

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

DEVELOPMENT CONTROL PANEL

18 November 2020

Item: 4

Application No.:	20/01129/FULL
Location:	Moorbridge Court And Liberty House At 29 To 53 Moorbridge Road Maidenhead
Proposal:	Construction of 5 residential blocks comprising of 129 residential units together with associated landscaping, car parking and infrastructure works following the demolition of the existing buildings.
Applicant:	Bellway Homes
Agent:	Bne Thomas
Parish/Ward:	Maidenhead Unparished/St Marys
If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

1. SUMMARY

- 1.1 Planning permission is sought for the redevelopment of the site to provide 129 apartments arranged in 5 blocks (A – E) of between 3 and 10 storeys in height. The proposed development would replace two vacant office buildings of two and four storeys in height. Vehicular access to the development would be off Moorbridge Road with a combination of undercroft and surface level parking for 66 vehicles to serve the development.
- 1.2 The loss of office floorspace is justified in this case, primarily in light of the permitted development fallback position, which would see the existing office buildings converted into a total of 71 residential units without the need for express planning permission. This has been confirmed through the approval of the two applications referred to in paragraph 5.4 of this report below. It is a material consideration of significant weight that there would be a strong likelihood that such works would be undertaken in the event that planning permission were refused for the current proposal. In addition, adopted local plan policy and the NPPF support the re-use and redevelopment of employment sites (outside of recognised employment areas) for housing.
- 1.3 The design, scale, height and massing of the proposed development is considered acceptable in this instance having regard to the development plan and emerging evidence-based documents and in paying particular attention to the site location as a gateway into the town centre from the east. It should be noted that the design, height and massing of the development has been born out of considerable discussion and negotiation between the applicant and the Planning Authority through the pre-application advice procedure, which is in line with paragraphs 39-42 of the NPPF. The applicant also presented an early design to the South East Design Review Panel, which has helped shape the proposal. The staggered formation of each block and the concentration of the tallest and densest part of the development to the north, and the lower buildings fronting the more domestic scale of Moorbridge Road is considered to respect the context of the application site. The evolving nature of Maidenhead Town Centre, which is seeing a greater number of 'tall buildings' and larger scale development, is also an important material consideration.
- 1.4 With regard to heritage, the proposed development would moderately affect the setting of the listed building, No.27 Moorbridge Road, and to a limited degree other nearby listed buildings and Maidenhead Town Centre Conservation Area. Collectively, this would lead to less than substantial harm to the significance of these heritage assets. This less than substantial harm is considered to be outweighed by the public benefits of the proposal, including the provision of housing and resulting benefits to the local economy. This balancing exercise has been carried out in accordance with paragraph 196 of the NPPF.
- 1.5 Despite the height and scale of development, it has been concluded that there would be limited impact on neighbouring occupiers as a result of distances to habitable windows and the fact that

the main aspects of these immediate neighbouring units face away from the development. A daylight and sunlight assessment has been submitted with the application which demonstrates that sufficient light would be received by habitable rooms of both existing neighbouring properties and the new apartments. Amenity space is provided in the form of private balconies and terraces and a communal amenity area.

- 1.6 The parking ratio of 0.5 is considered appropriate in this edge of town centre location, with residents being 1.1km walking distance from Maidenhead train station, which offers excellent rail links into London, and within even closer proximity to shops, restaurants and other amenities. This parking ratio is very similar to other recently approved Town Centre developments. The development retains 3 parking spaces for the existing premises 39-41 Moorbridge Road. No objections have been raised regarding impact on the highway network, access and traffic implications. The development will be subject to a Travel Plan and a Car Parking Management Plan to be secured by a Section 106 Agreement.
- 1.7 The site lies within flood zone 2 and is surrounded by flood zone 3. The applicants have carried out a sequential test which demonstrates that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Safe access and egress has been demonstrated in a westerly direction onto Bridge Road and out of the flood plain. With regard to sustainable drainage, final comments are awaited from the Lead Local Flood Authority.
- 1.8 The applicant has submitted a viability statement which has been independently reviewed and which confirms that the scheme would be unviable if made to provide policy compliant affordable housing. However, the NPPF states that planning decisions should expect at least 10% of the homes to be available for affordable home ownership, regardless of viability. In order to meet the specific demand for affordable housing in the Borough, the applicants have offered Block E (comprising 5 units) as a mix of social and affordable rented accommodation, which is considered to be a benefit of the scheme as it would meet priority housing needs in a central and accessible location in Maidenhead. This on-site affordable housing is to be secured by section 106 agreement.
- 1.9 The application has been accompanied by an Energy statement which together with the Design and Access statement and supporting plans and documents sets out various sustainability measures relating to energy and water efficiency, waste and recycling, electric vehicle charging points and biodiversity improvements. These measures are largely supported and shall be secured by planning condition requiring an updated sustainability statement to be submitted and approved prior to the commencement of the development.
- 1.10 In terms of housing land supply, the proposal would result in the provision of 129 additional units which is a significant benefit at a time when the Council cannot demonstrate a 5 year housing land supply. The mix of housing is justified in this case given the site is within a town centre location and that the mix of housing better serves the needs of the Borough than the fall-back scheme. The significant housing contribution will in turn result in benefits to the local economy both in the short and long term.
- 1.11 The application has been accompanied by a robust landscaping scheme which is to be carried out by the applicant both on land within the application site and the highway verges to the west and north of the site boundaries. A contribution to be secured by a legal agreement is to be made for the ongoing maintenance of these areas of landscaping. The proposal would also secure biodiversity enhancements in the form of native species planting and installation of bird and bat boxes.

It is recommended the Panel authorises the Head of Planning:	
1.	<p>To grant planning permission subject to the following:</p> <ul style="list-style-type: none"> • The completion of a satisfactory legal agreement securing on-site affordable housing, a contribution towards future maintenance of landscaping, a contribution towards refuse collection services and a Travel Plan • Final comments from the LLFA confirming no objections to the updated

	<p>drainage strategy and FRA</p> <ul style="list-style-type: none"> • with the conditions listed in Section 12 of this report.
2.	<p>To refuse planning permission if:</p> <ul style="list-style-type: none"> • A satisfactory legal agreement securing the aforementioned measures is not secured; and/or • Objections from the LLFA regarding the updated drainage strategy and FRA cannot be resolved.

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 0.5 ha corner plot to the south of Bridge Road, east of Forlease Road and north of Moorbridge Road on the edge of Maidenhead Town Centre. The site comprises two buildings; Moorbridge Court, a two-storey office building and Liberty House, a more modern four-storey office building. Other parts of the site contain hard-landscaping. The two office buildings are vacant.
- 3.2 The existing buildings face and have their vehicular accesses onto Moorbridge Road. On the south side of Moorbridge Road and opposite the application site is the Waitrose supermarket, a 4 storey building which includes residential on the upper floors. To the north of the application site is the A4 Bridge Road and to the north-west is a large roundabout leading to Forlease Road (which runs south from the roundabout along the west side of the application site) and St Clouds Way which leads west into Maidenhead. Development exists on all four corners of the roundabout (the application site being one of these).
- 3.3 In the south-west corner of the site but outside of the red line, lies Ham House, No.27 Moorbridge Road, a two storey listed building currently used as offices but previously the Gardeners Arms Public House, a grade II listed building.
- 3.4 To the east of the site is a single storey building used as a funeral directors. To the east of this building runs the Strand Water canal running under Bridge Road. To the north-east of the site on the northern side of Bridge Road is The Moor, a large area of open green space.
- 3.5 The site is approximately 0.7 miles or 1.1km (walk) from Maidenhead train station. The nearest bus stops to the site are located on Waldeck Road (250m) and Bridge Avenue (280m). Maidenhead Town Centre is located approximately 100m to the west of the site.
- 3.6 There are no protected trees within the application site, although some landscaping does exist on the west and northern boundaries.

4. KEY CONSTRAINTS

- 4.1 Urban Area
Classified Road
Air Quality Management Area
Maidenhead Town Centre
Adjacent to listed buildings and Maidenhead Town Centre Conservation Area
Flood Zone 2 (surrounded by Flood Zone 3)

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for the demolition of the existing office buildings and the erection of 129 residential apartments (a mix of 1, 2 and 3-bed) within 5 separate blocks (A – E), extending from 3 to 10 storeys in height:

Block A – fronting Forlease Road – 3/5/6 storeys - 28 units

Block B – fronting Moorbridge Road – 4/5 storeys – 16 units

Block C – fronting the roundabout – 8/9/10 storeys – 52 units

Block D – fronting Bridge Avenue – 4/5/6 storeys – 28 units

Block E – positioned in between nos. 27 and 39-41 Moorbridge Road - 3 storeys - 5 units

- 5.2 The blocks are to be arranged around the peripheries of the site with a central podium area on top of surface level car parking. Vehicular access is from Moorbridge Road in-between No. 55 Moorbridge Road and Block B (this is the location of the existing vehicular access for Liberty House).
- 5.3 The proposal includes 66 car parking spaces together with associated refuse and cycle storage. A communal amenity area is proposed on the podium, which would be central to the blocks of apartments.
- 5.4 The planning history is as follows:

Reference	Description	Decision
19/00552/CLASSO	Liberty House- Change of use from B1(a) Office to C3 (Residential) (30 units with 49 parking spaces)	Permitted Development
19/00551/CLASSO	Moorbridge Court – Change of use from B1(a) Office to C3 (Residential) (41 units with 51 parking spaces)	Permitted Development

- 5.4 The applicant has engaged in extensive pre-application discussions prior to the submission of the planning application. Negotiation has also taken place throughout the course of the application which has resulted in amendments to the overall height and mass of the development. The final proposal is now for 129 units and the blocks have become more staggered to alleviate the overall bulk and massing.
- 5.5 For clarity, the Environmental Impact Assessment Regulations has been reviewed and the proposal does not constitute EIA development.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Local Plan Policy
Design in keeping with character of area	DG1
Acceptable impact on appearance of area	H10, H11
Impact on residential amenity	H10, H11
Highways and parking	T5, T7, T8 and P4
Impact on Trees	N6
Pollution	NAP1, NAP3 and NAP4
Open Space	R1, R2, R3 and R4
Employment	E1, E6

Affordable Housing and housing need	H3, H6, H8 and H9
Infrastructure	IMP1 and IMP2

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

6.2 The above document forms part of the adopted Development Plan and provides a mechanism for rejuvenating the Maidenhead Town Centre. The document focuses on; Place making, Economy, People and Movement. The AAP also identifies six sites for specific 'opportunity areas' for development, which allocates the land for a particular form of development. Whilst this site falls within the AAP boundaries there is no allocation specific to this site.

6.3 Policies of relevance include:

MTC1	Streets and Spaces
MTC2	Greening
MTC3	Waterways
MTC4	Quality Design
MTC5	Gateways
MTC8	Food & Drink
MTC10	Offices
MTC12	Housing
MTC13	Community, Culture & Leisure
MTC14	Accessibility
MTC15	Transport Infrastructure

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4 - Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 9 - Promoting Sustainable Transport

Section 11 – Making effective use of land

Section 12- Achieving well-designed places

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

Section 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
Housing mix and type	HO2
Affordable housing	HO3
Housing Density	HO5
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Economic Development	ED1, ED2, ED3

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Economic Development	ED1, ED2, ED3

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. The Inspector has resumed the Examination of the BLPSV with hearings ongoing. 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 **Supplementary Planning Documents**
- RBWM Interpretation of Policy F1
 - Borough Wide Design Guide
- 7.4 **Other Local Strategies or Publications**
- RBWM Townscape Assessment
 - RBWM Parking Strategy
 - Affordable Housing Planning Guidance

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

23 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 4th June 2020 and the application was advertised in the Local Press on 11th July 2020.

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

Comment		Where in the report this is considered
1.	Impact on neighbouring building 55-57 Moorbridge Road, a Victorian building – previously the Moor Tavern Pub. Concerns raised regarding structural damage to property. Initial piling that started a few weeks before lockdown resulted in shaking of the building. An adequate assessment has not been made by Bellway to consider damage to the neighbouring building.	Section vi discusses impact on neighbour amenity. It should be noted however that structural damage to property is not a material planning consideration
2.	The parking proposed of 72 spaces for 136 apartments housing a minimum of perhaps 200 adults is inadequate as realistically a large proportion of those people will have a car, nor will it provide for visitors to park. There is not adequate on or off-street parking in the area to accommodate any cars not able to park in the spaces proposed. This will lead to illegal and dangerous parking.	Car parking is discussed in section viii
3.	Lack of affordable housing. Viability argument not acceptable. New housing in Maidenhead should include affordable housing for families and key workers	See section v
4.	The development is of excessive height and bulk and not in keeping with the surroundings or in an appropriate location	See section ii
5.	The development could result in negative solar access to Maidenhead moor and surrounding area.	See section vi
6.	The proposed housing mix does not offer an appropriate range of accommodation given the number of units provided. The number of 1 bedroom units is too high. Not enough 3-bed units. Conflict with emerging policy H02 of the BLP and para 61 of the NPPF and Council's Housing Needs Assessment.	See section iv
7.	Lack of residential amenity space. The development does not offer adequate amenity space for residents in the form of either private open space or communal spaces.	The development includes both communal amenity space and private balconies. Discussed further at section vii
8.	The 10 storey block would adversely affect the setting of the listed building. The stepping down of the blocks doesn't mitigate the impact.	Section iii
9.	The 10 storey block fails to demonstrate outstanding and distinctive architecture and fails to enhance the town centre's image and identity. As a gateway it is brutal and uninspiring. Conflict with AAP MTC 5.	Section ii
10.	Conflict with NPPF 127 and 189	Sections vi and iii
11.	Conflict with parking strategy. The site is in an area of poor accessibility. The parking numbers are lower than those required for an accessible location. The travel plan fails to cover scenarios for destinations that cannot be practically reached by public transport. A parking provision of less than 1 space per household effectively blocks car ownership. Contrary to NPPF 103.	Section viii
12.	The development will set a precedent for tall buildings outside the allocated areas	Section ii
13.	The development will affect the outlook of houses in the north and east of Maidenhead	Section vi
14.	The large open area and set back from the road would be lost under the proposals	Section ii

15.	The development does not provide any public art	Section ii
16.	Policy QP3a states that the context height for this location is 3 storeys meaning that the maximum height for the site should be 5 storeys	Section ii
17.	Good planning requires a step down from the town centre tall buildings towards the outer areas	Section ii
18.	The Chapel Arches development demonstrates a stepping down effect	Section ii
19.	Air Quality Assessment report inadequate regarding traffic pollution at the traffic lights and roundabout	Section xi
20.	Transport Statement inadequate. Claims on traffic movements for the existing and proposed development are not backed up. The suggestion that there would be a reduction in traffic movement from the proposed development should either be reassessed or ignored.	Section viii
21.	No reference is made to accommodation for disabled people. Parking for disabled is insufficient. All ground floor units should have disabled access but this is not mentioned.	Section vi
22.	Too much reliance placed on the Tall Buildings Study of 2019 but this is not planning policy.	Section ii
23.	Insufficient public open space within the development	
24.	The visibility survey confirms that the tower block will be visible from nearly every housing location in North and East Maidenhead. The skyline will be dominated by this tower block and the block will dominate the open space of the moor.	Section ii
25.	Have the architects considered the impact of the development on views from from Cliveden and Taplow?	Section ii
26.	If it is not viable to provide affordable housing then it means that Bellway paid too much for the site. This should not affect the need for the provision of affordable housing	Section vii
27.	The development will affect so many people who probably don't even realise what is happening	Sufficient publication of the application has been carried out in accordance with statutory guidelines
28.	One parking space needs to remain on site in connection with No.39 Moorbridge Road (condition 11 of application 415791).	Section viii
29.	There needs to be sufficient turning space within the development so vehicles can exit in forward gear to avoid danger to pedestrians and highway users	Section vii
30.	Lack of daylight inside bedrooms of 41 and 41a Moorbridge Road flats	Section

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No objection to application. It is for the Local Planning Authority to ensure that safe access and escape routes are include and to determine whether the sequential test has to be applied and whether or not there are other sites available at lower flood risk.	Section ix
LLFA	Further details required relating to the surface water drainage system.	Section x

Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	<p><u>Heritage</u> The proposed development will form part of the local backdrop to heritage assets and would have an impact upon their setting, in particular no. 27 Moorbridge Road but to a lesser extent other listed buildings and the Conservation Area.</p> <p><u>Design and massing</u> Steps have been taken to reduce the visual impact of the large scale of the buildings by the considered massing of the blocks. The bulk/height of the development has been arranged to suit</p>	Section iii
Trees	No objections subject to conditions	Section ii
Ecologist	No objections subject to conditions	Section ii
Environmental Protection	<p><u>Contamination</u> No objection with regard to ground contamination (The Preliminary Risk Assessment submitted with 19/00552/CLASSO found no significant on or off-site current or historical sources of contamination and characterised the area which includes the application site as having low risk with no further need for investigation.</p> <p><u>Air Quality</u> The proposed development site is within Maidenhead Air Quality Management Area. An Air Quality Assessment has been submitted in support of the application. The methodology, result and findings of this assessment are considered acceptable.</p> <p><u>Noise</u> The Noise report highlights the need for mitigation from road noise which can be helped through window and balcony design. Further comments can be made once these details have been received.</p> <p>Conditions and informatives are recommended relating to: Construction Environmental Management Plan, Air Quality Assessment, Contaminated land and Noise.</p>	See sections vii and xi
Landscape Officer	No objection in principle to landscape proposals. Further details are required by pre-commencement conditions.	Section ii
Sustainability and Climate Change Officer/Energy Reduction Officer	No significant concerns raised. Comments made relating to waste disposal, water management, recycling, biodiversity, electric vehicle charging, renewables.	Section
Highways	No objections subject to conditions	Section viii
Historic England	On the basis of the information submitted, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.	Section iii
Berkshire Archaeology	The application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. A condition is recommended in order to mitigate the impacts of development.	Section iii

Others

Group	Comment	Where in the report this is considered
Maidenhead Civic Society	<p>Detailed comments summarised as follows:</p> <ul style="list-style-type: none"> -The two office blocks have permitted development for change of use to residential units. Many of these units were below the Nationally Prescribed Minimum Space Standard. Parking provision was 1.3 spaces per dwelling - The application is for a much more intense development of the site with increase height and mass. The parking ratio is 0.5 - It is appreciated that Block E on the south-west corner has been limited to three storeys to protect the setting of the listed building – previously the Gardeners Arms. - The bulk of the development at 4 – 6 stories is acceptable. The ‘landmark’ block of 10 storeys is not acceptable or desirable. - The AAP envisaged Town Centre high rise development to be concentrated to the north and west of the town centre. If permitted the approach to Maidenhead from the east will be dominated by the 10 storey of block C. - The planning statement refers to ongoing developments permitted or under construction in York Road and St Ives Road but these are limited to 7 or 8 storeys. - The St Cloud development (of a similar height to the north of the ‘ring road’ was recently refused. - Maidenhead is experiencing an oversupply of 1 and 2 bed flats. - The site does not support 130 flats - The scale of the development should be reduced and parking increased - Objections to height, mass and volume. - A schedule of accommodation has not been provided. It is hoped that all residential units will be of minimum size and specified by the Nationally Described Space Standards. 	Points responded to in main body of report

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of development
- ii Design considerations (including landscaping and trees)
- iii Impact on Heritage Assets
- iv Housing mix
- v Affordable Housing
- vi Impact on Neighbouring Amenity
- vii Provision of a suitable residential environment
- viii Highway considerations and parking provision

- ix Ecology
- x Flooding and Sustainable Drainage
- xi Other environmental considerations
- xii Other material considerations

i. Principle of development

Loss of employment generating floor area

- 9.2 The proposed development would result in the loss of existing employment generating uses within the site (albeit the buildings are currently vacant). The existing buildings benefit from prior approval to be converted into residential, however these permissions have not been implemented. The starting point for assessing the change of use is therefore the lawful use of the site as employment generating. It should be noted however that the buildings are not listed as key employment sites within the adopted local plan.
- 9.3 The site is outside a recognised industrial area as identified within Local Plan policy E2. The relevant Local Plan policy is therefore E6 (Other sites in Business and Industrial Uses). Policy E6 states that proposals for redevelopment or change of use of premises not covered by policy E5, to other uses will be supported in appropriate circumstances. The explanation to this policy states that outside of identified employment areas, the Borough Council will generally support proposals for the redevelopment of sites in existing business/industrial use to alternative uses such as housing, recreation, social or community development.
- 9.4 Para 121 of the NPPF (2019) states that:
- “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....”*
- 9.5 In addition, paragraph 81d of the NPPF states that planning policies should be flexible enough to enable a rapid response to changes in economic circumstances and at paragraph 118 that planning policies and decisions should give substantial weight to the value of using brownfield land within settlements for homes and other identified needs and to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained.
- 9.6 The emerging Borough Local Plan does not list the site as a recognised employment site. Policy ED3 refers to other employment sites and loss of employment floorspace and advises that in order for the Council to support proposals for changes of use of employment sites, marketing evidence should be provided that the land and the premises have been widely advertised and marketed for a range of economic uses for at least one continuous year immediately prior to submission of the relevant planning application. The policy then goes on to explain further steps to be taken in the marketing exercise. This emerging policy is only afforded limited weight.
- 9.7 In addition to the policy background, a further material consideration is that the buildings could be converted to residential use under Class O of the GPDO. Whilst the 2019 Class O applications have not been implemented, the Council has issued decisions (ref: 19/00551 and 19/00552) confirming that it is permitted development to convert the buildings into residential use. This is a material consideration in the assessment of the current application.

- 9.8 Overall, when taking into consideration the fall-back position and the flexible policy background regarding changes of use of employment generating sites on brownfield land not identified as key employment sites to be retained within existing or emerging policy, there is no objection to the loss of the two existing buildings as offices.

Provision of residential use

- 9.9 The site is situated on the edge of the town centre and surrounded by a mix of uses including commercial and residential. It is considered that a purely residential use would be acceptable within this context. The site is not within a primary or secondary shopping frontage and therefore there is no need to consider the addition of any commercial uses.
- 9.10 Paragraph 85 of the NPPF states that decisions should support the role of town centres at the heart of local communities – including the role residential development plays in ensuring the vitality of town centres. Adopted Local Plan policy H6 states that the Council will grant planning permission for the provision of additional residential accommodation within town centres
- 9.11 The adopted development plan also identifies Maidenhead town centre as a sustainable location for housing contributing towards meeting identified housing need – and emphasises the need to enhance the town centre’s land use efficiency and sustainability (Adopted MTCAAP Policy OA5). It acknowledges an increase in residential units could redress retail vacancy rates, support services and facilities and enhance the vibrancy of the town centre – particularly into the evenings and weekends. Indeed it is acknowledged that there is a high turnover in the restaurants at the east end of Bridge Street. A large-scale residential development at the application site could help address this concern.
- 9.12 Given the above local and national policy background the use of the site for residential purposes is considered acceptable.

Emerging Context/other town centre development

- 9.13 It is pertinent to set out in this section that there are a number of other large-scale developments within Maidenhead Town Centre which have been approved recently, some of which are currently undergoing construction. These are set out on page X of the applicant’s Design and Access Statement and have been cross-referenced with the Council’s own records. The most relevant of which are as follows:
- i. The Landing: Approved under planning application ref:18/01576/FULL: Hybrid planning application for the mixed use redevelopment of the site comprising; up to 41,430sq.m GEA residential (Class C3); up to 13,007sq.m GEA office (Class B1) and up to 3,846sq.m GEA flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2), public realm and open space, parking, vehicular access, new servicing arrangements and associated works following the demolition of all buildings on site. Full planning permission for the demolition of all existing buildings on site, site preparation, the construction of three buildings to provide 344 residential homes (Class C3), one building to provide 7,007sq.m GEA of office floorspace (Class B1) and 2,196sq.m GEA of flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2) across four buildings, car and cycle parking, plant and storage, public realm works and landscaping, podium terraces, vehicular access off Broadway, new servicing arrangements and associated works. Outline planning permission (with all matters reserved) is sought for site preparation, the construction of two buildings to provide for up to 1,650sq.m GEA of flexible retail, office, community and leisure floorspace (Class A1 - A5, B1, D1 and D2) and up to 6,000sq.m GEA office floorspace (Class B1) and up to 9,300sq.m GEA residential floorspace (Class C3), basement car parking, cycle parking, plant and storage, public realm works and landscaping, new servicing arrangements and associated works.
Maximum 16 stories high (53-56m). Demolition occurred; construction not yet commenced
 - ii. Watermark, York Road: Approved under planning application ref: 18/01608/FUL: Mixed use redevelopment of the site comprising of 5 no. buildings 4-8 storeys in height to provide 229 new residential dwellings (Use Class C3), 1,930 sqm GEA of commercial and

community/cultural floor space (Use Class A1/A3/B1/D1), provision of a new civic square and public realm enhancements, along with car parking, access, roads, landscaping and other associated works following demolition and clearance of all existing structures.

Under construction – up to 8 storeys

- iii. Waterside Quarter. Approved under application ref: 17/01726/FULL: Demolition of the Colonnade and redevelopment of land to the north of Chapel Arches to provide a mixed use scheme comprising 182 apartments, 605sqm commercial space, 1030sqm retail and restaurant use (classes A1 and A3), the creation of basement car parking; the erection of a new footbridge over the York Stream and the replacement of the existing vehicular bridge to the existing car park: the creation of new pedestrian links, landscaping and alterations to waterways to create new public realm.

Under construction – up to 8 storeys

- iv. Picturehouse. A completed development of 40 apartments with retail and restaurant use at the ground floor.

Completed - 6 storeys

- 9.14 It is clear that Maidenhead Town Centre is undergoing significant regeneration, which will have an impact on the character of the townscape brought about by the introduction of a greater number of taller, larger-scale developments. The current application does not differ significantly from these other developments in terms of scale or use, and would contribute towards the Borough's housing need within a sustainable location.

Conclusion on Principle of Development

- 9.15 To conclude this first section of the report, officers raise no objection to the principle of a large-scale residential development at the site. The specific characteristics of the development including its height, layout, scale, mass and external appearance however are matters for further consideration and will be discussed in the subsequent sections of the report.

ii. Design Considerations and Impact on Character

Policy Background and context

- 9.16 Policy DG1 of the Local Plan provides the overall guidelines for assessing the design of new development. Policy H10 states that new residential development schemes will be required to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas and, where possible, to enhance the existing environment.
- 9.17 Policy MTC4 of the Maidenhead Town Centre AAP seeks development which is appropriate in terms of site coverage, urban grain, layout, access, scale, proportion, mass and bulk, height, roofscape and landscape.
- 9.18 Section 12 of the NPPF (2019) deals with achieving well designed places and ensuring the delivery of developments that will function and contribute to the overall quality of the area in the long term. To achieve this, development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; they should be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.19 The NPPF further encourages local planning authorities to utilise design advice and review arrangements, particularly for significant projects such as large-scale housing and mixed use developments. In assessing applications, local planning authorities should also have regard to the outcomes from these processes, including any recommendations made by design review panels. It should be noted that the pre-application proposal went to a Design South East review panel. Page 68 of the Design and Access Statement sets out how the applicant has responded to the various Design Review Panel comments, in particular those around height and scale.

- 9.20 The Tall Buildings Study (2019) is an evidence-based document for the emerging Borough Local Plan and comprises two documents; The Tall Buildings Strategy and the Tall Buildings Technical and Baseline Study. The aims of the Tall Buildings Study are to identify where tall buildings should be located within the Borough. Whilst it carries limited weight at the present time, it is the most up-to-date townscape and character study specific to the Borough and is based on the NPPF and Historic England's Tall Buildings Advice Note. It also builds on the Council's adopted Local Plan, the Maidenhead AAP and the recently adopted Borough Wide Design Guide.
- 9.21 This site lies on the edge of Maidenhead Town Centre core, and is identified as a "gateway" in both the Maidenhead AAP and the Tall Buildings Strategy (2019), meaning that it is considered as an important entry point into the town centre.
- 9.22 Both Moorbridge Court and Liberty House are included as developable sites in the HELAA 2019, Appendix C, which form part of the evidence for the Local Development Plan. The site is not an allocated site for housing.

Density

- 9.23 Policy MTC12 of the Maidenhead Town Centre AAP states that Opportunity Areas will be expected to make a significant contribution to housing and that higher density housing will be appropriate in suitable locations. Whilst this site is not listed as an Opportunity Area within the AAP, a high density of development is not unacceptable in principle and each case must be assessed on its own merits.
- 9.24 In terms of achieving appropriate densities paragraph 122 of the NPPF (2019) is clear that planning decisions should support development that makes efficient use of land. This is subject to a number of factors including the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change. Furthermore, paragraph 123 of the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 9.25 The proposed development would be at a density of approximately 258 dwellings per hectare (dph). This is greater than some of densities found in more central locations of the town centre, but not necessarily unacceptable in principle. Indeed, the main reason the density of the development is higher in this particular case is due to the height of the blocks within the development which is discussed below.

Layout

- 9.26 The proposed layout of development is for five blocks of flats to be arranged around the peripheries of the site with the tallest part of the development closest to the main road (Bridge Road/A4) and to the roundabout, with the lowest parts of the development to the south of the site, adjacent to those existing buildings fronting Moorbridge Road which are to be retained, including the listed building No.27, Nos 39-41 and Nos. 55-57, thus stitching the development into the existing street scene of Moorbridge Road.
- 9.27 The layout of the blocks around an internal central amenity space is considered appropriate for the site and has enabled the applicant to design each section/block relevant to its context/the street scene which it would address.
- 9.28 It is acknowledged that the development would be brought closer to the site boundaries than the existing office buildings. With regard to the Moorbridge Road frontage, the set back from the street scene is considered appropriate, with the lower 3 storey building (Block E) being sited in line with Nos. 39-41 to which it would adjoin and the 4-5 storey building (Block B) being set further back from the street frontage so as not to appear oppressive and to allow pedestrian access and landscaping to the front of this block. Block A (3-6 storeys) would be sited closer to Forlease Road than the existing office building Moorbridge Court, but in line with the side elevation of No.27 Moorbridge Road, thus maintaining a building line on the west side of the site.

It should also be noted that Block A would have a similar set back from Forlease Road to the Waitrose building (and the flats above) sited to the south of Moorbridge Road.

- 9.29 The siting of Block C would result in the most impact on the surroundings and it is acknowledged that this element of the development (which is also the tallest) would be closer to the roundabout than the existing building Moorbridge Court and the other 3 buildings which front/address the roundabout. Here it is considered that the siting of these blocks in close proximity to Bridge Road, need not be unacceptable provided the scale and massing is appropriate, sufficient landscaping is provided along this northern edge and the design of the building is of a high quality. It also needs to be borne in mind that this site is the only one out of the four corner sites to the roundabout identified as a gateway site in both the AAP and the Tall Buildings Strategy.
- 9.30 The ground floor layout on all blocks has been designed to maximise active frontages with doors, habitable windows and lobby entrances being sited visibly within the development and fronting the public realm.

Principle of a Tall Building

- 9.31 Policy MTC6 states that Tall Buildings Areas are focused around the railway station and south of Bad Godesberg Way. New tall buildings on sites outside the Tall Buildings Areas, which do not currently accommodate a tall building, will be resisted. The application site falls outside of a tall building area as defined by policy MTC6 however, the AAP does identify this site as a gateway.
- 9.32 The AAP states that the prevailing building heights across the town centre are between three to six storeys (10-20m) and sets out that buildings that would be noticeably above this height would be considered to be 'Tall Buildings'. The planning strategy recognises that 'Tall Buildings' up to 12 storeys or around 40m in height have an important part to play in the rejuvenation of the town centre but that where such buildings are proposed they should only be granted within two designated 'Tall Buildings Areas' these being the Railway Station OA and the West Street OA. The Policy further states that outside of these areas 'Tall Buildings' will be resisted.
- 9.33 This proposed development would be up to 10 stories in height (a maximum of 31m) thus comprising a 'tall building'. It would therefore fail to comply with policy MTC6 of the AAP. As such, it is necessary to consider if there are any material considerations which indicate that the height and scale of the development is appropriate for this location.
- 9.34 The Borough Wide Design Guide (BWDG), a significant material consideration, recognises that heights of buildings increase within Town Centres, a notable tall building in Maidenhead being Berkshire House. It states that the Borough is experiencing an increasing number of proposals for development that are at a scale significantly above context height, which have the potential to significantly alter the character of town centre areas. The BWDG refers to the aforementioned Tall Buildings Strategy (2019) which identifies potential locations across the Borough and within Maidenhead Town Centre. Principle 7.5 states that when considering the height of new development detailed attention should be paid to context height and that Tall Buildings may be acceptable in certain locations provided they are of exceptional quality.
- 9.35 The recently published Tall Buildings Strategy (as referenced above) at section 9.4, entitled 'Tall Buildings Recommendations' identifies the eastern part of the application site as a local landmark site which could accommodate a building of up to 32m (10 residential stories) to mark the eastern gateway into Maidenhead. This part of the strategy goes on to advise that landmarks will need to be buildings of the highest quality and distinctiveness, and fully satisfy tall buildings principles in Chapter 10. The following sections of this part of the report will refer to these principles and the tall building to context height ratio in more detail but for the purposes of ascertaining the principle of a 'tall building' in this location, it is considered that the proposal, which provides a building of up to 31m (10 storeys high) on a site identified as a local landmark site meets the recommendations of the contemporary Tall Buildings Strategy.

- 9.36 It should be noted that policy MTC6 of the AAP was adopted 9 years ago and based on evidence that pre-dates its adoption. Since this time, the townscape of Maidenhead has evolved and there is a need to provide a greater number of homes, whilst protecting the character of the Town Centre. As well as giving weight to existing policy, significant weight should be given to the character of the area and other recent developments within the town centre. A precedent has been set within the town centre for developments of increasing height. The Landing was approved at 16 storeys high, which, whilst it was within a tall building area, its height was significantly greater than the principles established by the AAP which advises that buildings should not be developed above the existing maximum building height of approximately 12 storeys (40m) to ensure they respect the size and compact nature of Maidenhead and respect visibility from the surrounding countryside to the existing level (para 3.40 of the AAP).
- 9.37 The NPPF supports making an effective use of land and seeks to support the Government's objective of significantly boosting the supply of homes. The height of this development would enable a greater number of homes to be provided on a previously developed site.
- 9.38 A tall building in this location is supported by the Tall Buildings Strategy, which whilst an emerging evidence based document, has been carried out by Urban Initiatives Studio and is based on guidance provided by the NPPF and Historic England's Tall Buildings Advice Note (2015). Whilst the emerging Borough Local Plan and its supporting documents are still under assessment, some weight must be afforded to this strategy which is based on very up to date townscape analysis.
- 9.39 With the foregoing in mind, the assessment on the height of the development should not focus on whether part of the development at 9/10 stories is acceptable or not based on a dated policy principle, but whether the proposed height of the development would be appropriate having specific regard to the existing character and context of this part of Maidenhead Town Centre. The height of The Landing at 16 stories high was considered appropriate within its context despite being contrary to the AAP, and therefore it follows that the current development has the potential to be considered in the same way. It is therefore concluded that the principle of a tall building in this specific location should not be deemed unacceptable.

Height, bulk and Mass relevant to context

- 9.40 Having established that the principle of a 'tall building' need not be unacceptable within the site, an assessment has to be made regarding the specific height, scale and bulk of the building in relation to the plot, the surrounding buildings and context of the development and the wider Town Centre.
- 9.41 Regarding mass and scale, it is clear that a great deal of effort has been made by the architect to reduce the overall bulk of the development in the stepping up/staggering between each block from one side of the site to the other and within the blocks themselves. The development now only contains one 'tall' block of 8-10 stories (Block C), with the other blocks all stepping down around this feature block to reflect the height of the surroundings buildings more.
- 9.42 There is some dispute by objectors as to what the context height of the surrounding development is. Figure 6.2 of the Tall Buildings Strategy identifies the application site specifically as having an existing context height of 3 storeys, but that sites immediately to the west and north-west of the roundabout as having an existing context height of 5 storeys. Further on in the report, figure 9.2 identifies the application site as having a proposed context height of 4 storeys. Putting the strategy to one side and looking at the physical development surrounding the site, the tallest buildings within the site and immediately surrounding it are 4-5 stories commercial development (which can be translated to 5-6 stories residential due to the difference in floor to ceiling height found in commercial and residential development). When a maximum contextual height of 5-6 storeys is taken into consideration, one feature block of 8-10 storeys specifically designed within the context of a development of otherwise 3-6 stories is not considered to be so out of context, particularly on a site earmarked for a gateway development of 10 stories in height. This specifically complies with section 6.3 of the Tall Buildings Strategy which seeks to ensure that Local Landmarks will be up to 2x context height. In light of the foregoing it is considered that it

would be difficult to resist a development of this scale and height or even to demonstrate that it would not accord with the vision for this part of Maidenhead Town Centre.

- 9.43 The fact that the development has been staggered down from Bridge Road to Moorbridge Road, taking into account the lower height buildings on Moorbridge Road, including the listed building, No. 27, demonstrates that the development would respect the surrounding buildings in terms of height and scale. The staggering within each block also alleviates the overall mass and bulk of development. The development is considered to avoid stark contrasts in height and is well-articulated in response to its context. Furthermore it comprises a comprehensive development by delivering one tall building as part of a number of mid height buildings around a central courtyard with active frontages (principles D1, D4 and D5 of section 10 of the Tall Buildings Strategy).
- 9.44 Regarding impact on views, the applicant has submitted plans and visuals which demonstrate that the development would not detrimentally affect any of the viewpoints into the Town Centre. Indeed the development would be viewed against the backdrop of other 'tall buildings' and large scale developments therein.

Design/External appearance

- 9.45 The NPPF states at paragraph 127 that Planning Authorities should ensure that developments are visually attractive as a result of good architecture; are sympathetic to local character and history while not preventing or discouraging appropriate innovation or change and should establish a strong sense of place, using building types and materials to create active and distinctive places to live, work and visit. The National Design Guide (2019), which is based on national planning policy guidance and objectives, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.
- 9.46 Of relevance is Maidenhead Town Centre Placemaking Study (September 2019), a recently commissioned piece of work carried out by officers and Hyas Associates to consider particular issues, influences and opportunities relating to Maidenhead Town Centre Area relating to design. The study is part of the evidence base for the emerging Borough Local Plan. Section 9.2 identifies a number of principles for new development within the area. These include the use of sensitive contemporary design, which responds to its immediate context and the town centre setting, in terms of its massing, height and scale. The importance of new development contributing to the preservation and enhancement of the setting of Listed Buildings is also noted, together with the requirement that new development will be expected to demonstrate outstanding and distinctive architecture. This is very much in line with the requirements of the NPPF in terms of achieving well designed places, in particular paragraphs 127, 130 and 131, and when considering the impact of new development on the historic environment, para 192.
- 9.47 The external appearance of the development, including the elevational treatment, materials and fenestration is considered to respond positively to the immediate context of the application site and the Town Centre in general. The elevational detailing is considered appropriate for the location and sensitively designed, ensuring the building, which is of a large scale and height, would not appear prominent or overbearing through fussy design detailing. The use of varying bricks and breaking the form into vertical elements is supported and helps alleviate the mass of the development thus appearing as a more slender cluster of buildings rather than one large mass as explained within the Design and Access Statement. Each component of the building having distinctive detailing to further create variation and texture into the façade. Notwithstanding any illustrations on the submitted drawings, a full schedule of materials will be sought via condition (condition 2).

Landscaping and Trees

- 9.48 The site contains few trees, the most prominent of which (a group of mostly small silver birch) form part of the landscaping on the frontage of Moorbridge Road. This landscaping is a valuable addition to the street scene that provides screening and softening of the existing development. The existing landscaping is however of a relatively small size and the loss of these trees as part of the proposed development could be mitigated through suitable replacement planting.

- 9.49 Due to the boundary wall and changes in level between the development and highway it should be possible to retain the highway trees (T2 and T3 in the arboricultural report) growing to the north of the site.
- 9.50 The landscaping plans for the proposed development show replacement tree planting on the site boundaries and in the open areas. There is no objection to the species choice detailed in the proposal, however the number of trees that can be planted and their ultimate size and potential is limited by the proximity and the size and scale of the buildings.
- 9.51 The landscape officer has been heavily involved in the pre-application discussions. The landscaping of the site is a key consideration given the prominence of the site as a gateway into the town centre. The landscaping proposals involve planting both within the site boundaries and on the highway verges on Forlease Road and Bridge Road in one comprehensive scheme to be carried out by the developer and then maintained by the Council. A contribution for ongoing maintenance is to be secured through the section 106 legal agreement.

Conclusion on Design Considerations and Impact on Character

- 9.52 The design, scale, height and massing of the proposed development is considered acceptable in this instance having regard to the development plan and contemporary evidence-based documents and in paying particular attention to the site's location as a gateway into the town centre from the east. It should be noted that the design, height and massing of the development has been born out of considerable discussion and negotiation between the applicant and the Planning Authority through the pre-application advice procedure, which is in line with paragraphs 39-42 of the NPPF. The applicant also presented an early design to the South East Design Review panel, which has helped shape the proposal. The staggered formation of each block and the concentration of the tallest and densest part of the development to the north, and the lower buildings fronting the more domestic scale of Moorbridge Road is considered to be respectful to the context of the application site. The evolving nature of Maidenhead Town Centre which is seeing a greater number of 'tall buildings' and larger scale development is also an important material consideration. This section has considered the general design implications for the development and the impact on the surroundings in general. The scale and design of the proposal is considered further in relation to the impact on heritage assets in the following section of the report.

iii. Heritage

- 9.52 The Planning (Listed Buildings and Conservation Areas) Act 1990 (amended) requires planning authorities to preserve or enhance the significance of heritage assets through the planning process, according to the provisions of the Act. The Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In respect of development which affects a listed building or its setting, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority 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.
- 9.54 The NPPF 2019 places strong emphasis on the desirability of sustaining and enhancing the significance of heritage assets and affords great weight to the asset's conservation. Paragraphs 193 to 196 of the NPPF state that the historic environment will be conserved and enhanced in a manner appropriate to its significance, and any harm to the significance of a heritage asset (whether designated or non-designated) or its setting will not be permitted unless the harm to the special interest is outweighed by public benefit. Paragraph 200 sets out that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of designated heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

- 9.55 It should be noted that Historic England were consulted on the application and did not wish to offer any comment. They have advised that the views of the Council's specialist conservation and archaeological advisers are sought as relevant. Both the Council's Conservation Officer and Berkshire Archaeological Officer have provided detailed comments on the proposals.

Heritage Assets

- 9.56 The site lies immediately adjacent to a listed building, No.27 Moorbridge Road, a grade II listed timber framed building formally known as the Gardeners Arms public house. This dates from the early to mid-15th century and was originally constructed as a hall house and therefore is of some considerable architectural and historic interest. In addition, the traces of rare wall paintings within the solar provide the building with a high level of artistic interest. All of these elements contribute to the heritage significance of the building as defined by the NPPF.
- 9.57 The white painted former public house buildings at 55 and 57 Moorbridge Road appear to date from the late 18th or early 19th century and are of some architectural and historic interest. They should be considered as non-designated heritage assets (not noted in the applicant's Heritage Statement). To the east of this is the Green Dragon Public House, which dates from the late 18th century and is grade II listed. At the western end of the road bridge on the northern side of Moorbridge Road is a grade II listed 18th century milestone. Further east on Bridge Road are the grade II* listed Smythes Almshouses, which date from the mid-17th century.
- 9.58 The site is not within a Conservation Area but Maidenhead Town Centre Conservation Area lies approximately 80m to the west of the application site. The application site would be visible from within the Conservation Area from Bridge Street.

Impact on Heritage Assets

- 9.59 Steps have been taken to reduce the visual impact of the large scale of the buildings by the considered massing of the blocks, which have a stepped skyline and varied heights. The angled elevations and the brickwork and detailing of the facades will combine to help reduce their apparent size. The blocks are also grouped and rise towards the roundabout with the tallest block creating a focal point on the corner of Bridge Road and Forlease Road. This pushes their bulk away from the listed alms houses, No 27 Moorbridge Road and from the other smaller scale properties on Moorbridge Road. This would also remove the bulk of the tallest buildings from direct views from the eastern end of the conservation area, where there are already a number of larger buildings. A view from the far end of the conservation area from the High Street/Bridge Avenue/High Street has been submitted and verifies this assessment. The scale of the buildings has been further dropped towards the listed building and along Moorbridge Road, to create a more traditional scale to the streetscape - as illustrated in the Elevation West Drawing.
- 9.60 Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act also advises that Councils when considering proposals that affect the setting of a listed building shall have special regard to the desirability of preserving the building or its setting. Similarly, paragraph 72 advises of the desirability of preserving or enhancing the character or appearance of a conservation area. With these considerations in mind it is noted that the "traditional" townscape setting of no 27, The Green Dragon, the milestone and the alms houses have already been compromised by recent alterations to the road layout, the existing outdated office blocks and by Waitrose and other modern buildings. In addition, there are a number of large very recent buildings that lie between the site and the conservation area that already form part of the townscape and setting of the designated area.
- 9.61 The impact of the proposed development on the setting of the listed buildings and the conservation area has been integral to the design process of this application. The current scheme whilst very large, would radically alter, but not entirely overpower the setting of No 27 and is likely to only have a very minor negative impact on the setting of the other listed buildings and the Maidenhead Town Centre Conservation area.

- 9.66 The proposed development would form part of the local backdrop to the identified heritage assets and would have an impact on their setting and in particular the setting of no 27. Given the scale of the development, it is considered that it will cause a level of harm to the setting of the listed buildings, with No. 27 being the most effected and to a lesser degree, the setting of the Conservation Area. In accordance with para 196 of the NPPF, this would be considered as less than substantial, and the harm caused would need to be weighed against the public benefits of the scheme. Given the benefits of the scheme in terms of the increase in the supply of housing and the other associated benefits to the economy that would arise from a development of 129 flats in a sustainable Town Centre location, it is considered that public benefits do exist that would outweigh this less than substantial harm in this specific instance.

Archaeology

- 9.67 Berkshire Archaeology have advised that there are potential archaeological implications associated with this proposed scheme. Past investigations at the site have revealed potential medieval or early post medieval remains including a well and evidence for earlier structures including a 17th century floor possibly indicating industrial use, the north-west angle of a late medieval or Tudor building and an abutting medieval or post-medieval hearth of tiles. No formal report of these remains exists as their discovery was made during development at the site in 1987/88 at which time there was no framework for the undertaking of archaeological work in relation to development.
- 9.68 The wider area also exhibits a number of important non-designated heritage assets as described within the archaeological desk-based assessment submitted in support of this application. Therefore, the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance in the construction of the proposed development. It is therefore recommended that a condition is applied should permission be forthcoming in order to mitigate the impacts of development in accordance with Paragraph 199 of the NPPF which states that local planning authorities should '*require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible*'. (Condition 25).

Conclusion on Impact on Heritage Assets

- 9.69 The proposed development would moderately affect the setting of the listed building, No.27 Moorbridge Road, and to a more limited extent other nearby listed buildings and Maidenhead Town Centre Conservation Area. Collectively, this would lead to less than substantial harm to the significance of these heritage assets. This less than substantial harm is considered outweighed by the public benefits of the proposal, including the provision of housing and resulting benefits to the local economy. This balancing exercise has been carried out in accordance with paragraph 196 of the NPPF. Regarding impact on archaeological remains, a condition is recommended in order to mitigate the impacts of the development.

iv. Housing Mix

- 9.70 The number and density of units has been discussed under the consideration of scale; however, the Planning Authority is mindful of comments from residents relating to the proposed housing mix and concerns that too many 1-bed units are provided within the scheme.
- 9.71 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.
- 9.72 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 seek to ensure that schemes contribute to the objective of creating mixed and balanced communities.

- 9.73 Policy H02 of the emerging Borough Local Plan 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 in the Berkshire (including South Bucks) Strategic Housing Market Assessment (2016) (SHMA). Both the SHMA and the Local Housing Needs Assessment Housing Mix Requirements (2019) recommends only 15% of dwellings to be 1-bed, whereas the current proposal incorporates 56% 1-bed units. Whilst this figure is significantly higher than the recommended figure suggested by the SHMA, this recommendation is for the area as a whole. It is advised that in applying policies on housing mix to individual development sites regard should be had to the nature of the development site and character of the area. In this case, whilst the number of 1-bed units proposed is higher than the figure set out within the SHMA, it would be unreasonable for every development to stick to the exact housing mix. The location of the site within the Town Centre is also an important consideration in this case.
- 9.74 The applicant also makes the case within the Planning Statement that the proposed housing mix of 56% 1-bed, 41% 2-bed and 3% 3-bed, is preferable to the fall-back position which comprises 88% either studio or 1-bed and only 12% 2-bed.
- 9.75 In light of the foregoing, the proposed housing mix for this town centre site is considered acceptable.

v. Affordable Housing

- 9.76 Policy H3 of the adopted local plan stipulates a requirement to provide 30% on-site affordable housing for developments of 15 dwellings or more or where the site is greater than 0.5ha. This policy is further explained in the Council's Affordable Housing Guidance Document. Policy H3 is considered to be consistent with the NPPF insofar as there is a clear expectation for a development of this scale to provide affordable housing and that the units should be provided on site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities (paragraph 62 of the NPPF).
- 9.77 Whilst not adopted policy, the identified need is set out within the Strategic Housing Market Assessment and the 2019 Viability Report which recommends a preferred tenure mix of 45% social rent, 35% affordable rent and 20% shared ownership. The greatest level of need is for social rented accommodation and a sustainable location is an ideal place to locate such provision.
- 9.78 The applicant has submitted a viability report which has been independently reviewed by BPS (an external viability consultant). Upon consideration of both the original report and an addendum, BPS concur that there would be a marginal deficit as a result of the scheme meaning that the scheme is not viable to provide any contribution towards affordable housing either on site or as a commuted sum. It should be noted here that when referring to a scheme as resulting in a deficit, this does not mean the scheme cannot be built out, but that the accepted developer profit of 17.5% would not be met.
- 9.79 However, paragraph 64 of the NPPF states:
- 'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.'*
- 9.80 The Council interpret this paragraph to mean that developers are required to provide 10% affordable home ownership as a minimum, regardless of viability. The applicant has offered to meet this contribution despite the impact it would have on their profit. However, given that low cost home ownership doesn't meet the priority housing needs of the Local Authority, a tenure mix of social rent and affordable rented accommodation has been negotiated. These would comprise 3x 1-bed flats for Social Rent and 2x 2-bed flats for Affordable Rent and would meet priority

housing needs in a central and accessible location in Maidenhead. The flats would be provided in Block E which is the small 3 storey block of 5 flats fronting Moorbridge Road. It should be noted that the provision of 5 rented units would be more costly to the developer than the 13 affordable home ownership units and therefore it is concluded that the applicant would more than meet the terms of paragraph 64 of the NPPF.

- 9.81 The affordable homes are to be secured by a Section 106 agreement to reflect the agreed number, location and tenure as stated above. There will also be provisions relating to securing a Registered Provider and appropriate delivery mechanisms for constructing, completing and transferring the affordable homes.
- 9.82 The issue of vacant building credit has not needed to be a factor in the assessment of this application.

vi. Impact on Neighbouring Amenity

- 9.83 The NPPF identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Specifically, Paragraph 127 of the NPPF states that planning decisions should ensure that development should achieve a high standard of amenity for existing and future users.
- 9.84 Furthermore, adopted RBWM Policy requires that proposals should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, wind and microclimate – including overshadowing, internal daylight and sunlight impacts.
- 9.85 However, additionally and relevant to this proposal, paragraph 123 of the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing need, 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).
- 9.86 It should be noted that No.27 Moorbridge Road does not contain a residential unit at first floor which would be impacted by the proposed development. The impact on this building in terms of its heritage has been discussed in the preceding paragraphs.

Impact on flats above 39 and 41 Moorbridge Road

- 9.87 39 – 41 Moorbridge Road comprises a ground floor commercial unit and a first and second floor maisonette. These maisonettes are currently co-joined to the existing office building, Moorbridge Court to the west and north (at 3 stories in height). Primary windows are therefore to the south – overlooking Moorbridge Road and to the east, i.e. not facing the application site and the proposed buildings. In terms of impact, Block B (4/5 stories) would be sited with its front elevation in line with the rear elevation of these existing maisonettes. Impact on daylight and sunlight to these existing windows is therefore considered to be limited, and furthermore due to the positioning of Block B, it would not appear overbearing or obtrusive to these neighbouring occupants.
- 9.88 The occupiers of No.39 have written in to draw attention to the fact that a parking space is to remain within the site as required by a 1986 planning permission. The applicant has shown 3 parking spaces to remain on site in connection with Nos. 39-41 Moorbridge Road.

Impact on flats above 55 and 57 Moorbridge Road (Moorbridge Cottage)

- 9.89 Nos. 55 and 57 Moorbridge Road are located in the very south-east corner of the application site but outside the red line. This is a part two storey/part three storey building with its main aspect to the south and east and thus away from the proposed development such that impact on residential amenity in terms of loss of light and outlook to habitable rooms would be limited.

- 9.90 However, the residential unit at 55-57 Moorbridge Road has a first floor sunken terrace with a solid brick wall on along its northern boundary. Whilst the rear elevation of Block D would face this terrace it is considered that overlooking, whilst greater than the current situation, would not be detrimental due to the separation distance and the presence of this solid brick wall.

Impact on other nearby residential properties

- 9.91 To the south of the application site on the opposite side of Moorbridge Road are residential units within the upper floors of the Waitrose building, known as Lewis Court. Whilst the proposed development would be clearly visible from those north facing windows of these flats, these flats would be at a distance of approximately 40m from Block D (the 4/5 storey block) and 60m from Block C (the 9/10 storey block). Furthermore, the juxtaposition of Lewis Court and Block C is such that overlooking, loss of outlook and impact on sunlight and daylight would be minimal.
- 9.92 No. 65 Moorbridge Road, immediately to the east of the application site, is a single storey funeral directors building, and as such there would be no impact on residential amenity to this neighbouring property.
- 9.93 Objections have been raised regarding loss of amenity to other neighbouring properties within Maidenhead Town Centre and to the loss of outlook for residents within the north and east of Maidenhead. It is accepted that Block C will be highly visible to the surroundings due to its height, however, there is sufficient distance between this part of the development and neighbouring properties such that it would not materially affect living conditions through loss of outlook.
- 9.94 Finally, the Sunlight and Daylight study concludes that there would be no adverse effects on sunlight or daylight provision for the surrounding neighbouring occupants.

Conclusion on impact on neighbouring properties.

- 9.95 The properties most affected by the development would be Nos. 39-41 and 55-57 Moorbridge Road due to their proximity to the large-scale development. These residential properties have their main aspects facing away from the proposed development so the impact on these properties regarding loss of light and outlook to habitable windows would be minimal. There would be some increased overlooking to the sunken terrace to the rear of Nos. 55-57 but this would not be severe. It is also accepted that there will be increased noise and disturbance to these immediate neighbouring occupiers as a result of the proposed residential intensification of the site. Given the site lies within a busy Town Centre location, this is to be expected. Noise and disturbance during construction is to be controlled and mitigated where possible through demolition and construction management.

vii. Provision of a suitable residential environment

- 9.96 A key consideration is looking to ensure that the proposed residential development will provide a suitable standard of residential accommodation for new occupiers both in terms of indoor and outdoor living space.

Impact on future occupiers of the development

- 9.97 The majority of the dwellinghouses have been designed to meet the Nationally Described Space standards. Whilst not a planning policy it is a material consideration when assessing whether the development would provide a suitable living environment for future occupiers.
- 9.98 The Borough Wide Design Guide states that single aspect residential units that are north facing should be avoided and strongly encourages dual aspect dwellings to maximise ventilation and access to daylight and sunlight. The units within Block C have been designed with this in mind – those units in the northern side of the block having a dual aspect (having both north and either west or east facing windows); and units on the east side of the block having both east and south facing windows. The only units in block C being single aspect are those with south facing windows and they would therefore have sufficient access to daylight and sunlight.

- 9.99 Sunlight and daylight for the units is set out with the submitted Sunlight and Daylight report based on BRE Guidance which is a recognised industry standard. The report concludes that there would be adequate levels of daylight and sunlight to the development and amenity area.
- 9.100 The Environmental Protection Officer has not raised any significant concerns regarding noise impacts to the new units either due to the density of development or proximity to the main road. Further details are required in relation to noise mitigation measures however and these are requested via condition 20.

Amenity space

- 9.101 All of the dwellings have direct access to private amenity space in the form of either ground floor terraces or balconies at upper levels. Communal amenity space is also provided on the podium within the centre of the site. The sunlight and daylight report includes shadowing diagrams to demonstrate that this amenity space will receive sufficient light, and this has been found acceptable by the Council's Landscape Officer.
- 9.102 In addition it should be noted that the development lies opposite a large area of open space to the north, known as Maidenhead moor.

viii. Highway considerations and parking provision

- 9.103 Policy T5 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), provide safe and suitable access to the site for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 goes on to advise that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.104 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. Development 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.
- 9.105 A transport statement and travel plan has been submitted in support of the application. A Car Park Management Plan has been offered if required to be secured by section 106.

Impact on the Highway

- 9.106 Moorbridge Road runs east to west to the south of the application site. The carriageway measures 6.7m wide and on average has 2.2m wide footways along either side. Moorbridge Road continues for 150m to the east and provides access to several independent businesses and residential properties. To the west Moorbridge Road leads to a signalised junction which is in place at the Moorbridge Road/Bridge Street/Forlease Road junction. The junction benefits from having pedestrian islands, tactile paving and dropped crossings to provide safe pedestrian access to and from Maidenhead town centre and Waitrose.
- 9.107 In terms of access, the site's eastern most access will be retained to serve the proposed development. The western access will be retained to serve 3 car parking spaces to be retained for existing units Nos.39-41 Moorbridge Road.

- 9.108 Drawing number 19-206/101 (Rev A) confirms that the new access road to the development site will measure 6.3m wide. The drawing also demonstrates visibility splays of 4.5m x 43m to the left and right in accordance with Manual for Streets. This will be secured by condition 4.
- 9.109 Pedestrian access to the site will be provided from Forlease Road and Moorbridge Road. Within the site, footways will be provided to the shared surfaces, cycle / refuse stores and the public realm space.

Accessibility of site

- 9.110 There are 3 bus stops within 300m of the application site, a main-line train station within 1.1km of the site and good pedestrian and cycle links. The bus and train services are set out within paragraphs 4.1 and 4.2 of the transport statement. A list of local amenities (education, health, retail and leisure) and walking times to each is set out at 5.1 of the Transport statement. The site is considered to be within an accessible location.

Parking provision

- 9.111 Whilst the starting point for parking provision may be the Council's parking strategy, given that it was adopted in 2004, it needs to be determined how much weight should be attributed to this strategy. Furthermore, there will be other material considerations which the Council must take into consideration in this part of the assessment of the application.
- 9.112 The 2004 parking strategy sets out maximum parking standards for both areas of poor accessibility and areas of good accessibility. An area of good accessibility is defined within the strategy as a site which is within 800m of a rail station with a regular (half hourly or better) train service. In this case, the site is 1.1km from Maidenhead Station and therefore would technically fall under the definition of being within an area of poor accessibility. Here it needs to be considered that a) the site is only 300m beyond the 800m recognised distance from a train station and b) that the train station in question is the busiest in the Borough with direct trains into London far more frequently than every half an hour. With this in mind and based on the description of the site's accessibility above and the nature of the proposed development, it is considered that it would be unreasonable to suggest that the site falls within an area of poor accessibility.
- 9.113 However, even if the standards for areas of good accessibility could be utilised for this development (0.5 spaces per 1-bed unit and 2 spaces per 2-3 bed units), at 73 1-beds and 56 2 and 3-beds, there would be a requirement for 92.5 spaces.
- 9.114 The development actually offers 66 parking spaces which is equivalent to a parking ratio of 0.5 spaces per unit and therefore lower than the Council's 2004 recommended standards for developments within areas of good accessibility.
- 9.115 Moving on to other considerations, the Transport Statement outlines that census data indicates that car ownership is circa 0.7 for a flatted development in this locality. This census data is a clear indication that the Council's 2004 parking standards are out of date.
- 9.116 In addition, since the Council's Parking standards were published, paragraph 106 of the NPPF (2019) now clarifies 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 and other locations that are well served by public transport.'*
- 9.117 In accordance with the NPPF therefore, less weight can therefore be attributed to the 2004 Parking Strategy as it does not form part of the development Plan and is not wholly consistent with the NPPF (2019). Furthermore, the Highways Authority have advised that the site is within walking distance to the town centre and public transport, therefore complying with the Chartered

Institution of Highways and Transportation recommendations with regard to acceptable walking distances – high accessibility being 1.6km to a railway station offering ½ hourly or better service.

- 9.118 In addition, it is pertinent to note that two developments only minutes away from the application site have been approved with an even lower parking ratio. York Road (18/0160/FULL) was approved at approximately 0.41 spaces per unit (95 no. off-street parking spaces for 229 no. units) and The Landing (18/01756/FULL) was approved with approximately 0.43 spaces per residential unit (the ratio is an average based on the range of units achievable through the outline permission).
- 9.119 The case officer assessment for The Landing outlines that an ambitious modal shift and significant change in attitude towards travel patterns that currently exists in Maidenhead would be required. Both the 2015 and 2018 permissions for The Landing sought to achieve the aspirations of national and local transport policy in reducing the reliance of single occupancy car trips for all users but particularly for journeys to and from the workplace. To help achieve travel to and from the site by non-car modes, the 2015 planning permission limited car parking available to residents and the office workers, below the parking standard. It is considered that this attitude towards travel patterns and car reliance is relevant for the current proposal.
- 9.120 A draft travel plan has been submitted as part of the planning application which proposes a number of actions to support the applicant's initiatives to promote sustainable modes of transport. The implementation of the travel plan is supported by the Highways Officer subject to minor amendments regarding monitoring and will be secured through the section 106 legal agreement.
- 9.121 The Highways Authority set out that the Trics data provided indicates that the development proposal is expected to have a minimal impact on the local highway network. As such the proposal accords with NPPF, as it will not result in a severe impact.
- 9.122 Furthermore, the Highways Authority have advised that given the parking restrictions within the nearby area and being mindful of the recent nearby decisions within Maidenhead town centre that they are content with the number of parking spaces provided for the development. It is a key consideration that the Highways Authority support the proposed parking ratio of 0.5 spaces subject to a car park management, which clearly identifies how spaces are allocated, managed, and enforced. The Car Park Management Plan should set out that all car parking spaces should be leased, not sold with priority given to disabled badge holders, followed by families and occupiers of the larger residential units. The Car Park Management Plan is to be secured by condition 26.
- 9.123 Finally, it is also pertinent to note that the Design Review panel were keen to see a reduction in parking provision and reliance on car usage given the sustainable Town Centre location.
- 9.124 In light of the foregoing, namely the limited weight to be placed on current car parking standards due to their date and inconsistency with the NPPF; the precedent set within the Town Centre by other developments with a similar or lower ratio of car parking, and the support of the scheme and the proposed car parking ratio by the Highways Authority, that it would be very difficult to demonstrate that the proposed parking ratio of 0.5 would be likely to result in a severe impact on the public highway such that permission should be refused on this ground.

Cycling provision

- 9.125 During the course of the application amended plans have been received showing the proposed cycle storage for each block. The cycle parking arrangement has been found acceptable by the Highways Officer. 136 cycles spaces are to be provided within blocks A-D to be stored in a secure location. The cycle storage provision is to be secured by condition 9.

Refuse and recycling

- 9.126 The proposed waste and recycling facilities meet the size and location guidelines set out in the Council's waste management design guidance. Drawing number 19-206/102 (Rev C) shows that

a borough refuse vehicle can enter and leave the site in a forward gear. This manoeuvre however, conflicts with the new design as shown on drawing number 2051_0100 (Rev M). A revised swept path analysis should be provided for the latest design. The plan should also indicate where all the bins for blocks A to E will be left on collection days. The proposed collection store at the junction with Moorbridge Road is not suitable for the size of the development and for the length of time it will take to service all the bins.

- 9.127 The Highway Authority would request that a dedicated loading bay is provided within the site, to ensure the free flow of traffic within the site and at the junction with Moorbridge Road is not affected when the bins are being serviced. The loading bay would also ensure delivery vehicles can park within a safe area which will not block the internal road or car parking spaces. A detailed refuse strategy is to be requested via condition 10.

Conclusion on Impact on Parking and Highways Considerations

- 9.128 The parking ratio of 0.5 is considered appropriate in this edge of town centre location, with residents being 1.1km walking distance from Maidenhead train station, which offers excellent rail links into London, and within even closer proximity to shops, restaurants and other amenities. This parking ratio is very similar to other recently approved Town Centre developments and is supported by the Highways Authority. No objections have been raised regarding impact on the highway network, access and traffic implications. The development will be subject to a travel plan to be secured by a Section 106 Agreement. A refuse strategy and car park management plan is to be submitted via condition.

ix. Ecology and Impact on Biodiversity

- 9.129 A Preliminary Ecological Appraisal has been carried out and the report concludes that, overall, the site is of low ecological value with the main habitats to be affected by the proposals comprising buildings and hard standing. A bat survey has also now been provided and the results discussed below (EDP, September 2020).

Designated sites

- 9.130 The site lies in close proximity to York Stream Local Wildlife Site (LWS) and is adjacent to Strande Water, which is likely to comprise priority habitat. The ecology report states that in order to avoid the risks of affecting the sites during construction, appropriate pollution prevention measures should be adhered to. In addition, as there may be potential impacts on the surrounding habitat from an increase in lighting, a lighting strategy will also be required. It is therefore recommended that a Construction Environmental Management Plan (CEMP) is implemented during works and a lighting strategy prepared for during and following development. These documents are to be secured via planning conditions (conditions 15 and 16).

Bats

- 9.131 A bat survey has been undertaken at the site - Moorbridge Court was found to have high potential to support roosting bats and Liberty House had negligible potential to support roosting bats. Further survey of Moorbridge Court was undertaken, following best practice guidelines. The surveys have been undertaken to an appropriate standard. During the further surveys, Moorbridge Court was recorded as hosting an occasional roost for low numbers of common pipistrelle bats.
- 9.132 All species of bats receive special protection under UK law and it is a criminal offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (The Habitat Regulations), to deliberately or recklessly destroy or damage their roosts, or to disturb, kill or injure them without first having obtained the relevant licence for derogation from the regulations from the Statutory Nature Conservation Organisation (the SNCO - Natural England in England).

- 9.133 If a bat roost will be affected by the works, a licence for development works affecting bats (i.e. for derogation from the provisions of the Habitat Regulations) will need to be obtained before works which could impact upon the roost can commence. This involves submitting a licence application to Natural England with a detailed mitigation plan informed by surveys undertaken in accordance with national guidelines.
- 9.344 In order to obtain such a licence, the SNCO must apply the requirements of the Regulations and, in particular, the three tests set out in sub-paragraphs 55(2)(e), (9)(a) and (9)(b). These are as follows:
- (1) Regulation 55(2)(e) states that a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
- (2) Regulation 55(9)(a) states that the appropriate authority (the SNCO) shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
- (3) Regulation 55(9)(b) states that the appropriate authority (the SNCO) shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”
- 9.135 The licensing process is separate and distinct from planning permission but the Local Planning Authority has statutory obligations under the Habitat Regulations. This means that the Local Planning Authority needs to be satisfied that the proposals are likely to meet the three tests of the Habitat Regulations (see above) and that a licence is likely to be obtained from Natural England before they can issue planning permission.
- 9.136 The first two tests are outside the scope of advice provided by officers, as they do not relate to ecology. With regards to the third test, a day roost for one common pipistrelle bat was recorded within the building. As this building is to be demolished as part for the development works, the development would be in breach of the legislation protecting bats and would not be able to satisfy test 3.
- 9.137 The applicant’s ecologist has provided details of mitigation measures to ensure the maintenance of the population of bats on site. These include details of bat tubes that will be installed onto the new building, bat boxes to be installed onto the retained trees, a toolbox talk to site contractors, a pre works check of the building by a licensed bat ecologist, hand removal of the potential roosting features under the supervision of a licensed bat ecologist and a sensitive lighting strategy. These mitigation and compensation measures will be detailed within a method statement to accompany a European Protected Species licence (EPSL) prior to the commencement of works. Therefore, it is likely that the development proposals will not have a detrimental effect on the maintenance of the populations of bats species at a favourable conservation status in their natural range, as long as the mitigation and compensation measures are followed. A condition is to be attached requiring that a copy of the EPSL for bats, issued by Natural England, is provided to the Local Planning Authority prior to the commencement of site works and that the development be carried out in accordance with the details within the agreed licence (condition 17).

Biodiversity Enhancements

- 9.138 Policy MTC 3 of the AAP seeks to conserve and enhance biodiversity. Furthermore, in accordance with paragraph 175 of the NPPF, which states that “*opportunities to incorporate biodiversity in and around developments should be encouraged*” a condition should be set to ensure that enhancements for wildlife are provided within the new development. The ecological report provides suitable enhancement measures (native species planting, installation of bird and bat boxes) and it is recommended that an ecological management plan is implemented. In addition, it is recommended that any close board fencing contains gaps at the base in order for hedgehogs and other wildlife to be able to transverse the site to surrounding areas. These recommendations are to be secured via condition 18.

x. Flooding

9.139 The application has been accompanied by: -

- v. Flood Risk Assessment Incorporating Surface Water & Foul Drainage Strategy Rev B (May 2020)
- vi. Sequential Test (May 2020)
- vii. Updated Sequential Test (May 2020)
- viii. Sequential Test Updated October 2020
- ix. Flood Risk Addendum 2

Sequential test

9.140 The site falls in flood zone 2 and is surrounded by flood zone 3. In accordance with the NPPF (2019) and its associated guidance a sequential test for the development is required. The aim of the Sequential Test is to steer development to areas at the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If the sequential test cannot be met the principle of the development in Flood Zone 2 is not acceptable. Reasonably available sites would usually include any sites that are suitable, developable *and* deliverable. Provided the sequential test can be passed,

9.141 The geographical search area of the Sequential Test is the whole Borough and the assessment utilises the Council's most recent housing position in the Housing and Economic Land Availability Assessment (HELAA) (2019) – the sites within the HELAA have been reviewed by the applicant. The applicant has also reviewed the Council's Five Year Housing Land Supply Statement March 2019 and made enquiries with Land and Development Agents.

9.142 Paragraph 019 of the National Planning Policy Guidance (NPPG) states that:

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

9.143 In this case, as the site lies within Flood Zone 2, the applicant must demonstrate that there are no readily available sites in Flood Zone 1 for the proposed development. The applicant has chosen to focus on sites with a capacity of +/- 2-% of the 130 unit scheme (i.e. a capacity of 109 – 166 units) and also sites of between 0.2ha and 5 ha in order to capture a wide range of sites which have the potential to deliver a similar number of units at different densities. Sites that were found to have a similar capacity (or size) were then assessed for their flood risk and only sites within flood zone 1 were taken forward.

9.144 Where sites have been identified through local land and development agents, the applicant has not restricted the sites to just residential sites but has considered commercial sites as well.

Sites within the Housing Land Supply Statement

9.155 The latest 5 year housing land supply statement includes 31 sites, only 3 of which provide for a capacity of +/- 20% of the 130 units proposed. These are Desborough Bowling Club (154 units), Sunningdale Park (160 units), Water Oakley Farm (127 units) – it is noted that the Water Oakley site and Sunningdale Park are also listed within the HELAA. The applicant has provided sufficient evidence to demonstrate that these sites are already committed to other developers, indeed the Council records confirm that planning permissions have been granted and conditions discharged on all three sites such that they cannot be deemed 'reasonably available'.

Housing and Economic Land Availability Assessment 2019

9.146 The HELAA includes 186 residential sites identified as 'deliverable', 'developable' and 'potentially developable site'. Only 1 of these sites provides for a capacity within the range identified (Ledger Farm, Forest Green Road (114 units)) and this is found within the list of 'potentially developable' sites. This site is a remote site within the Green Belt which will be restricted by Green Belt policy.

The applicant has therefore discounted this site. This site is an open Grassland site and therefore is it agreed that it is not reasonably available for housing development.

Land and Development Agents Search

- 9.147 A search (concluded May 2020) was carried out through identified agents to determine whether there were any other available sites within the Borough. Three sites were identified within Flood Zone 1 and of a similar capacity (6.10 of Sequential Test). All three sites have been discounted because of commitments to other developments.
- 9.148 It is therefore considered that sufficient evidence has been submitted to demonstrate that there are no other readily available sites for the development, hence the sequential test has been passed.

Exception Test

- 9.149 In all cases it also needs to be demonstrated that the proposed development will not increase flood risk elsewhere. A site-specific flood-risk assessment will be required and this will need to demonstrate that in addition to the sequential test that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.150 The Environment Agency has confirmed that the flood risk assessment is acceptable but that the Planning Authority must determine safe access and escape routes.
- 9.151 It should be noted that safe access and egress was identified with the recently approved CLASSO applications ref: 19/00551 and 19/0552 as being directly from the site south down Forlease Road. The current application proposes safe access and egress as being west along Bridge Street as it is a shorter route out of the floodplain.
- 9.152 As set out within the original FRA submitted with the application, the proposed escape route west along Bridge Street includes a section of 'Danger for Some' hazard level (see section 5.2.9 – 5.2.11 of the FRA). Additionally, section 6.2.7 of the FRA advises that the site and surrounding area is well served by a flood warning system and all future occupants should have a copy of the Flood Emergency Plan. Further clarification has been sought from the applicant regarding escape routes as only in exceptional circumstances can an escape route which includes some 'Danger for Some' hazard rating be considered acceptable.
- 9.153 The applicants responded with an FRA addendum which outlined the following: The 'Danger for Some' area is shown as being concentrated as a local low point in the location of parking spaces on the southern side of Bridge Street. The EA Light Detection and Ranging (LiDAR) data shows the elevation of the footway along the northern side of Bridge Street at approximately 24.2 – 24.3 m AOD which is approx. 0.4m above the parking area on the south side of Bridge Road. This increase of 0.4m would take this route out of the 'Danger for Some' hazard rating into the 'Very Low hazard' rating for pedestrians exiting the site onto and along Bridge Street and out of the flood plain. This information is considered sufficient to demonstrate safe access and egress can be achieved in line with para 163 of the NPPF.

Sustainable Urban Drainage

- 9.154 Paragraph 165 of the NPPF (2019) 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 operations costs are proportionate and sustainable for the lifetime of the development.
- 9.155 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 has requested that an updated FRA is submitted. The recommendation to approve the development is therefore subject to an acceptable updated FRA which has been submitted and is currently being reviewed by the LLFA.

Conclusion on Flooding

- 9.156 The site lies within flood zone 2 and is surrounded by flood zone 3. The applicants have carried out a sequential test which demonstrates that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Safe access and egress has been demonstrated in a westerly direction onto Bridge Road and out of the flood plain. Further details have been submitted regarding drainage within the FRA and further comments are awaited by the LLFA.

xi. Other environmental considerations

Sustainable Development and Energy

- 9.157 This is an important consideration given the Council's declaration of a climate emergency and the development is an opportunity for high sustainability standards to be promoted. The Design Review Panel also highlighted the importance of sustainable development and energy efficiency to be incorporated into the design.
- 9.158 The NPPF advises that Local Planning Authorities should expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
the Borough Wide Design Guide includes advice on Solar Design and Climate Change and minimising energy consumption through the promotion of dual aspect living accommodation.
- 9.159 Furthermore, the Council's draft climate strategy sets out various measures for applicants including:
- x. improving recycling rates through provision of good recycling facilities;
 - xi. reduced energy and water demand in new build;
 - xii. increased renewables generation in new build to meet targets to increase renewables capacity in the borough 10 times by 2025
 - xiii. We expect green infrastructure provision in new town centre developments
 - xiv. We expect electric vehicle charging provision in new developments and cycle parking
 - xv. Developers will be expected to ensure any biodiversity losses expected as a result of the development are compensated for so that overall, as a result of the development, there is a 10% biodiversity net gain.
- 9.160 The applicant has set out various sustainability measures within a Sustainability Statement, the Design and Access Statement and in a follow up email dated 14th September 2020.

Waste and Recycling

- 9.161 Adequate space facilities will be provided for domestic and construction related waste, including segregated bins for refuse and recycling as shown on the submitted plans. The applicant has also offered to provide a financial contribution of £75.00 per unit as per the requirements of the Planning Obligations and Developer Contributions Supplementary Planning Document

Infrastructure and Amenity Requirements (and Approved Programme of Schemes) (March 2014). This is to be secured as a S.106 planning obligation.

Water Demand

- 9.162 The optional water consumption standard under Part G of the Building Regulations (2015) (as amended) of 110 litres per person per day will be applied as a minimum standard for this development, with 105 litres per person per day being the intended target level of water consumption. This will be achieved with a neutral cost impact via reduced flow/capacity sanitary fittings and the use of low water demand appliances.

Biodiversity & Green Infrastructure

- 9.163 As set out within the supporting Preliminary Ecological Appraisal prepared by ecologists at The Environmental Dimension Partnership Limited (EDP), the site in its existing form is considered to be of negligible ecological value due to the comprehensive level of built form and hard standing. The existing planting on the site is also very limited and of no more than a site level intrinsic ecological value due to the limited diversity of species.
- 9.164 Whilst the level of built form proposed remains significant, additional soft landscaping is proposed with a rooftop garden with raised beds planted with low to medium plant species designed to provide visual and seasonal interest, a tree, amenity grass and hedgerow. In addition at ground floor level, a landscape belt is proposed to wrap around the northern and western edge of the site, which will consist of shrub planting, hedgerow, tree planting and amenity grass.
- 9.165 Soft landscaping is also proposed throughout the site with incidental tree planting, grassed areas and hedgerow proposed. Four large scale trees are also proposed on the southern edge of the site, which have been purposely incorporated to both assist in softening the development, but also to deliver green infrastructure within this area of Moorbridge Road, which is currently dominated by built form.
- 9.166 Bird and bat boxes are also proposed to be incorporated within the development in order to encourage roosting of such species. These measures are to be secured by the Biodiversity Enhancements condition (condition 18).
- 9.167 The proposed development is considered to bring significant net gains in biodiversity over and above the existing situation and this has been confirmed by the Council's ecologist.

Electric Vehicle Charging Points

- 9.168 The development will be provided with 13 active and 13 passive electric vehicle charging bays. This is in accordance with the RBWM requirements of 20% active and 20% passive electric vehicle provision. For clarification the 20% is based on the number of parking spaces not the number of units.

Energy Demand Requirements

- 9.169 The apartments would all be heated using electric panel heaters. Whilst this is not classified as a low/zero carbon solution and they are expensive to operate, as grid electricity decarbonises, electric heating will support the Council's carbon reduction targets. Furthermore, in addition to whole dwelling programmer/control, the heating in each room would also be controllable via individual appliance thermostats and SMART systems where applicable.
- 9.170 The proposed Insulation is better than is required by the 2013 building regulations which is expected. Whilst there is scope to go further Table 1 of the Energy Statement already identifies a proposed 25 – 50% improvement over L1A 2013 requirements, which is deemed acceptable.

- 9.172 Solar photovoltaic panels are planned for the building which is positive and the applicant is encouraged to install as much as possible, ensuring an appropriate contribution to the Council's renewable energy targets as set out in the Draft Environment and Climate Strategy. The majority of the non-usable roof space of this scheme has been committed to the provision of PV.
- 9.172 All lighting should be LED specifically (not just low energy as specified) with simple controls and movement/light sensors where appropriate. The applicant has advised that given that it is a more energy efficient and longer lasting product, Bellway Homes (Thames Valley) typically use LED lighting on its projects where possible as standard. This would also be the case at Moorbridge Court.
- 9.173 The above measures are largely acceptable and the development is considered to meet the overall aims and objectives of the Council's emerging Sustainable Design SPD. The measures must be set out in a more comprehensive form and thus an updated Sustainability Report will be requested via condition (condition 24).

Microclimate Wind conditions

- 9.174 Policy MTC6 of the AAP deals with Tall Buildings and states that proposals for tall buildings should avoid unacceptable negative micro-climate effects.
- 9.175 Policy SP3 of the BLPSV considers tall buildings may be considered acceptable, however this is subject to a number of considerations, including development not causing unacceptable impacts such as wind tunnel effects.
- 9.176 The application has been accompanied by a wind microclimate assessment which points towards some significant downdraughts in the courtyards due to the height of the Block C. This would be mitigated through the positioning of balconies and landscaping within the communal area. Increased wind speeds are also likely to be seen along Forlease Road. Given that there is no outdoor seating within this area, this identified impact does not raise significant objection. Additional planting along the Forlease Road boundary would also mitigate this to a certain degree. The report concludes minimal wind speeds along Moorbridge Road. The Environmental Protection team have not objected to the application on this ground. Wind microclimate mitigation measures that expand upon those set out in the report are to be secured and implemented via condition (condition 23).

Air Quality

- 9.177 Maidenhead town centre is one of five Air Quality Management Areas (AQMA) declared by RBWM. Local Authorities have a duty to declare Air Quality Management Areas (AQMA) and work towards achieving national air quality objectives in areas where residents are exposed to pollutants in excess of the objectives. It is therefore important to ensure that new development proposals, either individually or cumulatively, do not significantly affect residents within existing AQMA by generating unacceptable levels of pollution.
- 9.178 The NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants
- 9.179 The Council's Environmental Protection Team has reviewed the information submitted and have agreed the findings and conclusions of the Air Quality Assessment. As such, no objections are raised subject to a condition requiring the development to be carried out in accordance with the Air Quality Assessment report.

xii. Other Material Considerations

Section 106

- 9.180 For the development to be acceptable, certain measures need to be secured by a section 106 legal agreement as outlined below. The section 106 is currently in draft form and will need to be signed and secured prior to the granting of planning permission.

Affordable Housing

- 9.181 As outlined in the Affordable Housing Section above (section v), 5 on-site affordable housing units are to be provided within Block E. These would comprise 3x 1-bed flats for Social Rent and 2x 2-bed flats for Affordable Rent and would meet priority housing needs in a central and accessible location in Maidenhead. The section 106 agreement is needed to secure these on-site units. There will also need to be provisions relating to securing a Registered Provider and appropriate delivery mechanisms for constructing, completing and transferring the affordable homes.

Contribution towards landscaping

- 9.183 The applicants are to be implementing an approved landscaping scheme which is to be secured by condition both within the site and on Council land around the site boundaries. A contribution from the applicant to be given to the Council for on-going maintenance of this landscaping going forward and this is to be secured through the section 106 agreement.

Contribution towards collection facilities

- 9.183 A £75 contribution per unit towards collection facilities is to be made and secured by the legal agreement as per the requirements of the Planning Obligations and Developer Contributions Supplementary Planning Document Infrastructure and Amenity Requirements (and Approved Programme of Schemes) (March 2014).

Travel Plan

- 9.184 A Travel Plan has been submitted with the application which is considered acceptable in general but needs to be updated in line with the Highway Officer comments relating to monitoring. The updated Travel Plan is to be secured via the section 106 agreement.
- 9.185 There is no further requirement for any other section 106 contributions in addition to those set out above in this specific case given the conclusions of the viability assessment and need to prioritise affordable housing for this residential development.

Housing Land Supply

- 9.186 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:

- *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*
- *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.*

- 9.187 Footnote 7 of the NPPF (2019) clarifies that:
'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).'

- 9.188 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hr hls) is the 'standard method' as set out in the NPPF (2019).
- 9.189 At the time of writing, the Council is unable to demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.190 The LPA therefore accepts, for the purposes of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the so-called 'tilted balance' is engaged. The LPA further acknowledge that there are no 'restrictive' policies relevant to the consideration of this planning application which would engage section d(i) of paragraph 11 of the NPPF (2019). The assessment of this and the wider balancing exercise is set out below in the conclusion.
- 9.191 Footnote 6 of the NPPF (2019) clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where '*policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*'. This includes **areas at risk of flooding and sites with designated heritage assets**. For the reasons set out within this report, the proposed development is not considered to result in an adverse impact on flooding and the less than substantial harm applied collectively to No.27 Moorbridge Road, the Conservation Area and other listed designated assets is outweighed by public benefits. As such, and whilst the proposed development falls within a '*protected area(s) or assets of particular importance*' there is no clear reason for refusing the proposed development on this basis. Accordingly the so-called 'tilted balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 The proposed development is considered to comply with the NPPF (2019) in so far as it would make efficient use of a previously developed land in a highly sustainable location to achieve housing at a high density in a town centre location. The proposed development would also contribute significantly to the Council's five year housing land supply – a significant benefit of the scheme at a time when the Council cannot demonstrate a 5 year housing land supply.
- 10.2 Other benefits of the application are the provision of 5 on-site affordable housing units (3 social rented and 2 affordable rented) which would meet priority housing needs in a central and accessible location in Maidenhead.
- 10.3 Furthermore, the design, height and massing of the development is considered acceptable having regard to the emerging evidence based documents and officers consider it would contribute positively to the evolving context of Maidenhead Town Centre as a gateway development.
- 10.4 As set out in paragraphs 9.177 to 9.182 for the purposes of considering this planning application the Council cannot currently demonstrate a rolling five years housing land supply against the NPPF (2019) and in this instance the so-called tilted balance is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.5 However such an assessment is considered to be academic. This is because for the reasons set out above, Officers are of the view that if this application is determined in accordance with the normal test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

10.5 Should members consider that any part of the proposal does not comply with the relevant planning policies, then consideration must be had to the terms of paragraph 11d of the NPPF. In this case whilst the proposed development falls within a flood risk area and is influenced by heritage assets, as set out above, there is no clear reason for refusing the proposed development on this basis. Accordingly, if it were considered that there were any limited or moderate harm to the character of the area due to the height of the building, or impact on the highway due to the parking ratio, the so-called 'tilted balance' would be engaged. In this case, there are significant benefits arising from the net gain of 129 dwellings compared to the existing office development (or 58 dwellings when compared to the fall-back position) such that officers would advise that the limited impacts of granting planning permission for this development would be more than outweighed by the substantial housing benefit and benefit to the economy arising from the proposal.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

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 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy DG1

3 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.

4 No part of the development shall be occupied until the visibility splays shown on the approved drawings (19-206/101 (Rev A) have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.

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 the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained as approved.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.

7 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1.

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

shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

- 9 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.

- 10 No part of the development shall be occupied until a refuse strategy, refuse bin storage area, collection area and dedicated service parking area for the Borough refuse vehicle 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.

- 11 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

- 12 No development shall take place until full details of soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

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

- 13 Prior to the commencement of development a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall cover any areas of existing landscaping, including woodlands, and all areas of proposed landscaping other than private domestic gardens.

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

- 14 Prior to the commencement of development details of hard surfacing and street furniture shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and permanently maintained.

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

- 15 No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of "biodiversity protection zones".

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including precautionary measures for nesting birds and an invasive-species method statement.

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that wildlife is not adversely affected by the development. Paragraph 175 of the NPPF.

- 16 Prior to commencement of the development, a report detailing any new lighting and how this will not adversely impact upon wildlife shall be submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:

A layout plan with beam orientation

A schedule of equipment

Measures to avoid glare

An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of importance for commuting and foraging bats.

The approved lighting plan shall thereafter be implemented and maintained as agreed.

Reason: To ensure the development contributes to the visual amenities of the area and in the interests of the amenity of future and adjoining occupiers and to limit the impact of light pollution from artificial light on nature conservation. Relevant policies AAP MTC4, MTC6 and para 180 of the NPPF.

- 17 The development shall not commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy has been submitted to the council. Thereafter mitigation measures approved in the licence shall be maintained in accordance with the approved details. Should 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 council prior to the commencement of works.

Reason: Moorbridge Court hosts roosting bats which may be affected by the proposals. This condition will ensure that bats, a material consideration, are not adversely affected by the development.

- 18 Prior to commencement of the development, a Biodiversity Enhancement Scheme and Management Plan (incorporating the recommendations for biodiversity enhancements provided in ecological appraisal, EDP Ltd, 2020) shall be submitted and approved in writing by the council. The Approved Biodiversity Enhancement Scheme shall thereafter be implemented and maintained as agreed.

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

- 19 In the event of any contamination of soil or groundwater within the site being discovered during its development the Local Authority shall be contacted immediately. No further demolition, archaeological investigation or construction activities shall continue on the site until such time as a procedure for addressing the contamination is agreed upon with the Local Authority in consultation with appropriate regulating bodies. In this event, development shall only continue if in accordance with the agreed procedure.

Reason: To ensure the control of surface or underground waters in accordance with Policy NAP4 of the Royal Borough of Windsor & Maidenhead Local Plan 1999 (incorporating Alterations adopted 2003) and of the NPPF 2012.

- 20 No development above Ground Finish Floor Level of any residential buildings hereby permitted in detail shall take place until details of acoustic and noise attenuation measures for the relevant residential units hereby approved have been submitted to and approved in writing by the Local Planning Authority. This shall include any appropriate mitigation measures.

The development shall be carried out in accordance with the approved details and retained as such thereafter.

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

- 21 Prior to construction of the approved development a Construction Environmental Management Plan (a phase specific plan 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 nearby habitats during construction. Thereafter the development shall be undertaken entirely in accordance with the approved plan.

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

22 The development shall be carried out in accordance with the approved Air Quality Assessment dated May 2020.

Reason: To ensure an acceptable level of amenity for future occupants and neighbouring residents. Relevant Policies - AAP MTC4

23 No development above Ground Finish Floor Level of the buildings hereby permitted shall take place until full details of the mitigation measures for the wind microclimate as set out in the submitted Wind Microclimate Report Rev B dated May 2020 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation and retained as such thereafter.

Reason: To ensure that the wind microclimate and the levels of daylight/sunlight would result in an acceptable level of amenity within and around the development. Relevant Policies - AAP MTC4

24 No development above Ground Finish Floor Level of the development hereby permitted shall take place until full details of measures to incorporate sustainable design and construction measures for the development shall be submitted to and approved by the Local Planning Authority in writing. This should be based on the Energy Statement prepared by Southern Energy Consultants dated 14th May 2020 or such other details as agreed in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

25 A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:1. The programme and methodology of site investigation and recording2. The programme for post investigation assessment3. Provision to be made for analysis of the site investigation and recording4. Provision to be made for publication and dissemination of the analysis and records of the site investigation5. Provision to be made for archive deposition of the analysis and records of the site investigation6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. B) The Development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Medieval remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy.

26 No part of the development shall be occupied until a detailed car parking management plan has been provided to set out how the car park will be managed as well as in the future when demands change. Additionally, it should set out how the car park will remain secure to ensure the car park is only utilised by the residents of the site.

Reason: To ensure that the car park is actively managed and provides adequate parking for only the residents of the site. Relevant Policies - Local Plan P4, DG1

27 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 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk
- 2 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 3 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 4 Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
- 5 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
- 6 Before any development commences 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 in ****
- 7 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.
- 8 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.