on the buffer zone. Artificial lighting near watercourses should be avoided but where it is required it should be directional and focused with cowlings (for more information see Institute of Lighting Professionals (formerly the Institute of Lighting Engineers) "Guidance Notes For The Reduction of Obtrusive Light".

Reason: To ensure that wildlife is safeguarded and enhancements provided in line with paragraph 175 of the NPPF (2019)

- 23 Prior to the commencement of the each phase (other than demolition to ground level) a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan will be informed by extensive species and habitat surveys throughout the development site. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements: species and habitat surveys (bird, bat, otter, badger, reptile, amphibian etc)  
details of the extent and type of new planting (planting to be of native species)  
details of maintenance regimes  
details of any new habitat created on site - for example any new ponds, SuDS features and backwaters  
details of treatment of site boundaries and/or buffers around water bodies  
details of management responsibilities, including biosecurity and non-native invasive species.  
Reason: To ensure that wildlife is safeguarded and enhancements provided in line with paragraph 170 and 175 of the NPPF (2019)
- 24 Prior to the commencement of each phase (including demolition) a Demolition Environmental Management Plan (phase specific or otherwise) shall be submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust, site lighting and ecology. Thereafter the demolition for that phase shall be undertaken entirely in accordance with the approved plan.  
Reason: To protect the environmental interests (noise, air quality, waste, ground water, ecology, wildlife, water quality) and amenity of the area and for highway safety and convenience.  
Relevant Policies - Local Plan CA2, LB2, DG1, NAP3, NAP4, T5, T7, ARCH2.
- 25 Prior to the commencement of each phase (other than demolition to ground floor level i.e. excluding the removal of floor slabs and below ground foundations) an approved scheme of remediation (phase specific or otherwise) must be first submitted to and agreed in writing by the Local Planning Authority, the development should thereafter be undertaken in accordance with the agreed details. The event unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until the following has been complied with in relation to that contamination.
- a) Site Characterisation  
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the

findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:  
a survey of the extent, scale and nature of contamination;  
an assessment of the potential risks to:

human health

property (existing or proposed) including buildings, crops, livestock, adjoining land, groundwater and surface waters,

ecological systems,

archaeological sites and ancient monuments:

an appraisal of remedial options, and proposal of preferred option(s).

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

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

c) Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/ validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

d) Reporting Unexpected Contamination. In the event that contamination is found at anytime when carrying out the approved development that was not previously identified, work must stop and it must be reported immediately by telephone and in writing to the Local Planning Authority within 2 working days. An investigation and risk assessment must be undertaken in accordance with the requirements of section A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b, which is the subject of the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section C.

e) Long Term Monitoring and Maintenance. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of (x) years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11'.

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

- 26 Prior to the commencement of the each phase (other than demolition to ground level) a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:  
Full details of all components of the proposed surface water drainage system of each phase including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.

Supporting calculations confirming compliance with the Non-statutory Standards for Sustainable Drainage, (based on infiltration testing results determined in accordance with BRE365 if infiltration employed).

Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.

The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with the National Planning Policy Framework (2019), its associated guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

- 27 The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA), prepared by Peter Brett Associates, reference 36260/4004, dated May 2018, and the following mitigation measures it details:
1. A minimum of 180.350 cubic metres of compensatory floodplain storage is provided as shown in drawing number 36260/4004/003 revision A.
  2. As shown on drawing number 36260/4004/001 revision B, finished floor levels are to be set no lower than 23.50 metres above Ordnance Datum.
  3. There shall be no raising of existing ground levels within the 1% annual probability (1 in 100) flood extent including an appropriate allowance for climate change.
  4. All proposed homes are to be located outside of the 1% annual probability (1 in 100) flood extent including an appropriate allowance for climate change.

The mitigation measure(s) shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: This condition is sought in accordance with paragraph 163 of the National Planning Policy Framework (2019) to reduce the risk of flooding on-site and elsewhere.

- 28 The applications for reserved matters of the outline application hereby approved (as set out by condition 1) shall accord with the following approved plans, or such other plans as agreed in writing by the Local Planning Authority:
- Location Plan numbered 17162 -S111 rev A received by the Local Planning Authority on the 20.06.2018
- Application Masterplan numbered 17162/P111A received by the Local Planning Authority on the 20.06.2018
- Heights Parameter numbered 17162/P112C received by the Local Planning Authority on the 18.12.2018
- Design Specification (December 2018) received by the Local Planning Authority on the 18.12.2018.
- Tree Retention plans as identified in the Tree Survey Plan dated 23 March 2018 received by the Local Planning Authority on the 20.06.2018
- Reason: To accord with the requirements of Section 91 and 92 of the Town and Country Planning Act 1990 (as amended) and to reflect the development considered.

## **Informatives**

- 1 The applicant(s) are advised that applications for the discharge of conditions application can take at least 8 weeks. Such timeframes should be taken into account as part of the construction process. This will be longer if applicant(s) wish to submit additional information and/or revisions amendments to overcome issues and concerns raised. The Local Planning Authority will expect agreements to extend the timeframe to consider discharge of conditions application where an applicant wishes to submit additional information and/or revisions amendments. Early engagement is encouraged to prevent lengthy delays.
- 2 The applicant is advised that as part of the reserved matters application regarding landscape a landscape management plan, including long- term design objectives, management

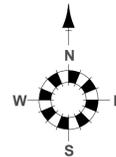
responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) should be provided. The scheme should include the following elements:

- detail, extent and type of new planting
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of buffers around water bodies

- 3 With reference to condition 11 (Demolition Traffic Management Plan), the plan should include, but not be limited to:
- a site plan (showing the areas set out below);
  - confirmation that a pre-start record of site conditions on the adjoining public highway will be undertaken with RBWM highways and a commitment to repair any damage caused;
  - provision for the parking of vehicles of site operatives and visitors;
  - provisions for loading, unloading and storage of plant and materials within the site;
  - details of access to the site, including means to control and manage access and egress of vehicles to and from the site for the duration of construction including phasing arrangements;
  - details of vehicle routeing from the site to the wider strategic road network;
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - provision of wheel washing facilities at the site exit and a commitment to sweep adjacent roads when required and at the request of the council;
  - a scheme for recycling/disposing of waste resulting from works;
  - measures to ensure the safety of all users of the public highway especially cyclists and pedestrians in the vicinity of the site and especially at the access;
  - commitment to liaise with other contractors in the vicinity of the site to maximise the potential for consolidation and to minimise traffic impacts;
  - avoidance of peak hours for deliveries and details of a booking system to avoid vehicles waiting on the public highway;
  - all necessary traffic orders and other permissions required to allow safe access to the site to be secured and implemented prior to commencement;
  - details of the construction programme and a schedule of traffic movements
- 4 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.
- 5 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.
- 6 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.

- 7 As part of the reserved matters applications it will be expected that the development will demonstrate how, through the design process it has embraced innovative design to promote high levels of sustainability as part of delivering a high quality design scheme
- 8 In advance of the submission of the reserved matters application the LPA encourages the applicant to seek further design advice from Design South East. Any approach to reserved matters applications on this site should be informed by securing high quality design not by any agreed maximum parameters.
- 9 The applicant is advised that as part of the reserved matters regarding layout a phasing plan shall be submitted for approval and this shall set out the relevant phasing in which the proposed development relates.

The case file can be viewed at the Council's Customer Service Centres or on the Council's website at <http://www.rbwm.gov.uk>



SCALE: 75 M

RIVER THAMES



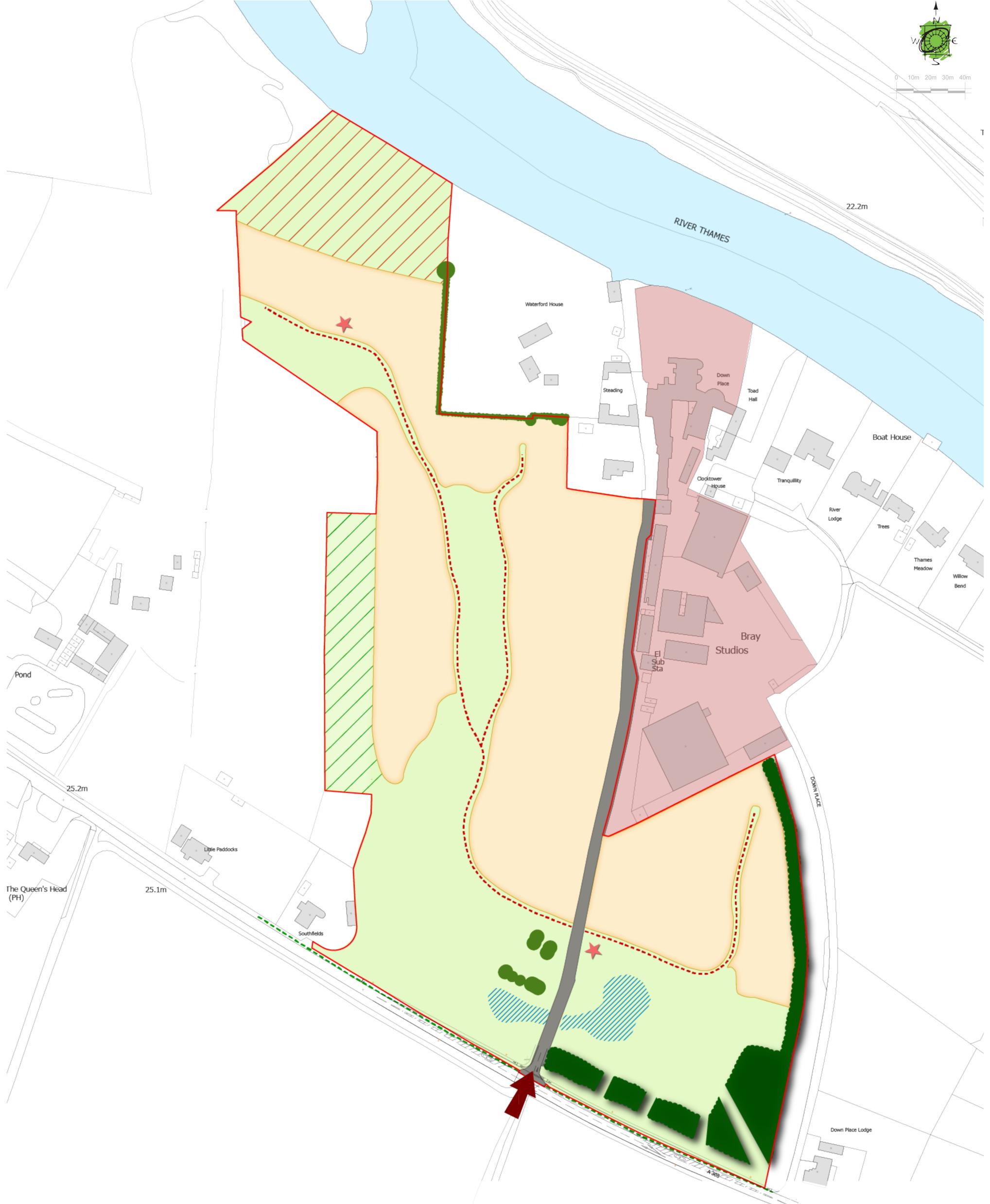
# 1 Location Plan

1 : 1250

Area within red line = 9.78 hectares

REV: DATE: A 22-05-18	REVISIONS: Minor revisions	REV: DATE:	REVISIONS:	<b>SCALES:</b> 1:50@A1  3 M 1:500@A1  30 M 1:100@A1  6 M 1:1000@A1  60 M 1:200@A1  12 M 1:2000@A1  120 M	CLIENT <b>Farmglade</b>	PROJECT <b>Water Oakley, Bray</b>	Broadmeade House Farnham Business Park Weydon Lane Farnham Surrey Tel: 01252 267878 name.surname@osparchitecture.co www.osparchitecture.com
				SCALE <b>1 : 1250</b> (A1 ORIGINAL)	DRAWING <b>Location Plan</b>		
				DRAWN <b>NL</b>	<b>17162</b>	<b>S111</b>	<b>A</b>
				DATE <b>Jan 2017</b>			<b>O'KEEFE SCANLON LIMITED</b>

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- Site boundary
- Development Area
- Open Space - Communal Amenity Space
- Open Space - Village Green
- Indicative Village Green Lane
- Existing Lane
- Approximate Location of Water Attenuation Features
- Existing Woodland
- Existing Vegetation to be retained
- Open Space - Landscape Buffer (Non-Intervention Area)
- Indicative location of underground Pump Station
- Bray Studios Redevelopment with Planning Consent Ref.11/00474/FULL
- Retained Existing Site Access
- Existing Cycle Route



Application Masterplan (Outline)  
 Water Oakley, Bray  
**17162 / P111A**  
 Scale 1:1000 @ A1 / 1:2000 @ A3 May 2018



Illustrative Layout  
Water Oakley, Bray

17162 / P113A

Scale 1:1000 @ A1 / 1:2000 @ A3 May 2018

## MAIDENHEAD DEVELOPMENT CONTROL PANEL

13 March 2019

Item: 2

<b>Application No:</b>	18/03301/OUT
<b>Location:</b>	Boyn Valley Industrial Estate Boyn Valley Road Maidenhead SL6 4EJ
<b>Proposal:</b>	Outline application for layout, scale and access only to be considered at this stage with all other matters to be reserved for the erection of 4no. buildings to create 216 apartments with 189 parking spaces.
<b>Applicant:</b>	PZR Ltd
<b>Agent:</b>	Mr Matthew Roe
<b>Parish/Ward:</b>	Maidenhead Unparished/Boyn Hill Ward
<b>If you have a question about this report, please contact:</b> Christine Ellera on 01628 795963 or at <a href="mailto:chris.ellera@rbwm.gov.uk">chris.ellera@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The application seeks outline planning permission, with access, scale and layout to be considered at this stage, for 216 residential units contained within 4 blocks across the site, varying from 4-9 storeys in height. 64 units are proposed to be affordable housing. Access is proposed to the residential development via the existing access off Boyn Valley Road.
- 1.2 The proposed development would result in the loss of land allocated for employment uses. Therefore the principle of the proposed development is contrary to the Development. The applicants have referred to the BLPSV and the proposed housing allocation HA12 for the wider Boyn Valley Industrial Estate. Given the level of unresolved objections to the housing policies currently contained in the BLPSV, Officers are currently attributing limited weight to the proposed housing allocations as a material planning consideration; it does not outweigh the Development Plan.
- 1.3 In terms of design the proposed development would result in a form of development of a greater scale to the prevailing character of the area and it is outside of Maidenhead Town Centre. The layout, form and scale of the proposed development fails to interact with the streetscape and has a proposed frontage dominated by hardstanding, which fails to add to the overall quality of the area or result in a development that would be sympathetic to local character. This would have a detrimental impact on the local townscape and would be contrary to the adopted strategy for directing scale and height in the urban area. The proposed development has also failed to adequately demonstrate how the potential wider redevelopment of the site could take place.
- 1.4 Based on the level of information submitted in support of this planning application it has not been demonstrated that the proposed development would provide a suitable residential environment for future residents. Specifically, significant concerns have been identified in terms of the limited levels of natural sun/ daylight and outlook for the units contained in blocks A and B, which are proposed to be the affordable housing blocks.
- 1.5 The applicants supporting Planning Statement commits to 30% affordable housing provision and proposes to deliver a tenure which would reflect this need. This would significantly weigh in favour of this proposed development. However, there are identified concerns regarding the quality of the amenity provision for future occupiers for Blocks A and B which are the proposed affordable blocks and the proposed affordable housing provision is not spread across the site. Therefore, and whilst the provision of policy compliant affordable housing weighs significantly in favour of this scheme, it needs to be balanced against the lack of provision of a suitable residential environment and a 'clustering' approach to delivery of Affordable Housing.
- 1.6 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, (notwithstanding the objections regarding the level of hardstanding proposed) sufficient residential car and cycle parking would be provided.

- 1.7 The proposed development would not have a significant impact on the daylighting levels currently received by the nearby residential properties and would not result in any significant increased overlooking.
- 1.8 The proposed development is considered acceptable in terms of biodiversity and air quality and provides suitable sustainability measures. There are concerns regarding contamination, however subject to conditions it is considered that this could be suitably mitigated and monitored.
- 1.9 Therefore, having due regard to the proposed benefits of this scheme, it is considered that the adverse impacts of the proposed development in terms of; the loss of employment land, the proposed poor layout, incompatible height and scale of the proposed development, lack of sufficient consideration as to how the proposed development would fit within the wider area, as well as the failure to demonstrate a suitable residential environment significantly and demonstrably outweigh the benefits. The proposed development is therefore recommended for refusal for the reasons set out below.

<b>It is recommended the Panel REFUSES planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):</b>	
<b>1.</b>	<b>The proposed development would result in the loss of employment land, detrimental to the future employment needs of the Borough, locally available employment opportunities and the economy of the area. The proposed development is contrary to policy E2 of the adopted Local Plan (2003) and also the National Planning Policy Framework (2019).</b>
<b>2.</b>	<b>The proposed development by reason of its layout, density, height and scale would result in a form and scale of development incompatible with the prevailing character of the area, which is outside of the town centre. The precedent this would set and detrimental impact it would have on townscape and the adopted strategy for appropriately directing scale and height in the urban area is considered to be significant. In addition, the layout, form and scale of the proposed development fails to interact with the streetscape and has a proposed frontage dominated by hardstanding, which fails to add to the overall quality of the area or result in a development that would be sympathetic to local character. Overall the proposed development is not considered to deliver a high quality well designed scheme and is considered to be contrary to the aims and objectives of policies DG1, H10 and H11 of the adopted Local Plan (2003), the National Planning Policy Framework (2019) and policies SP2 and SP3 of the Borough Local Plan Submission Version (2018).</b>
<b>3.</b>	<b>It has not been demonstrated that the proposed development would provide a suitable residential environment for future residents. Specifically, significant concerns have been identified in terms of the limited levels of natural sun/ daylight and outlook for the units contained in blocks A and B, which are proposed to be the affordable housing blocks. This is contrary to the NPPF (2019).</b>

## **2. REASON FOR PANEL DETERMINATION**

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.
- At the request of Councillor Cllr Claire Stretton who requested that due to the level of public concern, the application should be determined by the Maidenhead Development Management Panel in a public forum

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

- 3.1 The application site comprises 1.4 hectares of land which makes up the southern part of the Boyn Valley Industrial Estate which is designated employment land. The area is mixed in use

with a number of other small employment sites and, predominately, two storey residential properties. To the south of the application site is network rail land, which will be utilised in connection with Cross Rail and the railway line beyond.

3.2 The application site is located in the urban area, outside of Maidenhead Town Centre boundaries but is within 800m walking distance from Maidenhead Railway Station which is located at the south western edge of the town centre.

#### 4. KEY CONSTRAINTS

4.1 The relevant constraints are as follows:

- Urban Area
- Designated Employment floorspace
- Proposed to be allocated for residential floorspace in the Borough Local Plan Submission Version.
- Areas of Good Accessibility (800m from Mainline Station)
- Adjacent to Air Quality Management Area
- Abutting Railway Land

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

5.1 The application seeks outline planning permission, with access, scale and layout to be considered at this stage, for a development comprising 216 residential units including 64 affordable housing units. The proposed development would be in the form of 4 blocks positioned across the site. Access is proposed to the residential development via the existing access off Boyn Valley Road.

5.2 Block A would be located to the western side of the site and is proposed to be four storeys, some 13m in height, and would measure 65.6m in length and 17.5m in width. It is proposed that this block would provide wholly affordable housing (44 units).

5.3 Block B is located in the central part of the application site, positioned close to the southern boundary. This would be four storeys, some 13.3m in height, 28.2m in length and 16.5m in width. A court yard is proposed to the east some 23.2m in width. It is proposed that this block would provide wholly affordable housing (20 units)

5.4 Block C is proposed to be 5 to 6 storeys, some 19.3m in height and 17.7m in width and around 28m in length. To the east of this apartment block is a car parking courtyard.

5.5 Block D – is located to the eastern end of the site. This is a U-shaped building the height ranging from 6-9 storeys, some 20- 31.8m in height. It is proposed that this block would provide 1 affordable unit.

Block	One bedroom	Two bedroom	Three bedroom	Total
Block A	12	32	-	44
Block B	6	14	-	20
Block C	5	22	-	27
Block D	31	86	8	125
Total	54	154	8	216

**Table 1: Summary of proposed units**

5.6 The proposed layout incorporates a total of 189 car parking spaces. This includes 115 surface spaces along the site frontage and between proposed blocks A and D and 74 in a part basement to block D. In addition, 216 cycle spaces are proposed as part of the proposals which are located in secure cycle stores located at ground floor level within each of the blocks.

- 5.7 Following the consultation responses the applicants have provided additional information in an attempt to overcome concerns. This has been subject to a full neighbour re-consultation, the outcome of which will be reported to Panel Members in any relevant Update.
- 5.8 It is not considered that there is any planning history relevant to this application.
- 5.9 In the event planning permission is granted the applicant will be required to submit application(s) for the following reserved matters:

'Appearance': the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

'Landscaping': the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features.

## **6 DEVELOPMENT PLAN**

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

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

- N6 Trees and development
- DG1 Design guidelines
- NAP4 Pollution of groundwater and surface water
- R1 Protection of Urban Open Spaces
- R3 Public Open Space Provision in New Developments (provision in accordance with the minimum standard)
- R4 Public Open Space Provision in New Developments (on site allocation)
- R5 Children's playspace
- E1 Location of Development
- E2 Industrial and Warehousing Development
- E5 Loss of land in Employment Areas
- E10 Design and Development Guidelines
- H3 Affordable housing within urban areas
- H6 Town centre housing
- H8/9 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

- 6.2 These policies can be found at [https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2)

## **7. MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2019)**

- 7.1 This document was revised in February 2019 and acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications. At the heart of the NPPF is a presumption in favour of sustainable development. The document, as a whole, forms a key and material consideration in the determination of any planning permission and is given significant weight.
- 7.2 Paragraph 11 of the NPPF sets out what the 'presumption in favour of sustainable development' means both in terms of plan-making and decision-taking:

*"For decision-taking, this means:*

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

- 7.3 Paragraph 73 of the NPPF (2019) states that:

*Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:*

- a) 5% to ensure choice and competition in the market for land; or*
- b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.*

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

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

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

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

- 7.5 Borough Local Plan Submission Version (BLPSV) is currently under Examination by the Secretary of State under section 20 of the 2004 Act, together with the various prescribed submission documents in accordance with Regulation 22 of the 2012 Regulations. Once adopted, the BLP will supersede the saved policies of the 1999 Local Plan and several policies in the Maidenhead Town Centre Area Action Plan (BLPSV, para. 1.4.3). Appendix A to the BLPSV sets

out the existing development plan policies that will be replaced by the BLPSV Policies when adopted, subject to the recommendations of the Local Plan Inspector.

- 7.6 The BLPSV comprises up-to-date strategic and development management policies for the Borough, which together with site allocations secure the delivery of development to meet objectively assessed needs of the Borough over the plan period. Specifically the BLPSV sets out the strategy for meeting the Borough's objectively assessed needs for housing, employment and infrastructure from 2013 up to 2033. The BLPSV is based on up-to-date evidence and the results of the previous consultations undertaken on the preparation of the BLP. Once adopted, the BLP will form part of the statutory development plan for the Borough.
- 7.7 Until it is adopted by the Council under section 23 of the Planning and Compulsory Purchase Act 2004, the BLPSV does not form part of the statutory development plan for the Borough. As such, in accordance with paragraph 48 of the NPPF and Section 38(6) of the Planning Act, when taking planning decisions, the Council may give weight to relevant policies in the BLPSV:  
*"... according to:*
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
  - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
  - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*
- 7.8 When dealing with planning applications this means the Council must continue to determine applications in accordance with the adopted Local Plan, unless material consideration indicate otherwise. By publishing and submitting the BLPSV for independent examination, the Council has formally confirmed its intention to adopt the BLPSV, subject to the recommendations of the Local Plan Inspector.
- 7.9 The policies and site allocations within the BLPSV have been prepared having due regard to, and are consistent with, national planning policy requirements and are supported by a comprehensive and up-to-date evidence base and Sustainability Appraisal.
- 7.10 Policies in the BLPSV which are materially relevant to the consideration of this planning application are:
- SP1 Spatial Strategy
  - SP2 Sustainability and placemaking
  - SP3 Character and design of new development
  - HO1 Housing Development Sites
  - HO2 Housing Mix and Type
  - HO3 Affordable Housing
  - HO5 Housing Density
  - ED1 Economic Development
  - ED2 Employment Sites
  - ED3 Other Sites and Loss of Employment Floorspace
  - TR6 Strengthening the Role of Centres
  - HE1 Historic Environment
  - HE3 Local Heritage Assets
  - NR1 Managing Flood Risk and Waterways
  - NR2 Trees, Woodlands and Hedgerows
  - NR3 Nature Conservation
  - EP1 Environmental Protection
  - EP2 Air Pollution
  - EP3 Artificial Light Pollution
  - EP4 Noise
  - EP5 Contaminated Land and Water
  - IF1 Infrastructure and Developer Contributions

- IF2 Sustainable Transport
- IF3 Green and Blue Infrastructure
- IF8 Utilities

7.11 The weight the LPA considers should be attributed to each policy, having due regard for the level of unresolved objections and degree of consistency to the NPPF (2012) is, where relevant, discussed further below.

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

### Supplementary Planning Documents

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

- Interpretation of Policy R2 to R6 - Public Open Space provision

More information on this document can be found at:  
[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

### Other Local Strategies or Publications

7.13 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance

More information on these documents can be found at:  
[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

8.1 41 occupiers were notified directly of the application.

8.2 The planning officer posted a notice advertising the application at the site on 21.11.2018 and the application was advertised in the Local Press on 22.11.2018.

8.3 1 letter was received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. The proposed development would result in increased noise and air pollution	Paragraph 9.7.6
2. Concerns about highway safety	Paragraph 9.6.1- 9.6.11
3. Concerns about antisocial behaviour	Paragraph 9.3.25- 9.3.26
4. Loss of privacy and overlooking	Paragraph 9.7.1- 9.7.6

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	The proposed redevelopment of the industrial estate for residential use in principal raises no significant highway concerns. The development's car and cycle parking provision complies with the Borough's standard. However at this stage there is currently insufficient information to demonstrate that there is space within the site for large vehicles to manoeuvre and access and egress the site in a forward gear. Additional information has been submitted and a response will be provided as part of the Update.	Paragraph 9.6.1- 9.6.11
Lead Local Flood Authority	Concerns and queries regarding the schemes ability to demonstrate a workable drainage scheme. Additional information has been submitted and a response will be provided as part of the Update.	Paragraph 9.9.1- 9.9.3
Arboricultural Officer	Concerns and queries regarding the ability for trees to be retained on site. Additional information has been submitted and a response will be provided as part of the Update.	Paragraph 9.3.19- 9.3.21
Ecologist	The implementation of precautionary bat mitigation, wildlife-sensitive lighting scheme, pre-commencement badger survey and biodiversity enhancements should be secured via planning conditions. Confirmation regarding the clearance of scrub land also needs to be clarified.	Paragraph 9.9.9- 9.9.12
Environmental Protection (noise)	A Noise Assessment has been submitted with the planning application. This does not take into account the future use of the railway sidings and the noise impact this will have on the new residential properties. The sidings have just been built are currently not in use with further works to be complete. The noise report should contain predicted noise levels from the railway sidings. Recommends other conditions in connection with construction.	Paragraph 9.9.7- 9.9.8
Environmental Protection (air quality)	The assessment submitted in support of this planning application has followed a conservative approach and the conclusion that the overall air quality impacts of the development on all relevant receptors are not significant is acceptable. During construction and demolition work dust control measures would need to be implemented.	Paragraph 9.9.4- 9.9.6
Environmental Protection (contaminated land)	No objection subject to contaminated land conditions	Noted
Landscape Officer	No comments to currently make	Paragraph 9.3.19- 9.3.21
Berkshire Archaeology	Archaeological potential at the site is likely to be low and no further archaeological mitigation measures are recommended in this particular instance.	9.9.13- 9.9.14
Network Rail	No objection in principle subject to recommended conditions	Noted

## Consultees

## Others

Group	Comment	Where in the report this is considered
Maidenhead	Excessive over development of the site. There is no	Loss of employment

Civic Society	parking provision for visitors. The maximum height should be four storeys. We remain concerned at the loss of commercial business and employment opportunity that is caused by redeveloping this industrial area.	land is addressed in section 9.2; design is considered in 9.3; parking considered in section 9.6.
RBWM Access Advisory Forum	The Design and Access Statement describes the features that comply with mandatory accessibility standards. Policy HO2 in the emerging Borough Local Plan, a development of this number of dwellings should include 8 "Accessible & Adaptable" units	Noted

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of the Development
- ii Design Considerations
- iii Highway Considerations
- iv Affordable housing provision
- v Impact on Neighbouring Amenity
- vi Provision of a suitable residential environment
- vii Infrastructure Provision
- viii Environmental Considerations
- ix Other Material Considerations

### Issue i) Principle of the Development

#### Loss of employment land

- 9.2.1 The current adopted proposals map shows that this site forms part of the Boyn Valley Industrial Estate. Policy E2: Industrial and warehousing development of the current adopted Local Plan states that this employment area is allocated primarily for industrial and small scale distribution and storage uses. Policy E5: Loss of Land in Employment Areas states that the redevelopment or change of use for retail or any purpose other than a business, industrial or warehousing use will not be permitted.
- 9.2.2 The proposal is for the residential redevelopment of this site. Therefore the principle of the proposed development is contrary to the adopted Development Plan.
- 9.2.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that applications for development should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the scheme would not accord with the adopted development plan, and as such it is necessary to consider whether there are material considerations which would support the grant of planning permission.
- 9.2.4 The NPPF is a material consideration of significant weight. Paragraph 121 of the NPPF states:

*“Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:*

a) *use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework....”*

- 9.2.5 The application site is designated as employment land in the adopted Local Plan. The proposed development is therefore also contrary to the NPPF (2019).
- 9.2.6 The applicant's justification, contained in their Planning Statement is that the principle of the loss of this employment floor space is that they consider that the existing buildings on the site have reached the end of their economic life and do not provide efficient employment floorspace. No further evidence has been submitted as part of this application to substantiate this position. They further consider that the light industrial and storage and distribution industries have declined over the years in Maidenhead, as evidenced in the Supplementary Market Analysis Employment Land Review prepared by Aspinall Verdi (January 2018), which forms part of the evidence base of the draft BLP. However the application site is largely occupied and in use. The applicant's further highlight that the draft site allocation HA12 'Boyn Valley Industrial Estate' in the Council's BLPSV identifies the site to deliver approximately 240 residential units across the wider site.
- 9.2.7 The BLPSV through allocation HA12 does look to designate this site as part of the wider 'Boyn Valley Industrial Estate' for residential use. As set out above, the BLPSV is currently at Examination by the Planning Inspectorate. It is not part of the Development Plan, any weight is only a material consideration. Due to the significant level of unresolved objections to the proposed housing allocations contained in Policy HO1, limited weight should be afforded to this material consideration. The appropriateness of re-allocating this site for residential (as opposed to retaining it for employment use) as part of the Council's wider strategy for growth contained within the BLPSV, remains to be considered as part of the consideration of the Examination of the BLPSV. This application is premature.
- 9.2.8 The applicants have highlighted in their letter dated 21 February 2019 that Stage 1 of the examination in public assessed the evidence base for employment floorspace across the Borough and following the examinations, the Inspector did not raise any objection to the findings and conclusions of these assessments. However Stage 1 of the hearings did not consider matters regarding the Council's strategy regarding employment; the only discussions which were had was in terms of: legal compliance; the duty to cooperate (including the housing market area) and the Green Belt review. The applicant's assertions in this regard are therefore factually incorrect. The weight that an LPA may give to an emerging policy is had having due regard to the individual merits of the application for consideration and the precise status of the emerging policy.
- 9.2.9 Part of the applicants wider justification for the residential redevelopment of this site is that the Council's BLPSV sets out how it will meet the objectively assessed need for the Borough, which includes some green belt release, therefore demonstrating a shortage of urban land for meeting identified housing needs and that potential sites in urban areas should be utilised to deliver housing to meet the identified need. This matter is considered further below, as part of the overall planning balance. However, the consideration of the loss of employment land in the urban area to residential and the wider release of green belt land for housing goes to matters which are fundamental to the examination of the BLPSV. In summary, given the amount of unresolved objections, the BLPSV proposed strategy for the delivery of housing is given limited weight as a material consideration in this assessment.
- 9.2.10 Moreover, it is clear that the majority of the existing units are currently occupied and indeed the evidence referred to by the applicants demonstrates that there is a need to maintain existing employment space within the Borough. For the reasons set out above, the principle of the proposed development is contrary to the Development Plan. It is also contrary to the NPPF and the BLPSV, both of which are material considerations which are afforded significant weight as a whole. The loss of the current employment land is therefore considered to substantially weigh against the proposed development.

#### Prejudicing the existing industrial uses

9.2.11 The site forms part of the wider industrial area. The adjacent industrial buildings are fully occupied and have an unrestricted use, with no conditions limiting hours of use or hours of operation. Any residential redevelopment of the land should not affect or prejudice the continued operation of the adjoining local employment area.

9.2.12 Paragraph 182 of the NPPF is clear in that:

*'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established...'*

9.2.13 It is therefore important that any potential redevelopment of this site does not prejudice the continued viability of the adjacent uses. Allowing a residential development on this site must not expose future occupiers to disturbance that could result in noise complaints and restrictions on existing adjoining industrial activities.

### **Issue ii) Design Considerations**

9.3.1 Policies DG1 and H10 of the adopted Local Plan seek to ensure that residential development will be of a high standard of design and landscaping, compatible with the area and street scene. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area.

9.3.2 Section 12 of the NPPF deals with achieving well designed places and delivery of developments that will function and contribute to the overall quality of the area in the long term. To achieve this, development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; they should be sympathetic to local character and history, including the surrounding built environment and landscape setting. The NPPF is clear in emphasising that this should not prevent or discourage change (such as increased densities).

9.3.3 The NPPF further states that design quality should be considered throughout the evolution and assessment of individual proposals and encourages early discussion between applicants, the local planning authority and local community about design and style and that designs should evolve to take account of the views of the community. National policy guidance is clear that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

9.3.4 As set out above, BLPSV can also be given significant weight as a material consideration, being at an advanced stage in its preparation and being consistent with the NPPF, this being subject to the level of unresolved objection to the relevant policies. Whilst having due regard for the representations against policies relating to design, notably policies SP2 and SP3 of the BLPSV; Officers have reviewed the objections to the above policies and do not consider that these amount to extensive unresolved objections which would warrant attributing less weight to these policies. Accordingly, the Officer position is that the aforementioned policies of the BLPSV are a material consideration to which significant weight should be attributed. Policy SP2 of the BLPSV states that new developments should positively contribute to the places in which located and that larger developments should provide a harmonious, integrated mix of uses, where appropriate, that foster a sense of community, vibrancy and activity, along with contributing to the provision of social, natural, transport and utility infrastructure to support communities. The policy further promotes the community integration and sustainable place making. Policy SP3 sets out a number of principles to achieve a suitable high quality design.

#### *Density*

9.3.5 The site is previously developed land in an urban area located relatively close to amenities, shops and services. The application site is not in a town centre location, but is within walking distance to Maidenhead Town Centre.

- 9.3.6 The historic residential layout of the area is small to medium sized residential dwellings in a tight grained layout of properties facing the roads. The prevailing density of the area is in the region of around 25 dwellings per hectare (dph).
- 9.3.7 The proposed housing allocation contained in HA12 of the BLPSV proposes 240 dwellings across the whole industrial area of 2.47 hectares, this would equate to a density of around 97 dwellings per hectare. This is considered to be on the upper density limit for a development outside of the town centre, to ensure efficient use of previously developed land and would result in a form of development in the region of 3-4 storeys in height. This is a consideration of limited weight.
- 9.3.8 The density proposed as part of this application would be around 154 dph which is well above that of the prevailing character of the area and at a similar density to that recently agreed within some of the key town centre locations. The application fails to be considered on its merits density is only one indication to the appropriateness of the level of development coming forward and the potential overdevelopment of a site.

#### *Layout*

- 9.3.9 The area is mixed in character with residential buildings being of a uniform tight knit linear grain and the buildings within the designated industrial area being large detached blocks, developed ad-hoc over time. There is currently no permeability through the site, although buildings to the south east of the site afford a rear access from the application site onto Silco Drive. Silco Drive is located to the south eastern corner of this site and forms the main access for Network Rail to access their Cross Rail depot.
- 9.3.10 Layout is a detail to be considered as part of this application. One main access is shown to the proposed site off Boyn Valley Road as existing. The proposed development is effectively 4 large, double corridor buildings located in a linear form along the southern boundary of the site with parking between and in front of the buildings. The rear elevations of the proposed buildings would be immediately adjacent to or in close proximity of the rear embankment along the site. The proposed layout means that the proposed development offers no interaction or connection with the street scene, with an expanse of hardstanding for parking which dominates the frontage. Whilst some opportunities for landscaping are proposed in the indicative plans, due to the level of hardstanding and proximity to adjoining industrial buildings there are limited opportunities for planting (see paragraph 9.3.19- 9.3.21).
- 9.3.11 No proposed access/ potential routes are shown to connect with the wider Industrial area to the north of the site. Opportunities for future linkages is prevented due to the expanse of parking running along the northern boundary of the site (and also proposed cycle parking which is located to the north eastern corner). This proposed layout results in no opportunities for an integrated and comprehensive redevelopment of the site. It also demonstrates that there is lack of any consideration of how the wider industrial area could be redeveloped, which is a material consideration.
- 9.3.12 The proposed allocation for this site identifies that pedestrian and cycle links should be provided through the site to improve the connectivity between Silco Drive and Boyn Valley Road. Whilst limited weight is given to this proposed allocation, this sets out some key principles to achieve good design. There is currently a rear access gate from Boyn Valley Industrial Area to this Road. The indicative landscaping plans show a proposed pedestrian route to the south of Building D. It should be noted that this is not shown on the proposed plans and as layout (which includes routes through the site) is a material consideration, in the event permission were to be granted revised plans would need to be sought to secure this as part of the proposed layout.
- 9.3.13 The indicative landscaping also indicated the child's play space to the south eastern corner which is at the end of the site and in a discreet location which does not benefit from much natural surveillance. In the event permission were to be forthcoming as part of landscaping, details would need to be sought to secure play space in a more widely accessible and visible location.

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

- 9.3.14 The prevailing height of residential development in the vicinity is two storeys with some accommodation in the roof. Existing buildings within Boyn Valley Industrial Area are of similar height, with some along the frontage being single storey. The domestic scale of the current buildings within the Industrial area results in the visual appearance of the area being fairly bland. There are recent planning permissions for redevelopment along the road including 16/01630/FULL at 99 - 103 Boyn Valley Road which approved a development of 3-4 storeys in height to provide 45 x 1 and 2 bed apartments.
- 9.3.15 The proposed height and scale of the blocks vary across the site. Blocks A and B are 4 storey in height. Block C is 5-6 storeys in height and block D located in the south eastern corner 6- 9 storeys. The site is outside of the town centre boundaries and the buildings would reach 20- 30m in height. Whilst the principle of four storey blocks is not considered necessarily inappropriate, the layout and scale of the proposed development should respond to the character of the area. Whilst appearance is a reserved matter, scale is a matter for consideration as part of this application. The indicative information submitted with this application shows the scale of Blocks A and B as two large four storey blocks with significant levels of hardstanding to the frontage which would be overtly visible from the streetscene.
- 9.3.16 Similarly whilst building C is contained within the site, behind the wider Industrial Area at 5- 6 storeys in height this would be a bulky and visually prominent building. Block D is a large U shaped block with podium garden above a part ground floor basement. The proposed height varies from 6 up to 9 storeys. The applicant's justification for their approach to height and scale can be summarised as the sites location on the fringe of the town centre and the Council's aspiration of strategic growth in Maidenhead. The applicants further set out that the height would be stepped up from 6- 9 storeys. However the 9 storey element would be the elevation which would be the most perceptible and prominent when approaching the site. Block D is considered to be a prominent and overly bulky form of development. Moreover the proposed height of these blocks would be greater than the prevailing character of the area or indeed that recently approved as part of the various planning permissions in the heart of Maidenhead Town Centre, including the York Road redevelopments and the site known as Chapel Arches, all of which are up to 8 storeys in particular locations within prominent town centre sites and not perceptibly greater in height than 20m. The site is some 800m from the town centre boundary and the proposed development would have a height of up to 31.8m.
- 9.3.17 As part of the BLPSV the Council has identified Maidenhead as a potential location for growth, which is informed, in part, by the proposed housing policies and allocations which sets out the indicative amount of units which would be acceptable on this site and would make efficient use of urban land. Moreover efficient use of urban land should first and foremost and in accordance with the aforementioned Local Plan policies, the NPPF (2019) and the BLPSV be sympathetic to local character and surrounding built environment. Whilst there are opportunities for a redevelopment scheme to increase densities as part of coherent redevelopment of this whole site it should not be to the detriment of good design. The proposed height and scale of the development, combined with the proposed layout, results in a form of development which fails to have any regard or consideration for the prevailing or emerging grain, layout, form, scale or character of the area. It is considered that this would introduce a scale of new development which would be incompatible with and cause damage to the character and amenity of the area. This is considered significant and demonstrably harmful.

*Proposed landscaping including trees*

- 9.3.18 The existing site is dominated by built form and hardstanding and displays the visual appearance of that associated with the previous (and allocated) employment use of the site. There are opportunities through a residential led scheme to improve the appearance of the area through the introduction of soft landscaping and appropriate boundary treatments. Indeed emerging allocation HA12 identifies that any redevelopment of the wider site should provide appropriate green landscaping on to the Boyn Valley Road frontage and retain existing valuable trees
- 9.3.19 The tree survey records three significant tree belts, one along the eastern boundary and two along the southern boundary, G6, G7 and G8 respectively. Whilst the trees may have limited individual merit, they do provide a positive linear feature and 'green' linkages to other tree belts

outside the site, including adjacent to the railway line. The Tree Officer has raised concerns that there is no evidence to support the assertion that mature tree planting can be retained or delivered in these locations. Further to this the applicants have provided additional information which is currently being considered by the Tree Officers. Panel Members will be provided with an Update on this matter.

- 9.3.20 In any case and whilst landscaping is a reserved matter, consideration of the indicative information provided demonstrates that opportunities for soft landscaping are largely to the southern (rear) of the application site, adjacent to the railway land. There are limited opportunities for soft landscaping to the site frontage and or around the proposed car parking areas. This will only seek to emphasise the frontage of this proposed development being dominated by hardstanding. Thus further demonstrating the overdevelopment of this site.

*Wider masterplan considerations*

- 9.3.21 Notwithstanding the objection regarding loss of employment land, the site forms part of the wider Boyn Valley Industrial Estate which suggests as part of the BLPSV proposed housing allocation, around 240 dwellings could be achieved across a site of 2.47ha. The proposed development would be for 216 dwellings on a site of 1.4 hectares. Whilst a greater density or a part redevelopment of a wider site need not be unacceptable, due consideration needs to be given to ensure that the proposed layout, scale and height of a development would form part of a comprehensive redevelopment of the wider site to ensure the proposed development optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and to create attractive, welcoming and distinctive places to live as required by paragraph 127 of the NPPF (2019), which deals with achieving well designed places. At the very least the redevelopment of part of site should demonstrate it would not prejudice the wider redevelopment from coming forward, thus ensuring that the proposed development would not prevent the wider site making efficient use of land (paragraph 127 of the NPPF (2019)).

- 9.3.22 The applicants Design and Access statement makes a brief assessment of how the wider Boyn Valley Industrial Area could come forward and as part of the additional information submitted provided in an indicative master plan. This shows two large blocks squeezed into the site in a layout which appears cramped. No further assessment is proposed regarding how this layout would embrace the principle of good design or interact with the streetscene. Nor is there any indication of the likely overall quantum of development which would likely come forward and how this would respond to the character and appearance of the area. The through access from this application site to the wider site is shown in an area where under this proposed development parking is shown (along with indicative tree planting). Moreover in locating the 9 storey element to the south of the site the applicants have failed to demonstrate how the proposed development would not overshadow and harm the wider site from being redeveloped.

- 9.3.23 It is not considered that the applicants have adequately or sufficiently demonstrated how the proposed development would comply with paragraph 127 of the NPPF (2019) which deals with well-designed places and nor (and at the very least) has the proposed development demonstrated that it would not prejudice the wider redevelopment of the site coming forward in a successful manner.

*Other design considerations*

- 9.3.24 The NPPF (2019) seeks opportunities to design out crime and create safe and accessible areas. The proposed development is considered to be of poor legibility. In the event permission were forthcoming as part of any reserved matters regarding landscaping an indicative lighting scheme would be required, to be secured by way of condition. Secure by design conditions could be reasonably attached to any planning permission granted. As such, conditions could be imposed to make the scheme acceptable in this regard were permission to be granted.

- 9.3.25 In addition to the above and as set out in the NPPF (2019), in determining applications great weight should be given to outstanding or innovative designs which promote high levels of sustainability, so long as they fit in with the overall form and layout of their surroundings. Matters

regarding sustainability are dealt with below in paragraphs 9.9.15-9.9.17; given the concerns expressed regarding the overall form and layout of the proposed development it is not considered that this application falls within the above definition.

#### *Conclusion of design assessment*

- 9.3.26 In the event a residential led development were considered to be appropriate on this site there are significant opportunities as part of the redevelopment of the industrial area as a whole to enhance and uplift the appearance of this area and to respond to the streetscene and character of the area. This development is proposed to replace low rise buildings in an area which is characterised by one to two storey building with four large detached blocks varying from four to nine storeys in height with a proposed frontage dominated by hardstanding and parking. As identified above, the proposal is considered an overdevelopment of the site which has provided no indication of how this would form part of a successful and coherent redevelopment which considers legibility across the site to improve and enhance the character of the area. The proposed development offers no positive contribution to the streetscene and has failed to consider how this forms part of a potentially wider site. The height and scale is also excessive and well above the prevailing character of this area or indeed that which could be argued to promote regeneration and change for this part of Maidenhead.
- 9.3.27 Whilst the NPPF, as a material consideration looks at opportunities to make efficient use of land and the BLPSV (2018) looks to direct growth to Maidenhead, both documents are clear that this should not be to the detriment of good design. The proposed layout, height, scale and failure to consider the area as a whole is considered to be poorly conceived and one which lacks any consideration apart from achieving the maximum amount of units on this site. This poor design approach is considered to substantially weigh against the proposed development.

#### **Issue vi) Provision of a suitable residential environment**

- 9.4.1 There is no specific policy in the Development Plan regarding provision of a suitable residential environment or regarding the impact on neighbouring amenity. Paragraph 127 of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.4.2 Policy SP3 of the BLPSV states that development will be expected to have no unacceptable effect on the amenities enjoyed by the occupants of adjoining or proposed properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.
- 9.4.3 The government has also published Technical Housing Standards- nationally prescribed space standards (2015) which sets out guidance on floor space requirements for new developments.
- 9.4.4 Although architectural details (such as window positions) are for consideration at the 'appearance' stage, the locations of windows would be largely contained to principal elevations and thus an assessment of the provision of a suitable residential environment as part of this application is appropriate.
- 9.4.5 Proposed new residential development should provide an appropriate level of lighting, outlook and amenity to all habitable rooms and be of a suitable space standard. Developments are also expected to enhance existing landscaping and promote visual interest and amenity.
- 9.4.6 The information submitted in support of this application demonstrates that the proposed layout would meet the national space standards. Whilst a sunlight and daylight assessment has been submitted as part of this application, this does not assess impact on neighbouring amenity as discussed below (see paragraphs 9.7.1- 9.7.6) and it does not address outlook, day/ sunlight or overshadowing within the application site.
- 9.4.7 The proposed ground floor units of Block A show proposed flats along the north front elevation would be located immediately adjacent to parking areas. Indicative landscaping plans show some form of privacy strip, however there is very limited space in front of Block A to provide any meaningful planting and to accommodate all the proposed parking along the site frontage.

Moreover, front facing units to Block A would be north facing and so would also have limited amount of sun and or daylighting. The rear of Block A would be positioned some 6-7m from the railway embankment at the rear of the application site, this would result in many of the ground and first floor flats having limited sun/ daylight or outlook. Block B would have similar issues where ground floor front facing units would having limited privacy and all other north, front facing units would have limited natural sun light. The southern rear elevation is proposed to be almost adjacent to the rear embankment wall. This would result in the first floor flat having almost no outlook or sun lighting. The failure to provide a suitable residential environment significantly weighs against the scheme.

- 9.4.8 Block C is orientated so the principal elevations are east and west facing enabling units to achieve a greater level of sunlight than blocks A and B. Ground floor units facing east are indicatively shown to have a greater privacy strip to that to blocks A and B and the western elevation faces onto an area of open space proposed between blocks B and C. This allows all units (all proposed to be private) to have suitable sunlight, daylight and setting.
- 9.4.9 Block D is a 'U' shaped building located in the south eastern corner of the site. Similarly Block D contains a number of north aspect facing units. Whilst indicative plans show proposed planting along the north boundary in front of these units it is unclear if there is sufficient space for meaningful planting given the proximity of two large industrial buildings on the adjoining site. Moreover, other plans show proposed cycle parking positioned north of block D (where other plans indicate that tree planting could be accommodated). Block D would range from nine to six storey in built form. Many of the proposed units would also face into a courtyard and with only a maximum separation of 19m, it is unclear if these units would receive sufficient levels of sun and daylighting. There would also be considerable inter-overlooking between proposed units (recommended back to back separation distance for domestic properties is usually 20m).
- 9.4.10 It is accepted that in redevelopments on previously developed land there can be some limitations in the proposed layouts of units. However there is an expectation that a scheme would be designed to maximise the opportunity to achieve satisfactory living conditions for future occupiers. In this instance the level of amenity proposed for future occupiers, particularly blocks A and B are considered to be extremely poor in terms of level of natural sun/ daylight and outlook. This significantly weighs against the scheme and is also considered to be a further symptom of the proposed overdevelopment of this site. It should also be noted that buildings A and B are the blocks proposed to be for affordable housing.
- 9.4.11 The location and layout of cycle stores in ad-hoc positions without further consideration also demonstrates a poor level of amenity and the overdevelopment of this site. This matter will be considered further as part of the overall planning balance. Separate secure refuse and recycling stores are shown. These should comply with space standards set out within the Sustainable Design and Construction SPD and further details and provision could be dealt with by way of condition. It should however be noted that the refuse stores to block D are located adjacent to the entrance and above ground level which would mean bins having to be pulled along a wide ramp for collection which is a suboptimal layout.

#### Noise

- 9.4.12 Paragraph 180 of the NPPF (2019) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes avoiding noise giving rise to significant adverse impacts on health and the quality of life.
- 9.4.13 The southern elevation of the proposed buildings would face out onto the railway. A Noise Impact Assessment prepared by KR Associates has been submitted in connection with this application. The overall conclusions of this document is that based on double glazed windows and trickle vents the proposed flats would have a suitable level of amenity. However this assessment is subject to all windows being closed. However when windows would be open both during the day and at night, particularly in summer months, proposed flats would have some noise disturbance,

although the applicants Noise Assessment concludes it would be within acceptable tolerances. The Council's Environmental Protection Officer has reviewed this and raised some concerns that the new railway sidings are located to the south of the application site. These sidings (a track where railway vehicles may be left, i.e. are not an operating train for the time being) forms part of Network Rail's Railway Upgrade Plan as part of Cross Rail to increase its capacity at peak times and are currently not in use. The applicant's response is that the noise emissions from the high-speed line compared with the siding and depot changes result in a very marginal impact on the noise levels impacting the proposed facades.

- 9.4.14 In any event if planning permission were forthcoming it would be expected that a revised Noise Assessment be submitted as part of the reserved matters regarding appearance to look at the windows and elevations treatment for the proposed development to ensure they are acoustically suitable to have due regard for the future network expansion associated with Cross Rail.

#### Open Space

- 9.4.15 Current Local Plan policies R3 and R4 require on site open space. This sets out that 15% of the application site should be provided as open space. This equates to 0.21 hectares (approx.). The cumulative size of the land proposed between blocks B and C, along with the land to the south of block D and proposed podium garden would comply with this requirement in quantitative standards. However, much of this open space would be enclosed by building and adjacent to Network Rail Land. In the absence of a sunlight/day light assessment which deals with the amount of daylight for the proposed open space or a noise assessment which deals with the proposed amenity areas, it is not possible to assess if the proposed development would provide a usable amenity space in qualitative terms which would contribute to the enjoyment for future residents
- 9.4.16 The indicative layout further demonstrates that the majority of units would benefit from private balconies. Although as identified in paragraph 9.4.7 there is limited opportunities for private amenity provision to ground floor units in block A and B.

#### **Issue iv) Affordable Housing Provision**

- 9.5.1 Policy H3 Affordable Housing of the adopted Local Plan states that the Borough Council will seek to achieve a proportion of the total capacity of suitable residential schemes be developed in the form of affordable housing to meet recognized need. The adopted policy provides no clarification on the suitable level of provision and/or tenure. The Council's Affordable Housing Planning Guidance provides further guidance over developments meeting an onsite 30% requirement. It also sets out that where 30% provision cannot be provided an application should be supported by a financial viability appraisal. The adopted guidance on affordable housing rounds down to the nearest whole unit. 30% on site affordable housing would equate to 64 affordable housing units being provided on site as part of the application. The tenure mix is not specified in adopted policy; this is a consideration in the BLPSV.
- 9.5.2 The NPPF (2019) provides clarification on the definitions of various affordable housing tenures. Paragraph 65 of the NPP sets an expectation that 10% of homes on major development sites should be available for affordable home ownership.
- 9.5.3 Policy HO3 of the BLPSV sets out residential developments of ten or more dwellings should provide 30% on site affordable housing. Given the number of unresolved objections limited weight is afforded to this policy as a material consideration.
- 9.5.4 The Council's Affordable Housing Planning Guidance Document (2016) provides further advice on the expectation of provision. This is clear that affordable housing should be spread around the whole development – not just in one location. It also sets out that affordable housing needs to be integrated into the new development, its appearance in terms of design, materials and appearance and layout should not differentiate it from the remainder of the development.
- 9.5.5 The applicants supporting Planning Statement commits to 30% affordable housing provision to be delivered as part of this scheme. A total of 65 units are proposed as part of this development to

include x19 one bed apartments and x46 two bed flats. In terms of the proposed tenure, this is proposed to be 45% affordable rent, 35% social rent and 20% intermediate.

- 9.5.6 The Council's current Strategic Housing Market Assessment sets out that the Borough's current affordable housing need is 80% of rented tenures and 20% intermediate housing. The tenure mix is not specified in adopted policy; this is a consideration in the BLPSV. The proposal delivers a tenure which would reflect this need. In the event planning permission is forthcoming affordable housing units will be secured in a Section 106 legal agreement including the nomination rights.
- 9.5.7 The provision of policy compliant affordable housing in terms of overall provision and tenure reflecting need weighs in favour of this proposed development and forms a key benefit of this proposed development. However, the applicants are proposing that Blocks A and B (with the exception of one unit in Block D) would provide the affordable housing and has not proposed that the provision would be spread across the development as a whole. This is contrary to the Council's guidance and more generally good urban planning. Furthermore and as identified in paragraphs 9.4.7 significant concerns have been identified in terms of the level of amenity for future occupiers of the proposed affordable housing blocks (blocks A and B) in terms of levels of sunlight, daylight and outlook, the guidance is clear that the proposed layout for affordable units should not differentiate from the wider development. This will be considered further in the overall planning balance.

### **Issue iii) Highway Considerations**

- 9.6.1 Policy TF6 of the adopted Local Plan states that all development proposals will be expected to comply with the Council's adopted highway design standards.
- 9.6.2 The NPPF (2019) states that developments should promote opportunities for sustainable transport modes that can (suitable to the type of development and its location), provide safe and suitable access to the site for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.6.3 The NPPF (2019) 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.

#### Access, egress and highway safety

- 9.6.4 The NPPF states at paragraph 109 that:

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

- 9.6.5 The development will be served by the existing access along Boyn Valley Road. The Transport Assessment submitted in support of this application demonstrates when accounting for the traffic generated by existing uses on the site, a reduction in daily movements along the road would arise. The proposed development would also reduce the number of HGV movements associated with the site.
- 9.6.6 The Highway Authority has not raised any issues regarding the proposed vehicle trips, nor the access arrangements to and from the site. Further details regarding the swept path analysis of vehicles entering the site to ensure they are able to egress in a forward gear, along with details of footways and aisles were requested. The applicants have provided this additional information and this evidence is currently being reviewed by the Highway Authority. Panel Members will be updated on the current position as part of the Update.

#### Parking Provision

- 9.6.7 The Council's Parking Strategy (2004) sets out the Council's recommended parking provision for new developments and further advises that the half of the relevant parking provision standards are required for sites within the 'Areas of Good Accessibility' which is defined as sites within 800 metres distance from a rail station with regular (half hourly or better) train services. The site is located some 700m from Maidenhead Railway Stations which is well served by frequent trains to London, Reading and beyond. Based on the proposed mix the level of parking for this development would be 189 car parking spaces.
- 9.6.8 The site layout to illustrates car parking at ground level (115 surface car parking spaces) and under croft at block D (74 spaces), providing a total of 189 car parking spaces. The overall parking provision complies with the Council's adopted Parking Strategy. The applicants have also confirmed that they would provide 20% of active and 20% of passive charging bays. Such matters could be secured by way of condition.
- 9.6.9 In addition, 216 cycle spaces are proposed as part of the proposals which are located in secure cycle stores located at ground floor level within each of the proposed blocks. Conditions can secure provision of vehicle and cycle parking.

#### Services, access, and refuse

- 9.6.10 The Highway Authority is currently reviewing additional information which seeks to demonstrate that the site can be accessed by servicing vehicles entering and exiting the site in a forward gear. Panel Members will be updated on the current position as part of the Update.
- 9.6.11 In terms of proposed refuse areas, it is unclear if each building has sufficient separate stores to meet the needs. However across the development as a whole there appears to be suitable space standards to accommodate waste and recycling bins and complies with the requirements of the Council's SPD on such matters.

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

- 9.7.1 There are no specific policies in the adopted Local Plan regarding impact on neighbouring amenity. Paragraph 127 (f) of the NPPF is a material planning consideration to be given significant weight and states developments should:

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

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

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

- 9.7.3 Due to the location of the site the only residential dwellings potentially affected by the proposed development would likely be those to the north of the site, along Boyn Valley Road. These are no. 173 – 195 (odd numbers). These properties would be located 30m away from and opposite to Building A, which is proposed to be 4 storeys in height.

- 9.7.4 A Sunlight and Daylight Assessment has been submitted in support of this application, provided by Point 2 Surveyors. 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. This sets out that the proposed development would not have a significant impact on sunlight and daylighting to these adjacent properties. However the assessment demonstrates that there would be some moderate

impact to the level of daylighting to the ground floor front facing living room window to No. 181 Boyn Valley Road, however this is marginally above the recommended guidelines.

9.7.5 In terms of privacy, due to the space of 30m from the proposed development to the front elevation of these adjacent dwellings it is not considered that the proposed development would result in a significant loss of privacy or overlooking to these adjacent residential dwellings.

9.7.6 In terms of proposed noise disturbance, the site forms part of the wider Industrial Area. It is not considered that the proposed development would result in increased noise and disturbance above the lawful use of the site. Impact on the wider industrial area is considered above in paragraphs 9.2.11- 9.2.13.

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

9.8.1 The BLPSV identifies the allocation of the wider Boyn Valley Industrial Estate for 240 units, this would equate to a proposed 136 units coming forward on this part of the site (pro rata). The Council has published its latest Infrastructure Delivery Plan (IDP) in January 2018 which sets out the infrastructure needed to support the development coming forward in the Borough over the Plan period (including social infrastructure) and how this may be funded. This IDP takes into account the BLPSV planned development which includes the proposed allocation. This development would result in 140 dwellings above that assumed for this allocation site.

9.8.2 The development would therefore create additional pressures on the infrastructure needed to support residential development. A Social Infrastructure Assessment has not been submitted as part of this application to justify the proposed impact.

9.8.3 The Council's IDP identifies that 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. This development would result in increased pressures in this delivery.

9.8.4 In addition the increase in housing delivery above that anticipated in the BLPSV would also result in a long term increase in the demand on school places. Whilst the IDP does set out the potential expansion of nearby schools sufficient to support the planned development contained in the BLPSV it does not allow for any additionality. Furthermore, in accepting a greater density on this site, well above that anticipated in the emerging BLPSV as part of the Council strategy for directing growth this would set a precedent for other sites, particularly the wider Boyn Valley Industrial Area where a significantly greater quantum of development would likely come forward. This weighs against the proposed development and will be considered further as part of the wider planning balance.

9.8.5 Currently the appropriate mechanism to fund the provision of education or health provision is through the Community Infrastructure Levy. The site is liable for the CIL at a rate of £100 per square metre (net floor space). CIL will generate receipts which can go towards funding the infrastructure needed to support the development of the borough as a whole, such as towards school places. At outline stage it is not possible to establish the CIL receipts resulting from the development. This will be calculated at the final reserved matters stage regarding layout. However based on the indicative floor space proposed this would be in the region of around £1 million.

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

##### Flooding and Sustainable Urban Drainage

9.9.1 The site is not within flood zone 2 or 3. 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.

- 9.9.2 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).
- 9.9.3 A Flood Risk Assessment and Drainage Strategy prepared by Baynham Meikle Partnership, dated 02.10.2018 has been submitted in support of this planning application. The Lead Local Flood Authority has reviewed this document and expressed concerns in terms of insufficient information provided to allow a full assessment of the proposed surface water drainage system. The applicants have submitted additional information to overcome these matters which are currently being reviewed by the Lead Local Flood Authority. Miners will be updated on this matters at the Panel meeting, through an Update.

#### Impact on Air Quality

- 9.9.4 The eastern boundary of the site forms the outer extent for the Maidenhead Air Quality Management Area (AQMA). The NPPF (2019) 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.
- 9.9.5 An Air Quality Assessment has been submitted in connection with this application prepared by PZR Limited and dated 18 September 2018. The findings and conclusions of the Air Quality Assessment is that during the construction phase, the proposed development may affect local air quality due to the generation and re-suspension of dust and particulate matter during the demolition and construction phase, however these are not considered to be significant. The assessment also provides mitigation measures to ensure effective control. Such matters could be secured by way of condition.
- 9.9.6 During the implementation phase the assessment looks at the 'worst case' basis and utilised 9 locations in this locality to assess the impact. The assessment concludes that results predict that the development would have a 'negligible' impact on air quality in 7 locations and a moderate impact on air quality in two locations. Mitigation measures have been recommended such as the installation of electric vehicle charge points, the distribution of local travel information and creation of a travel plan for future residents. This can be agreed by way of condition and legal agreement respectively.

#### Impact on Noise

- 9.9.7 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 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.
- 9.9.8 The residential redevelopment of this site is unlikely to generate increased noise and disturbance above and beyond the current employment and industrial uses present at the site. Any significant issues regarding noise would likely be from construction, this can be dealt with under conditions and/or under separate control of pollution legislation, as appropriate.

#### Biodiversity

- 9.9.9 Paragraph 170 of the NPPF (2019) states that planning decisions should contribute to and enhance the natural and local environment. The emphasis is on minimising impacts on and providing net gains for biodiversity. Paragraph 175 of the NPPF states that:

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

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

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

- 9.9.10 Emerging Policy NR 3 of the BLPSV requires proposals to protect and enhance biodiversity. Policy IF 3 of the BLPSV seeks the provision of high quality green and blue infrastructure.
- 9.9.11 The Council’s Ecologist has reviewed the information and considers that the implementation of precautionary bat mitigation, wildlife-sensitive lighting scheme, pre-commencement badger survey and biodiversity enhancements could be secured via planning conditions.
- 9.9.12 However the Councils ecologist has also raised queries regarding the existing scrub and on site planting as the illustrative landscape plan is unclear what is to be maintained. The applicants Ecological Appraisal identified that there is an area of scrub habitat along the southern boundary which should be preserved due to the potential habitats in this area. Given that landscaping is a reserved matter, in the event that planning permission were granted, such matters would be clarified at the reserved matters stage for landscaping.

#### Archaeological matters

- 9.9.13 In terms of archaeological impact, paragraph 189 of the NPPF 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’.*
- 9.9.14 An archaeological desktop assessment has been submitted in connection with this application prepared by CgMs dated November 2018. This concludes that that the site has limited archaeological potential. Berkshire Archaeology has been consulted on this application and agrees with this assessment. Accordingly the proposed development is unlikely to affect any archaeological interest.

#### Sustainability and Energy

- 9.9.15 The NPPF (2019) paragraph 153 states that in determining planning applications developments should comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.
- 9.9.16 An Energy Statement dated 8 October 2018 prepared by Waterman has been submitted in support of this planning application. Renewable energy sources were assessed and photovoltaic panels were considered to be appropriate to provide onsite energy generation targets, although no details of the location and visual appearance has been provided as part of this application.
- 9.9.17 The Statement further sets out that high efficiency heat pumps are proposed to provide both heating and hot water. The design and access statement also refers to water efficiency measures that could be installed as part of each unit. In the event that planning permission were granted conditions could secure additional information be submitted which comprehensively deals with these matters.

## Issue vii) Other Material Considerations

### Housing Land Supply

9.10.1 Paragraphs 10 and 11 of the NPPF (2019) set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

*For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

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

9.10.2 Footnote 7 of the NPPF (2019) clarifies that policies which are most important for determining the application and are out-of-date include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

9.10.3 Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted in January 2018. The Borough Local Plan Submissions Version sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory. However as the BLPSV is not yet adopted planning policy and limited weight is being attributed to the proposed housing allocations, due regard also needs to be given to the NPPF standard methodology in national planning guidance to determine the minimum number of homes needed for the borough. At the time of writing, based on this methodology the Council is able to demonstrate a five year rolling housing land supply based on the current national guidance. Accordingly the so called "titled balance" is not engaged.

9.10.4 The applicant claims that a benefit of this scheme is the increase in housing land supply above the Council's stepped trajectory as contained in policy HO1 of the BLPSV. The applicants are also keen to highlight that this would deliver housing within the urban area, in a Borough where, as part of the plan making process, green belt releases are proposed in the latter stages of the emerging plan in order to meet need.

9.10.5 The Council's position is that it can identify a five-year housing land supply in accordance with the NPPF, including the appropriate buffer. If approved, this application would go towards demonstrating a five year rolling housing land supply, which weighs in favour of this scheme. The delivery of this scheme is not fundamental to achieving this.

9.10.6 The applicants are also keen to highlight the Council's undersupply of affordable homes over the past years. However, and as demonstrated by the recent published Housing Delivery Test, the Council is not subject to under delivery. The need for affordable homes and benefits this proposed development would provide in terms of affordable housing are set out in paragraphs 9.5.1- 9.5.7.

## **10. INFRASTRUCTURE PROVISION**

10.1 The development is CIL liable at a rate of £100 per square metre of net increase in floor space.

10.2 Indicatively this would equate to around £1million (plus indexation) this estimation is made having due regard for the 30% affordable housing floor space which would be eligible for exemption for affordable housing provision

10.3 In the event that the application was permitted it is proposed that a section 106 legal agreement will secure the following:

- Securing a schedule of affordable housing units equating to 30% on site provision (including nomination rights). If permission were forthcoming this would be negotiated to be across the site in accordance with policy and not concentrated to proposed blocks A and B.
- Residential Travel Plan
- Details of Car Club provision as part of this scheme/ contributions towards one, including one parking space provided on street.
- Details of waste receptacles to be provided (refuse/recycling/ food wastes bins)
- Contribution towards new cycle links
- Contribution towards improved bus links
- Monitoring costs
- Timing of delivery of landscaping works
- Securing the long term maintenance of the proposed landscaped areas including play park space

## 11. CONCLUSION

- 11.1 For the reasons set out above the proposed development would result in the loss of land allocated for employment uses. Therefore the principle of the proposed development is contrary to the Development Plan, it is also contrary to the NPPF. The applicants have referred to the BLPSV and the proposed housing allocation HA12 for the wider Boyn Valley Industrial Estate. Given the level of unresolved objections to the housing policies currently contained in the BLPSV, officers are currently attributing limited weight to the proposed housing allocations. Accordingly it remains that the proposed development would result in the loss of well used industrial land, this weighs significantly against the proposed development.
- 11.2 In terms of design it is considered that the layout, density, height and scale of the proposed development would result in a form of development well above the prevailing character of the area and outside of the town centre. The precedent this would establish and the detrimental impact this would have on townscape and the adopted strategy for directing scale and height in the urban area is considered to be substantial. In addition the layout and form of the proposed development fails to interact with the streetscape and has a proposed frontage dominated by hardstanding, which fails to add to the overall quality of the area or be sympathetic to local character. Overall the proposed development is not considered to deliver a high quality designed scheme and is considered contrary to policies DG1, H10 and H11 of the adopted Local Plan (2003) which form the Borough Development Plan and also the National Planning Policy Framework and policies SP2 and SP3 of the Borough Local Plan Submissions Version (2018), which are material considerations. This is considered to substantially weigh against the scheme.
- 11.3 Based on the level of information submitted in support of this planning application it has not been demonstrated that the proposed development would provide a suitable residential environment for future residents. Specifically, significant concerns have been identified in terms of the limited levels of natural sun/ daylight and outlook for the units contained in blocks A and B, which are proposed to be the affordable housing blocks. This is contrary to the NPPF and significantly weighs against the scheme.
- 11.4 The applicants supporting Planning Statement commits to 30% affordable housing provision and proposes to deliver a tenure which would reflect this need. This would significantly weigh in favour of this proposed development, however, there are identified concerns regarding the quality of the amenity provision for the proposed affordable housing contained in Blocks A and B and the proposed affordable housing provision not being spread across the site. Therefore, and whilst the provision of policy compliant affordable housing weighs significantly in favour of this scheme, it needs to be balanced against the provision of a suitable residential environment.
- 11.5 The proposed development does not raise any significant highway capacity issues and subject to further matters raised by the highway authority unlikely to prejudice highway safety. Having due regard for the nature and location of the proposal, (notwithstanding the objections regarding the level of hardstanding proposed) sufficient residential car and cycle parking would be provided.

- 11.6 The proposed development would not have a significantly detrimental impact on the daylighting levels currently received by the nearby residential properties and would not result in significant increased overlooking.
- 11.7 The proposed development is considered acceptable in terms of biodiversity and air quality and provides suitable sustainability measures. There are concerns regarding contamination, however subject to conditions it is considered that this could be suitably mitigated and monitored.
- 11.8 The delivery of residential development is a benefit of this scheme which weighs in favour of the proposed development. However the LPA is able to demonstrate a continued rolling five year housing land supply when assessed against both the five year housing trajectory contained in the BLPSV and also the standard methodology currently contained in the NPPF. Whilst the Council is relying on some green belt releases to meet the objectively assessed need over the latter stages of the plan period, this forms part of a wider considered strategy which also includes allocating this site to meet the housing needs of the Borough. Given the level of unresolved objections regarding such matters these form considerations for the Examination of the BLPSV and are given limited weight in the assessment of this proposed development. In addition, and whilst the proposed development would provide further housing this is above and beyond that accounted for as part of the BLPSV proposed allocation and as such the proposed development would result in increased unplanned development. This would result in increased pressures on current infrastructure. Accordingly the provision of housing on this site is considered to moderately weigh in favour of this scheme.
- 11.9 Therefore, having due regard to the proposed benefits of this scheme including the provision of housing and 30% affordable housing provision, it is considered that the adverse impacts of the proposed development in terms of; the loss of employment land, the proposed poor layout, incompatible height and scale of the proposed development, lack of sufficient consideration as to how the proposed development would fit with the wider area, as well as the failure to demonstrate a suitable residential environment, significantly and demonstrably outweigh the benefits. The proposed development is therefore recommended for refusal for reasons set out in section 13 of this report.

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

- Appendix A - Site location plan and site layout
- Appendix B - Proposed parameter elevations
- Appendix C - Block A plans and elevations
- Appendix D - Block B plans and elevations
- Appendix E - Block C plans and elevations
- Appendix F - Block D plans and elevations

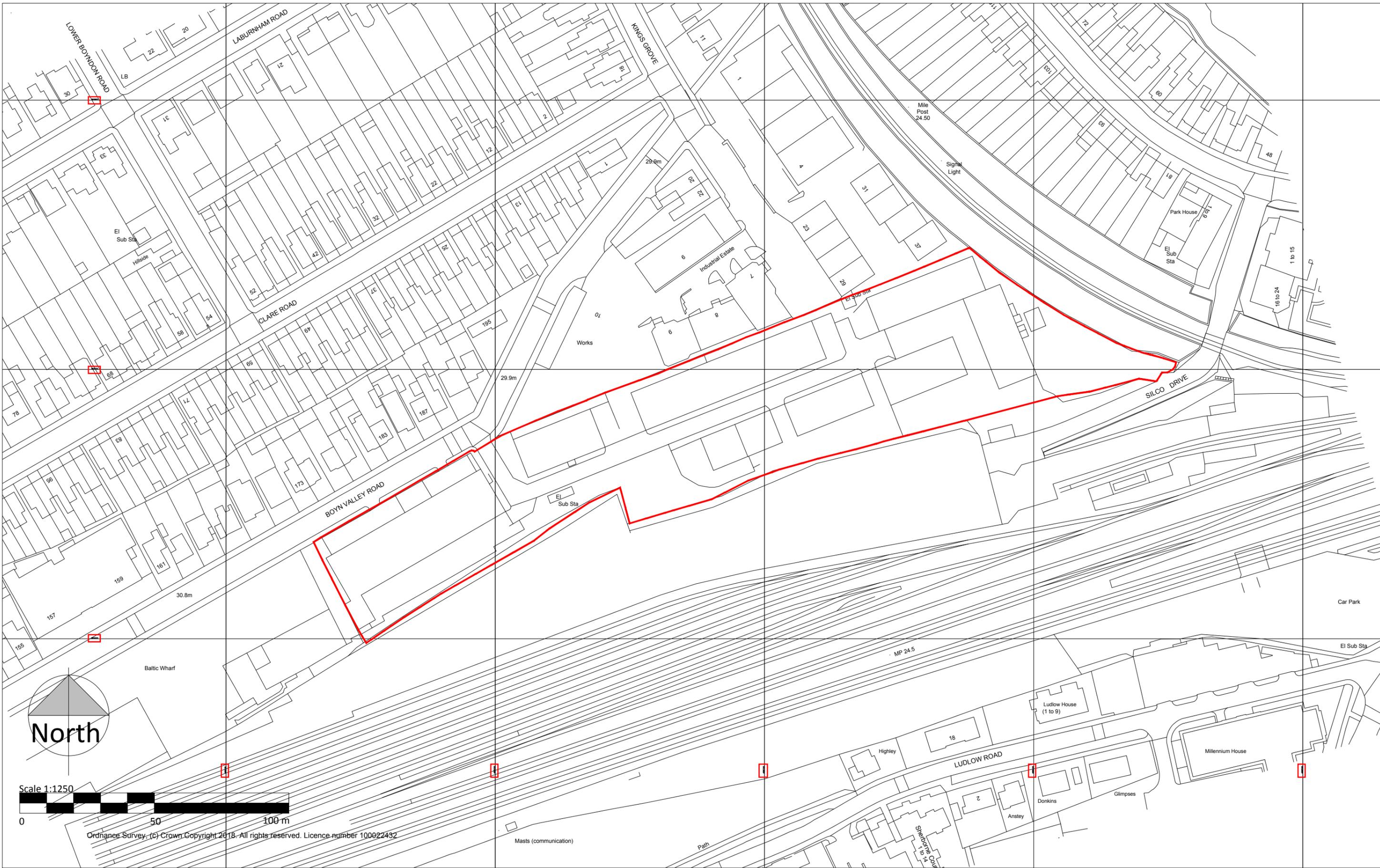
## **13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 The proposed development would result in the loss of employment land, detrimental to the future employment needs, locally available employment opportunities and the economy of the area. The proposed development is contrary to policy E2 of the adopted Local Plan (2003) and also the National Planning Policy Framework (2019).
- 2 The proposed development by reason of its layout, density, height and scale would result in a form and scale of development incompatible with the prevailing character of the area, which is outside of the town centre. The precedent this would set and detrimental impact it would have on townscape and the adopted strategy for appropriately directing scale and height in the urban area is considered to be significant. In addition, the layout, form and scale of the proposed development fails to interact with the streetscape and has a proposed frontage dominated by

hardstanding, which fails to add to the overall quality of the area or result in a development that would be sympathetic to local character. Overall the proposed development is not considered to deliver a high quality well designed scheme and is considered to be contrary to the aims and objectives of policies DG1, H10 and H11 of the adopted Local Plan (2003), the National Planning Policy Framework (2019) and policies SP2 and SP3 of the Borough Local Plan Submission Version (2018).

- 3 It has not been demonstrated that the proposed development would provide a suitable residential environment for future residents. Specifically, significant concerns have been identified in terms of the limited levels of natural sun/ daylight and outlook for the units contained in blocks A and B, which are proposed to be the affordable housing blocks. This is contrary to the NPPF (2019).

The case file can be viewed at the Council's Customer Service Centres or on the Council's website at <http://www.rbwm.gov.uk>



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 Woking Planning  
 London Master Planning  
 Milton Keynes Urban Design  
 Warsaw Interiors Landscape

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 01483 494 350

Revisions:

Drawn/Chkd: Date:

Client:  
 PZR LTD

Project:  
 BOYN VALLEY INDUSTRIAL ESTATE, MAIDENHEAD

Drawing Title:  
 Location Plan

Scale @ A3:  
 1:1250

Checked by:  
 NS

Date:  
 OCT 2018

Job No:  
 10240

Stage:  
 Planning

Drawing No:  
 PL\_001

Rev:

Construction  Preliminary  Information   
 Approval  Tender



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— SITE BOUNDARY (TITLE PLAN)

**Note:**  
FFL's +/- 300mm AOD

Client:  
**PZR LTD**



Project:  
**BOYN VALLEY INDUSTRIAL ESTATE  
MAIDENHEAD**

24 Church St. West,  
Woking, Surrey,  
GU21 6HT  
01483 494 350

Drawing Title:  
**PROPOSED BLOCK PLAN**

**Architecture**  
Planning  
Master Planning  
Urban Design  
Interiors

Scale @ A1: 1 : 500  
Checked by: NS  
Date: OCT 2018

Job No: 10240  
Stage\_Drawing No: PL\_006  
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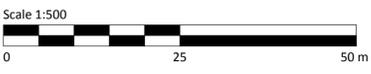
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Information  Approval   
Tender

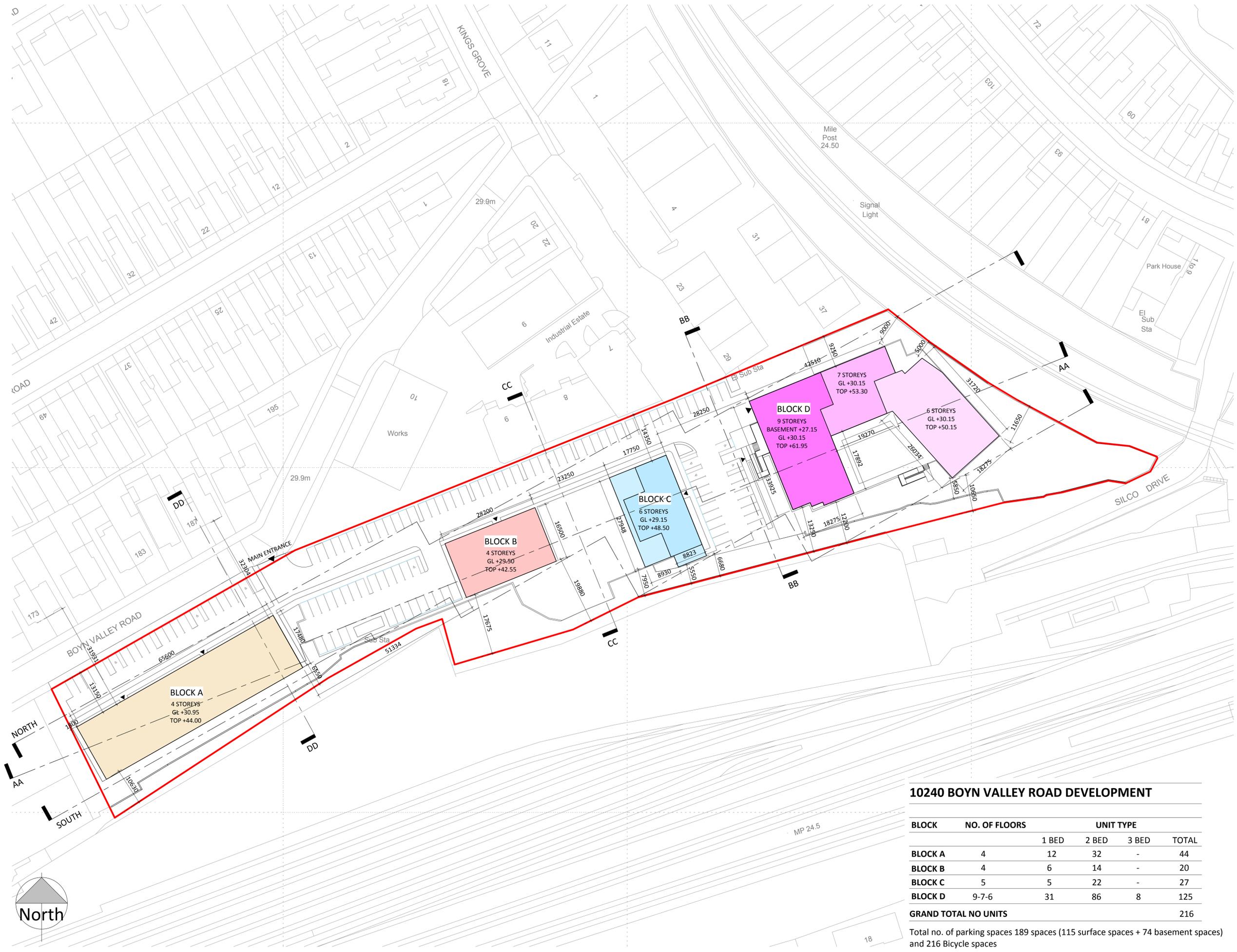
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SP00(Block Plan)(PL - 1-500)  
1 : 500





### 10240 BOYN VALLEY ROAD DEVELOPMENT

BLOCK	NO. OF FLOORS	UNIT TYPE			TOTAL
		1 BED	2 BED	3 BED	
<b>BLOCK A</b>	4	12	32	-	44
<b>BLOCK B</b>	4	6	14	-	20
<b>BLOCK C</b>	5	5	22	-	27
<b>BLOCK D</b>	9-7-6	31	86	8	125
<b>GRAND TOTAL NO UNITS</b>					<b>216</b>

Total no. of parking spaces 189 spaces (115 surface spaces + 74 basement spaces) and 216 Bicycle spaces

**Note:**  
FFL's +/- 300mm AOD

Client:  
**PZR LTD**



Project:  
BOYN VALLEY INDUSTRIAL ESTATE  
MAIDENHEAD

24 Church St. West,  
Woking, Surrey,  
GU21 6HT  
01483 494 350

Drawing Title:  
**SITE LAYOUT PARAMETER  
PLAN**

Scale @ A1: 1:500  
Checked by: NS  
Date: OCT 2018

Job No: 10240  
Stage\_Drawing No: PL\_007

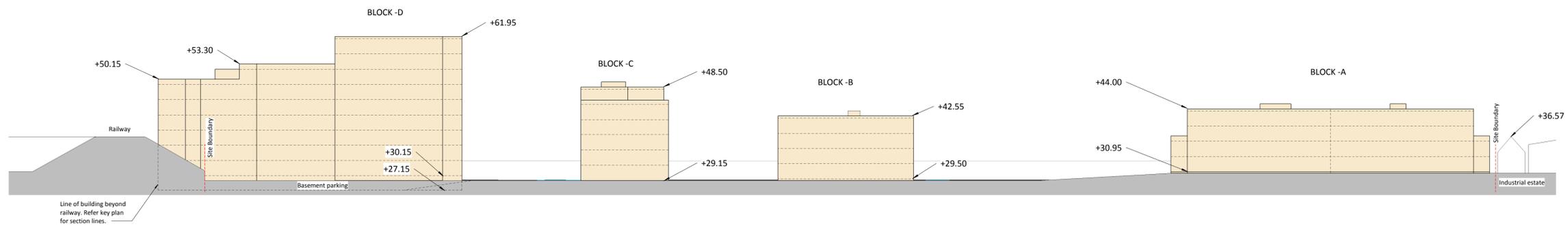
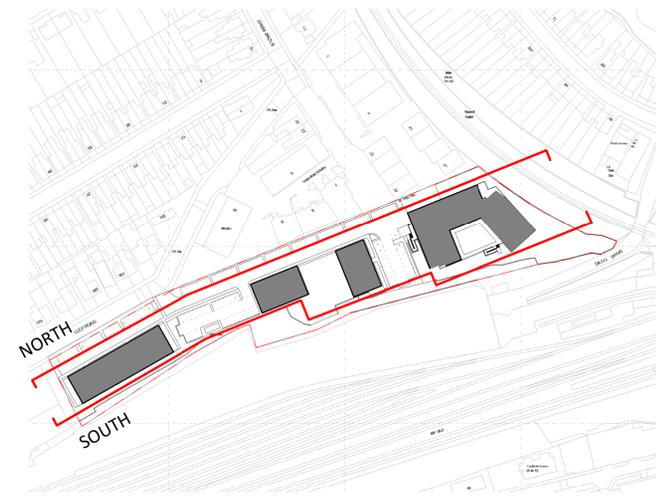
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Information  Approval   
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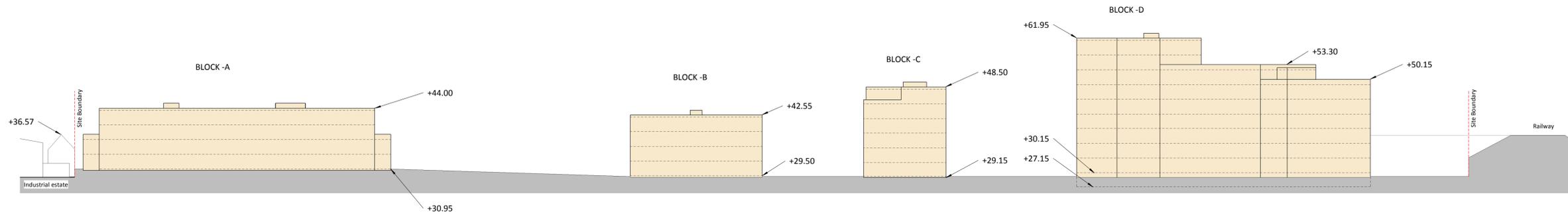
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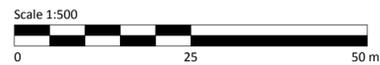
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**NORTH ELEVATION**  
1 : 500



**SOUTH ELEVATION**  
1 : 500



**Note:**  
FFL's +/- 300mm AOD

Client:  
**PZR LTD**



Project:  
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MAIDENHEAD**

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Drawing Title:  
**PARAMETER ELEVATIONS -  
STOREY HEIGHTS**

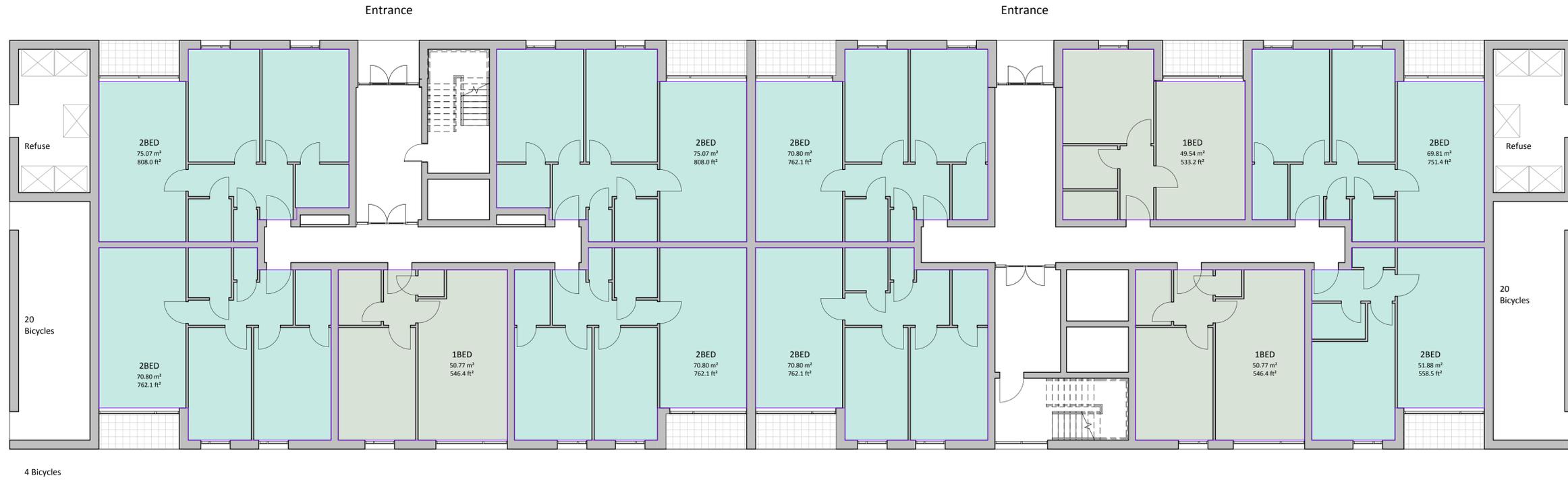
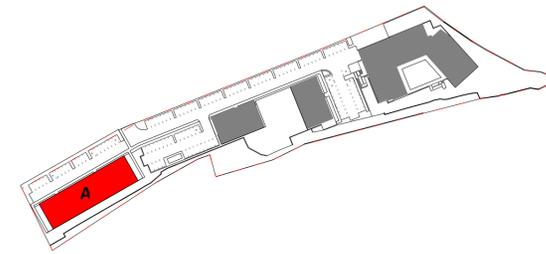
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**10240 PL\_012**

Issue Status:  
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Information  Approval   
Tender

**Architecture**  
Planning  
Master Planning  
Urban Design  
Interiors

**Offices**  
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London  
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Warsaw



Unit Types

- 1BED
- 2BED

GIA\_U\_FP00(PL - 1-200)  
1 : 100



Client:  
**PZR LTD**



Project:  
**BOYN VALLEY INDUSTRIAL ESTATE  
MAIDENHEAD**

24 Church St. West,  
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GU21 6HT  
01483 494 350

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Drawing Title:  
**BLOCK A - GROUND  
FLOOR (ILLUSTRATIVE)**

**Architecture**  
Planning  
Master Planning  
Urban Design  
Interiors

Scale @ A1: 1 : 100      Checked by: NS      Date: NOV 2018

Job No: 10240      Stage\_Drawing No: PL\_A-001      Rev: \_\_\_\_\_

Issue Status:  
Construction  Preliminary   
Information  Approval   
Tender

**Offices**  
Woking  
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NORTH ELEVATION  
1 : 100



SOUTH ELEVATION  
1 : 100



Client:  
**PZR LTD**

Project:  
**BOYN VALLEY INDUSTRIAL ESTATE  
MAIDENHEAD**

Drawing Title:  
**BLOCK A - ELEVATIONS  
(ILLUSTRATIVE)**

Scale @ A1: 1 : 100  
Checked by: NS  
Date: NOV 2018

Job No: 10240  
Stage\_Drawing No: PL\_A-011  
Rev: \_\_\_\_\_

Issue Status:  
Construction  Preliminary   
Information  Approval   
Tender

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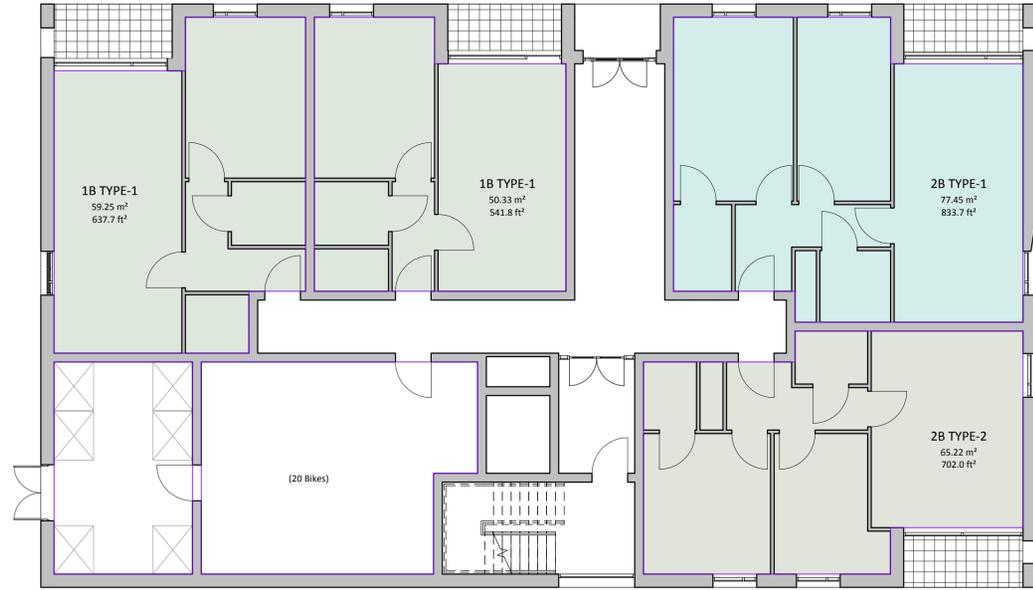
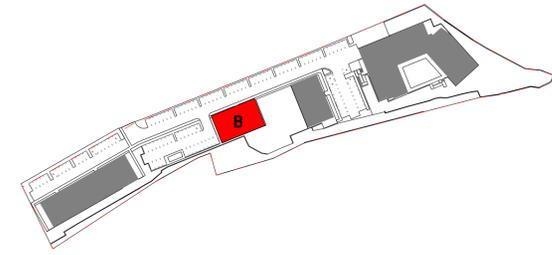


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Interiors

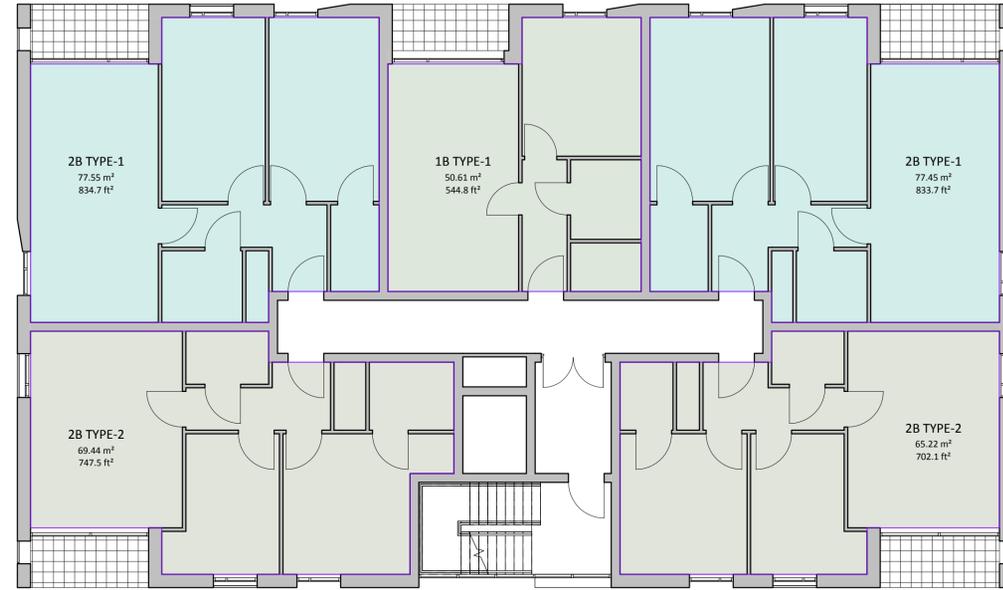
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Warsaw



00 Ground Floor  
1 : 100

Unit Type

- 1B TYPE-1
- 2B TYPE-1
- 2B TYPE-2



01 First Floor (Typical Floor Plan - First, Second, Third floor)  
1 : 100



Client:  
**PZR LTD**



Project:  
**BOYN VALLEY INDUSTRIAL ESTATE  
MAIDENHEAD**

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Drawing Title:  
**BLOCK-B GROUND AND  
TYPICAL FLOOR PLAN  
(ILLUSTRATIVE)**

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Urban Design  
Interiors

Scale @ A1: 1 : 100  
Checked by: NS  
Date: NOV 2018

Job No: 10240  
Stage\_Drawing No: PL\_B-001  
Rev: \_\_\_\_\_

Issue Status:  
Construction  Preliminary   
Information  Approval   
Tender

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ELEVATION EAST  
1 : 100



ELEVATION SOUTH  
1 : 100



ELEVATION NORTH  
1 : 100



ELEVATION WEST  
1 : 100



Client:  
**PZR LTD**

Project:  
**BOYN VALLEY INDUSTRIAL ESTATE  
MAIDENHEAD**

Drawing Title:  
**BLOCK B - ELEVATIONS  
(ILLUSTRATIVE)**

Scale @ A1: 1 : 100  
Checked by: NS  
Date: NOV 2018

Job No: 10240  
Stage\_Drawing No: PL\_B-010  
Rev: \_\_\_\_\_

Issue Status:  
Construction  Preliminary   
Information  Approval   
Tender

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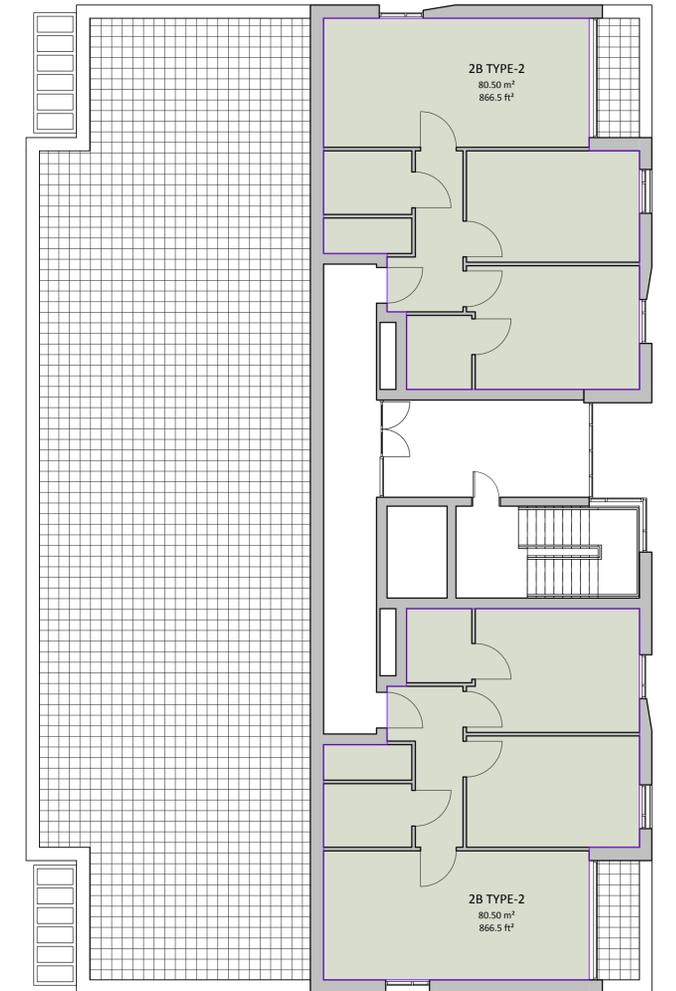
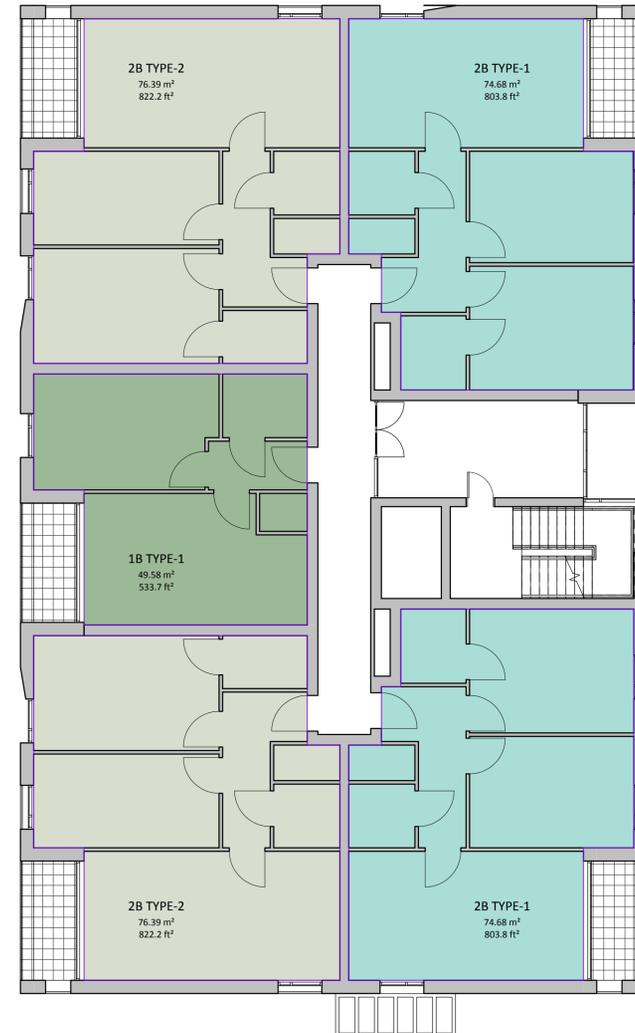
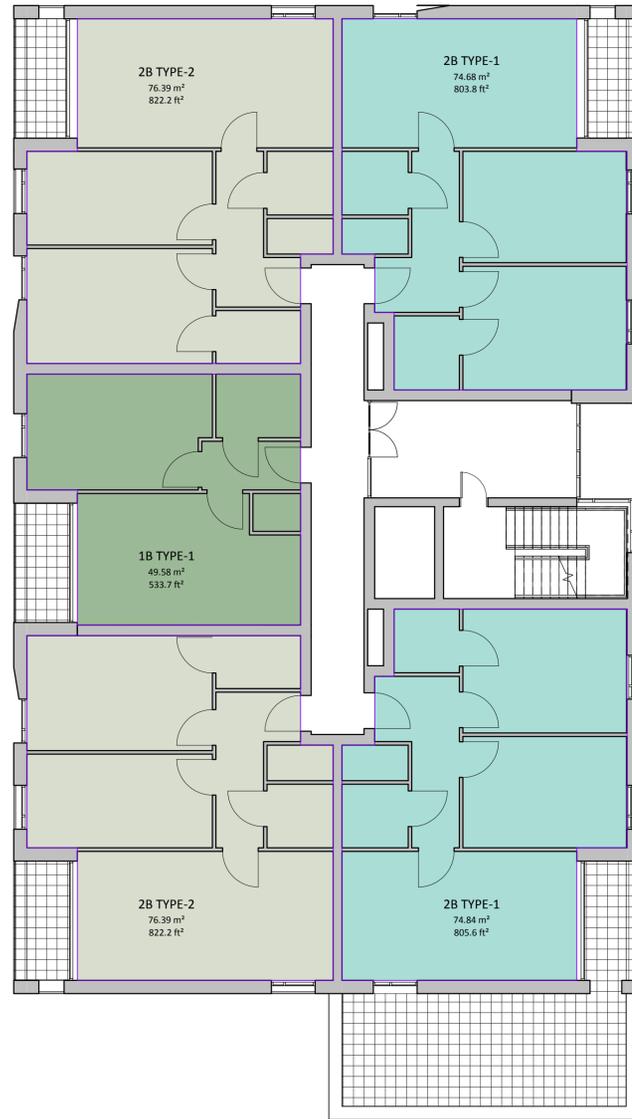
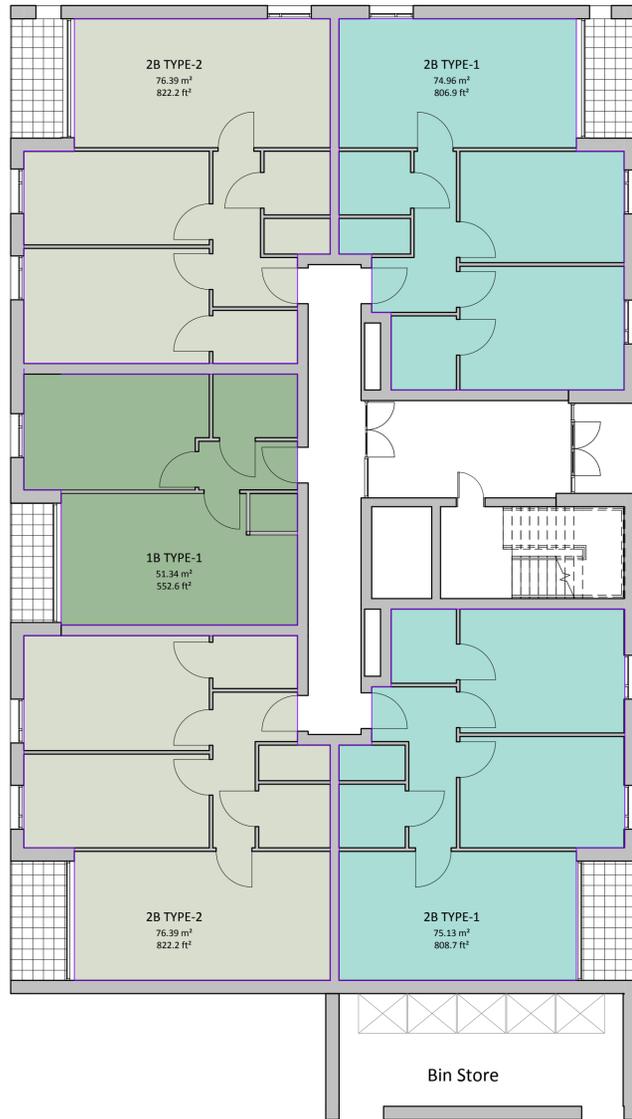
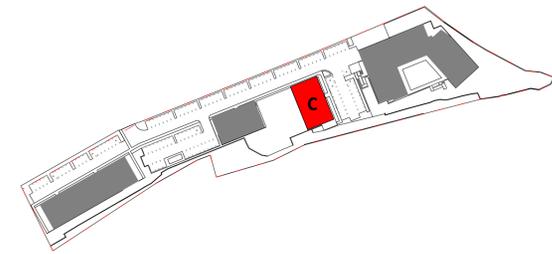


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Unit Types

- 1B TYPE-1
- 2B TYPE-1
- 2B TYPE-2



Client:  
CBRE GI



Project:  
BOYN VALLEY INDUSTRIAL ESTATE  
MAIDENHEAD

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Drawing Title:  
BLOCK C - FLOOR PLANS  
(ILLUSTRATIVE)

Architecture  
Planning  
Master Planning  
Urban Design  
Interiors

Scale @ A1: 1 : 100  
Checked by: NS  
Date: NOV 2018

Job No: 10240  
Stage\_Drawing No: PL\_C-001  
Rev: \_\_\_\_\_

Issue Status:  
Construction  Preliminary   
Information  Approval   
Tender

Offices  
Woking  
London  
Milton Keynes  
Warsaw



Elevation East  
1 : 100



Elevation South  
1 : 100



Elevation West  
1 : 100



Elevation North  
1 : 100



Client:  
**CBRE GI**



Project:  
**BOYN VALLEY INDUSTRIAL ESTATE  
MAIDENHEAD**

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Drawing Title:  
**BLOCK C - ELEVATIONS  
(ILLUSTRATIVE)**

**Architecture**

Scale @ A1: 1 : 100  
Checked by: NS  
Date: NOV 2018

Planning  
Master Planning  
Urban Design  
Interiors

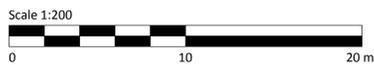
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Stage\_Drawing No: PL\_C-010  
Rev: \_\_\_\_\_

Issue Status:  
Construction  Preliminary   
Information  Approval   
Tender

**Offices**  
Woking  
London  
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Warsaw



ELEVATION WEST  
1 : 100



Client:  
**PZR LTD**

Project:  
**BOYN VALLEY INDUSTRIAL ESTATE  
MAIDENHEAD**

Drawing Title:  
**BLOCK D - ELEVATION  
WEST (ILLUSTRATIVE)**

Scale @ A1: 1 : 100  
Checked by: NS  
Date: NOV 2018

Job No: 10240  
Stage\_Drawing No: PL\_D-010  
Rev: \_\_\_\_\_

Issue Status:  
Construction  Preliminary   
Information  Approval   
Tender

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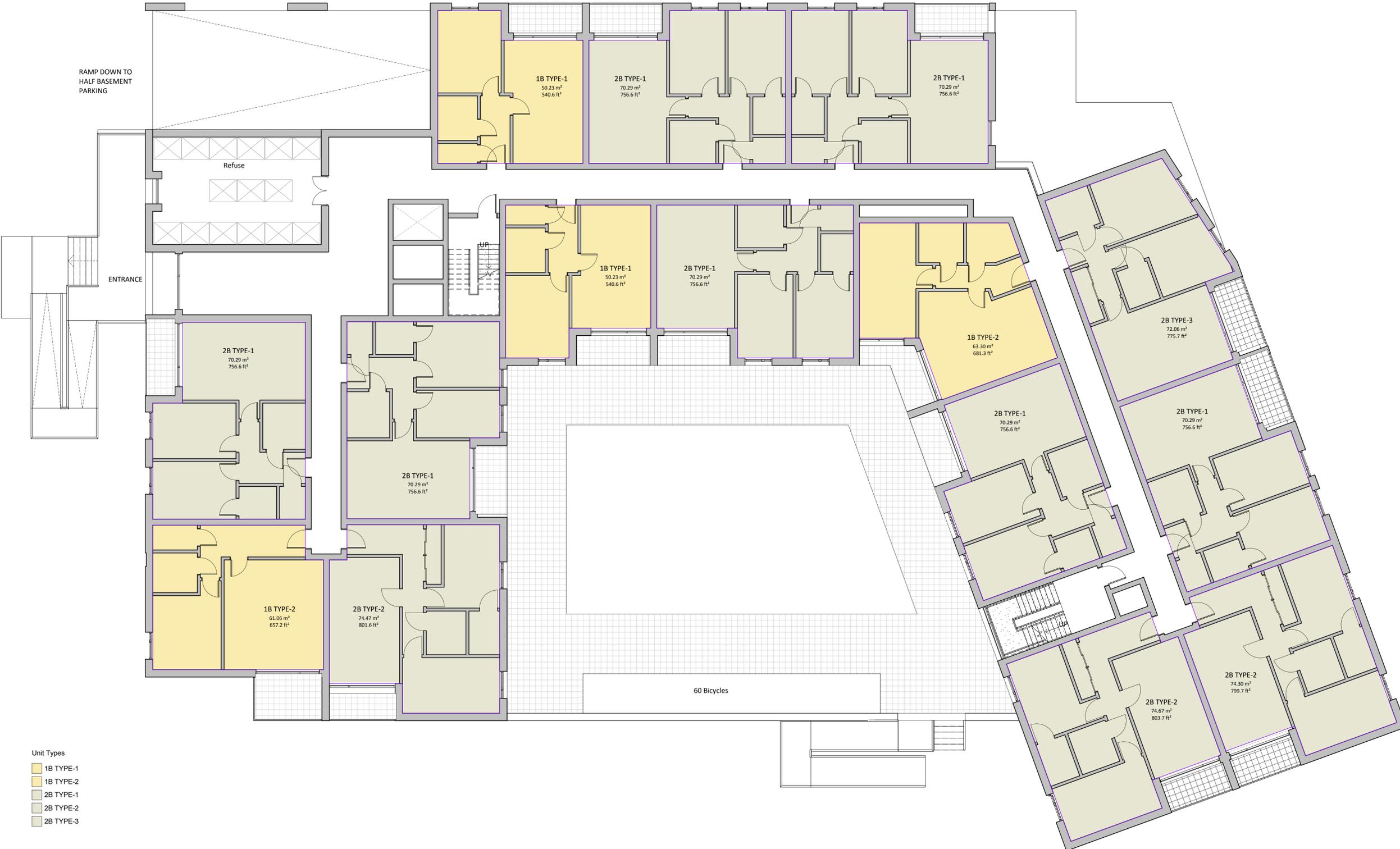
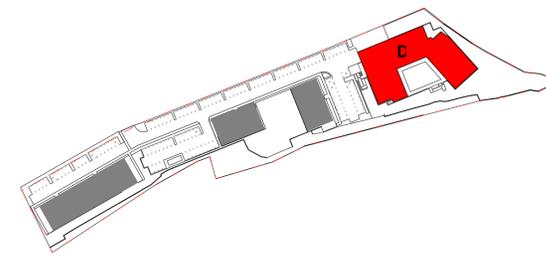


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- Unit Types
- 1B TYPE-1
  - 1B TYPE-2
  - 2B TYPE-1
  - 2B TYPE-2
  - 2B TYPE-3

GIA\_FP00(PL - 1-100)  
1 : 100



Client:  
**PZR LTD**



Project:  
**BOYN VALLEY INDUSTRIAL ESTATE  
MAIDENHEAD**

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Drawing Title:  
**BLOCK D - GROUND  
FLOOR (ILLUSTRATIVE)**

Architecture  
Planning  
Master Planning  
Urban Design  
Interiors

Scale @ A1: 1 : 100  
Checked by: NS  
Date: NOV 2018

Job No: 10240  
Stage\_Drawing No: PL\_D-002  
Rev: \_\_\_\_\_

Issue Status:  
Construction  Preliminary   
Information  Approval   
Tender

Offices  
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## MAIDENHEAD DEVELOPMENT CONTROL PANEL

13 March 2019

Item: 3

<b>Application No:</b>	18/03502/FULL
<b>Location:</b>	Kings Chase 107-123 King Street Maidenhead SL6 1DP
<b>Proposal:</b>	New 6 storey B1(a) office building with basement, 86 car parking spaces and ancillary development thereto. Ground floor to be used for flexible uses B1(a)/A1/A3 following demolition of existing office building.
<b>Applicant:</b>	Maizelands Ltd And Arringford Ltd
<b>Agent:</b>	Mrs Pippa Nisbet
<b>Parish/Ward:</b>	Maidenhead Unparished/Oldfield Ward
<b>If you have a question about this report, please contact:</b> Antonia Liu on 01628 796034 or at <a href="mailto:antonia.liu@rbwm.gov.uk">antonia.liu@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The proposed office use with a flexible option for either retail (A1), café/restaurant (A3) or office (B1) use at ground floor level is considered to be acceptable within this sustainable, town centre location.
- 1.2 The proposed building is large in scale, however, the building has been designed so that the perceived mass and bulk is broken up. Situated in a town centre location and close to other large scale buildings, this scheme is considered to be sufficiently in keeping with the character and appearance of the area and not considered to appear overly dominant within the streetscene. It is not considered that this scheme would cause harm to the Setting of the Listed Clock Tower or an unacceptable impact on neighbouring residential amenity.
- 1.3 The scheme, whilst providing car parking, relies heavily on future employees travelling to work by sustainable modes of travel. Given the highly sustainable location this is considered acceptable. It is not considered that the proposal would have an undue impact on the local highway network or compromise highway safety.
- 1.4 Subject to planning conditions, the scheme is considered to have an acceptable impact on air quality and sustainable drainage.

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

### 2. REASON FOR PANEL DETERMINATION

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

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

- 3.1 The site comprises of a 4 storey L-shaped office building built c. 1992 and accommodating approximately 3065sqm of floor space. The office building is located on the eastern side of King Street opposite Maidenhead Railway Station with the mainline railway line running along the southern boundary of the site on elevated tracks. To the front (west) is King Street (A308) and a Grade II Listed Clock Tower sited on its central reservation. Vehicular access is off Bell Street which runs along the northern boundary of the site and 161 car parking spaces are proposed to be provided at ground floor to the rear of the proposed office building and within a basement car park.
- 3.2 The site lies within Maidenhead Town Centre as identified on the Proposals Map and Maidenhead Town Centre Commercial Boundary as identified in the Maidenhead Town Centre Area Action Plan. To the north is a Travelodge and office building (Regus House) and to the east are offices at

Malvern House. On the other side of the railway line to the south are more offices at Braywick Gate. The wider area predominately comprises of commercial town centre uses including B1 (offices), A1 (retail), A2 (financial and professional), A3 (restaurants and cafes), A4 (drinking establishments), A5 (hot food takeaways) and D2 (leisure) with some residential.

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

4.1 The proposal is for an office building providing approximately 12,557sqm of B1(a) floorspace over 6 floors including a screened plant area at roof level and 2 units of flexible use (B1(a), A1 and A3 use) at ground floor with Unit A measuring approximately 309sqm and Unit B measuring 268sqm. Vehicular access is via Bell Street in the north east corner of the site and 86 car parking spaces are provided at ground and basement level, and 108 cycle parking spaces at ground floor.

4.2 The proposed building is approximately 20.6m in height to the 4th floor. The 5th floor, measuring approximately 24.2m in height, is set back approximately 3.6m from the front (west) elevation, 1.2m from the rear (east) elevation, and 1.2m from the side (north and south) elevations. The roof plant is set back a further 12m from the front elevation, 6.4m from the rear elevation and 6.6m from the side elevations. The ground to 4th floor comprises of red facing brick work with full height glass windows which are recessed 1 brick depth to articulate the elevations, and to distinguish the front elevation there is a central glazed core. To the side elevations there are anodised louvre fins to partly screen the ground floor car parking area, while the rear elevation is open. The 5th floor comprises of full height clear glass, while the roof plant screen comprises of light grey ppc aluminium louvres.

4.3

Reference	Description	Decision
89/01057/FULL	To erect 4 storeys of B1 use	Approved – 23.06.1989

#### 5. DEVELOPMENT PLAN

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

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

Issue	Adopted Local Plan Policy
Design, character and appearance of area	DG1
Economic Development	E6, E10
Historic Environment	LB2
Highways	P4, T5, T7

##### Maidenhead Town Centre Area Action Plan (MTCAAP) (2011)

Issue	Neighbourhood Plan Policy
Design, character and appearance of area	MTC2, MTC4, MCT6
Office Development, Retail , Food	MTC10, MTC7, MTC8
Highways and Accessibility	MTC14

These policies can be found at

[https://www3.rbwm.gov.uk/info/200209/planning\\_policy/591/development\\_plan](https://www3.rbwm.gov.uk/info/200209/planning_policy/591/development_plan)

#### 6. MATERIAL PLANNING CONSIDERATIONS

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

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-Making
- Section 6 – Building a Strong, Competitive Economy
- Section 7 – Ensuring the Vitality of Town Centres
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making Effective Use of Land
- Section 16 – Conserving and Enhancing the Historic Environment

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

Issue	Local Plan Policy
Design, character and appearance of area	SP2, SP3
Economic Development	ED1, ED3
Maidenhead Town Centre	TR3, TR6
Historic Environment	HE1
Environmental Protection	EP2, EP5
Sustainable Transport	IF2
Infrastructure	IF1

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

6.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

## **Other Local Strategies or Publications**

6.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:  
[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## **7. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

6 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 7 December 2018 and the application was advertised in a local paper distributed in the borough on 13 December 2018. No letters were received.

## Consultees

Consultee	Comment	Where in the report this is considered
Conservation	Considers that the proposed development, due to the rooftop plant and the architectural design of the building would cause harm to the setting of the Grade II Listed Clock Tower and views from the nearby Conservation Area.	Para. 8.12, 8.26 - 8.27
Environment Agency	Wishes to make no comments.	Noted
Environmental Protection	No objections, subject to conditions relating to site specific environmental management plan (CEMP), plant noise, vehicle deliveries and collections, contaminated land and dust management, and informatives relating to dust and smoke control.	Para 8.44 - 8.47, and condition 3, 5 and 10.
Highways	Have no objections, subject to conditions relating to a construction management plan, parking layout, cycle storage facilities and refuse and recycling facilities.	Para. 8.29 - 8.37, and condition 5, 7, 8 and 9
Lead Local Flood Authority	No objection, subject to condition to secure details of the SUDS scheme.	Para. 8.48 - 8.49 and condition 4
Thames Water	No objection in respect of the foul water network capacity and surface water network infrastructure capacity.	Noted
Trees	No objection subject to a condition or informative for appropriate indoor lighting to avoid pressure to remove off-site trees to the south of the site which will shade parts of the building.	Para. 8.42 - 8.43

## Others

Group	Comment	Where in the report this is considered
M Maidenhead Civic Society	Welcomes the upgrading of the office accommodation and height is restricted to 6 storeys. Requires clarification on the nature of the 'flexible use' proposed on the ground floor.	Para. 8.5 - 8.9

## 8. EXPLANATION OF RECOMMENDATION

8.1 The key issues for consideration are:

- i Principle of Development
- ii Character and Appearance, and Impact on Heritage Assets
- iii Highways
- iv Neighbouring Amenity
- v Trees
- vi Air Quality and Contaminated Land
- vii Sustainable Drainage

## **Principle of Development**

### Office Redevelopment

- 8.2 The Economic Development Needs Assessment (EDNA) forecasts a strong demand for office space within the Borough driven by a need for premises suited to modern business requirements, therefore the intensification and modernisation of existing employment areas, where appropriate, should be supported. In line with this, Local Plan policy E6 states that proposals for business development will be acceptable, provided that the site is already in such a use and would not lead to an undesirable intensification leading to a detrimental impact on the environment and/or neighbouring amenity. In this case, the existing offices were constructed in 1992. The submitted Design and Access Statement puts forward a case that the external appearance is considered to be outdated with the aspirational redevelopment of Maidenhead Town Centre while the internal design and layout is unsuited to modern requirements despite a recent and comprehensive refurbishment. As such, the proposal to redevelop the site to provide approximately 12,557sqm of Grade A office accommodation is acceptable in principle. The impact on the environment and neighbouring amenity is assessed below.
- 8.3 It is acknowledged that offices should be located in a sustainable location and that they are an important town centre use as offices contribute to the vibrancy and health of town centres. As such, MTCAAP policy MTC10 states proposals for office redevelopment within the Town Centre Commercial Boundary, such as this, would meet these aims and objectives and therefore considered acceptable.
- 8.4 BLPSV policies ED1 and ED3 state that appropriate intensification and redevelopment of existing employment sites and premises will be supported to make their use more efficient to meet forecast demand and to ensure that a suitable supply of employment land and premises continues to be available. Given the extent of unresolved objections, BLPSV policies ED1 should be allocated limited weight as a material consideration, while and ED3 should be given moderate weight. The proposal is considered compliant with BLPSV policy ED3.

### Flexible Use at Ground Floor

- 8.5 The application sets out that the internal layout at ground floor has been designed so as to accommodate a flexible use; the flexible uses set out in the description are B1 (a) office, A1 (shops) or A3 (restaurants and cafes). Under Part 3, Class V of the General Permitted Development Order the local planning authority can grant a flexible planning permission where alternative uses have been specified. If one of the flexible uses listed in the description of the development is implemented the alternative uses listed can be substituted within 10 years from the grant of the planning permission.
- 8.6 It is therefore necessary to consider whether the provision of A1 (retail) or A3 (restaurant or café) is acceptable. Paragraph 4.1 of the MTCAAP explains that Maidenhead has been losing trade to other

centres and out of centre locations and has experienced a gradual decline over recent years. Therefore, planning decisions should aim to maintain and enhance the vitality and viability of Maidenhead by ensuring that it is a desirable place to stop and spend time.

- 8.7 MTCAAP policy MTC7 relates to retail development and states Maidenhead town centre will be the principle location for retail development with the focus on designated Primary Shopping Areas, and the retail character will be maintained and enhanced within primary and secondary shopping frontages. Outside these areas, which this is, new retail development will only be permitted where it would not compromise the vitality and viability of the town centre. In this case, the site is within the town centre and immediately adjacent to a secondary frontage; and so a retail use would be well connected to where retail development is encouraged. As such, and given the amount of A1 floor space proposed, it is considered that a retail use at ground floor level would not unduly compromise the town centre.
- 8.8 If the ground floor unit is utilised for an A3 (restaurant and café) use, this would not conflict with the aims of MTCAAP policy MTC8 (food and drink), which seeks to retain food and drink establishments within the Opportunity Areas. Furthermore, A3 use is classed as a main town centre use, considered to be an attraction in its own right and encourages people to stay longer and bring activity into the town centre. Separate planning permission would be required for any commercial extractor ducts/flues if cooking is intended to be carried out on the premises and it is recommended that this is included as an informative.
- 8.9 The granting of a flexible permission in relation to the ground floor is considered to accord with relevant development plan policies which are considered to be up-to-date and should be given significant weight.

### **Character and Appearance, and Impact on Heritage Assets**

- 8.10 Local Plan policy DG1 requires new development to be compatible with the established street façade having regard to the scale, height and building lines of adjacent properties; materials should be sympathetic to the area; and harm should not be caused to the character of the surrounding area through development which is cramped or which results in the loss of important features which contribute to the that character. In considering business proposals Local Plan policy E10 requires the same consideration. MTCAAP policy MTC4 also requires the same from development as Local Plan policies DG1 and E10 in addition to primary access directly from the street, active ground floor uses and consideration of existing landmarks. MTCAAP policy MTC6 relates to all buildings (notably higher than 20m) and states that outside of Tall Buildings Areas proposals for new tall buildings would be resisted while replacement tall buildings will need to demonstrate that they are visually attractive from all angles and distances; would enhance the skyline and make a positive contribute to wider views with particular attention paid to roof design; and be suited to their context in terms of neighbouring development.
- 8.11 As a material consideration, BLPSV policy SP2 requires all new development to contribute positively to the place in which they are located and for larger developments to foster a sense of place and contribute positively to local identify, while policy SP3 requires new development to respect and enhance the local character of the environment and respect the local townscape. Policy SP3 goes on to state that within and near to Maidenhead town centre, greater flexibility on buildings heights will be permitted provided that tall buildings do not cause unacceptable impacts. This is supported by BLPSV policy TR3 which states that within the town centre development for tall buildings which are of exemplar design will be encouraged provided that they do not compromise the character and appearance of the centre. It is considered that BLPSV policies SP2, SP3 and TR3 should be given significant weight in the consideration of this application as a material planning consideration.
- 8.12 As required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard should be given to the desirability of preserving the listed building or its setting. In accordance with this, Local Plan policy LB2 seeks to ensure that development proposals do not

adversely affect the grounds and/or setting of Listed Buildings. As a material consideration, BLPSV policy HE1 states that development which would cause harm to the significance of a heritage asset or its setting will not be permitted without a clear justification to show that the public benefits of the proposal considerably outweigh any harm to the significance or special interest of the heritage asset in question. It is considered that given the extent of unresolved objections and compliance with the NPPF policy HE1 should be allocated significant weight.

#### Tall Building

- 8.13 Measuring approximately 24.2m in height, the proposal represents a tall building, which is an increase of approximately 5.8m in comparison with the existing building (18.4m). The proposal lies outside of the Tall Buildings Area as shown in Figure 4 of the MTCAAP, and therefore does not accord with Policy MTC6 of the MTCAAP. However, given the proposal is for 6 storeys and that the prevailing buildings storey heights across the town centre is 3 to 6 storeys, the proposal is not considered to be excessive nor incongruous and therefore acceptable.
- 8.14 The proposed building would be taller than the buildings to the north and east, however, with the set back of the top floor and use of lightweight materials the visual impact of the additional storey would be less apparent and on balance considered suitable in terms of neighbouring development.
- 8.15 As a material consideration BLPSV policies SP3 and TR3 allow greater flexibility in building height within the town centre as a whole. With the development of Crossrail, facilitating economic growth and intensified development, Maidenhead has been identified as a strategic growth location which these policies aim to support. In general, the proposal is considered to be in compliance with these aims and objectives. While BLPSV policies do not override Development Plan policies they should be given significant weight in the consideration of this application.

#### Mass and Bulk

- 8.16 Due to the height, depth, width and box form the proposed building would result in a significant mass and bulk, but it should be acknowledged that this is a town centre location where there are buildings of a substantial scale and mass. It is also not considered to be unduly disproportionate or visually overly dominant within the streetscene to warrant refusal.
- 8.17 With the submitted Design and Access Statement verified views from the surrounding locality including Grenfell Road, King Street, Braywick Road, Bell Street and Queen Street have been submitted to support the proposal. Verified views are architectural photo-montages with a high level of verified accuracy.
- 8.18 When seen from Grenfell Road and King Street the visual impact of the proposed building up to the 4th floor, which is where the majority of the resultant mass would be perceived, would be similar to that of the neighbouring Travelodge building. Being set in and using lightweight materials and neutral colours, the 5th floor and roof top plant, would not be highly visible within these local views.
- 8.19 When looking from Braywick Road (to the south of the railway bridge), the bulk of the building would be perceptible, however this would be in the context of Braywick Gate which is also a sizable building. As such, the proposed building would not appear out of scale or visually dominant within this streetscene.
- 8.20 When viewed from Bell Street, it is apparent that the proposed building would appear noticeably larger and bulkier in scale than the office building to the east and in comparison with the residential properties on this street which are domestic in scale. However, an increase in the scale towards this part of the town would be expected and it is considered that there is an appropriate transition in scale from the houses to Malvern House to the proposed building and so it would not be visually discordant when viewed from this road.
- 8.21 When viewed from Queen Street, the proposed building would be largely screened by existing development, although being taller than its neighbouring buildings the 5th floor and roof top plant

level of the building would be visible. However, views would be from some distance (21m at the junction with King Street and 225m at the junction with Broadway) and the set back of the 5<sup>th</sup> floor and roof top plant from the floors below and the use of lightweight materials and neutral colours would mitigate the visual impact.

- 8.22 Furthermore, the central glazed core to the front elevation aids in softening the appearance of the building and visually breaks up mass and bulk when viewed from King Street. The arrangement and lightweight frames of the proposed fenestration also prevents the building from appearing as a large unrelieved mass from the surrounds.
- 8.23 On balance, the scale and mass of the proposed building is considered to be acceptable within this town centre location.

#### Materials

- 8.24 The scheme proposes a red external facing brick, and bronze framed windows up to the fourth floor level of the building. There is a presence of red brick buildings within the area, and so the use of this material on the building is considered to be suitably reflective. The glazed fifth floor, with bronze curtain wall framing is considered to be appropriate in contrast with the red brick at lower levels. While the light grey aluminium screen to cover the rooftop plant is not wholly complementary with the rest of the material palette it would not be highly visible when viewed in the immediate context given its set back. Given the prominence of this location, and its proximity to the Grade II Clock Tower, it will be important to ensure the materials used are appropriate. As such a planning condition (condition 2) is recommended to secure samples of the materials.

#### Greening

- 8.25 MTCAAP policy MTC2 sets out that development proposals will be expected to contribute to the overall greening of Maidenhead Town Centre and sets out the measures that can contribute to the greening of a development scheme. One of the measures is the use of trees and other landscaping, and/or creating green and brown roofs and walls. Although it would be preferable to provide soft landscaping at ground floor level where it would be more perceptible, it is acknowledged that there is limited scope to achieve a viable soft landscaping scheme at ground floor and a green roof as proposed is considered to be compliant in this respect.

#### Impact on Heritage Assets

- 8.26 The Clock Tower sited on the central reservation on King Street to the front of the proposed building dates from 1897 and is one of a number of clock towers to be built across the country for Queen Victoria's Diamond Jubilee, which is reflected in the diamond patterned faces of the clock on each elevation. The submitted Heritage Statement comments that the Clock Tower is "a reminder of significant national celebration and commemoration. It is a civic landmark and one of the only vestiges of a once historic landmark surrounding Maidenhead Railway Station, retaining both architectural and historic interest." Reflective of this assessment, the Clock Tower is Grade II Listed and a designated Heritage Asset.
- 8.27 The Conservation Officer considers that the scheme in its current form would cause harm to the setting of the Listed Clock Tower due to the architectural design and roof top plant. However, it is considered that the use of the outer red-brick envelope with a central glazed element sufficiently addresses the Clock Tower by way of framing the structure which allows it to be read on the approach from Maidenhead station. It is noted that the choice of size and colour of the bricks would be important, and the colour, details and materials of the proposed window frames and glass would need to work with the proposed brickwork, and so it is recommended that any planning permission is subject to a condition requiring samples to be submitted and approved by the local planning authority (condition 2). In terms of the roof plant, this is set back from the front elevation and so would not be viewed in close connection in short-distance views. They would be visible together in long-distance views, but this is not considered to result in harm to the significance of the heritage asset. On balance, the proposal is considered to preserve the special interest of the Listed Clock Tower.

## Highways

- 8.28 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to accord with adopted car parking standards, while policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking. MTCAAP policy MTC14 states that where appropriate development should provide adequate parking facilities, including disabled parking spaces; cycle parking; and provision of electric vehicle charging points. As a material consideration, BLPSV policy IF2 states that development proposals should support the policies and objectives of the Transport Strategy as set out in the Local Transport Plan and provide car and cycle parking in accordance with the current Parking Strategy. Given the lack of unresolved objections to policy IF2 it is considered that this policy should be afforded significant weight.

### Trip Generation

- 8.29 The submitted Transport Assessment compares the trips generated by the existing development with the proposed development.
- 8.30 The existing development generates a total of 57 two-way person trips during the morning peak and 42 two-way person trips during the evening peak with a total of 244 two-way trips across the 12 hour day. This is further broken down by mode:

	Morning Peak	Evening Peak	12-house day
Vehicle	32	29	163
Rail	11	10	35
Foot	8	1	29
Bicycle	3	1	6
Bus	1	0	1

- 8.31 TRICS has been used to generate the likely number of trips for the proposed development using a comparable site which forecasts a total of 169 two-way person trips during the morning peak and 124 two-way person during the evening peak with a total of 721 two-way trips across the 12 hour day. This is further broken down by mode:

	Morning Peak	Evening Peak	12-house day
Vehicle	39	29	167
Rail	38	29	166
Foot	39	29	170
Bicycle	8	6	36
Bus	15	11	61

- 8.32 As a justification for the projected switch from vehicles to more sustainable modes of transport the applicant has referenced the forthcoming Crossrail, the proposed Travel Plan and the level of on-site parking provision and parking restrictions in the surrounding highway network. While it is accepted that these are likely to result in an increase in the use of sustainable modes of travel, the numbers are ambitious. However, the Travel Plan is welcomed for this office development and there are no objections to the overall increase in number of trips and the impact on the local highway infrastructure. The Travel Plan can be secured by condition 11.

### Car Parking

- 8.33 With reference to the Borough's Parking Strategy the proposed development would attract a maximum demand for 126 car parking spaces. The development proposes 86 car parking spaces, of which 20 will be located at ground level and the remaining 66 in the basement. However the NPPF, which post-dates the Local Plan and Council's Parking Strategy and is considered to be a more up-to-date expression of Government intent and a material consideration of more significant weight,

states that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network or for optimising the density of development in city and town centres which are well served by public transport. Therefore, given the accessibility of the site and the parking restrictions present in the area, the proposed level of parking is considered acceptable in this case. In relation to disabled parking spaces the development would provide 4 disabled parking spaces at ground level which is compliant with the Borough's parking standards which require 1 space or 5% of total capacity (whichever is greater).

- 8.34 Of the 86 car parking spaces provided the development proposes 13 active electric charging bays (15%) and a similar number of passive electric charging bays which would be in accordance with MTCAAP policy MTC14.

#### Cycle Parking

- 8.35 The Borough's standard for cycle parking provision for the proposed development is set at 1 space per 10 employees. The development is designed for 1,013 employees and will provide 108 cycle parking spaces located in a two-tier cycle store at ground level, which is in compliance. Condition 8 secures the provision of this cycle parking. Adjacent to the cycle store are male, female and accessible shower and changing rooms.

#### Access

- 8.36 The proposed development retains the existing vehicular access off Bell Street, which leads to the car parking spaces at ground and basement level. Access to the basement car park is via a ramp. The Proposed Basement Plan, drawing ref: PL021 revision C illustrates a gradient which accords with the design recommendations identified in the Institute of Structural Engineers design recommendations for multi-storey and underground car parks. For these reason the proposed development would not result in undue harm to highway safety.

#### **Neighbouring Amenity**

- 8.37 Adopted Local Plan policy E10 states that business development should not result in an unneighbourly development. As a material consideration BLPSV policy SP3, which should be allocated significant weight, requires development to have an acceptable 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.
- 8.38 To the south is Braywick Gate, however, this office block is separated from the application site by the main railway line. To the west is King Street with the Maidenhead Railway Station on the opposite side of the road. To the north is a Travelodge at no. 99 King Street and offices at Regus House, while to the east is officers at Malvern House. The nearest residential properties are at no. 20 and 34 Bell Street, no. 99-109 Queen Street (residential above shops) and no. 95-97 King Street (residential above public house).
- 8.39 It is noted that the adjacent properties to the east at no. 1 and 14-18 Bell Street contain offices with the nearest residential properties (no. 20 and 34 Bell Street) sited behind these buildings. Given the separation distance which is some 29.5m from the nearest residential properties and that the proposal would be partially screened by existing office development it is considered unlikely that the proposal would have an undue impact on neighbouring residential amenity in terms of loss of light, loss of privacy or visual intrusion. The residential properties at no. 99-109 Queen Street are sited approximately 65m from the proposal and sited behind offices at 1 Bell Street. No. 95-97 King Street, the residential units above O'Neil's, are located approximately 43m away and sited behind the Travelodge building. As such, it is not considered that the proposed development would have an unduly harmful impact on their neighbouring amenity.
- 8.40 In support of the proposal, the submitted Daylight and Sunlight Assessment sets out the potential impact the development would have on the nearest residential properties with the exception of no.

20 Bell Street, as this would be screened from the development, which demonstrates that the proposal adheres to British Research Establishment (BRE) guidelines in respect of daylight and sunlight.

### **Trees**

- 8.41 Adopted Local Plan policy N6 states that development should, wherever practicable, allow for the retention of existing trees and where the amenity value of trees outweighs the justification for development planning permission may be refused. As a material consideration BLPSV policy NR2 states that development proposals should carefully consider the individual and cumulative impact of proposed development on existing trees and where the amenity value of trees outweighs the justification for development planning permission may be refused.
- 8.42 There are no on-site trees, but there are off-site trees on Network Rail land to the south of the site which contribute to an important 'green corridor'. However, as the proposed building is no closer to the trees than the southernmost elevation of the existing building the principle of proximity is established and so there are no objections. The Council's Arboriculture Officer has recommended a condition for appropriate indoor lighting to avoid pressure to remove off-site trees to the south of the site which will shade parts of the building, but mindful of paragraph 55 of the NPPF and the 6 tests for conditions, it is considered that the imposition of such a condition would not be reasonable.

### **Air Quality and Contaminated Land**

- 8.43 The development is located within Maidenhead Air Quality Management Area and the requirements of paragraph 181 of the NPPF and the potential impact of the development on air quality from both the operational and construction phases must be considered.
- 8.44 A qualitative air quality impact assessment has been submitted with the application where the assessment considers the potential impact of the road traffic generated by the proposed development and the proposed gas fired hot water heaters. The conclusion that the impact is not predicted to be significant is accepted. During construction and demolition work dust control measures to reduce the risk of dust complaints and exposure to elevated PM10 concentrations would need to be implemented. A condition requiring the submission and approval of a dust management plan is recommended (condition 3).
- 8.45 The site has potential for contaminated land, and it is recommended a condition is imposed to ensure necessary investigations and remediation are undertaken (condition 5).
- 8.46 Mindful of paragraph 55 of the NPPF and the 6 tests for conditions, it is considered that conditions restricting plant noise and vehicle deliveries and collections would not be necessary given the mixed use nature of the location.

### **Sustainable Drainage**

- 8.47 Paragraph 163 of the NPPF requires development to incorporate sustainable drainage systems. Borough Local Plan policy NR1 also requires new development to incorporate sustainable drainage systems but, given the extent of unresolved objections to this policy, NR1 is currently given limited weight.
- 8.48 The surface water drainage strategy submitted is acceptable in principle. While the pumping of surface water is not ideal in terms of sustainability it is accepted that other means of draining the proposed development are limited. A condition is recommended to secure further detail relating to the Sustainable Drainage Strategy (condition 4).

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

9.1 In accordance with the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule this proposal would be CIL liable, but the chargeable rate per square metre is set at £0.

## 10. CONCLUSION

10.1 The proposed use for office, with the flexible uses identified at ground floor level is considered to be acceptable within this town centre location. It is acknowledged that the proposed building is large in scale and mass, however, the proposed design helps to mitigate this. On balance, the scale and appearance of the building is considered to be acceptable. It is not considered that the scheme would cause harm to the setting of the Listed Clock Tower, or to views of or from the adjacent Conservation Area.

10.2 The scheme is considered to have an acceptable impact on residential amenity, and on transport grounds. Subject to planning conditions, the scheme is considered to have an acceptable impact on Air Quality, and is considered to have an acceptable Sustainable Drainage Strategy.

## 11. APPENDICES TO THIS REPORT

Appendix A – Site Location Plan and Site Layout

Appendix B – Existing Elevations and Floor Plans

Appendix C – Proposed Elevations and Floor Plans

Appendix D – Verified Views

## 12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Prior to the external facing materials being installed on the building hereby approved, sample panels of the materials to be used on the external surfaces of the building shall be shown on site and approved in writing by the Local Planning Authority. A written specification of materials to be used for hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies DG1, LB2
- 3 Prior to the commencement of the development including demolition a Dust Management Plan detailing mitigation measures to control dust emissions arising from site construction and demolition works shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in full and in accordance with the approved dust management plan.  
Reason: To protect the amenities of the area and prevent dust nuisance as the site is in an Air Quality Management Area. This condition is pre-commencement to ensure that the details of the Dust Management Plan are approved prior to and implemented during the course of construction.
- 4 No construction shall commence (excluding demolition) until a surface water drainage scheme for the development, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. Details shall include:-  
Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.  
Supporting calculations confirming compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems

Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.

The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere. This condition is pre-commencement to ensure that the sustainable urban drainage scheme can be achieved without conflicting with the approved development. Relevant Policies: Paragraph 163 and 165 of the NPPF.

- 5 Prior to the commencement of development other than that required to be carried out as part of an approved scheme of remediation, requirements 1 to 4 below shall have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.
1. **Site Characterisation** An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- a survey of the extent, scale and nature of contamination;
  - an assessment of the potential risks to:
    - human health
    - property (existing or proposed) including buildings, crops, livestock, adjoining land, groundwaters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments;
  - an appraisal of remedial options, and proposal of preferred option(s).

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

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

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

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

4. **Reporting Unexpected Contamination** In the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of requirement 1, and where remediation is

necessary a remediation scheme must be prepared in accordance with the requirements of requirement 2, which is the subject of the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with requirement 3.

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is pre-commencement to ensure that the details of are approved prior to and implemented during the course of construction and that remediation scheme can be achieved without conflicting with the approved development. Relevant Policy Local Plan NAP4.

6 Prior to the commencement of any works of demolition a construction management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic. This condition is pre-commencement to ensure that the details of the Construction Management Plan are approved prior to and implemented during the course of construction. Relevant Policies - Local Plan T5

7 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.

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

8 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport.

9 No part of the development shall be occupied until vehicle parking space has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The space approved shall be retained for parking in association with the development.

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

10 No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must

demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

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

Arrangements for liaison with the Environmental Protection Team

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

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

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

Procedures for emergency deviation of the agreed working hours.

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

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

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development. This condition is pre-commencement to ensure that the details of the Construction Environment Management Plan are approved prior to and implemented during the course of construction.

- 11 Prior to the occupation of the development hereby permitted a Travel Plan to serve the site shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the measures set out in the approved Travel Plan are in place and are operational, in accordance with their approved scheduling, for the duration of the occupation of the development.

Reason: To secure an appropriate pattern of transport for the users of the site, in the interests of sustainability, in accordance with national and local planning policy as set out in policies DG1, E10, T7, T8 and P4 of the Local Plan and guidance contained within the NPPF 2019

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

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

### **Informatives**

- 1 The applicant is advised that separate planning permission would be required for any commercial extractor ducts/flues for the A3 use, which is one of the flexible uses listed in the description of the development, if cooking is intended to be carried out on the premises.

The case file can be viewed at the Council's Customer Service Centres or on the Council's website at <http://www.rbwm.gov.uk>

# Appendix A – Site Location Plan and Site Layout

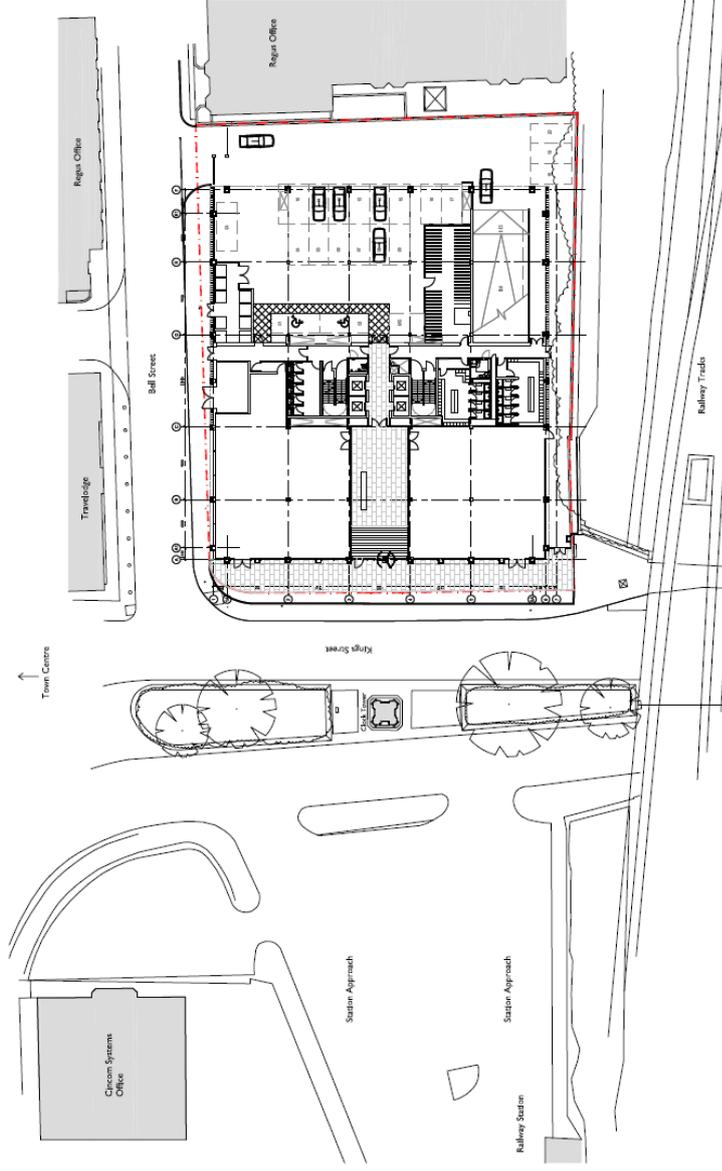


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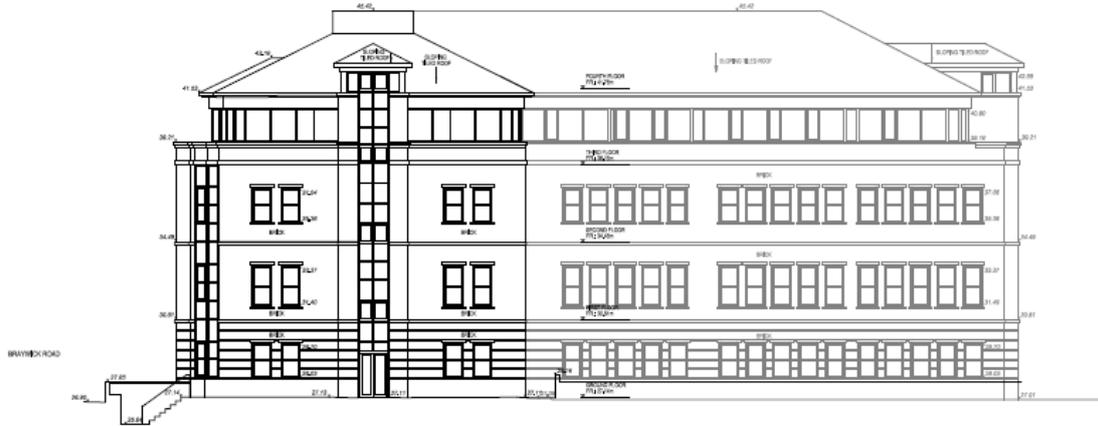
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	client Aberdeen Standard Investments	status PLANNING	scale 1:1250@A3	date 28.06.18	drawn FL	checked FL



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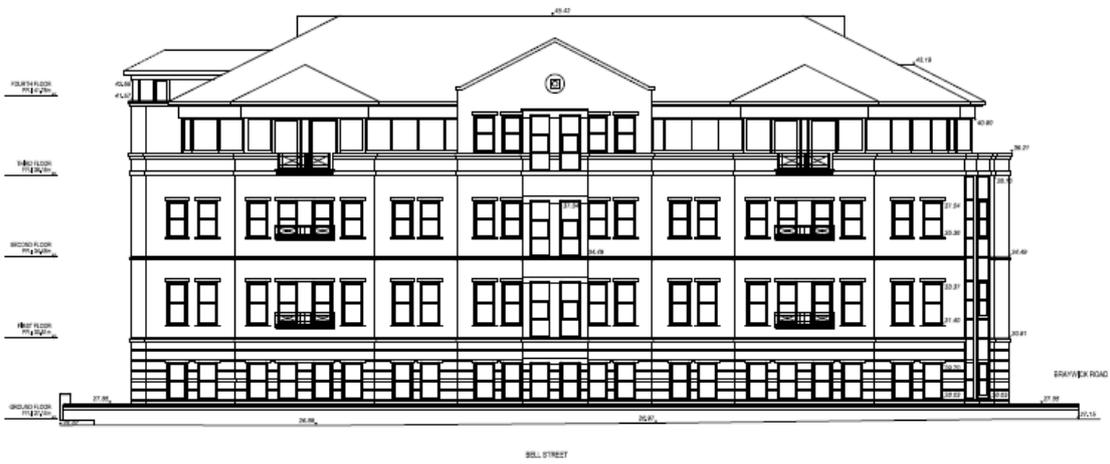
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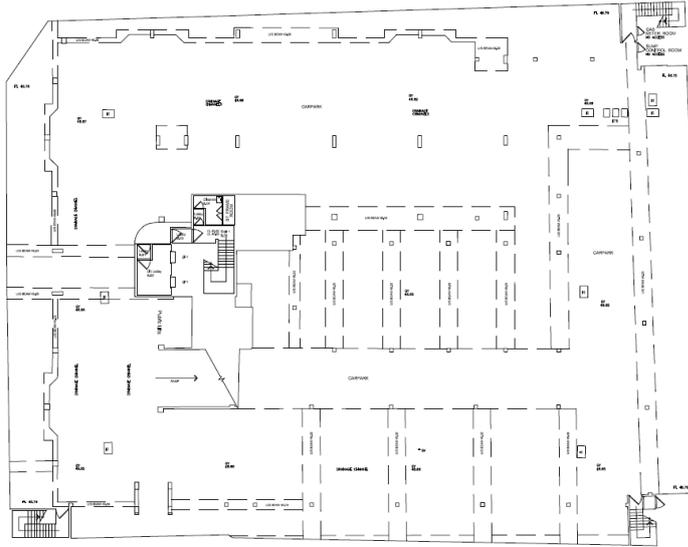
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					28.06.18		

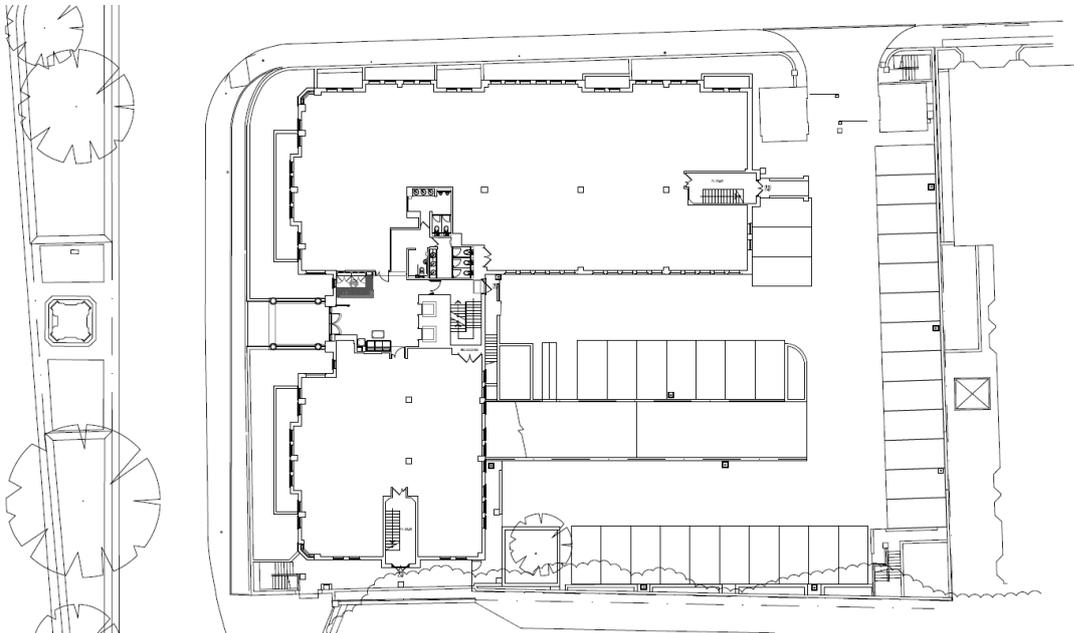


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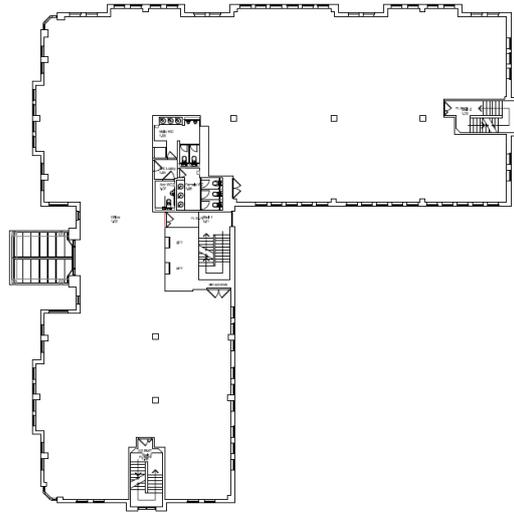
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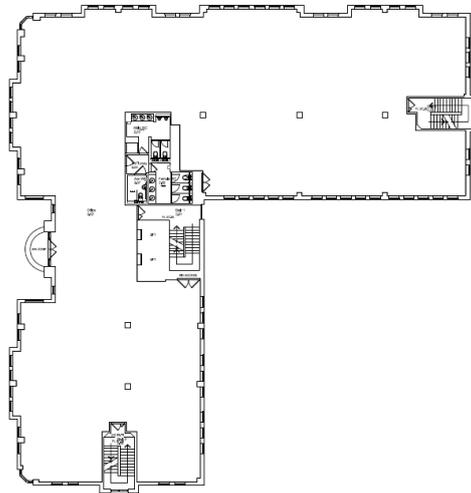
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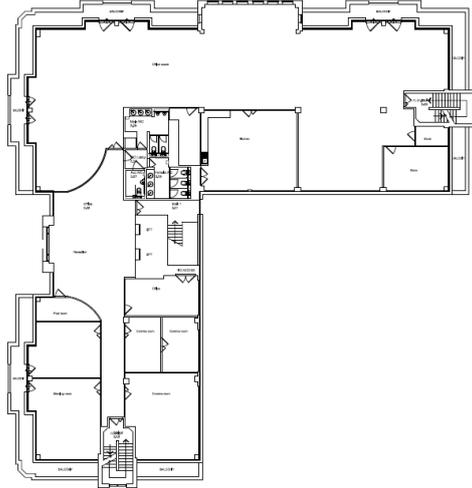
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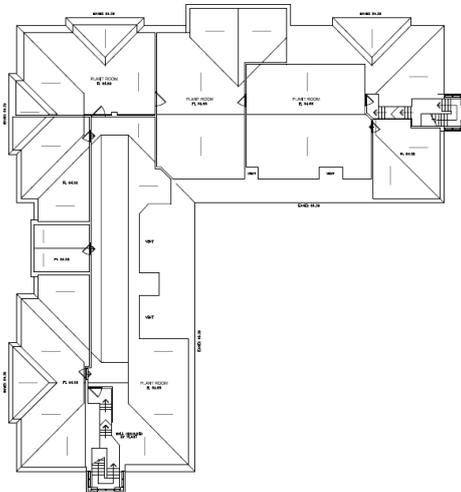
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	client Maizelands Limited & Arringford Limited	status PLANNING	scale 1:250@A3	date 28.06.18	



	<b>Existing Second Floor Plan</b>		project Kings Chase, Maidenhead	job no E1581	drawing no (PL)005	revision -
	client Maizelands Limited & Arringford Limited	status PLANNING	scale 1:250@A3	date 28.06.18	drawn FL	

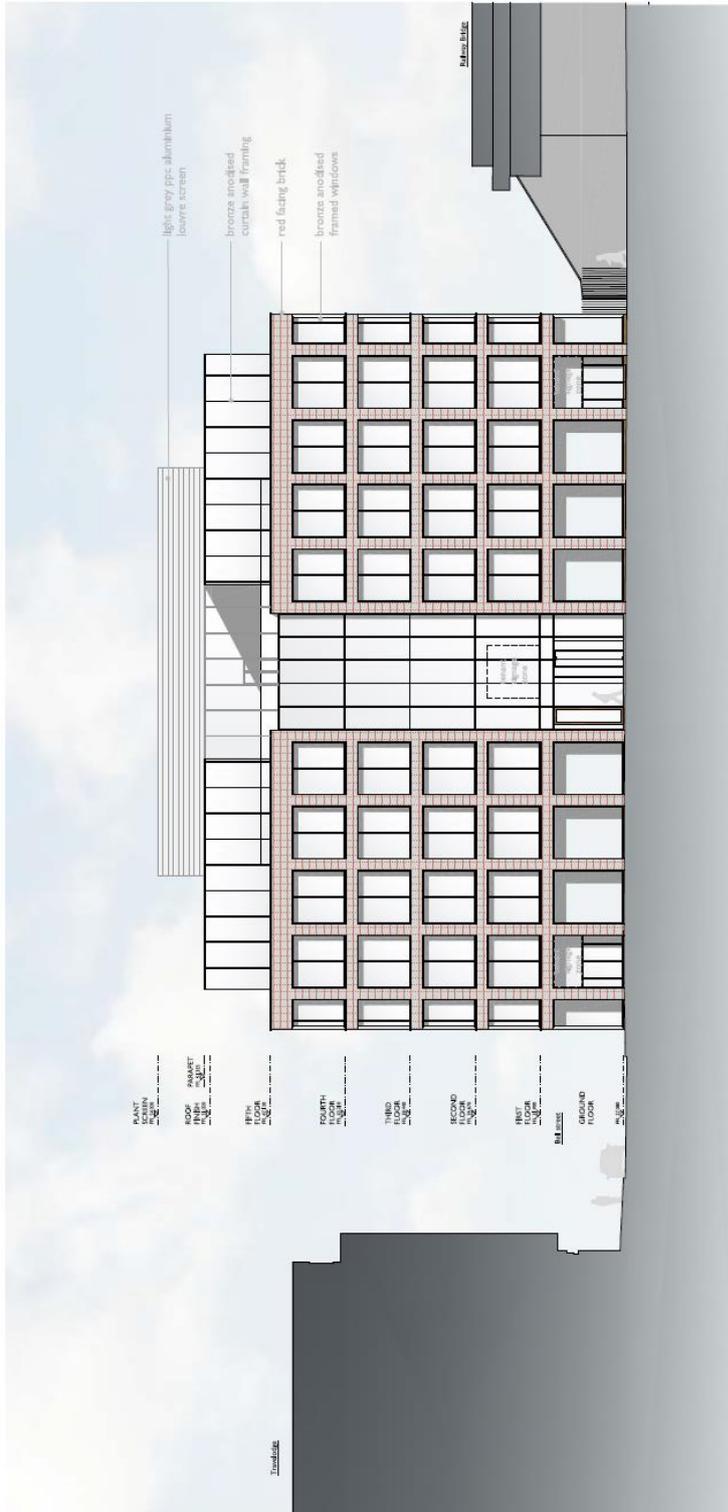


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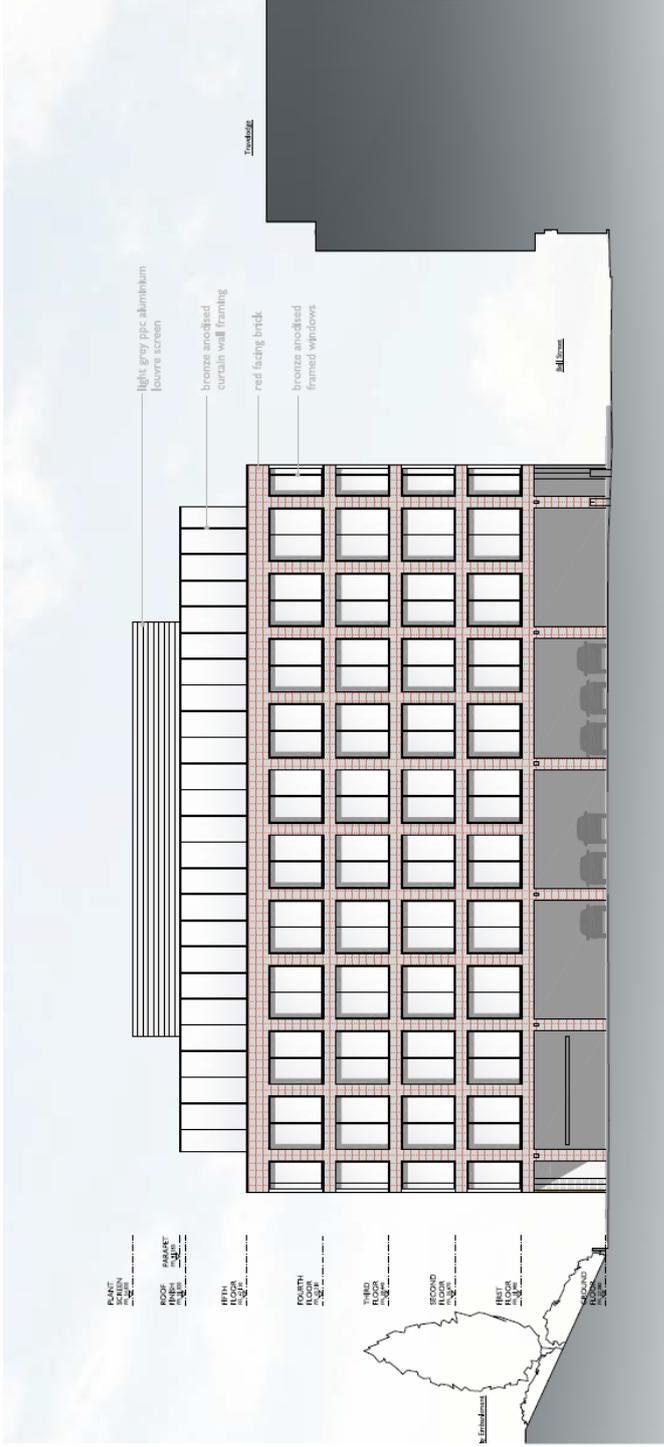
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	client	Maizelands Limited & Arringford Limited	stage	PLANNING	ref	1:250@A3	date	28.06.18	drawn	FL

Appendix C – Proposed Elevations and Floor Plans



Proposed West Elevation

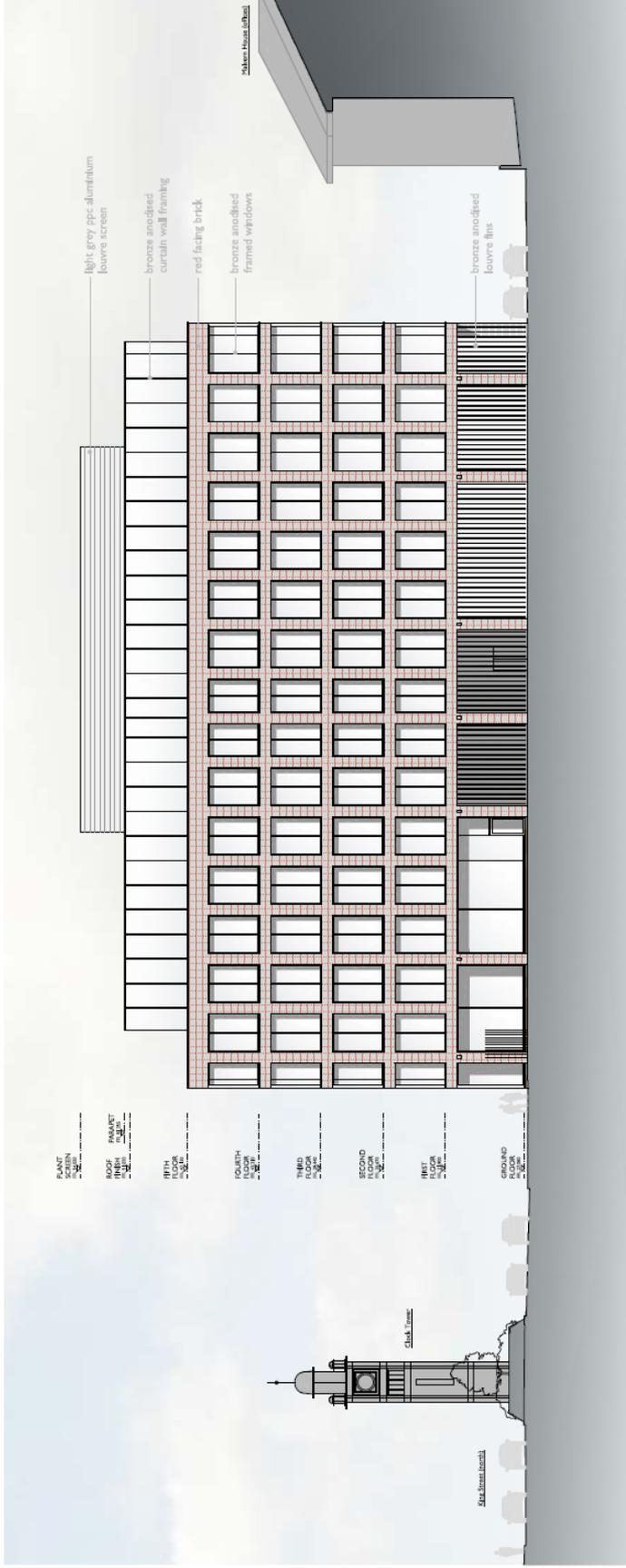
project	Kings Chase, Maidenhead	revision	B
client	Maizefields Limited & Arringford Limited	date	28.06.18
drawn	PLANNING	scale	1:250@A3
job no	E1581	draw no	(P)029



# Proposed East Elevation

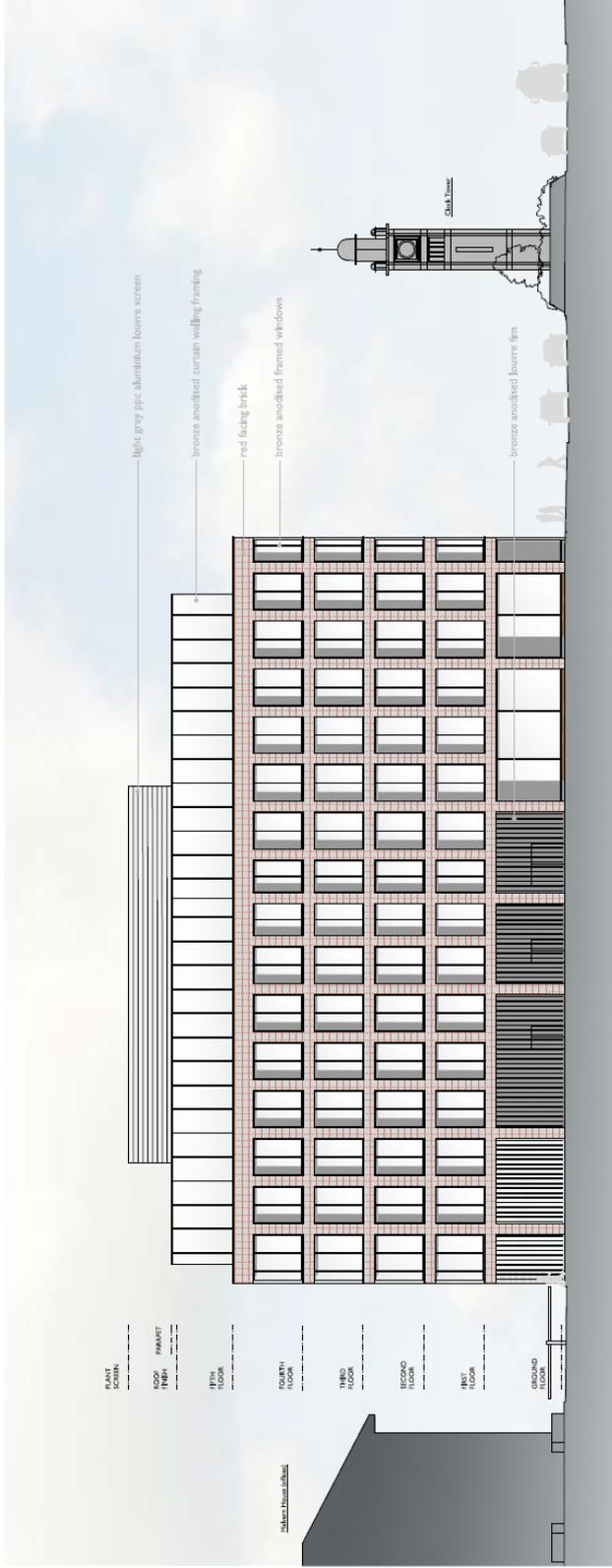
project: <b>Kings Chase, Maidenhead</b> client: <b>Majzels Limited &amp; Arringford Limited</b>	job no: <b>E1581</b>	drawing no: <b>(PL)031</b>	revision: <b>B</b>
	scale: <b>1:250@A3</b>	date: <b>28.06.18</b>	drawn: <b>FL</b>
title: <b>PLANNING</b>			





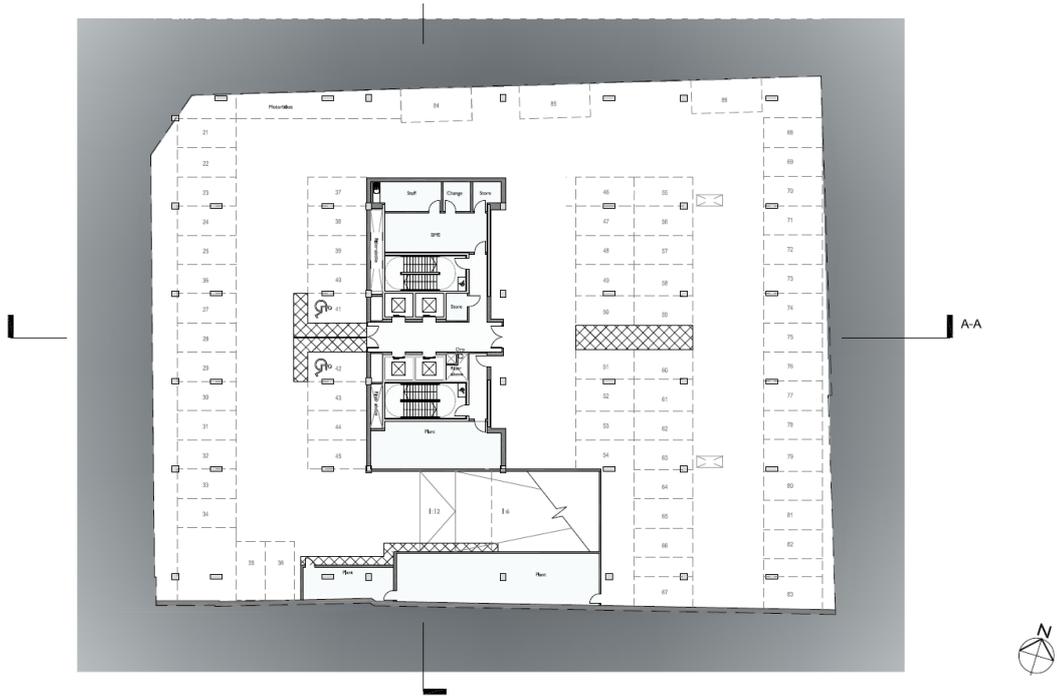
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	client <b>Maizelands Limited &amp; Arringford Limited</b>		scale <b>1:250@A3</b>	date <b>28.06.18</b>
work <b>PLANNING</b>			drawing <b>FL</b>	





<b>Proposed North Elevation</b>		project: Kings Chase, Maidenhead	job no: E1581	rev no: (PL)032	revision: B
		client: Mazeildands Limited & Arringford Limited	date: 28.06.18	scale: 1:250@A3	drawn: FL
		status: PLANNING			

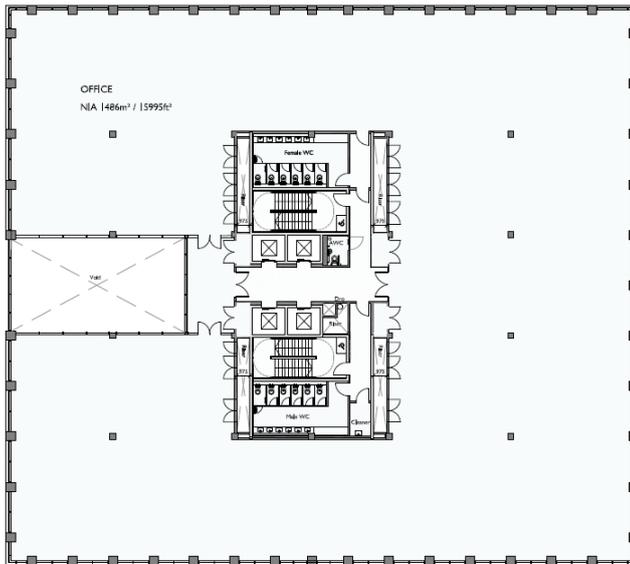




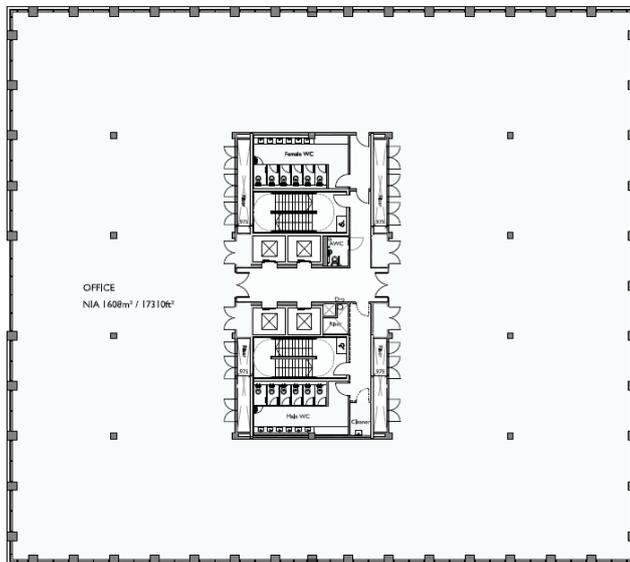
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	client Maizehinds Limited & Arringford Limited	stage PLANNING	scale 1:250@A3	date 28.06.18	drawn FL	checked FL



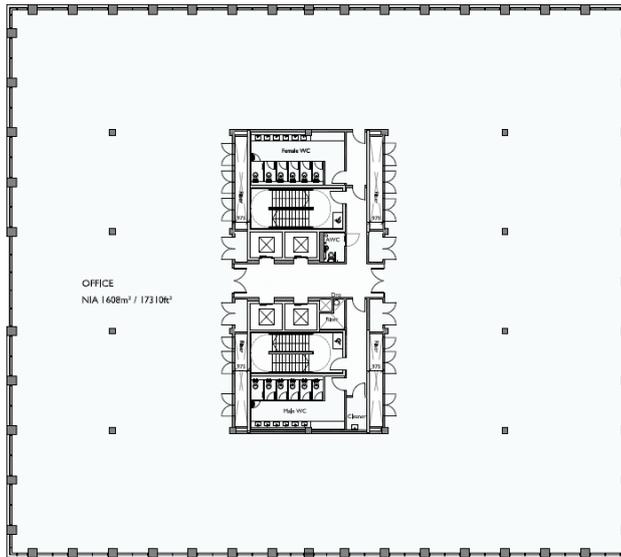
	<b>Proposed Ground Floor Plan</b>		project Kings Chase, Maidenhead	job no E1581	drawing (PL)022	revision C
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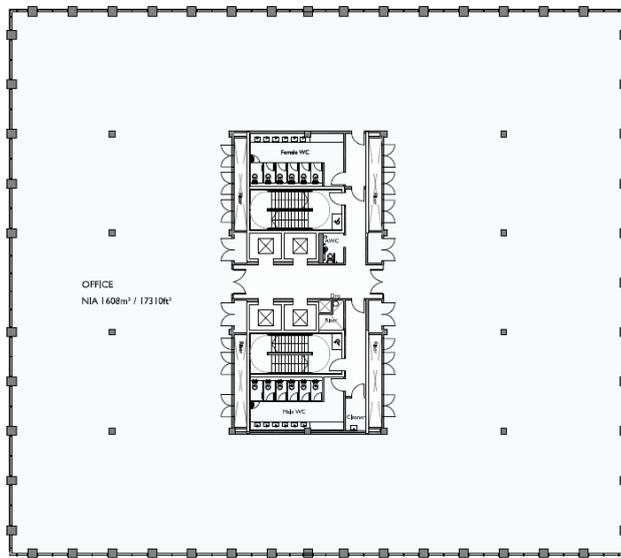
	<b>Proposed First Floor Plan</b>		project Kings Chase, Maidenhead	job no. E1581	drawing no. (PL)023	revision A
			client Maizelands Limited & Arringford Limited	stage PLANNING	scale 1:250@A3	date 28.06.18



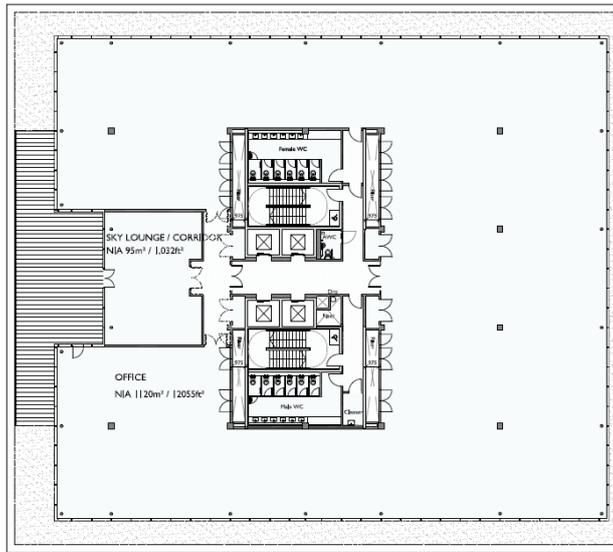
	<b>Proposed Second Floor Plan</b>		project Kings Chase, Maidenhead	job no. E1581	drawing no. (PL)024	revision A
			client Maizelands Limited & Arringford Limited	stage PLANNING	scale 1:250@A3	date 28.06.18



	<b>Proposed Third Floor Plan</b>		project Kings Chase, Maidenhead	job no. E1581	drawing no. (PL)025	revision A
			client Maizelands Limited & Arringford Limited	status PLANNING	code 1:250@A3	date 28.06.18

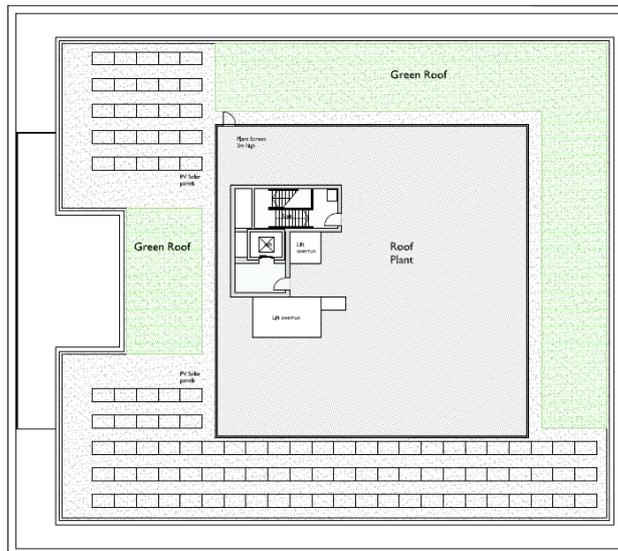


	<b>Proposed Fourth Floor Plan</b>		project Kings Chase, Maidenhead	job no. E1581	drawing no. (PL)026	revision A
			client Maizelands Limited & Arringford Limited	status PLANNING	code 1:250@A3	date 21.06.18



Proposed Fifth Floor Plan

project	Kings Chase, Maidenhead	job no	E1581	diag no	(PL)027	revision	A
client	Maizelands Limited & Arringford Limited	status	PLANNING	date	28.06.18	drawn	FL
			1:250@A3				

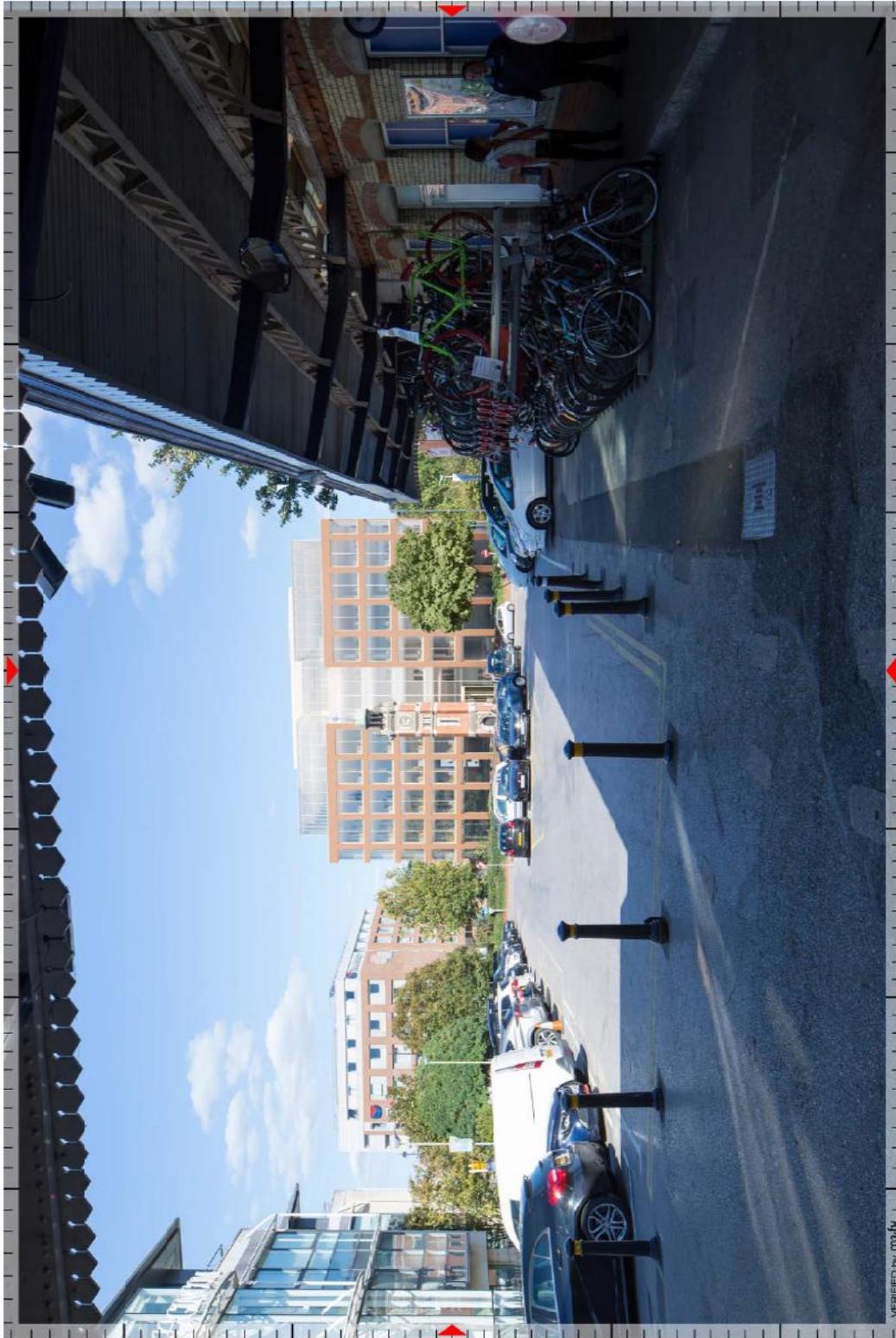


Proposed Roof Plan

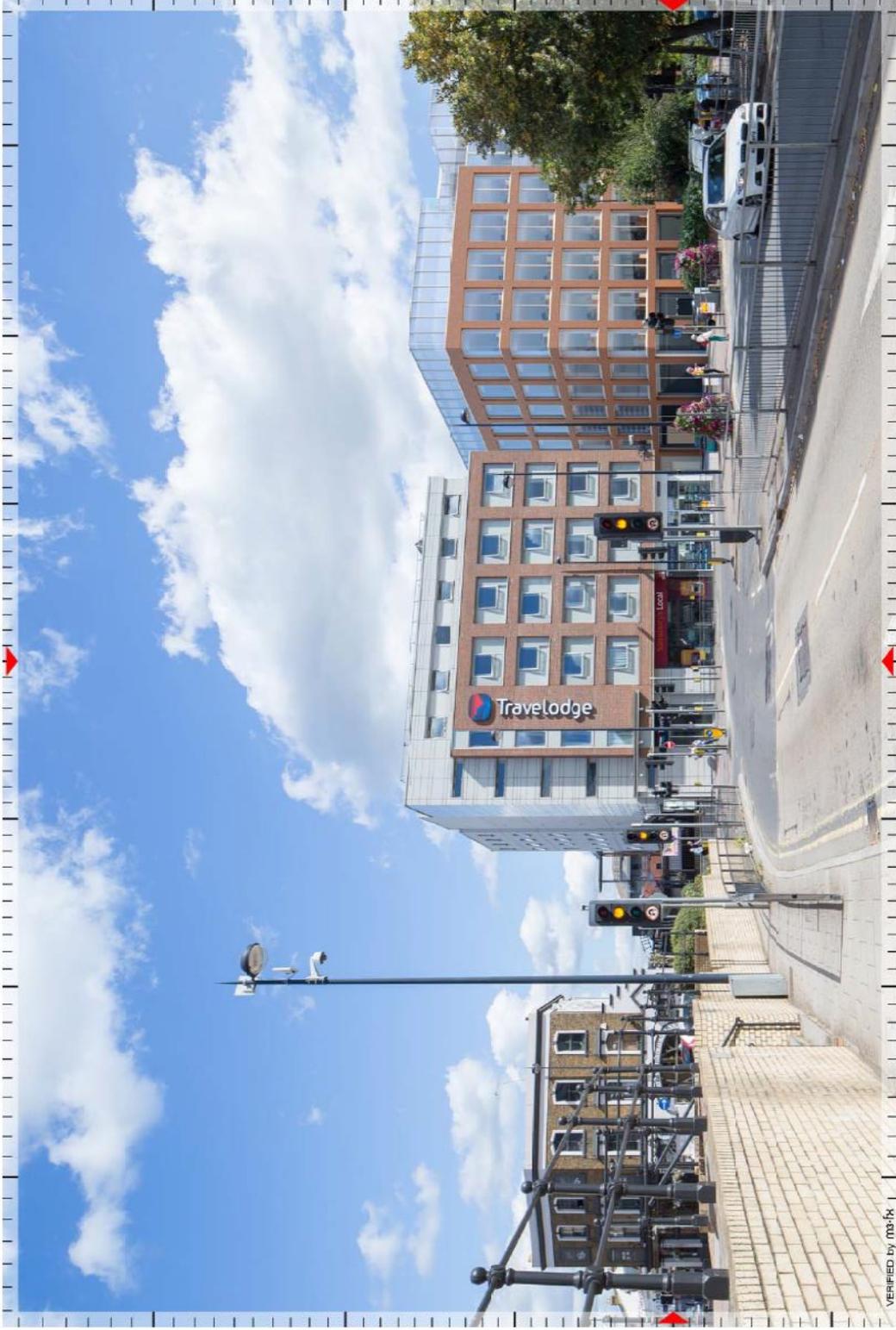
project	Kings Chase, Maidenhead	job no	E1581	diag no	(PL)028	revision	B
client	Maizelands Limited & Arringford Limited	status	PLANNING	date	28.06.18	drawn	FL
			1:250@A3				

Appendix D – Verified Views

View from the train station



View from Grenfell Road



View from Braywick Road



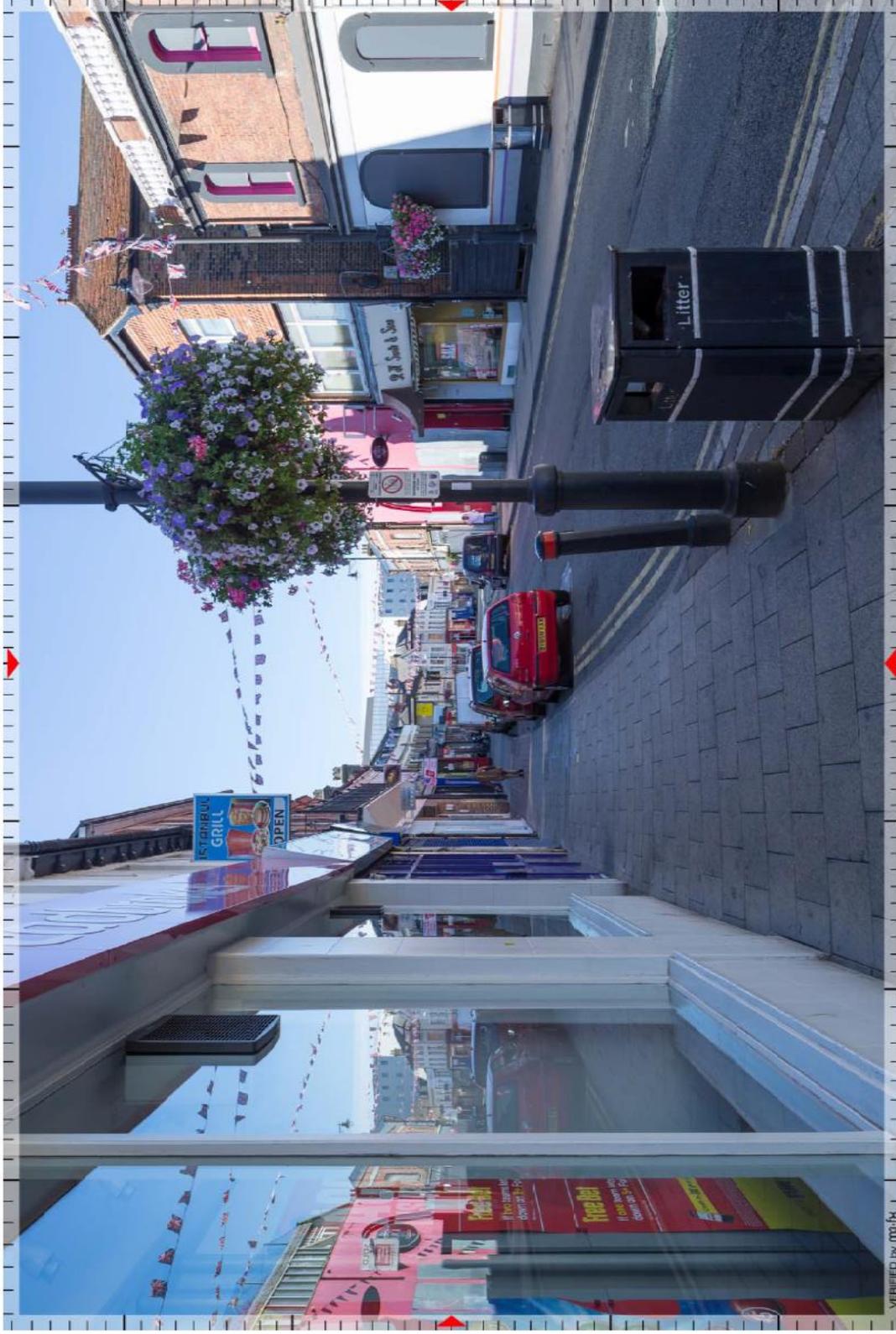
VERIFIED by M3-FX

View from Bell Street



VERIFIED by m3-fx

View from Queen Street



VERIFIED BY mo-fx

## MAIDENHEAD DEVELOPMENT CONTROL PANEL

13 March 2019

Item: 4

<b>Application No:</b>	18/03517/FULL
<b>Location:</b>	Old Court Studio Upper Bray Road Bray Maidenhead SL6 2DB
<b>Proposal:</b>	Change of use of building from Canine Care Facility (Sui Generis) to B1 (Light Industrial).
<b>Applicant:</b>	Mr Phillips
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Bray Parish/Bray Ward

<b>If you have a question about this report, please contact:</b> Briony Franklin on 01628 796007 or at <a href="mailto:briony.franklin@rbwm.gov.uk">briony.franklin@rbwm.gov.uk</a>
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### 1. SUMMARY

- 1.1 Planning permission is sought to change the use of the building from a Canine Care facility (sui generis) to B1 (light industrial). The site is being occupied by GP Asbestos & Maintenance Ltd, a small building and maintenance company and the application is therefore retrospective.
- 1.2 The site has been used for other commercial uses in the past. The re-use of the building and the associated level of parking and vehicle movements is considered to be relatively low key and does not result in an unacceptable level of activity. It is considered that the use has no adverse impact on the openness of the Green Belt and does not conflict with the purposes of including land in it. The use constitutes appropriate development in the Green Belt and has no unacceptable impact on the amenities of the neighbouring residential properties or highway safety.

<b>It is recommended the Panel GRANTS planning permission with the conditions listed in Section 13 of this report.</b>
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### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Leo Walters, if the recommendation is to grant the application, in the public interest.

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

- 3.1 The application site is situated on the south eastern side of Upper Bray Road at the end of a long driveway. The site lies adjacent to the M4 motorway to the south and residential properties, Old Court Cottage and Court Cottage to the west. A pond/lake lies to the north of the site.
- 3.2 The site is set down below the M4 motorway embankment and together with the neighbouring properties is owned by Highways England. The site comprises a primarily single storey, brick building with slate roof. The front of the property has recently been cleared and the whole area re-surfaced using hard core to create a parking/turning area. The surface of the driveway has also undergone repairs and some of the vegetation along the driveway has been cutback/removed.
- 3.3 The ground floor of the building comprises a workshop, offices/small kitchen area. The first floor has very restricted access via a spiral staircase and restricted headroom and is used for storage.
- 3.4 Two trailers (de-contamination units) and a skip used for waste material are stored/parked in the front parking area. The applicant's caravan and parent's motor home are also being parked/stored in this area.

#### 4. KEY CONSTRAINTS

4.1 The site lies within the designated Green Belt.

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

- 5.1 Planning permission is sought to change the use of the site from a Canine Care facility (sui generis) to a light industrial (Class B1) use. The change of use has already taken place and this application is therefore retrospective.
- 5.2 The site is occupied by GP Asbestos & Maintenance Ltd, a small building and maintenance company, which also undertakes asbestos removal works. The workshop is used for minor repairs/maintenance of plant and the storage of tools/materials/ plant. There are 5 people employed on site which includes the applicant (Managing Director), a Senior Surveyor, Assistant Surveyor, Finance Manager and Works Manager. All other employees work away from the site. The normal working day is between 8am to 5pm Monday to Friday. The company has 2 large vans and 1 small van which are not parked on site overnight. The vans visit the site at the beginning and end of the day to load and unload. The 2 decontamination trailer units used in connection with the removal of asbestos are off site most of the time being used on jobs. The delivery of materials occurs once a month and a skip for waste material is changed once a month.
- 5.3 The building has been refurbished internally, but no external alterations to the building have been undertaken or are proposed.
- 5.4 During the course of the application further information/clarification has been obtained and revised drawings have been submitted to include the site access, a car parking plan and measured floor plans.
- 5.5 It appears from the planning history that the site has been in commercial use for a number of years and the planning history is set out below.

Reference	Description	Decision
423327	Use as kiln/studio and light industrial	Permitted
89/01373/FULL	Use of premises as kiln/studio and light industry	Permitted
92/00980/OUT	Detached house with integral garage	Refused and dismissed on appeal
96/29937/FULL	Change of use of parts of building to A1 (shops), B1 c light industrial and B8 (storage or distribution). Retrospective.	5 year Temporary Permission.
13/02953/FULL	Proposed change of use to a canine care facility (sui generis)	Permitted
14/02544/VAR	Proposed change of use to a canine care facility (sui generis) without complying with condition 2 of permission 13/02953 to alter the quantity of parking spaces from 12 spaces to 6 spaces and relocated parking bays to front of drive.	Permitted

#### 6 DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Acceptable impact on residential amenity	NAP3
Acceptable Impact on highway safety	P4 & T5
Acceptable impact on Green Belt	GB1, GB2 & GB8

These policies can be found at

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

## 7. **MATERIAL PLANNING CONSIDERATIONS**

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

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

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

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Development in the Green Belt	SP5
Sustainable Transport	IF2
Environmental Protection	EP1 & EP4

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

7.2 This document can be found at:

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

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

7.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy

More information on these documents can be found at:

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

3 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 21<sup>st</sup> December 2018.

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

Comment		Where in the report this is considered
1.	Work has already commenced and business already operating from site.	Paragraph 9.18
2.	Inadequate notification of application.	9.19
3.	Access is via a narrow lane. Increased number of vehicle movements will lead to congestion and increased risk of pollution.	9.11
4.	Impact on trees and hedges– ecological assessment should be made.	9.21
5.	Concern that hazardous waste materials will be stored in the skip.	9.20
6.	Disruption caused to residents from large lorries delivering aggregate.	9.21
7.	Ivy along driveway which provided nesting sites for birds has been removed.	9.21
8.	Trees and hedging removed at top of driveway to provide manoeuvring room for skip lorry.	9.21
9.	Parking spaces already taken up by two box trailers, a caravan and a motor home.	9.16
10	Black tarpaulin fitted onto the boundary fence between the site and Old Court Cottage.	9.22
11	Bright lights shining into bedroom at Old Court Cottage	9.23
12	Concerned that asbestos will be stored on site.	9.20

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	Traffic unlikely to exceed that permitted as part of extant permission 14/02544/VAR.  The number of parking spaces meets the requirements for a development of this size and the site plan indicates that a practical parking layout can be achieved, allowing vehicles to turn around on site.	9.14-9.17
Environmental Protection	No objection.	

### Consultees

Consultee	Comment	Where in the report this is considered
Bray Parish	Recommended for refusal.	9.8-9.24

Council	<p>The development is accessible by a single vehicle wide track driveway. It is our understanding that the applicant runs a business which involves the removal of asbestos. BPC have concerns both with the type of vehicles the change of use to a light industrial building will attract and the type of material which could be stored on the site. If the Planning Officer is minded to approve then BPC would request the following concerns</p> <ol style="list-style-type: none"> <li>1. Only office vehicles and cars to be allowed to enter the site.</li> <li>2. No HGV to be allowed on site</li> <li>3. Access to the site to be limited to certain times of day</li> <li>4. Only certain types of material and no hazardous material to be stored on site.</li> </ol>	
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## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

### i Impact on Green Belt

- 9.2 The site lies within the designated Green Belt. The Government attaches great importance to Green Belts. Paragraph 146 of the NPPF states that '*certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it*'. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. This must be accorded significant weight as a material planning consideration in the assessment of this proposal.
- 9.3 Local Plan policy GB8 deals specifically with the re-use of buildings. Whilst it references that such proposed development should not have a greater impact on the openness of the Green Belt or the purposes of including land in it than the present or last use, it also stipulates additional provisos that go beyond those specified in the NPPF and is therefore not considered to be up-to-date and consequently given less than significant weight.
- 9.4 Emerging policy SP5 requires the buildings to be re-used to be of permanent and substantial construction and their form to be in-keeping with their surroundings and not to require extensive reconstruction and/or material change in size or scale, and the proposed use to have no materially greater impact than the present or last approved lawful use on the openness of the Green Belt and the purposes of including land in it. This is considered to be generally in accord with the NPPF and is therefore accorded significant weight as a material planning consideration in the assessment of this proposal.
- 9.5 The existing brick building is primarily single storey and has a slate roof. It is of a permanent and substantial construction and is in keeping with its surroundings. No alterations to the building are required. From the information supplied by the applicant it is considered that the use is relatively small scale and does not generate an unacceptable level of activity or result in an unacceptable intensification in the use of the site, particularly when compared to the previous commercial uses of the site. A large area of hard core has been laid in front of the building to provide parking/turning in association with the use. Arguably the parking of vehicles/trailers in association with the use could have an impact on the openness of the Green Belt. However only 4 cars are required to be parked on site for staff and the 2 de-contamination trailers are often off-site. The level of parking required in association with the proposed use is not considered to have an adverse impact on the openness of the Green Belt in this case. It is also worth noting that the site has been in various commercial uses over the years which are likely to have involved a greater level of parking and vehicle movements. It is considered that this current use would have no greater impact in terms of parking and vehicle movements than the previous uses.

- 9.6 It is considered that the re-use of the building would constitute appropriate development in the Green Belt and would accord with paragraph 146 of the NPPF, Local Plan policies GB1, GB2 and GB8 and emerging policy SP5.
- 9.7 In the event that planning permission is granted it is considered appropriate in this case to grant a personal permission for the current occupier and for it not to ensure for the benefit of the land or any other person or body whatsoever. This will enable the suitability of any future use to be assessed on its own merits (see condition 1).

#### **ii Impact on character and appearance of the site itself and the locality in general**

- 9.8 The site is set well back from Upper Bray Road and lies adjacent to the embankment of the M4 motorway. The site has undergone quite a lot of clearance work prior to occupation however a good level of screening including trees and vegetation has been retained around the periphery of the site. The front of the site has been re-surfaced with hard-core to provide a parking/turning area and a skip is positioned close to the entrance of the site. The site is well hidden from the public realm and it is not considered that the use and associated works detract from the character and appearance of the site itself or the locality in general in this location.
- 9.9 The application is considered to accord with adopted (Development Plan) policy DG1, and emerging policy SP3; both accorded significant weight, the latter as a material planning consideration.

#### **iii Impact on the living conditions of the neighbouring properties**

- 9.10 It is important to ensure that the use does not have an unacceptable impact on the living conditions of the neighbouring properties particularly in terms of noise and disturbance.
- 9.11 There are two residential properties, Old Court Cottage and Court Cottage which lie adjacent to the site. These properties are set well back from the shared driveway by between 30 and 40 metres and the site is well screened from the immediate neighbour by tall conifer trees and fencing. The use of the building as offices and a workshop for minor repair/maintenance of tools and equipment and storage of plant/equipment should not generate an unacceptable level of noise and disturbance to the adjoining residents. Given the small scale nature of the business and the level of parking and vehicle movements associated with the use it is not considered that the use would generate a level of activity or vehicle movements which would result in an unacceptable level of noise, disturbance and pollution to the neighbouring properties.
- 9.12 It is considered that the use accords with adopted (Development Plan) policy NAP3 and emerging policies EP1 and EP4; all accorded significant weight, the latter as material planning considerations.
- 9.13 In the event of planning permission being granted it is considered that the hours of operation should be suitably conditioned in order to safeguard the amenities of the adjoining residential properties ( see condition 2).

#### **iv Impact on highway/parking**

- 9.14 The site is served by a long, single track, driveway and it has recently been repaired with type 1 road-stone. The front of the premises has been cleared of overgrown scrub and surfaced with hard core/road stone to provide a large parking/turning area. The long driveway is shared with the neighbouring property, Old Court Cottage.
- 9.15 There are four members of staff who park on site. Three vans visit the site to load equipment and materials from the store, but are not parked on site overnight. The 2 decontamination trailer units are mostly off site. There is a general waste container (skip) on site which is changed approximately once a month and is delivered by a small skip lorry. Materials are delivered to site once a month.

- 9.16 It has been adequately demonstrated that the site generates fairly low levels of vehicle movements and would be no greater than the vehicle movements generated by the previous commercial uses on the site. A practical parking layout has been provided and there is ample space for parking/turning to serve the use (see condition 3).
- 9.17 The Highway Authority has raised no objection to the use on highway safety and parking grounds and the application accords with (Development Plan) policies P4 and T5.

#### **v Other Material Considerations**

- 9.18 It is acknowledged that the use has already commenced and that this application is retrospective. Any works undertaken without the benefit of planning permission are done so entirely at the owners/occupants own risk.
- 9.19 The immediate neighbours have been notified of the application and the site notice was displayed within the requisite timescales.
- 9.20 Some of the representations have raised concern about the storage of asbestos on the site. The applicant has confirmed that there will be no asbestos or asbestos contaminated materials brought onto the site and no asbestos waste containers or hazardous waste kept on site. Asbestos removal works are licensed and controlled by Her Majesty's Health and Safety Executive who inspect operations. The owner has confirmed that the waste container (a skip) is for office and workshop general waste only.
- 9.21 Some of the objections relate to the works carried out prior to occupation of the building which included the cutting back of vegetation along the access drive, repairs to the driveway and re-surfacing of the front of the property. The site was quite overgrown with scrub and thicket and the clearance works have been carried out outside of the bird nesting season. There are no ecological concerns arising from this work, which effectively amounts to the maintenance of the property that would not amount to development requiring planning permission.
- 9.22 The black tarpaulin put up along the fence is shade cloth clipped to the existing chain link fence and has been installed to screen the site from the neighbouring property which looks after dogs.
- 9.23 The applicant has confirmed that no external or internal lights are left on overnight.
- 9.24 This planning permission does not purport to grant permission for the storage/parking of the applicant's caravan and parent's motor home and an informative will need to be added to advise the applicant accordingly should permission be forthcoming.

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

- 10.1 The development is not CIL liable.

#### **11. CONCLUSION**

- 11.1 It is considered that the use is relatively low key. The re-use of the building is considered appropriate in the Green Belt and would accord with paragraph 146 of the NPPF, local plan policies GB1, GB2 and GB8 and emerging policy SP5. The site is relatively well screened and the use, with its associated development, has no adverse impact on the character and amenity of the site itself or locality in general in accordance with local plan policy DG1 and emerging policy SP3. The level of traffic and activity generated from the use would not have an adverse impact on the living conditions of the neighbouring properties and accords with local plan policy NAP3 and emerging policies EP1 and EP4. In addition adequate parking is provided and the use would have no adverse impact on highway safety in accordance with local plan policies P4 and T5.

## 12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Car parking layout plan
- Appendix C - Ground floor and first floor plans

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

- 1 The use hereby permitted shall be carried out only by GP Asbestos & Maintenance Ltd and shall not enure for the benefit of the land, or any other person or body whatsoever. If GP Asbestos & Maintenance Ltd cease to be the occupier of the premises, the use shall cease and the site shall be reinstated to its former condition.  
Reason:To ensure that any future use has an acceptable impact on the Green Belt, the living conditions of the neighbouring properties and highway safety - Relevant policies - Local Plan GB1, GB2, GB8, NAP3, P4 and T5.
- 2 The use hereby permitted shall only operate between the hours of 8am and 6pm Mondays to Fridays, 8am to 1pm on Saturdays and at no time on Sundays, Bank or Public Holidays.  
Reason: To protect the amenities of adjoining occupiers. Relevant Policies - Local Plan NAP3.
- 3 The area to the front of the building shall be kept available for parking and turning in association with the use.  
Reason:To ensure that adequate parking and turning facilities are provided and to facilitate vehicles entering and leaving the highway in a forward gear. Relevant Policies - P4 and T5.

### **Informatives**

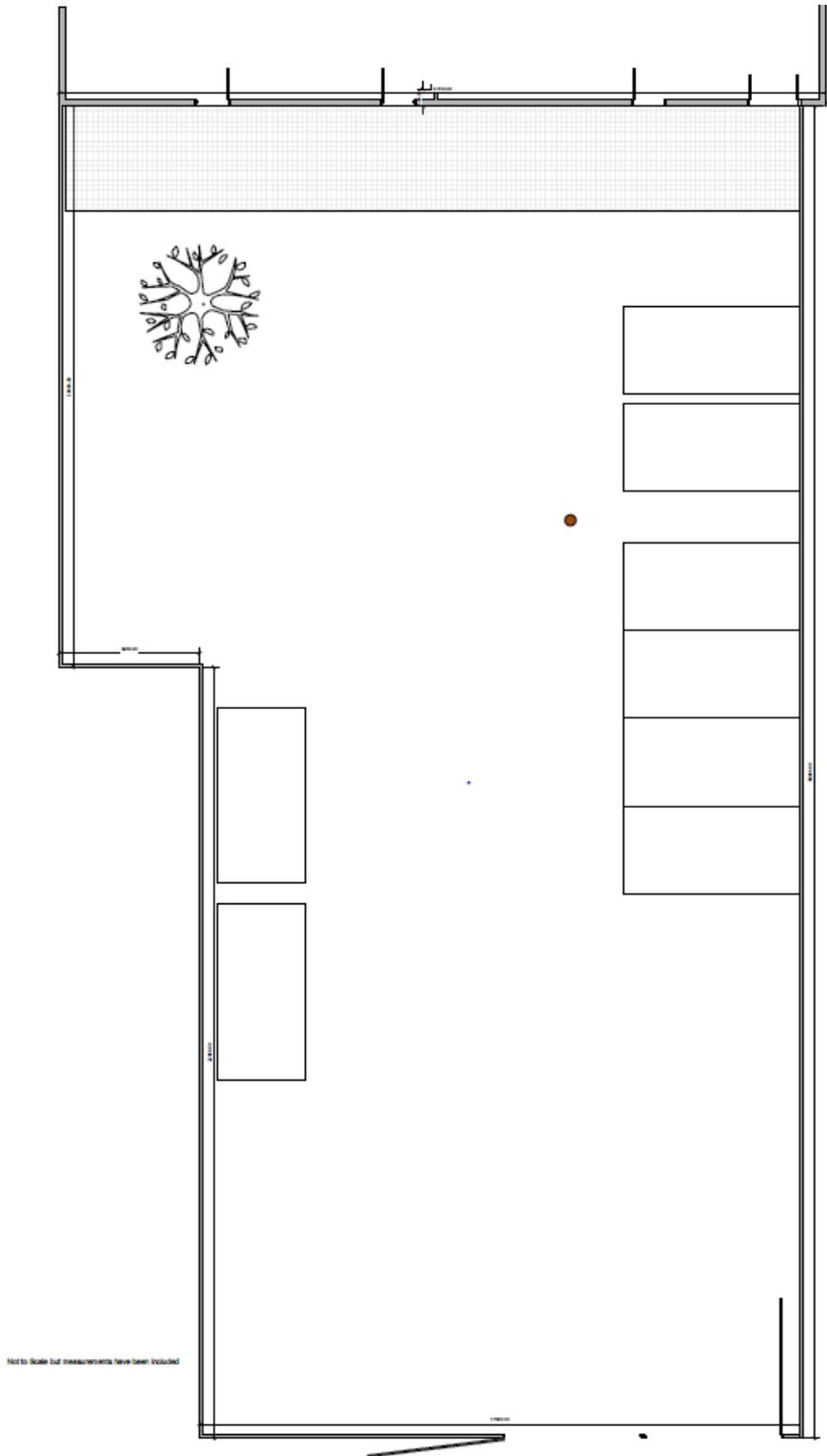
- 1 The applicant is advised that this planning permission does not purport to grant planning permission for the domestic storage/parking of a caravan and motor home on the site.

The case file can be viewed at the Council's Customer Service Centres or on the Council's website at <http://www.rbwm.gov.uk>

# APPENDIX A – LOCATION PLAN

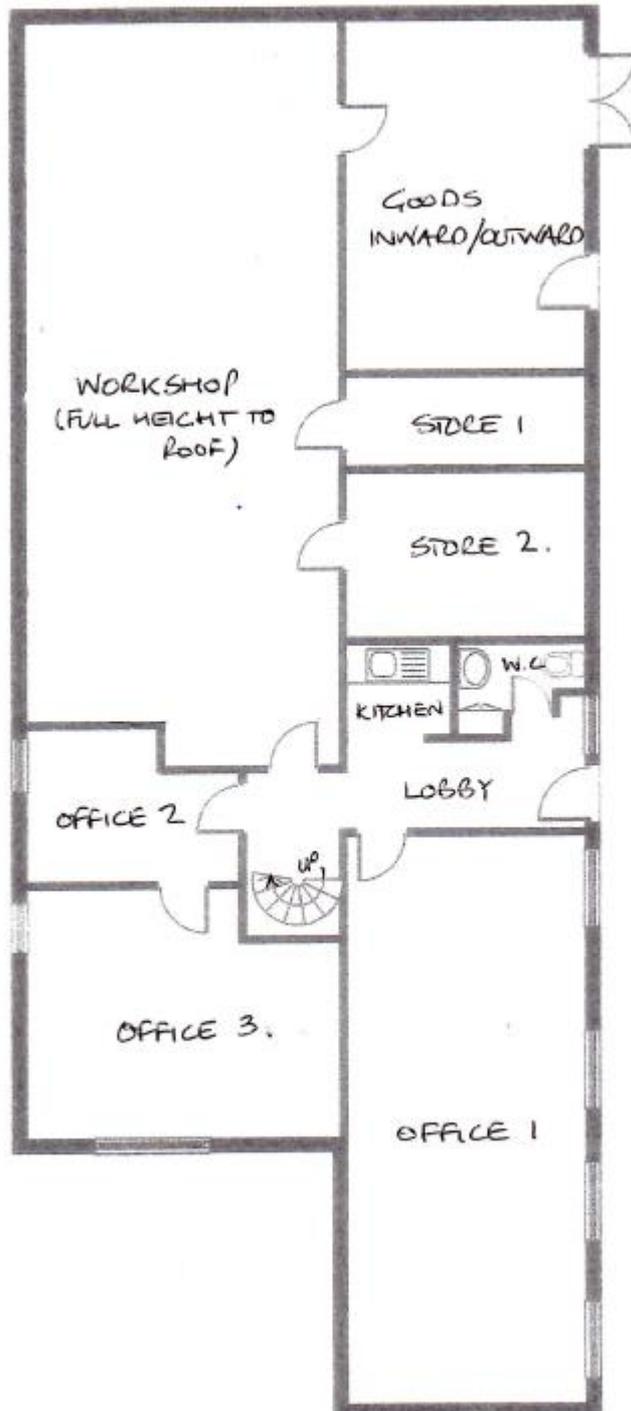


# APPENDIX B – PARKING LAYOUT



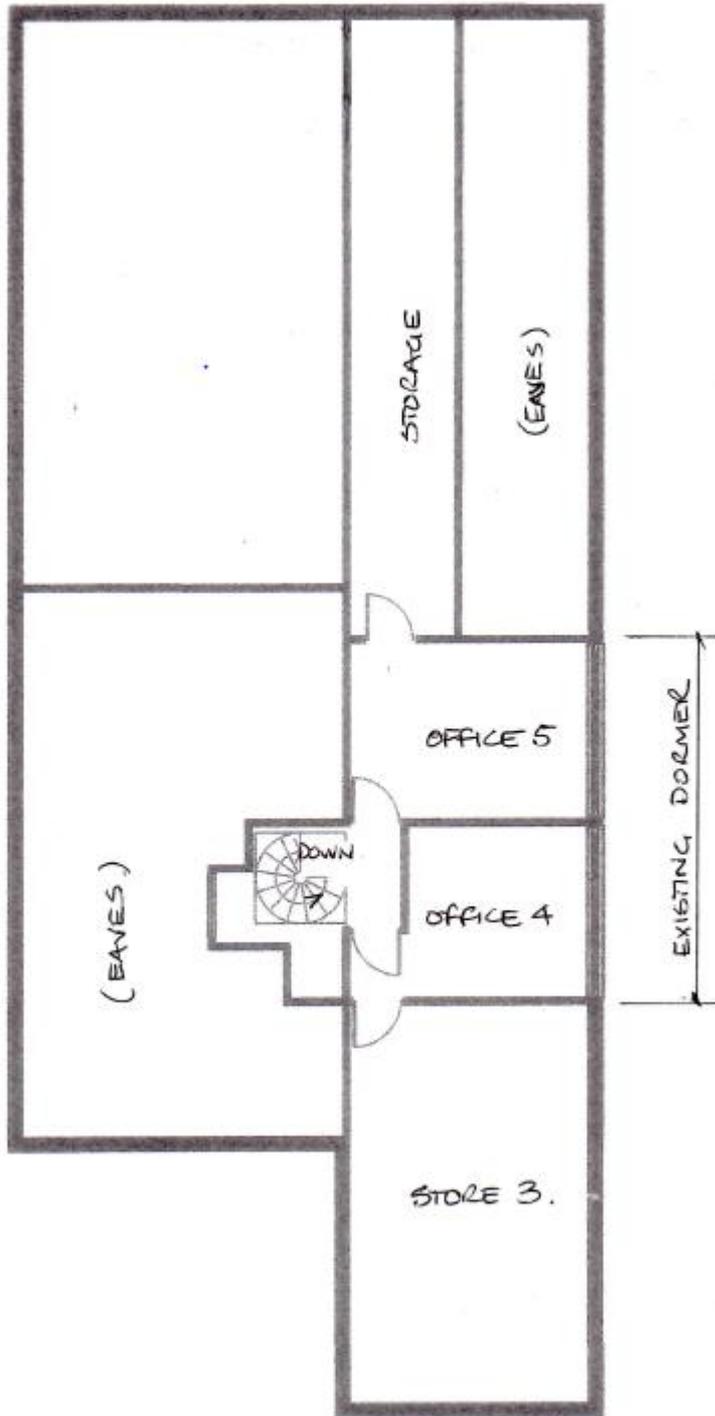
# APPENDIX C – FLOOR PLANS

## GROUND FLOOR





# FIRST FLOOR





## MAIDENHEAD DEVELOPMENT CONTROL PANEL

13 March 2019

Item: 5

<b>Application No:</b>	19/00064/FULL
<b>Location:</b>	Atos Maiden House Vanwall Road Maidenhead SL6 4UB
<b>Proposal:</b>	New floor to the existing building to provide an additional 6 x two bedroom and 1 x three bedroom flats with refuse and cycle storage and associated parking.
<b>Applicant:</b>	Mr Biberfeld
<b>Agent:</b>	Mr Peter Webb
<b>Parish/Ward:</b>	Maidenhead Unparished/Oldfield Ward

<b>If you have a question about this report, please contact:</b> Alys Hughes on 01628 796040 or at <a href="mailto:alys.hughes@rbwm.gov.uk">alys.hughes@rbwm.gov.uk</a>
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### 1. SUMMARY

- 1.1 Planning permission is sought for the construction of a new floor to the existing building to provide an additional 6 x two bedroom and 1 x three bedroom flats with refuse and cycle storage, new drop kerb and associated parking. Permission has recently been granted for the change of use of the building under prior approval from office to residential (39 units).
- 1.2 The principle of the addition of a floor in this location, resulting in a four storey building, is considered acceptable. The proposal has been well-designed to match the form and appearance of the existing building and the distances between the development and the neighbouring properties prevents the development from appearing unduly prominent or overbearing. The proposal is considered to represent good design in compliance with local plan policy DG1, policy SP4 of the emerging Borough Local Plan Submission Version and section 12 (Achieving well-designed places) of the NPPF.
- 1.3 The proposal is not considered to cause any material harm to the amenities of neighbouring properties and complies with emerging local plan policy SP3 and paragraph 127 of the NPPF. Whilst no amenity space is provided on site, Desborough Park is situated within a 5 minute walk.
- 1.4 No amendments are proposed to the existing access to the site and a sufficient amount of parking spaces would remain to serve the proposed development combined with the change of use under 18/03088/CLASSO.

<b>It is recommended the Panel GRANTS planning permission with the conditions listed in Section 13 of this report.</b>
--

### 2. REASON FOR PANEL DETERMINATION

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

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

- 3.1 The proposal site is located along Vanwall Road within the Vanwall Business Park. The site, which measures 0.38 hectares, consists of a three storey office building with on-site parking. Permission has recently been granted for the change of use of the offices to residential (39 No. apartments) under the prior approval process under Class O of the General Permitted Development Order (as amended).

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

4.1 Planning permission is sought for a new floor to the existing building to provide an additional 6 x two bedroom and 1 x three bedroom flats with refuse and cycle storage, new drop kerb and associated parking. The existing use of the building is as offices, however the proposal is in connection with a recent proposal to change the use of the building to residential with prior approval granted under Class O of the General Permitted Development Order (as amended) under reference 18/03088/CLASSO. The existing floor plans submitted refer to the plans approved under 18/03088/CLASSO, however this permission has not yet been implemented. The proposed new floor would result in a four storey building and combined with the change of use application, there would be a total of 46 units.

4.2 Planning History

Reference	Description	Decision
17/02431/CLASSO	Change of use from office (B1 (a) to 30 x apartments C3).	Prior approval granted 26.09.17
18/02622/NMA	Non material amendments to planning permission 17/02431/CLASSO for the insertion of ventilation bricks and the replacement of a number of doors and windows.	Permitted 09.10.18
18/02998/CONDIT	Details required by condition 2 (cycle parking) 3 (contamination) 4 (refuse/recycling) 5 (acoustics) of planning permission 17/02431/ClassO for change of use from offices (B1(a)) to 30 x apartments (C3).	Permitted 28.11.18
18/03088/CLASSO	Change of use from B1(a) (offices) to C3 (39 no. apartments).	Prior approval granted. 14.12.18

**5 DEVELOPMENT PLAN**

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

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

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

These policies can be found at

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

**6. MATERIAL PLANNING CONSIDERATIONS**

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

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

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

## Borough Local Plan: Submission Version

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

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

### Other Local Strategies or Publications

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

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance

More information on these documents can be found at:

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

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

No comments have been received from the 5 neighbouring properties directly notified or as a result of a site notice posted near the site along Vanwall Road.

### Consultees

Consultee	Comment	Where in the report this is considered
Highways Authority	No objection subject to conditions	See issue iv. Conditions and informatives included.
Environmental Protection	Two conditions recommended, site construction Environmental Management plan (CEMP) and delivery hours.	Considered appropriate to include the recommended CEMP condition due to the location of the site within a business park. The delivery hours would be covered in the CEMP and does not need to be conditioned separately.

## 8. EXPLANATION OF RECOMMENDATION

8.1 The key issues for consideration are:

- i Principle of development
- ii Design and appearance
- iii Amenity
- iv Parking and Highways
- v Other Considerations

### Issue i – principle of development

8.2 Permission has been granted for the change of use of the existing building to residential. It is clear from the Design and Access Statement that the proposed residential units would form an extension of the future residential use of the building and would not result in a mixed use scheme of office and residential. It is considered that in the event of planning permission being granted for this residential units, that a suitably worded condition (condition 7) can be incorporated to ensure that the residential units the subject of this permission can only be constructed once work has commenced on the conversion of the existing building to residential in line with the prior approval application previously granted. Based on this, this application has not been assessed on a mixed use scheme but rather as an extension to a building in residential use.

8.3 Paragraph 118 d) of the NPPF states that *'planning 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 (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.'*

### Issue ii – design and appearance

8.4 Paragraph 127 a), b) and c) of the NPPF states that decisions should ensure that development 'will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history including the surrounding building environment and landscape setting'. Paragraph 130 of the NPPF states that *'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'*.

8.5 Policy DG1 of the adopted Local Plan states that harm should not be caused to the character of the surrounding area through development which is cramped or which results in the loss of important features which contribute to that character. Policy 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 local area. Policy SP3 of the submission version of the Borough Local Plan, which is a material considerations of significant weight, states that development will be expected to contribute towards achieving sustainable high quality design and one of the design principle includes respecting and enhancing the local, natural or historic character of the environment, paying particular regard to urban grains, layouts, rhythm, density, scale, bulk, massing, proportions, trees, water features, enclosures and materials.

8.6 The majority of buildings within the Vanwall Business Park are between two and three storeys in height but there is one example of a 4 storey building located to the north of the site. Whilst the proposal would result in the building being taller than the immediate neighbouring building which

are two storey in height, it is not considered that this in itself would cause any significant harm to the character and appearance of the area. The level of separation between the building and its neighbouring buildings is considered sufficient to ensure that the additional storey would not result in the building appearing excessively taller or overly prominent than the surrounding buildings. The additional storey has also been well designed to match the design and form of the existing building, allowing it to appear as an integral part of the building rather than an overdominant addition. Matching materials are also proposed and can be conditioned (condition 2).

- 8.7 Based on the above assessment, it is considered that whilst the addition of a floor would inevitably result in the building appearing more prominent, due to its sympathetic design and matching appearance, it would not have any detrimental impact on the character and appearance of the area. The proposal is therefore acceptable from a design and appearance perspective and complies with the above-mentioned development plan policies, which should be given greatest weight and the policies of the Borough Local Plan Submission Version and the relevant sections of the NPPF as material planning considerations.

### **Issue iii – amenity**

- 8.8 Paragraph 127 f) of the NPPF seeks to ensure high quality amenity for existing and future users. Policy SP3 of the submission version of the Borough Local Plan, which is afforded significant weight as a material consideration, states that a development proposal will be considered high quality design and acceptable where it has no unacceptable effects 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.
- 8.9 The two nearest buildings are Aurora House to the north and Geoffrey House to the west, both two storeys in height. The building is and will continue to be set back 16m from the northern boundary and 21m from the western boundary and as the immediate neighbouring buildings are also set back from their site boundaries, with Vanwall Road situated between the proposal site and Geoffrey House, it is considered that a sufficient distance exists between the site and the neighbouring buildings so that the addition of a floor would not cause any significant overshadowing or loss of light.
- 8.10 The layout and the level of outlook afforded to each proposed unit is considered acceptable. Under the change of use application, reference 18/03088/CLASSO, there is no requirement to provide on-site amenity space to serve the proposed residential units. Under this application, the assessment of whether there is sufficient amenity space would therefore only be based on the additional 7 proposed units. Apart from a small section of grassed land to the front of the site, no additional amenity space is allocated on site. This existing grassed area to the front is not considered to provide any value in terms of amenity space as it is open to the road and is small in size. The level of amenity space allocated is not therefore policy complaint. However, whilst no amenity space is available on site, Desborough Park is situated within close proximity to the site, within approximately a 5 minute walk. Based on this, it would be difficult for the Council to justify a refusal on the lack of on-site amenity space, especially when considering that no amenity space was required for the other 39 units granted on site.

### **Issue iv – parking and highways**

- 8.11 The site currently has 103 parking spaces. Some of the existing parking spaces would be lost to provide space for the cycle and bin store (condition 6). The proposed site plan shows that 46 of the remaining parking spaces would be allocated spaces for residents and the Design and Access Statement confirms that the remainder of the unallocated spaces, a total of 42, being for visitor/overflow space. There would therefore be a total of 88 parking spaces retained on site.
- 8.12 In accordance with the Council Parking Standards, 14 onsite parking space are required to serve the proposed 7 residential units (two spaces each for the six x 2 bedroom units, two space each for the one x 3 bedroom unit). In combination with the parking requirements for the other approved 39 units on site (one space each for the 27 x 1 bed units, two space each for the 12 x 2 bed units), a total of 65 parking spaces would be required. As there would be a total of 88 parking

spaces retained on site, there would be a sufficient amount of parking spaces on site for both the approved change of use application and the current proposal combined. Access to the site is from Vanwall Road via Norreys Drive and this is to remain unaltered. A condition can be included on any permission to ensure that the parking and turning space is laid out prior to occupation (condition 5).

- 8.13 A cycle store is proposed on site which would provide an alternative means of transport for residents. Details of its scale and appearance have been provided and the provision as shown on the submitted plans, 48 spaces, is proposed to serve both the proposed development and the residential units granted under the approved change of use application, a total of 46 units. The 48 cycle spaces proposed is therefore sufficient to serve the proposed development combined with the approved changed of use of the existing building. The Highways Authority have also confirmed that the layout and the access to the store is acceptable and have recommended that a condition is included that requires the cycle store to be constructed prior to occupation (condition 4).

#### **Issue v – other considerations**

- 8.14 The bin store shows a capacity to store 4980L of waste. In accordance with the Council's Waste Management Guidance note, based on a combined total of 46 units (27 x 1 bed, 18 x 2 bed and 1 x 3 bed) a storage capacity of 7650L is required. The bin store provided is not therefore sufficient in terms of scale to serve both the proposed development and the change of use of the existing building. As there is space on the site to provide a larger bin store, it is considered reasonable to deal with this through the inclusion of a condition to request that bin store details are provided to ensure sufficient capacity (condition 6). There is no objection in terms of the location and access of the bin store.
- 8.15 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development and this is a material consideration of significant weight. . The latter paragraph states that:

*For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

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

Footnote 7 of the NPPF (2019) 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).

Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted in January 2019. The Borough Local Plan Submissions Version sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory. However as the BLPSV is not yet adopted planning policy, due regard also needs to be given regarding the NPPF (2019) standard method in national planning guidance to determine the minimum number of homes needed for the borough. At the time of writing, based on this methodology the Council is able to demonstrate a five year rolling housing land supply based on the current national guidance.

- 8.16 Policy H3 of the Local Plan requires that only sites that are 0.5 hectares or over or schemes proposing 15 or more net additional dwellings are required to make a contribution towards affordable housing. Paragraph 64 of the NPPF (2019) advises that affordable housing provision should be expected for all major development suggesting that an element of affordable housing

will be required for all major development. The application is for a development of no more than 10 dwellings, the site is not over 0.5 hectares in scale and the proposal does not constitute a major development. Therefore the proposal is not required to make a contribution towards affordable housing. Whilst the proposal when combined with the change of use of the existing building granted under permitted development would result in a total of 46 units, as there is no requirement under Class O of the General Permitted Development Order (as amended) to provide for affordable housing, it would be unreasonable for us to assess the proposal in combination with these approved units when assessing against policy H3 and paragraph 64 of the NPPF (2019).

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

9.1 The development is CIL liable and the charging schedule came into effect on the 1<sup>st</sup> of September 2016. The gross internal floor area of the proposed development is 790sqm.

## **10. CONCLUSION**

10.1 The proposal is considered to comply with all relevant planning policies referenced throughout the report. It is considered that the development is acceptable from a design perspective and would not have any detrimental impact on surrounding sites. A sufficient amount of parking would be available on site and whilst there would be no on-site amenity space, Desborough Park is situated within a 5 minute walk of the site. The proposal is therefore considered to comprise an acceptable form of development.

## **11. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and block plan
- Appendix B – Proposed site plan
- Appendix C - Proposed elevations
- Appendix D – Proposed third floor plan and roof plan
- Appendix E – Cycle and bin store details

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

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to: -  
Procedures for maintaining good public relations including complaint management, public consultation and liaison - Arrangements for liaison with the Environmental Protection Team - All works and ancillary operations which are audible at the site boundary, or at such other place as

may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays. - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above. - Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works. - Procedures for emergency deviation of the agreed working hours. - Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants. - Measures for controlling the use of site lighting whether required for safe working or for security purposes.

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

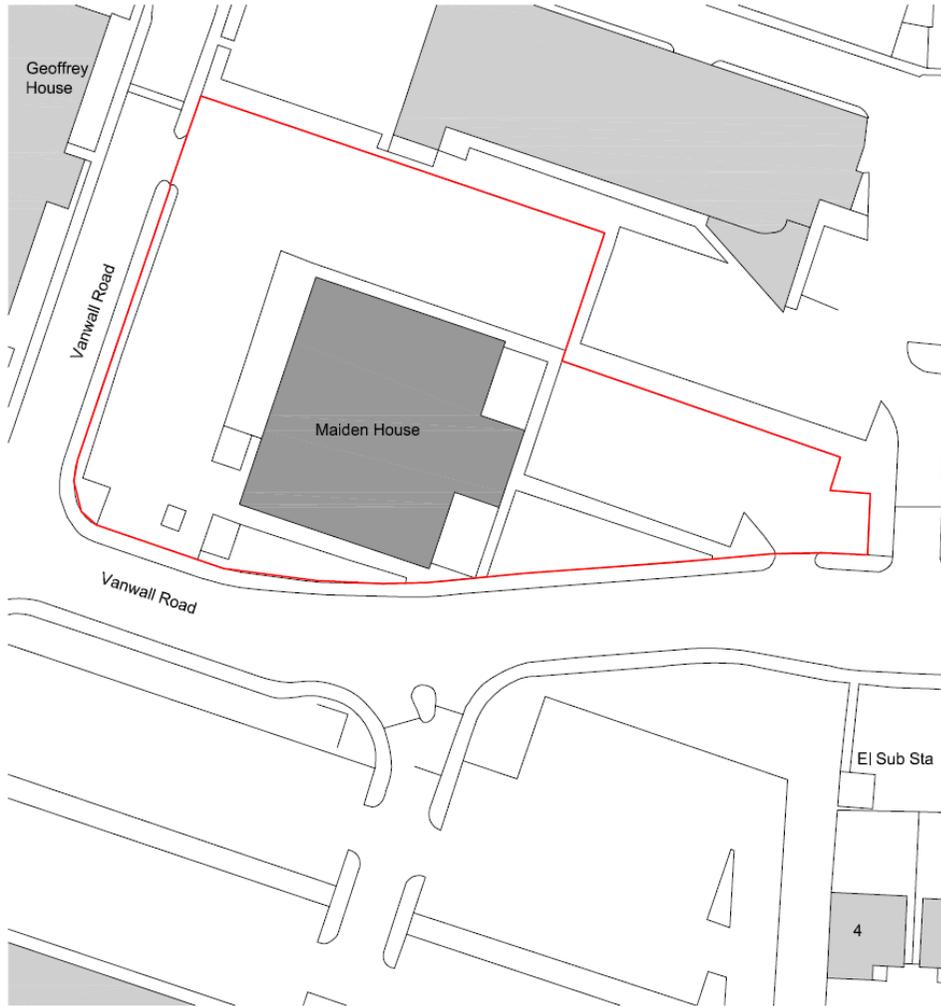
- 4 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.  
Reason: To ensure 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.
- 5 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.  
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 6 No part of the development shall be occupied until 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.
- 7 The development hereby permitted shall not be implemented until the works pursuant to application No. 18/03088/CLASSO for the conversion and change of use of the building to provide 39 apartments has itself first been commenced .  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 8 The development hereby permitted shall be carried out in accordance with the approved plans listed below.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

### **Informatives**

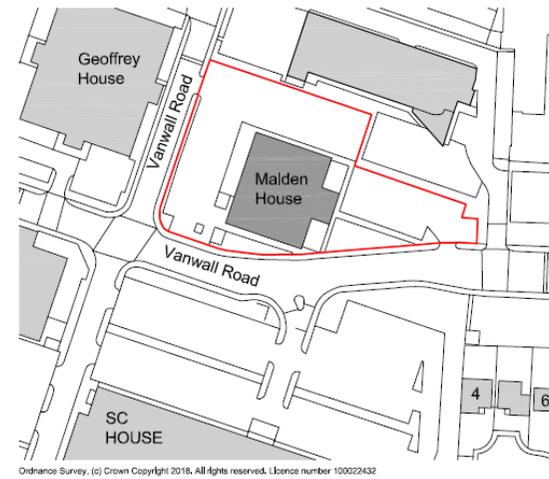
- 1 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 2 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 3 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.

The case file can be viewed at the Council's Customer Service Centres or on the Council's website at <http://www.rbwm.gov.uk>

Appendix A – Location and block plan



**01 BLOCK PLAN**  
1:500



**02 LOCATION PLAN**  
T:1250

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02/19/19 Planning applications scale bar  
01/20/19 Architecture - Planning submission  
02/19/19 PE submission  
04/19/19 RIBA

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architects  
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client  
**Malden House**  
Vanwall Road  
Maldenhead

title  
**Location Plan**

stage  
**PLANNING**

scale  
Varies @A3

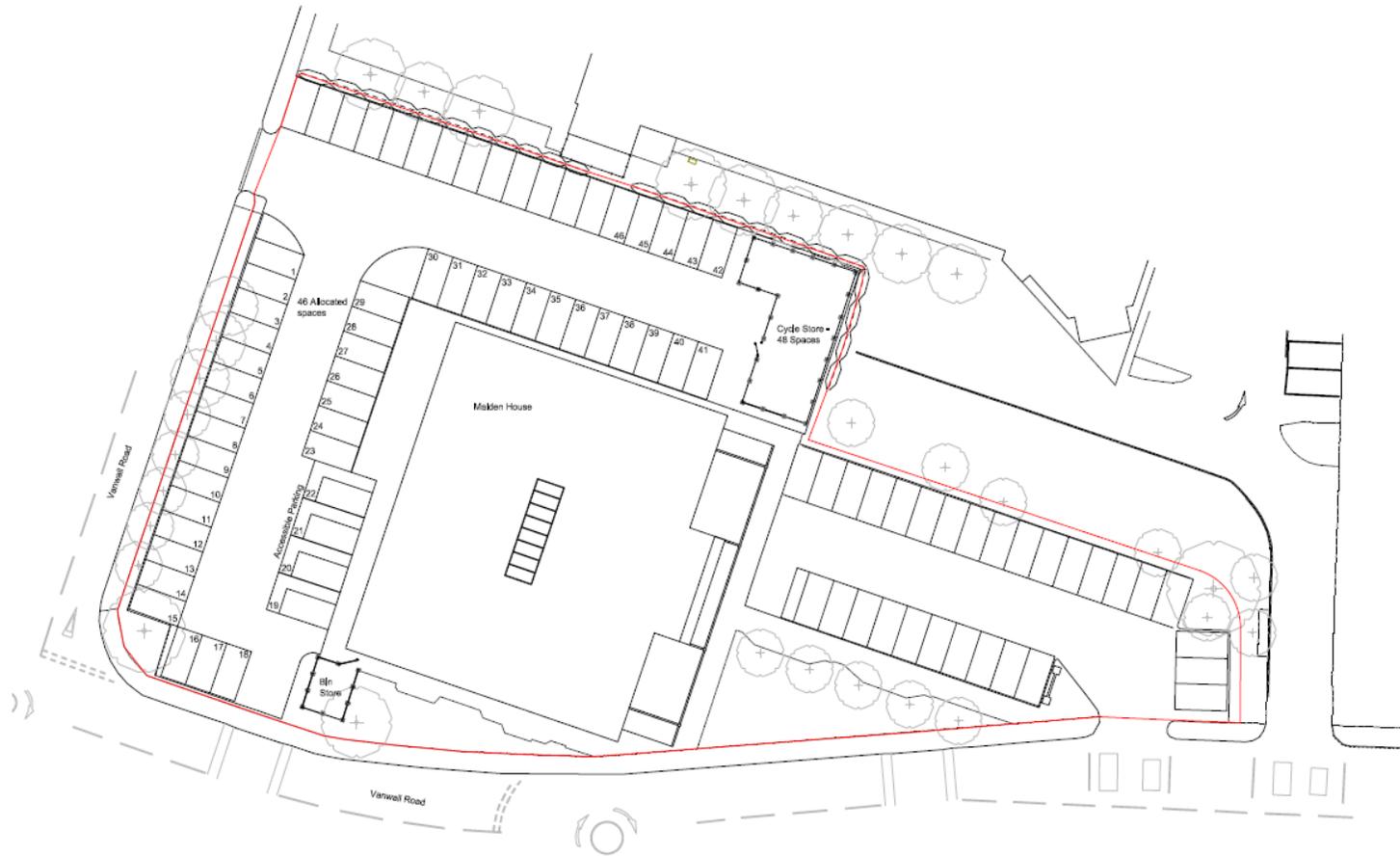
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**Dec 2018**

job no. 538	draw no. 001	title/revision PL02
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Appendix B – Proposed site plan



PROPOSED SITE PLAN



Malden House  
Vanwall Road  
Maldenhead

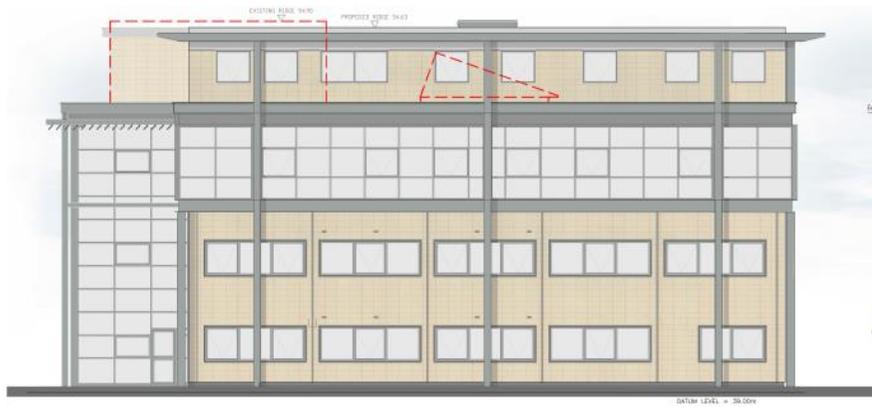
Proposed Site Plan

PLANNING

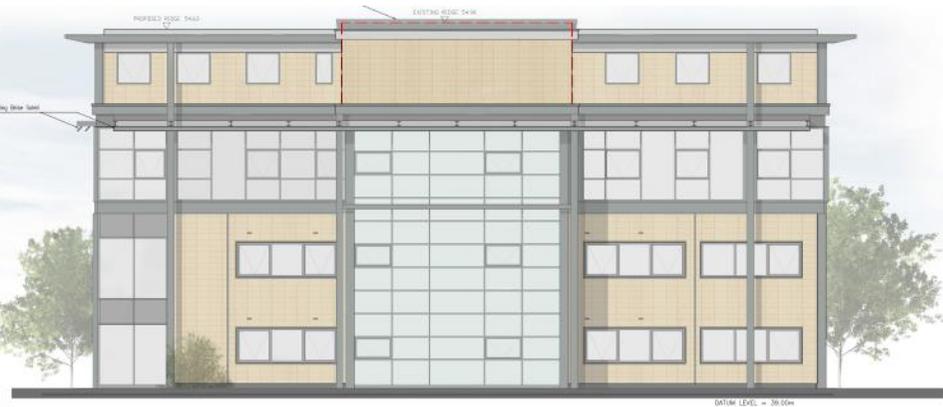
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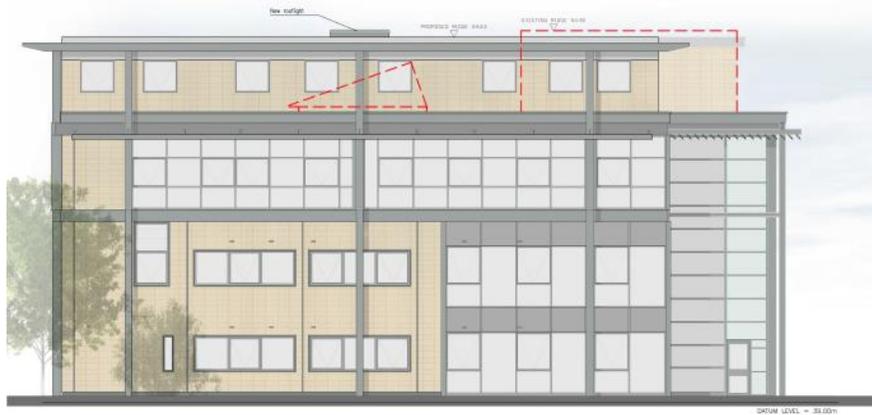
Appendix C – Proposed elevations



01 NORTH ELEVATION  
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02 EAST ELEVATION  
1:100



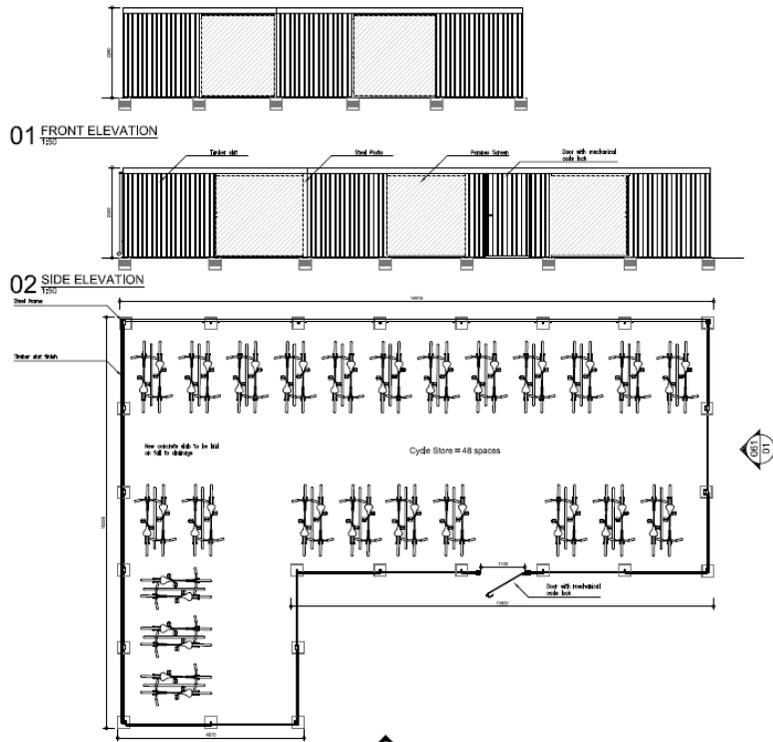
03 SOUTH ELEVATION  
1:100



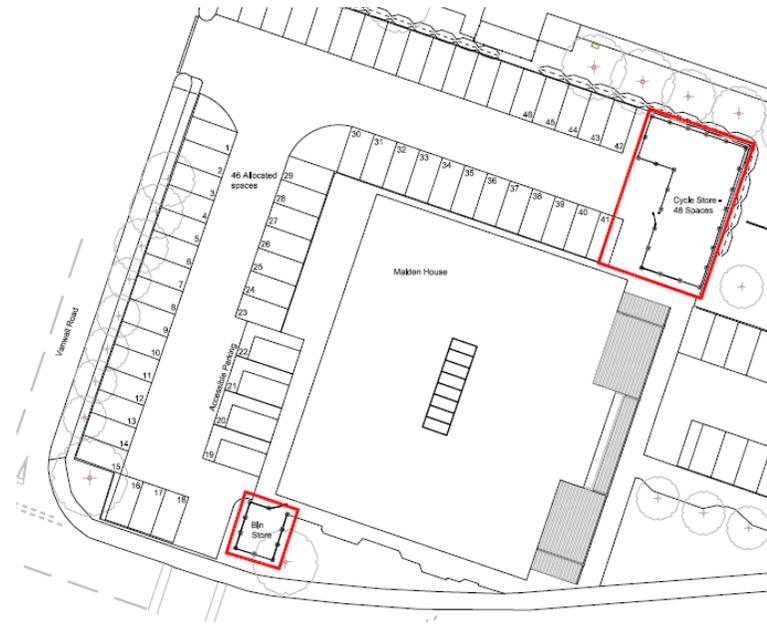
04 WEST ELEVATION  
1:100



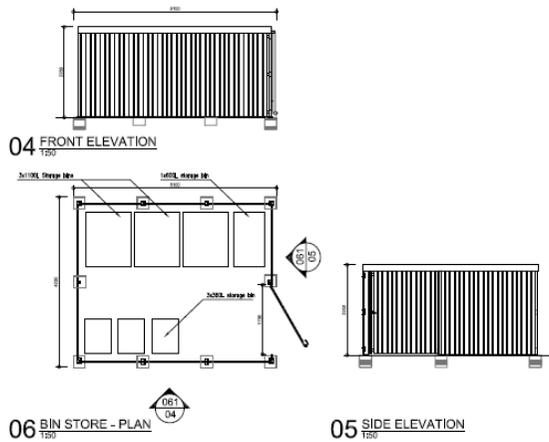
Appendix E – Cycle and bin store detail



**08 EXAMPLE OF BIN STORE**  
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**07 SITE PLAN**  
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 architects

Project  
 Malden House  
 Vanwall Road  
 Maldenhead

In  
 Cycle & Bin Store Details

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 PLANNING

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