

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 December 2019

Item: 6

Application No.:	19/01660/FULL
Location:	St Cloud Gate St Cloud Way Maidenhead SL6 8XD
Proposal:	Demolition of the existing office building, and the construction of a new grade A office building with associated cafe, communal roof terrace, car parking, new pedestrian access and landscaping.
Applicant:	Ms Broughton
Agent:	Mr James Brown
Parish/Ward:	Maidenhead Unparished/St Marys
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposed development would provide a significantly larger office building than the existing office building on this edge of centre location. As office use is a main town centre use, the NPPF requires that the Sequential Test is applied and that town centre locations are considered first to accommodate the proposed development. The applicant has applied the Sequential Test, and aside from one site (Kings Chase) which officers have sought further clarification on, officer's agree that other town centre sites are either not suitable or available within a reasonable period. Provided that the applicant can demonstrate that the site at Kings Chase is not reasonably available, then officers' would agree that the Town Centre Sequential Test is passed. An update on this point will be reported to Panel.
- 1.2 The proposed building is considered to represent overdevelopment of the site, and its scale is not considered to be appropriate for this location. The scale of the building is excessive in relation to its plot size, and when considering the scale of buildings in this area. The building would occupy a prominent plot, and its sheer scale and dominance would be apparent from a number of local viewpoints. The proposed development would also cause harm to the setting of the adjacent Grade II Listed Building, The Wilderness.
- 1.3 Whilst acknowledging the scheme would create a significant amount of office floorspace, the Highways Authority raises no objection on traffic impacts or highway safety grounds to the proposal as the site is considered to be in a sustainable location in close proximity to Maidenhead town centre. The applicant also proposes a Travel Plan to encourage a shift to using more sustainable modes of travel.
- 1.4 The applicant has provided further information on the Sustainable Drainage Strategy and cycle parking; comments from the Lead Local Flood Authority and the Highway Authority will be reported in the Panel Update on these matters.
- 1.5 The scheme would have number of benefits, including the creation of employment opportunities, and the provision of a large amount of Grade A office space. However, the benefits that would arise from the scheme are not considered to be material considerations that would indicate a departure from the development plan, and when considering the very significant harm to character and the less than substantial harm that would arise to the setting of the adjacent Listed Building, the public benefits arising are not considered to outweigh this harm.

It is recommended the Panel REFUSES planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):

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| 1. The scheme, by reason of its excessive scale and appearance, is considered to |
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	amount to poor design. The scheme would appear out of scale within the context of the surrounding area. The building would cause significant harm to the character of the area, in conflict with Policy DG1 of the Adopted Local Plan, and with advice contained within the National Planning Policy Framework, and the National Design Guide. The proposal also conflicts with Policies MTC4, MTC4 and MTC6 of the Adopted Maidenhead Area Action Plan.
2.	The proposed building, owing to its excessive scale, appearance, and proximity to the adjacent Grade II Listed Building would cause less than substantial harm to the setting of this designated heritage asset. The public benefits arising from this scheme are not considered to outweigh this less than substantial harm.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

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

4. KEY CONSTRAINTS

- 4.1 Setting of a Listed Building
Air Quality Monitoring Area

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 There is planning history on this site, but none that is of particular relevance to this application.
- 5.2 This scheme proposes to demolish the existing office building and erect a new office building which would have a height of circa 41 metres. The proposed building would step down in height where it is closest to the adjacent Listed Building to a height of around 8.7 metres.
- 5.3 The proposal would have 2 levels of basement car parking and there would be a surface level car park. Within the proposed ground floor level of the building is the reception area to the offices, a café and substation. The floors above ground floor would accommodate office space. At second floor level (above the two storey part of the building) an outdoor terrace is proposed. Above the 9th floor of the proposed building would be office plant, and a sky garden (a roof terrace).

- 5.4 The existing vehicular access would be used to serve the proposed development.
- 5.5 The Design and Access Statement sets out that the building would be finished in brick, steel and glass. The bricks are proposed to be in black/dark grey, although during the course of the application the applicant did submit images of alternative brick (a dark yellow/grey brick could be used).

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design	DG1
Setting of the Listed Building	LB2
Highways	P4 and T5
Trees	N6
Employment	E1, E6, E10
Pollution	NAP3

These policies can be found at

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

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

Issue	Policy
Design	MTC2, MTC4, MTC5, MTC6
Offices	MTC10
Transport	MTC14

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Maidenhead Town Centre	TR3
Setting of a Listed Building	HE1
Air Pollution	EP2
Noise	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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. This site is suggested in the proposed changes version to accommodate an increase in office space however the amount it is proposed to be allocated for is less than half of what has been proposed in this planning application. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>

Other Local Strategies or Publications

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

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

12 occupants of neighbouring properties were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 24th June 2019 and the application was advertised in the Local Press on the 27th June 2019.

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

Comment		Where in the report this is considered
1.	There are too many offices in Maidenhead.	11
2.	It is already a struggle to find anywhere to park to visit the adjacent Claremont surgery. This proposal will add to the existing parking pressures.	9.47-9.53
3.	The demolition and rebuild will create dust and noise for the staff and patients of the dental and doctor surgeries, and will create parking problems.	A Construction Environment Management Plan could be secured to deal with demolition and construction.

4.	The proposed building is overpowering and will dwarf the neighbouring buildings. It will completely change the character of the area.	9.13-9.28
5.	The basement car park will involve extensive excavations, and there are concerns of the impact on the integrity of the Claremont building and the extensions. It must also be taken into account that the Claremont building is Listed, and planning consent should not be granted until working schedules are provided to show how the development can be achieved.	9.29-9.39
6	Concerns that Claremont surgery could not remain in their building during the construction phase. It may force them to go into temporary accommodation and the developer would be expected to cover these costs.	A Construction Environment Management Plan could be secured to deal with demolition and construction.
7.	Such a large building will adversely impact upon the medical centre. It is likely to create privacy issues.	9.43-9.46
8.	The noise and disturbance associated with this construction would adversely impact on the consulting rooms of the doctor surgery.	If planning permission was being recommended for approval, a Construction Environment Management Plan would be conditioned.
9.	From which ever direction one approaches St Cloud Gate; the proposed enlarged structure will appear significantly out of place and character with the other buildings and open spaces on the north side of the A4, which are predominantly comprised of low rise buildings. Allowing such a tall building beyond the A4 is tantamount to allowing the town centre to creep beyond its current boundary afforded by the A4.	9.13-9.29
10	Development provides a significant under provision of car parking- will cause problems on the surrounding road network.	9.47-9.53
11	Concerns over air and noise pollution during construction, and the impact this would have on staff and patients at the doctor's surgery.	If planning permission was being recommended for approval, a Construction Environment Management Plan would be conditioned.
12	Such a large development would make it difficult to allow an ambulance to access the doctor surgery.	Access to the doctors surgeries would not be impeded by the development.

13	The daylight and sunlight report does not take into consideration The Wilderness Centre stating that the surgery "does not have a reasonable expectation of daylight and sunlight" as it is a commercial property. Given the use of the building for patient care and its close proximity to the proposed development, undoubtedly there will be an impact. This should be a material planning consideration and is contrary to Policy SP 3 of the Emerging Local Plan "new development will be considered high quality design and acceptable where it has no unacceptable effect on the amenities of the adjoining properties in terms of access to daylight and sunlight"	9.43-9.46
14	Concerns over the traffic flows. The assessment omits that there is a second entrance/exit coming of Kennet Road/ Homanleaze. The am and pm peak times do not represent peak flows for the delivery of health services on site. It is also unclear if the flows were measured before or after the demolition of tenpin bowling and the creation of the new overflow temporary car park.	9.47-9.53
15	Huge disruption would be caused which would adversely impact on the care of patients.	If planning permission was being recommended for approval, a Construction Environment Management Plan would be conditioned.

6 letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	The proposed building will be a visual improvement over the existing building.	9.2-9.13
2.	It will bring more business to the area.	11
3.	The Council voted to repeal permitted development rights for the conversion of office into residential. This shows the Council's acknowledgement of the lack of good office space within the Borough.	Demand for office space is addressed in section 11
4	This scheme would provide the much needed grade A office space within the Borough.	11
5	The scheme will create more business opportunities.	11
6	The scheme has well designed green spaces.	9.2-9.13
7.	Increased pedestrian footfall for other business.	11

Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	Maintains concerns regarding the following: - <ol style="list-style-type: none"> 1. Location and nature of existing outfall system remains to be proven in order to demonstrate that the receiving system has the capacity to accept flows from the proposed development without increasing flood risk elsewhere. 2. That adequate measures are incorporated within the surface water sewer system, which discharges to York Stream to ensure the run-off is of adequate 	9.54-9.56

	<p>quality.</p> <p>3. Details of proposed attenuation tank required.</p> <p>4. Demonstration of provision of practical surface water drainage system, that is accessible for maintenance purposes.</p>	
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Consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objections, subject to planning conditions being imposed to secure a remediation strategy for contamination, and to secure the submitted Construction Environmental Management Plan.	9.57-9.63
Conservation	It is considered that the new building would, because of its footprint, height, massing, design and materials, have a negative impact on the setting of the Listed Building so harming its significance and for the same reasons would be an incongruous and damaging addition to the townscape of this part of Maidenhead. In this case, the harm caused to the significance of the designated heritage asset would be considered as less than substantial.	9.29-9.40
Historic England	<p>The application site sits to the north of the Maidenhead Town Centre Conservation Area, and the impact the development may have on this designated heritage asset is our principal area of interest. We note that a number of larger developments have been consented in the surrounding vicinity of the Conservation Area, and acknowledge the site is within an area identified as a 'gateway' in the Maidenhead AAP, although improvements are envisaged to relate more to public realm and public art improvements than new buildings.</p> <p>The Conservation area's character is one that has a very dense and tight knit urban environment, with limited views out, therefore any potential impact is likely to be limited. However, it would be a building of 11 storeys plus roof top plant, therefore your Council will need to be convinced the applicant has provided the necessary visualisations and information to understand clearly the potential impact of the development on the surrounding historic environment. Your council would need to be confident that any impact would not be detrimental to the character and appearance of the conservation area prior to any planning permission being granted.</p> <p>I have not commented on the impact the development would have on the neighbouring grade II listed C19 house The Wilderness, as Historic England would not normally be consulted on this issue. However, this is an important matter that needs to be considered and we would advise your Council seeks the advice of your conservation specialist.</p>	9.29-9.40
Ecology	<p><i>Bats</i></p> <p>The building and trees on site were all assessed for their potential to support roosting bats. The building and all trees were assessed as having negligible potential to support roosting bats and therefore no further survey or specific</p>	See 9.64-9.67

	<p>mitigation is required. There are limited features for foraging and commuting bats, such as trees and shrubs, some of which are to be removed as part of the development. As compensation for this loss, native trees and shrubs should be planted and the details of which should be included within a biodiversity enhancement scheme (see details below).</p> <p>Breeding Birds</p> <p>The site was recorded as having high potential to support nesting birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. To ensure that nesting birds are not harmed as a result of the development, any vegetation clearance should be undertaken outside of the bird nesting season, or if that is not practical, areas to be cleared should be checked immediately prior by a suitability qualified ecologist. This advice should be secured via a planning condition or suitably worded informative note.</p> <p>Biodiversity Enhancements</p> <p>In line with paragraph 175 of the NPPF and considering the loss of the small areas of vegetation on site, the development should incorporate opportunities for wildlife. It is recommended that a biodiversity enhancement scheme is designed. As per the ecology report, such a scheme should include a biodiverse roof, bird boxes (swift and house sparrow in particular), sensitive lighting and wildlife-friendly landscaping. The provision and implementation of an appropriate biodiversity enhancement scheme should be secured via a planning condition.</p>	
Berkshire Archaeology	<p>“..No further archaeological investigation in relation to this scheme is justified. You have adequately evidenced that the site has been repeatedly built on, significantly decreasing the likelihood of the survival of any buried remains. The site also lies outside of the historic core of medieval and early post-medieval Maidenhead. Please note that my comments relate solely to the buried archaeological heritage and issues relating to the impacts on the setting of the adjacent listed building, and the impact on the historic built environment generally, are matters for the Royal Borough’s Conservation Officer. Should the scheme proposal be significantly revised or the red line boundary changed, we recommend that Berkshire Archaeology is re-consulted.”</p>	See 9.41
Highways	<p>Following our previous report the applicants Transport Consultant has submitted a Technical Note to respond to a number of queries raised. Our response to the Technical Note is covered below.</p> <p>Ramped Basement Access. I can confirm that the design of the ramped access as indicated in the accompanying plan complies with the guidance given in IstructE.</p> <p>Development Impact. The revised and additional details accompanying the Technical Note are considered acceptable.</p> <p>Cycle Access. It was advised that the design of the cycle parking should comply with current best practice, i.e. West London Cycle Parking Guidance. On this basis the minimum</p>	9.47-9.53

	<p>separation distance between the two-tier stands should be a minimum of 450mm, preferably 500mm. The plan proposes separation distances of 375mm. Furthermore, the cycle facility should provide minimum aisle widths and room heights of 2.5m and 2.8m respectively. If the rooms allocated for cycle storage are too constrained to accommodate all the cycle parking, consideration should be given to the provision of a separate storage facility.</p> <p>Conclusion. The additional details and revisions address queries raised in our initial report, with the exception of the cycle parking provision. It is recommended that the applicant review the cycle parking provision for the development.</p> <p>Further comments:</p> <p>In the revised Technical Note the pedestrian trip rates have been reduced from 50% to 30.1%, which is accepted by Project Centre.</p> <p>Rail and bus patronage targets have been increased to reflect the accessibility of the site and the reduced level of car parking provision.</p> <p>As mentioned in our previous report the Borough sets a parking standard of 1 space per 100m². The development proposes a parking ratio of 1 space per 194m².</p> <p>Therefore, given the accessible nature of the site, the parking restrictions in the surrounding area and the proposed parking provision, the development is unlikely to have a severe or unacceptable impact on the local highway network.</p>	
Trees	Comments awaited at time of drafting report	9.42
Environment Agency	Comments awaited at time of drafting report	N/A
Policy	Comments awaited at time of drafting report	Principle of the development has been addressed.

Others

Group	Comment	Where in the report this is considered
Maidenhead Civic Society	<p>Concerns about the overall height of the proposed building. This location is not appropriate for a building of this height. The proposal is not sympathetic to the adjacent Listed Building.</p> <p>When viewed from the west there is a risk that approaching drivers will experience glare from the reflection of the sun on the curved south western glass frontage of the building.</p> <p>They do welcome other aspects of the scheme such as the multi-use of lower floors, including a café, the improved access and parking, the setting back of the south west elevations at second floor level, and the introduction of a roof terrace.</p>	Addressed in the report. The glare from glass is not considered to be a reason to refuse on planning grounds.
Thames Water	Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for	The developer would need a separate agreement with Thames Water

	<p>foul water networks but has been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "No properties shall be occupied until confirmation has been provided that either:- 1. All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.</p>	<p>about connection to the foul water network.</p> <p>Surface water is being considered by the Lead Local Flood Authority.</p>
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of development
- ii Design and the impact on the character of the area
- iii Impact on Heritage Assets
- iv Trees
- v Impact on the amenity of neighbouring buildings
- vi Transport
- vii Sustainable Drainage
- viii Air Quality
- ix Noise
- x Contaminated Land

Principle of development

- 9.2 Policy MTC10 of the Maidenhead Area Action Plan (part of the adopted Development Plan), states that proposals for new office development will be focused within Opportunity Areas and the Town Centre Commercial Boundary. Adopted Local Plan policy E1 states that business development will usually be restricted to Town Centre Commercial areas but in other areas outside the Green Belt business development may be acceptable where it relates to an existing business use, while policy E6 states that development or redevelopment for business will be acceptable on sites already in such use subject to compliance with other planning policies.
- 9.3 This site is not located within the town centre commercial boundary of Maidenhead, and it is not situated within an Opportunity Area. As outlined above, policy MTC10 of the Maidenhead Area Action Plan seeks to focus new office development within Opportunity Areas or elsewhere within the town centre commercial boundary; however, it does not preclude the redevelopment of sites in existing office use. Policy E6 promotes the redevelopment of business uses on sites already in such use subject to normal development control criteria and provided that proposals would not lead to an undesirable intensification of activity to the detriment of the local environment, or to the amenities of neighbouring properties.
- 9.4 Policies E1 and E6 of the Local Plan are not fully in accordance with the NPPF, in that they do not provide any guidance on applying the Sequential Test when a proposed office development, as a main town centre use, is not located in a town centre location. These policies are therefore given some weight, but not full weight in the consideration of this application. Policy MTC10 of the AAP is broadly in accordance with the NPPF, although it also does not refer to the application of the town centre Sequential Test and so this policy is again given weight, but is not given full weight.
- 9.5 The NPPF 2019 is a material consideration of significant weight. At paragraphs 86 and 87 it states that
- ‘Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*
- When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.’*
- 9.6 At paragraph 90 of the NPPF it explains that where an application fails to satisfy the sequential test it should be refused.
- 9.7 The existing office building to be demolished has a floorspace of circa 1,062 m². The proposed building would accommodate circa 11,833m² of office floorspace. As the proposed new building would result in a significant increase in office floorspace (a main town centre use) at this edge of centre location, in accordance with the requirements of the NPPF (which is a material consideration of significant weight), the town centre Sequential Test needs to be applied.

Application of the town centre Sequential Test

- 9.8 To ensure the vitality of town centres, as described above, the NPPF advocates a ‘Town Centre’ first approach to the location of new office development. Only if suitable sites are not available (or expected to become available in a reasonable period) within existing Town Centres should out of centre sites be considered. When considering edge of centre and out of centre proposals,

preference should be given to accessible sites which are well connected to the town centre, in accordance with paragraph 87 of the NPPF.

- 9.9 In terms of the Sequential Test to determine if there is a preferable alternative site, the National Planning Practice Guidance (NPPG) states the suitability, availability and viability of the site should be considered in a sequential assessment with particular regard to the nature of the need that is to be addressed. In terms of the nature of the need, it was established by the Supreme Court in *Tesco Stores v Dundee City Council* [2012] that to be a preferable alternative site it should be capable of meeting the need that the developer is seeking to meet, and not just a generic need. With regard to suitability, *Tesco Stores Ltd v Dundee City Council* also establishes [a] that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach; and [b] that in terms of the size of the alternative site, provided that the Applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development and not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site. There is no indication as to what degree of flexibility is required in the NPPF or NPPG.
- 9.10 In line with paragraph 86 of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account.
- 9.11 The applicant has considered alternative town centre and edge of centre sites. The sites considered by the applicant are listed within the table below, and the reasons for discounting them are summarised below. The detailed assessment of the alternative sites can be found in the applicant's Sequential Test document.

Site	Comment
The Landing	Demolition has begun on site, with a first phase comprising one building of 58,000 sq ft and second of 45,000 sq ft which is understood to include a proportion of office space and which is to be completed in 2021. The remainder of the site that is not part of the recent hybrid planning permission is currently used as a car park which would need relocating or its loss justified. Allocated for retail and car parking therefore policy context not favourable.
West Street Opportunity Area.	The majority of the viable office redevelopment sites have already been completed. There are no known current proposals for additional office development on the site and the last remaining key site, the Telephone Exchange, would not be deliverable within the plan period.
York Road	This site is discounted as not being suitable or available/deliverable. This is agreed, as the development of the site has commenced for a mixed use scheme, with a flexible use for office space. The site would also not be available within a reasonable period.
Railway Station Opportunity Area	Whilst the site is suitable for office development, the availability of the site will depend on discussions between land owners. Officers agree that the site would not be available within a reasonable period.
Land within the High	Office space of a similar scale could not be provided on sites

Street East/York Stream Opportunity Area	or through redevelopment proposals on this land. Other parts of the land within this allocation within the Maidenhead AAP has been, or is being developed and so is not available.
Land to the North of Stafferton Way	<p>This is an edge of centre location, and so is not sequentially preferable to the application site. However, it is in closer proximity to the train station so it is a better connected site.</p> <p>Within this land allocation in the AAP is Statesman House. Whilst office use would be suitable in this location, a larger amount of office space would need to be provided to be of a similar scale to the proposed development and it is not known if this would be acceptable. There is no planning permission for a larger office development at the time of writing, and so the site is not expected to become available within a reasonable period.</p> <p>Maidenhead retail park on Stafferton Way is in active retail use, and is unlikely to be available within a reasonable period.</p>
Sybase Court, Crown Lane, Maidenhead	Prior approval was given to convert the existing office space into residential in 2019. The applicant indicates that the site is not available, but does not explain why. Notwithstanding this, the existing building would not provide a similar amount/scale of office space.
Kings Chase, Maidenhead	Planning permission was granted in 2019 for 12,557 square metres of B1a office floorspace. The applicant does not explain why the proposed development would not be available within a reasonable period.
High Street Methodist Church, Maidenhead, including ancillary buildings and Kingsway Chambers	Not suitable and not available.
The Lantern	This is an edge of centre site, and so is not sequentially preferable to the application site. It is also not more accessible or better connected to the town centre than the application site.
Moorbridge Court and Liberty Hose	The submitted Sequential Test document sets out that the site is not suitable or available, but does not explain further other than saying a prior approval to convert office to residential was granted on this site in 2019. However, it is unlikely that a building of a similar scale could be provided on this site.

- 9.12 The planning officer has sought clarification from the agent as to why King's Chase is not available within a reasonable period. If it is not demonstrated why this site is not available, the site would be regarded as a sequentially preferable site, and this would form an additional reason to refuse the application. The comments from the agent will be reported in the Update report to Panel.

Design and the impact on the character of the area

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

- 9.14 Policy MTC6 of the AAP provides guidance on Tall buildings, and for the purposes of this policy a tall building is identified as a building noticeably taller than 20 metres. This site is not identified as an area to accommodate a tall building within the AAP. The proposed building at a height of 41 metres, would not accord with Policy MTC6 of the Adopted Local Plan which states that new tall buildings on sites outside of tall building areas which do not currently accommodate a tall building will be resisted. Policy MTC6 is not considered to be in conflict with the NPPF. Although the AAP was adopted in 2011, the Council has not changed its policy on the tall building strategy across Maidenhead since this time. Therefore Policy MTC6 is given significant weight in the consideration of this application.
- 9.15 Policy DG1 of the Adopted Local Plan provides guidance on design. This policy is considered to be in accordance with the aims of the NPPF and so is also given significant weight in the consideration of this application. Policy DG1 sets out that the design of new buildings should be compatible with the established street façade, having regard to the scale, height and building lines of adjacent properties, and that special attention should be given to the 'roofscape' of buildings. Policy DG1 also explains that harm should not be caused to the character of the surrounding area through development which is cramped, or which results in the loss of important features which contribute to that character. Policy MTC4 of the Maidenhead AAP also provides guidance on design and is relevant to this application.
- 9.16 The proposed changes to the BLP which are given limited weight at this time identify this site for an increase in office floor space (circa 4562 sqm as opposed to the 11,833sqm proposed here) and it is clear that emerging policy envisages a significantly smaller building on this site. As part of its' evidence base for the BLP the Council has commissioned a Tall Building Strategy, whilst this is given limited weight at this time as it evidence relating to the emerging plan, the study did not conclude that this is likely to be a site suitable for a building of very significant height and that a cluster of tall buildings would be more appropriately sited on the southern side of the A4.

Scale

- 9.17 As set out in the National Design Guide (a material consideration of significant weight), scale is the height, width and length of a building in relation to its surroundings. In terms of the character of the area, there are tall, large scale buildings to the south of the A4 (within the town centre commercial boundary). One of the tall buildings within this part of the town centre stands at a height of around 35 metres. The A4 acts as a physical barrier between the town centre commercial area, and the application site which is to the north of the A4. Turning to the development to the north of the A4 and close to the application site, buildings decrease in scale from those buildings in the town centre. The buildings are noticeably lower in height than the buildings within the town centre commercial boundary, and tend to have more spacious settings. One of the taller buildings in this area is the flatted development by Kidwells park (to the north-west of the application site), where the buildings are 4- 5 storeys in height. The Magnet Leisure centre, has a large footprint, but is two storeys.
- 9.18 The Listed building and its extension, which is adjacent to this site is smaller in scale again at 2- to 3 storeys in height. The impact on the setting of this Listed Building is discussed in paragraphs 9.29-9.39 of this report. This part of the officer assessment considers how the building fits with the local context, taking into account the scale, density and layout of buildings within the local area.
- 9.19 This site forms a corner plot and occupies a prominent position when viewed along the A4 (from both east and west directions), and from Cookham Road.
- 9.20 The proposed building at a height of around 41 metres would be significantly taller than the buildings near the application site, located to the north of the A4 road. The proposed building bears no relationship to the height of these other buildings. The proposed building would also be taller than the buildings to the south of the A4 within the town centre. Although the proposed building would not be significantly taller than the Point building (located in the town centre), it is not considered that this proposal should properly relate to the height of the buildings in this part of the town centre, which have a very different context to this application site. These buildings are located within an area where there are other taller buildings however these form part of a

cluster and the Point is supported by its surrounding context height. It is considered that to the north of the A4 road, the buildings should decrease noticeably in scale from those larger scale buildings in the town centre. The proposed building, would be visually completely at odds with the scale of buildings within the vicinity of the site and would form an alien building which would detract significantly from the character of this part of north Maidenhead and relate very poorly to its' surroundings.

- 9.21 The proposed building would occupy a significant proportion of its relatively limited plot size, and would be within very close proximity to the eastern, southern and western boundaries of the site. The southern and western boundaries of the site face the public highway. The proposed building would appear 'shoehorned' within the site and would appear excessive in scale when viewed in the context of this site and its surroundings. Given the conspicuous nature of the site this visual harm would be readily apparent from a number of key public viewpoints.
- 9.22 Some attempt has been made to break up the scale and massing of the building, by setting part of the building down to two storeys in height, however, there is a large extent of the building that would be significantly taller than this, and this part of the building would appear very bulky. The scale and massing of the proposed building does not take into account the limited plot size, and neighbouring surrounding buildings which are noticeably smaller in scale.
- 9.23 The sheer scale of this building would be very visible from local viewpoints. Verified views (depicting how the proposed building would actually look) were submitted with the application. Viewpoint 4- Cookham Road, demonstrates the excessive scale of the building in relation to the building to the north of the application site. This would be very noticeable when looking towards the site from Cookham Road. In addition, view point 1 from St Clouds Way shows how imposing this building would be, and how it would stand out from other existing development in the area. These verified views demonstrate how out of scale this building would appear in the context of this area.

Layout

- 9.24 With regard to the layout of the development, as set out the proposed building would occupy a large area of the site. The building would have limited spacing around it, in relation to the scale of the proposed building. A pedestrian route is proposed to the north of the proposed building, however, this pedestrian route would feel very enclosed, and would not create an inviting area for pedestrians to walk through the site. Pedestrians leaving the area would enter into the car parking area, and vehicular access, and so there would be conflict with vehicles and confusion over where pedestrians should walk to.
- 9.25 A new pedestrian opening to the application site would be created on the southern boundary of the site. Steps would lead up from the existing subway. Owing to changes in ground levels, the applicant advises that a ramp cannot be provided at this point. This is not ideal for users who require level access that will need to navigate through the site a different way.

Landscaping

- 9.26 Detailed landscaping plans have not been provided with the application. The plans show indicative landscaping. Given the limited spacing around the proposed building, and the level of hardstanding, there will be limited opportunity for meaningful soft landscaping.

Appearance

- 9.27 The building has been designed to be distinctive, and this is intentional by the applicant as set out in their Design and Access Statement. Whilst there is no objection in principle to a different design for a building at this location, there is a concern over the use of the dark grey/black bricks, as this material is not present within the area. The use of dark materials would emphasise the vast scale of this building. The applicant has suggested a different colour brick (yellow grey brick) could be used, however, it should be noted that whilst this material may be acceptable, this would not overcome the concerns over the scale and massing of this building.

- 9.28 The proposed development is considered to represent an overdevelopment of this site. The building, owing to its excessive scale, would appear incongruous when viewed in the context of the site and local area. It would appear cramped on the site, owing to the limited spacing around this building, in combination with its scale and mass. There would be limited opportunity for meaningful soft landscaping. The appearance of the building does not relate well to the surrounding buildings, which in principle may not be an issue, but the use of the dark grey/black brick proposed does not pick up on the material palette in the area, and would emphasise the vast scale of this proposed building.

Impact on Heritage Assets

Impact on the Setting of the Listed Building

- 9.29 The building (The Wilderness) to the north of the application site is Grade II Listed. Local Plan Policy LB2 provides guidance on Listed Buildings, and sets out to ensure that development proposals do not adversely affect the grounds and/or setting of Listed Buildings. This policy is considered to accord with the requirements of the NPPF and is given significant weight in the determination of this application. The NPPF at paragraph 193 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.30 Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.31 The Wilderness is a two storey building (with basement) dates from the 18th and 19th centuries. The building is a designated heritage asset and has significance because of its architectural and historic interest.
- 9.32 The Maidenhead Town Centre Conservation Area lies to the south of the site, it encompasses the town's traditional high street and there are views towards the site looking north from Market Street. The Conservation Area has an appraisal that was completed in 2016.
- 9.33 The NPPF advises that the setting of a heritage asset can be considered as the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. With regards to new development, in terms of the historic environment the NPPF advises that in determining applications local planning authorities should take account of the desirability of enhancing the significance of heritage assets and also the desirability of new development making a positive contribution to local character and distinctiveness. It also advises that great weight should be given to the assets conservation.
- 9.34 In Part 1 under Setting and Views, the Historic England Guidance "The Setting of Heritage Assets" Planning Note 3 is clear that the setting of a Listed Building is much wider than just that of its curtilage and setting can change over time and is more than just views to or from the asset.
- 9.35 In this case, the setting of the adjacent Listed Building has changed over time, as it has lost its original garden, however, the building is quite architecturally distinct in terms of the local townscape and its roofline, with its chimneys and chimney pots, is clearly visible and is a positive feature in views from the park and from the north and south. The existing building on the application site, is of a reasonable scale and mass and does not dominate the setting of the Listed Building.
- 9.36 The proposed building, despite its lower section towards the west, is of a totally different scale and massing to the Listed Building. It is the scale of the proposed building that would dominate this neighbouring Listed Building. In addition, the use of dark grey/black brick would emphasise the dominance of the proposed building.

- 9.37 It is considered that the new building because of its scale, massing, design and materials would have a negative impact on the setting of the Listed Building so harming its significance. In this case, the harm caused to the significance of the designated heritage asset would be considered as less than substantial.
- 9.38 Owing to the proximity of the proposed building, the scale of the proposed building, and the excavation needed to provide the basement levels below, more detail on the method of construction would be required to ensure that the construction of the proposed building would not cause harm to the physical structure of the adjacent Listed Building, however, it is considered that such detail could be secured by planning condition.
- 9.39 The NPPF is clear that when less than substantial harm is caused to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use. The public benefits arising from the proposal, are discussed at section 11 of this report. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.40 Whilst the building would be visible from the edge of the Maidenhead Town centre Conservation Area, these would be limited views, and it is not considered that the scheme would result in harm to views out from the Conservation Area. Regards has been paid to section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Archaeology

- 9.41 A Heritage Impact and Archaeological Desk Based Assessment was submitted with the planning application. Berkshire Archaeology advises that the applicant has adequately evidenced that the site has been repeatedly built on, significantly decreasing the likelihood of the survival of any buried remains. They also advise that the site lies outside of the historic core of medieval and early post-medieval Maidenhead.

Trees

- 9.42 There are no trees on or off the application site covered by a Tree Preservation Order that would be adversely impacted by the proposed development. Given the scale of the proposed building, and proximity of the proposed building to the site boundaries, there will be limited opportunity to plant new larger trees.

Impact on the amenity of neighbouring buildings

- 9.43 Policy E10 of the adopted Local Plan sets out that in considering applications for business development that a scheme should not result in an unneighbourly development or undesirable intensification of an existing use. The NPPF sets out at paragraph 127 that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.44 The buildings adjacent to this application site, include the building to the north which includes the medical centre, dental practice and pharmacy. To the east of the application site is the Magnet Leisure centre. The submitted daylight and sunlight study does not assess the impact of the proposed development on these buildings, as they are commercial properties, and, as such it is set out that these properties would not have a reasonable expectation of daylight and sunlight, and they generally rely on artificial lighting. The BRE guidelines (daylight and sunlight) explain that the guidelines are normally used to look at the impact on residential buildings. It is explained that they may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices. The doctor's surgeries, dentist and pharmacy are non-residential uses, and it is not considered that they would have an expectation of daylight. The

impact of the proposal on daylight to these uses would not be considered as grounds to warrant refusal.

- 9.45 With regard to nearby buildings in residential use, there are not any in close proximity to the building. The daylight and sunlight assessment does assess the impact on the proposed development on the closest residential uses to the application site. These buildings include:
- Queensgate House (14-18 Cookham Road) which is located to the north of the application site, which is approximately 77 metres away.
 - Providence House, which is located to the south and is around 33 metres away.
- 9.46 Overall the proposed scheme would have only a minor impact on daylight to a limited number of neighbouring residential properties. The daylight transgressions are generally isolated to 3 neighbouring rooms in Providence House, and this impact would not be so significant as to warrant refusal on this ground.

Transport

- 9.47 Policy T5 of the Adopted Local Plan sets out that all development proposals will be expected to comply with the Council's Adopted Highway Design Standards. This policy is not incompatible with the NPPF, however, the NPPF provides more up to date guidance on transport impacts and so the impact on traffic and highway safety has been assessed against the NPPF.
- 9.48 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 111 of the NPPF sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 9.49 Policy P4 of the Adopted Local Plan requires schemes to provide parking spaces in accordance with the Council's Parking standards. The Council's Parking standards are based on maximum parking standards. The NPPF 2019 at paragraph 106 sets out that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. In this instance, the Highway Authority have not identified that there is a compelling justification for the scheme to comply with the maximum parking standards, and as such Policy P4 is given reduced weight.
- 9.50 The site is within an accessible location and based on the Borough's Parking Strategy 2004 attracts a maximum parking ratio of 1 space per 100m², which equates to 118 car parking spaces. The development provides 61 car parking spaces, set at a ratio of 1 space per 194m². However, as noted above, the NPPF sets out that maximum parking standards should not be imposed unless there is clear and compelling justification for managing the local road network. The Highway Authority do not object on this provision of car parking, given that it is located in a sustainable location.
- 9.51 The travel plan targets for travel by pedestrians, train and bus have been amended, following comments from the Highway Authority about how the initial targets set had no clear rationale. The revised targets proposed by the applicant are set out in the table below. Given the proposed parking ratio for the development, if the application was being recommended for approval, a legal agreement would be required to secure the Travel Plan to ensure the measures to reduce car dependency were implemented, and that other more sustainable modes of transport were promoted.

Table 2.2 – Revised indicative mode share targets

Mode of Travel	Baseline Mode Share (Year 1)	Year 3 Target	Year 5 Target
Car Driver	28.1%	26.3%	24.0%
Car Passenger	6.4%	6.0%	6.0%
Bus Passengers	7.0%	7.2%	7.5%
Rail Passengers	22.4%	23.0%	23.5%
Pedestrians	30.1%	31.0%	32.0%
Cyclists	6.1%	6.5%	7.0%

- 9.52 Provided the revised targets set out by the applicant are secured through a robust travel plan, it is not considered that of a severe impact on transport would arise, or that there would be an adverse impact on highway safety.
- 9.53 72 cycle parking spaces are proposed within the scheme across the basement levels, which would be used by future employees. In addition, 12 visitor cycle stands would be provided at ground floor level. Comments are awaited from the Highway Authority as to whether the dimensions of the cycle parking are acceptable, and this will be reported in the Update report to Panel.

Sustainable Drainage

- 9.54 Paragraph 165 of the NPPF sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. This application is a major development, and so there is a requirement for the scheme to provide a sustainable drainage system.
- 9.55 The sustainable drainage strategy proposed for this development is that surface water from the site will be captured and attenuated within SuDS and storage features for gradual release. The required attenuation volume has been proposed as a combination of permeable paving, Permavoid (or similar) and blue roofs.
- 9.56 Further comments are awaited from the Lead Local Flood Authority regarding the acceptability of the Sustainable Drainage Strategy; their comments will be reported in an update report to Panel.

Air Quality

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

national objectives. The results and conclusion of the assessment that the air quality impacts of the development are considered to be not significant is acceptable.

Noise

- The proposed external plant as part of the development include:
 - Air source heat pump
 - -2 x Air cooled chillers
 - -Air handling unit
 - Life safety generator
- 9.61 These would be located on the roof level. A Planning Noise Report was submitted with the application. An initial assessment of the proposed plant items associated with the development was carried out. The report advises that as long as the specified sound power limits are met for all external plant, the noise egress from the proposed development is expected to comply with the relevant noise limits. The report sets out that subject to certain sound insulation being incorporated that the development would not generate unacceptable levels of noise in the context of this area. If planning permission was being granted, a condition would be imposed to secure the type of plant and acoustic measures to be submitted for approval.

Contaminated land

- 9.62 The results of intrusive site investigations submitted with the application showed the presence of contamination on site. A remediation strategy would need to be developed to address the following:
- Elevated levels of PAH's
 - Protect new utility services from hydrocarbon contamination
 - Completion of further vapour monitoring
 - Design a gas protection measures
 - Waste management plan
- 9.63 If the recommendation was to approve the application, the remediation strategy could be secured by planning condition.

Ecology

- 9.64 The site comprises a building surrounded by areas of hard standing and a small area of introduced shrub. The site is within 2km of several Sites of Special Scientific Interest (SSSI), Local Nature Reserves (LNR) and Local Wildlife Sites (LWS).
- 9.65 The building and all trees were assessed as having negligible potential to support roosting bats and therefore no further survey or specific mitigation is required.
- 9.66 The site was recorded as having high potential to support nesting birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. To ensure that nesting birds are not harmed as a result of the proposed development, any vegetation clearance should be undertaken outside of the bird nesting season, or if that is not practical. An informative could be placed on a permission advising this, if planning permission was to be granted.
- 9.67 In line with paragraph 175 of the NPPF and considering the loss of the small areas of vegetation on site, the development should incorporate opportunities for wildlife. A biodiversity enhancement scheme would need to be secured by planning condition, if planning permission was being granted.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is not CIL liable.

11. PLANNING BALANCE AND CONCLUSION

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

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

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

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

‘out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).’

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

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

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

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

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

- *Increase the amount and quality of grade A office space in Maidenhead creating around 720 new jobs.*

It is accepted that there is a demand for Grade A office space floorspace to be provided in Maidenhead, as set out in the Employment Land Needs in RBWM October 2019 Topic Paper, and this proposal would deliver a significant amount of office floorspace. The provision of grade A office space and the generation of 720 new jobs is given significant weight as a benefit.

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

This is noted, however, there are other opportunities for office development in the town centre or other edge of centre sites which are located closer to the train station than this site. In addition, a smaller amount of office space than proposed could be provided on this site, and would still build on the opportunity of the new Elizabeth railway line. This is given limited weight as a benefit.

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

It is not considered that there would be an improvement to the design and appearance of the building, or that it would be architecturally significant. This is not given weight as a benefit.

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

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

2. *Provide a complementary development to the Royal Borough Development Partnership proposals for 600 homes on neighbouring land to the east;*

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

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

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

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

It is considered that the scheme goes beyond maximising the use of a brownfield site, and is overdevelopment that does not take account of the existing townscape. This is not given weight as a benefit.

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

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

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

Given the cramped form of development, there will be little opportunity for new tree planting, and meaningful landscaping. This is given limited weight as a benefit.

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

This is given limited weight as a benefit.

- 11.6 The benefits arising from the scheme, and the weight attached to them is set out above. It is considered that this scheme is poor design, gives very little consideration to its' context and would cause very significant harm to the character of the area, in conflict with Policy DG1 of the Adopted Local Plan DG1 and policies MTC4, MTC5 and MTC6 of the Maidenhead Area Action Plan. The scheme would also result in less than substantial harm to the setting of a designated heritage asset, in conflict with policy LB2 of the Adopted Local Plan. Whilst more office space is needed in the Borough, and this scheme would help deliver that, and would create employment opportunities, it is not considered that these or the other more limited benefits arising from the scheme would outweigh the substantial harm identified. It is not considered that the benefits outlined above would constitute material considerations that would indicate that there should be a departure from the development plan.

- 11.7 With regard to the less than substantial harm caused to the heritage asset, the NPPF requires that public benefits are weighed against this harm. The National Planning Practice Guidance sets out that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework. The NPPG further explains that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

11.8 The public benefits arising from the scheme include the creation of jobs, and the provision of Grade A office space in a sustainable location. However, these are not considered to be public benefits which would outweigh the less than substantial harm that would be caused to the setting of the Heritage Asset. It has not been demonstrated that an office building of a smaller scale could not be provided. A smaller scale office building could still provide a significant uplift in high quality office space, and create employment opportunities whilst not causing harm to the setting of the Listed Building. It is not considered that the public benefits arising from the scheme would outweigh the less than substantial harm caused to the setting of the Listed Building (which is a designated heritage asset).

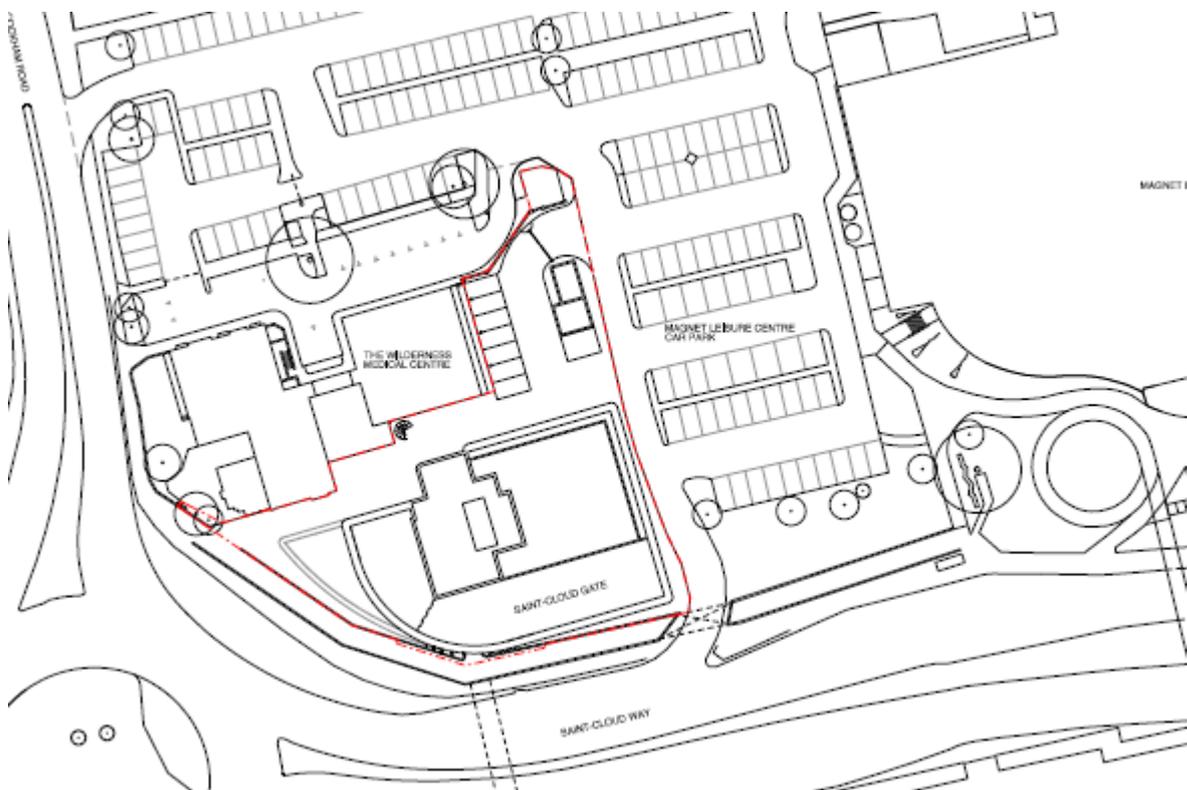
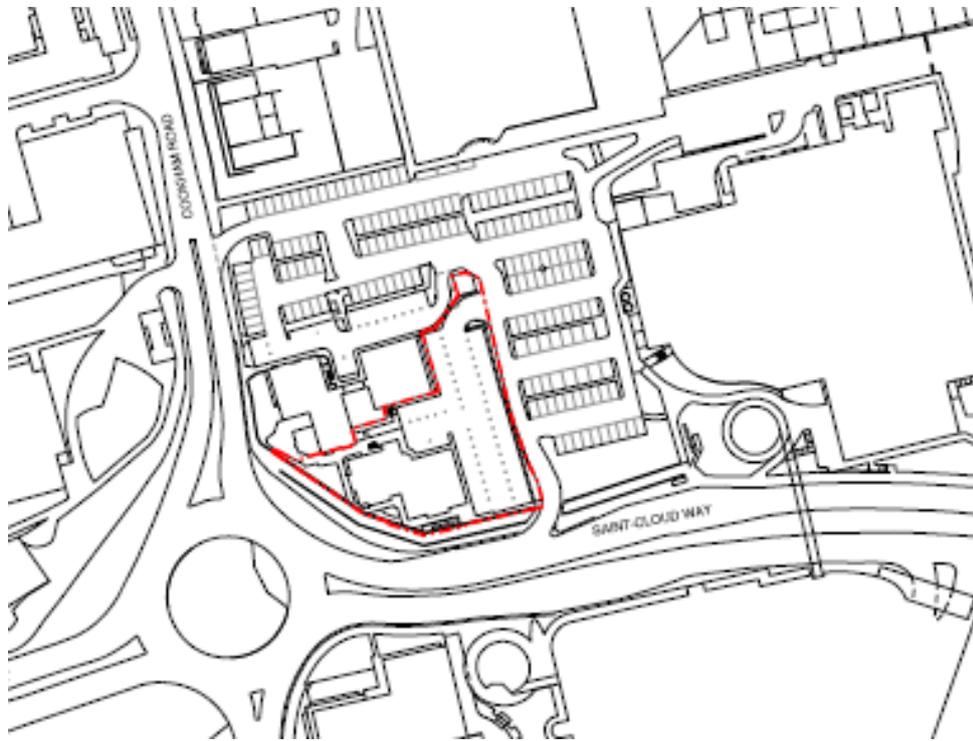
12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed elevations
- Appendix C – Proposed floor plans

13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposed development, by reason of its excessive scale and appearance, is considered to amount to poor design. The scheme would appear out of scale within the context of the surrounding area. The building would cause significant harm to the character of the area, in conflict with Policy DG1 of the Adopted Local Plan, and with advice contained within the National Planning Policy Framework, and the National Design Guide. The proposal also conflicts with Policies MTC4, MTC4 and MTC6 of the Adopted Maidenhead Area Action Plan.
- 2 The proposed building, owing to its excessive scale, appearance, and proximity to the adjacent Grade II Listed Building would cause less than substantial harm to the setting of this designated heritage asset, in conflict with Policy LB2 of the Adopted Local Plan. The public benefits arising from this scheme are not considered to outweigh this less than substantial harm, as required by paragraph 196 of the National Planning Policy Framework.

Appendix A- Site location plan



Appendix B- Proposed Elevations

Proposed north elevation



Proposed south elevation



Proposed west elevation

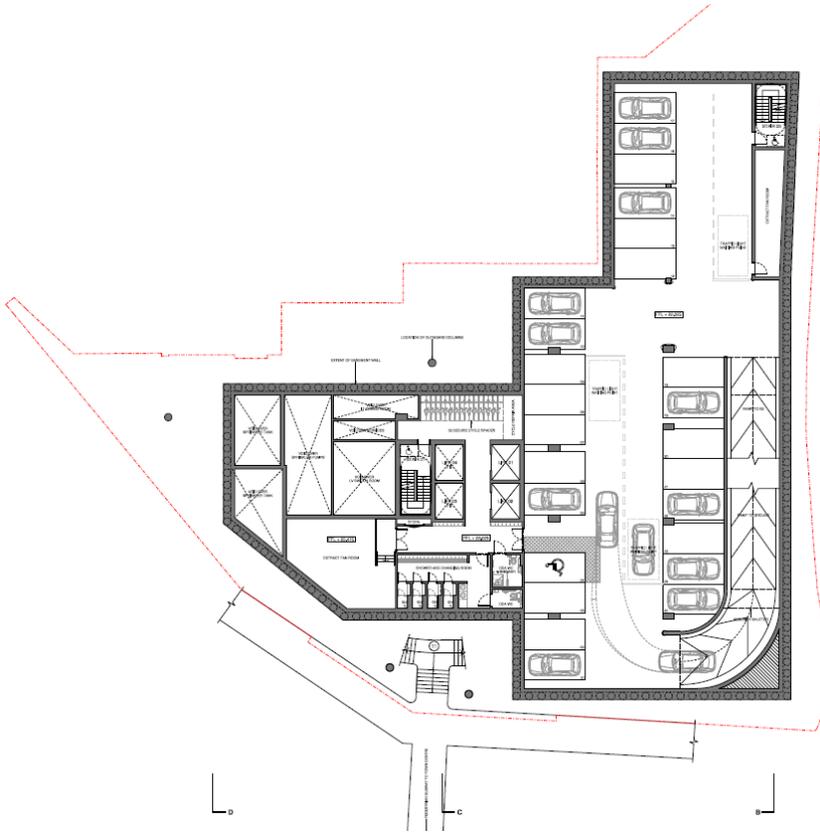


Proposed east elevation

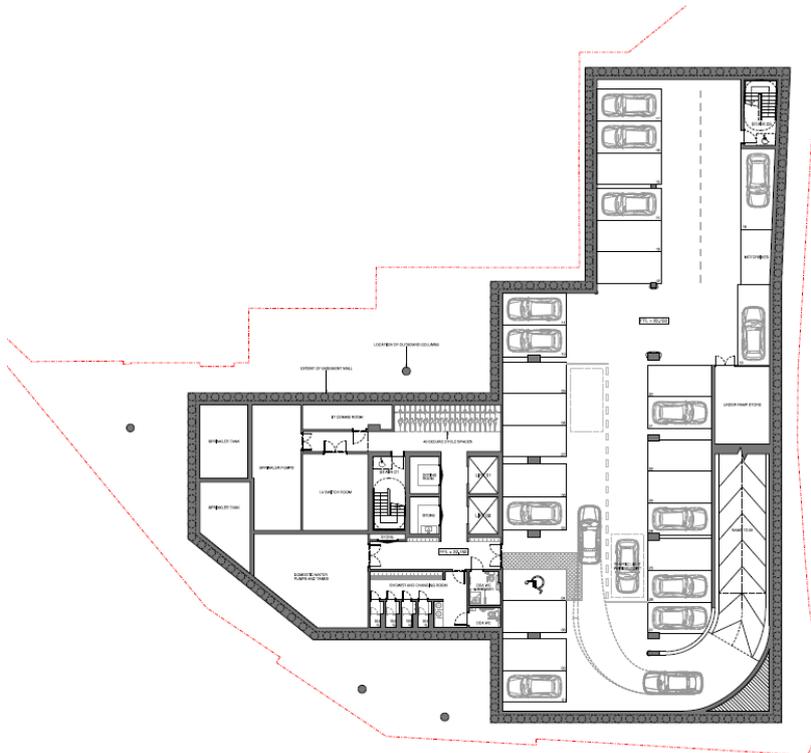


Appendix C- Proposed floor plans

Basement – level 1



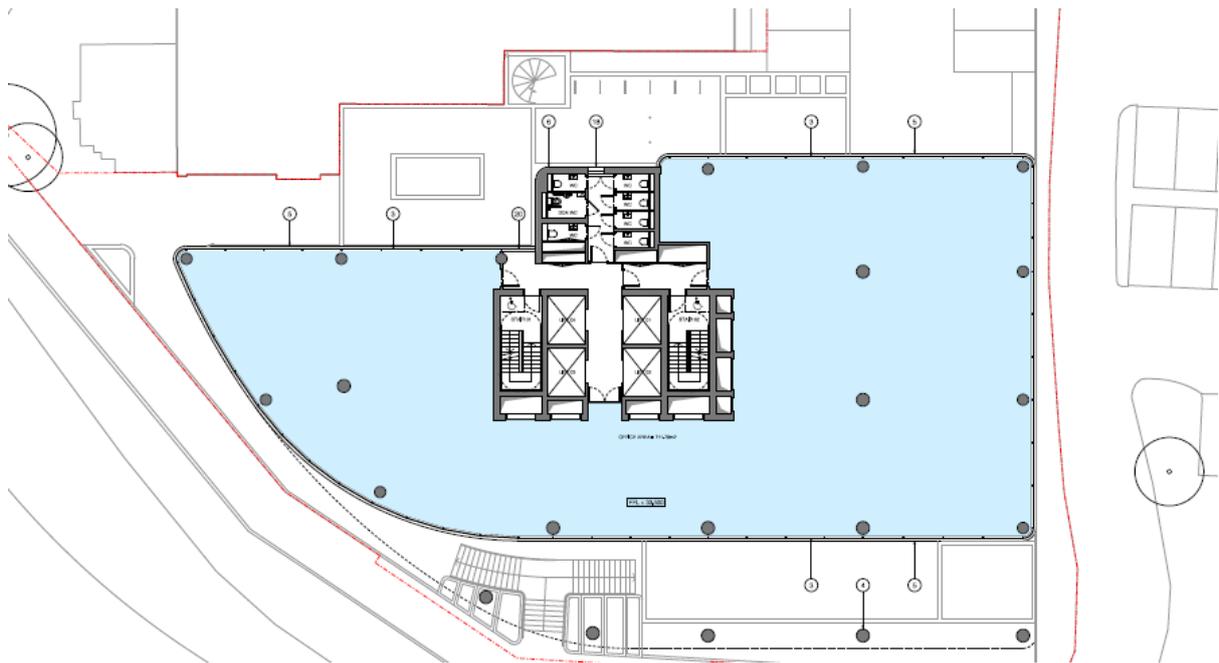
Basement- level 2



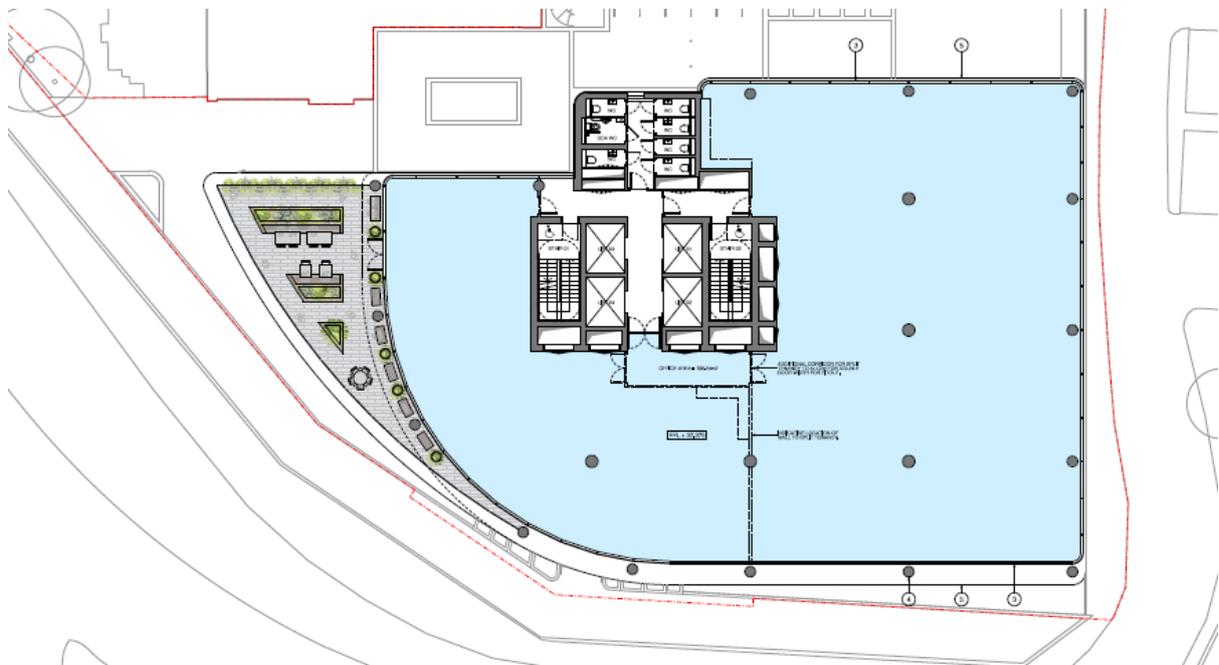
Proposed ground floor



Proposed first floor



Proposed second floor



Proposed 3rd - 9th floor

