

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

**DEVELOPMENT CONTROL PANEL**

18 November 2020

Item: 5

<b>Application No.:</b>	20/01463/FULL
<b>Location:</b>	St Cloud Gate St Cloud Way Maidenhead SL6 8XD
<b>Proposal:</b>	Demolition of the existing office building, and the construction of a new grade A office building with associated cafe, communal roof terrace, car parking, new pedestrian access and landscaping.
<b>Applicant:</b>	Ms Broughton
<b>Agent:</b>	Mr James Brown
<b>Parish/Ward:</b>	Maidenhead Unparished/St Marys
<b>If you have a question about this report, please contact:</b> Claire Pugh on 01628 685739 or at <a href="mailto:claire.pugh@rbwm.gov.uk">claire.pugh@rbwm.gov.uk</a>	

**1 SUMMARY**

- 1.1 This application follows a previously refused scheme for a significantly larger office building, which was refused on harm to the setting of the adjacent Listed Building, and harm to the character of the area. This application is for the demolition of the existing office building, and the construction of a new Grade A office building. The proposed building would be notably larger in scale than the existing building on site, with a maximum height of around 30 metres (including the plant level).
- 1.2 The proposed building is of a contemporary design, and the use of the light buff brick and glazing is considered to be an acceptable approach within the context of this area. It is considered that the scale and massing of the proposed building is too large, relative to the size and configuration of the site and within the context of the surrounding buildings, and that it would result in moderate harm to the character of the area. In addition, it is also considered that the proposed building as a result of its scale and massing would cause a moderate level of harm to the adjacent Listed Building, which amounts to less than substantial harm for the purposes of the NPPF.
- 1.3 As there would be conflict with adopted development plan policies, and harm to the setting of the adjacent Listed Building, it is necessary to consider whether there are public benefits which would outweigh the harm to the Listed building, and also whether there are material considerations which would indicate the application should be approved. In this case it is considered that there are benefits, which include the creation of 4,844 square metres of Grade A office space which is required within the Borough, as set out in the latest employment study for the Borough, and it would be Grade A office space. The scheme would create circa 350 jobs (gross). Other benefits of the scheme are the sustainability benefits, which include the scheme targeting BREEAM excellent, the inclusion of solar panels and a green roof. In addition, the scheme would provide electric parking bays with 19% being active charging points, and the remainder to be passive.
- 1.4 The site is located within a sustainable location, in an edge of town centre location. A low level of car parking is proposed, relative to the size of the proposed building. As the site is in a sustainable location, and on the basis that a Travel Plan and Car Park Management Plan are secured through a S106 agreement, it is considered that the level of car parking proposed would be acceptable in this instance.
- 1.5 The Heads of terms of the Legal agreement have been agreed, and there are ongoing discussions on the detail of the legal agreement. It is recommended that Panel authorises the Head of Planning to negotiate and secure contributions that meet the tests set out in the regulations.

<b>It is recommended the Panel authorises the Head of Planning:</b>	
1.	<b>To grant planning permission on the satisfactory completion of an undertaking to secure:</b> - Travel Plan - Car park management plan - Appropriate contributions towards infrastructure <b>and with the conditions listed in Section 12 of this report.</b>
2.	<b>To refuse planning permission if an undertaking to secure</b> - Travel Plan - Car park management plan - Appropriate contributions towards infrastructure <b>has not been satisfactorily completed for the reason that the proposed development would not be accompanied by associated infrastructure improvements and appropriate methods to limit the private car accessing the site.</b>

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

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

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

- 3.1 The application site comprises a part 2 storey/part 3-storey office building, with a maximum ridge height of around 13.7 metres, and its associated car parking area. The application site area measures circa 0.2 hectares. The building has a varied roofline with a pitched roof, and is finished in predominantly red/brown brick, with yellow brick detailing. The building is located on a prominent plot on the north eastern side of the St Cloud Way roundabout.
- 3.2 Vehicular access to the site is gained from an internal access from the car park to the former Magnet leisure centre car park which is adjacent to the site.
- 3.3 The surrounding character of the area is mixed with the former Magnet Leisure Centre to the east and a Grade II listed c.19<sup>th</sup> century building (2-8 Cookham Road) known as The Wilderness to the north, which accommodates two doctor's surgeries, a dentist, and a pharmacy. Kidwell Park is located to the west, on the other side of the Cookham Road. To the south of St Cloud Way (A4), which is a key arterial route, are larger scale developments including a multi-story car park, retail and offices which are located within Maidenhead Town Centre. There is a pedestrian access from the site and surrounds to Maidenhead Town Centre via a subway under the A4.
- 3.4 The site is located outside of an Opportunity Area and Town Centre Commercial Boundary as set out in the Maidenhead Area Action Plan (part of the Development Plan). The site is an edge of town centre location and is located within an area identified as a 'Gateway' in the AAP, which is identified as one of the main entrance points into the town.

## **4. KEY CONSTRAINTS**

- 4.1 Setting of a Listed Building  
Air Quality Monitoring Area

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

- 5.1 This scheme proposes to demolish the existing office building and erect a new office building which would have a height of circa 30 metres (including the plant level), and 27 metres (excluding the plant level). The proposed building would accommodate seven floors and provide circa 4,844 square metres of office floorspace. the rooftop level, a green roof and PV panels are proposed,

as is a roof terrace. The proposed building is cube shaped. Capless curtain walling would be used on the ground and mezzanine floor. From first floor level and above light buff bricks laid in a stretcher bond with recessed mortar would be used. Columns from ground floor level up to first floor level are shown to be in exposed concrete. For the external stair core on the eastern elevation, this will be finished in anodised expanded mesh panels.

- 5.2 Within the proposed ground floor level of the building is the reception area to the offices, a small café area, secure cycle storage, a substation and office space. The floors above ground floor would accommodate office space.
- 5.3 The existing vehicular access would be used to serve the proposed development.
- 5.4 Surface level car parking would be provided, accommodating 21 car parking spaces.

Reference	Description	Decision
19/01660	Demolition of the existing office building, and the construction of new grade A office building with associated café, communal roof terrace car parking, new pedestrian access and landscaping.	Refused on the 19 <sup>th</sup> December 2019.

- 5.5 The scheme refused under reference 19/01660, was for a new office building. The previously refused scheme had a height of 41 metres, which stepped down to a height of 8.7 metres where it was closer to the adjacent Listed Building. The scheme would have provided 11,833 square metres of office space. This scheme proposed two levels of basement car parking and surface level car parking which would have accommodated 61 car parking spaces.
- 5.6 The scheme was refused on the grounds it would cause less than substantial harm to the setting of the adjacent Listed Building, and the public benefits arising were not considered to outweigh this harm. The scheme was also refused as the proposal was considered to be poor design (by reason of its excessive scale and appearance) that would cause harm to the character of the area.

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design	DG1
Highways	P4 AND T5
Trees	N6
Employment	E1, E6, E10
Pollution	NAP3
Setting of a Listed Building	LB2
Associated Infrastructure	IMP1
Pedestrian environment and cycling	T7, T8

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

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

Issue	Policy
Design	MTC2, MTC4, MTC5, MTC6
Offices	MTC10
Accessibility	MTC14
Infrastructure and Planning obligations	IMP2

## 7. **MATERIAL PLANNING CONSIDERATIONS**

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

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

### **National Design Guide**

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

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Maidenhead town centre	TR3
Pollution	EP2, EP4
Setting of the Listed Building	HE1
Trees	NR2
Nature conservation	NR3
Infrastructure	IF1

### **Borough Local Plan: Submission Version Proposed Changes (2019)**

Issue	Local Plan Policy
Climate Change	SP2
Sustainable Transport	IF2
Design	QP3, QP3a
Pollution (Noise, Air and Light)	EP1, EP2, EP4
Site allocation for employment	QP1a
Nature conservation and biodiversity	NR2
Setting of Listed Building	HE1
Trees	NR3
Utilities	IF7
Infrastructure and Developer Contributions	IF1

- 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 currently 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.

### Supplementary Planning Documents

Borough Design Guide (Adopted)  
Sustainable Design and Construction SPD (2010) (SPD)

### Other Local Strategies or Publications

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

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

The planning officer posted a notice advertising the application at the site on the 7<sup>th</sup> July 2020 and the application was advertised in the Local Press on the 2<sup>nd</sup> July 2020. Letters were sent to properties adjoining the application site.

All neighbours and contributors were notified of amended plans on the 8<sup>th</sup> October, with a 21 day period to respond.

5 letters of objections have been received.

Comments on the originally submitted plans to the application, are summarised as:

Comment	Where in the report this is considered
1. The building will be overbearing in relation to the surrounding buildings. This is still a tall building.	li and xiii
2. The level of parking is not acceptable. It will put greater demand on publicly available car parks, and will be of detriment to the Wilderness centre.	Xi
3. The proposed route for vehicular access to the surgery through the diversion via the car park is unsatisfactory and will cause congestion and higher risk of accidents (with cars manoeuvring into and out of car spaces). Concerned that there may need to be temporary closures of the access road for certain deliveries which may cause unacceptable impacts on patient flows and access for emergency vehicles/on-call doctors.	Xi
4. The daylight and sunlight report does not take into consideration The Wilderness Centre stating that the surgery "does not have a reasonable expectation of daylight and sunlight" as it is a commercial property. Given the use of the building for patient care and its close proximity to the proposed development, undoubtedly there will be an impact. This should be a material planning consideration.	v

5.	The site is not an area that has been identified as suitable to accommodate a tall building.	li and xii
6	The scale of the building will have an adverse visual impact on the area, when approaching from various views. Tall buildings north of the A4 should not be permitted.	li and xii
7	This proposal has done little to improve the access/egress from the subway under St Cloud Way, which remains an unwelcoming place.	li
8	There are concerns over the impact of this development during the construction phase in particular. A significant number of construction vehicles will be needed to a relatively constricted site- a site that needs to be safely accessible to staff, patients and emergency ambulances at all times. There are also concerns about construction noise and dust on patients. A detailed management plan to mitigate the effect of noise and dust should be a minimum requirement.	Conditions for a CMP and CEMP would control these matters during the construction period.

Comments on the revised plans, summarised as:

Comment		Where in the report this is considered
1.	The building will be overbearing in relation to the surrounding buildings. This is still a tall building.	li and xiii
2.	The level of parking is not acceptable. It will put greater demand on publicly available car parks, and will be of detriment to the Wilderness centre.	xi
3.	The proposed route for vehicular access to the surgery through the diversion via the car park is unsatisfactory and will cause congestion and higher risk of accidents (with cars manoeuvring into and out of car spaces). Concerned that there may need to be temporary closures of the access road for certain deliveries which may cause unacceptable impacts on patient flows and access for emergency vehicles/on-call doctors.	xi
4.	The daylight and sunlight report does not take into consideration The Wilderness Centre stating that the surgery "does not have a reasonable expectation of daylight and sunlight" as it is a commercial property. Given the use of the building for patient care and its close proximity to the proposed development, undoubtedly there will be an impact. This should be a material planning consideration.	v
5.	Height and mass of the building is still unacceptable and will cause harm to the character of the area.	li and xiii
6	The St Cloud Gate proposal will significantly impinge on any attempt to improve the northern approach to the subway, as the structure is located close to the edge of the subway approach structure, which if constructed would prevent future improvements to the key asset affording connectivity with the town centre.	li and xiii

### Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	<p>It is considered that the new building would because of its height and massing have a negative impact on the setting of the Listed building.</p> <p>In this case, the harm caused to the significance of the designated heritage asset would be considered as less than substantial and the balancing exercise noted in para 196 of</p>	lii and xiii

	the NPPF would need to be undertaken as part of the decision process.	
Berkshire Archaeology	It is the view of Berkshire Archaeology that no further requirement for archaeological mitigation should be applied in regards to these development proposals.	Noted.
Thames Water	No objection.	Noted.
Environmental Protection	<p>Raises no objection subject to conditions for:</p> <ul style="list-style-type: none"> <li>• Construction Environmental Management Plan</li> <li>• Deliveries/collections by commercial vehicles</li> <li>• Contaminated land</li> <li>• Noise survey for any future plant/equipment.</li> </ul>	See recommended conditions. It is not considered necessary to impose a condition to restrict timing on deliveries/collections by commercial vehicles.
Lead Local Flood Authority	Raises no objection, subject to a pre-commencement (excluding demolition) condition for a surface water drainage scheme.	Vi
Highways	<p>The Borough's Parking Strategy (2004) sets a maximum provision of 1 space per 100m<sup>2</sup> for developments located within a sustainable location. In the previous submission a parking ratio of 1 space per 194m<sup>2</sup> was considered acceptable. With this submission the parking ratio is set at 1 space 215m<sup>2</sup>, resulting in 25 spaces, which is 3 spaces less if the accepted ratio of 1 space per 194m<sup>2</sup> were used. This parking ratio stretches the limits of acceptability despite the accessible nature of the development.</p> <p>Nonetheless, there are on-street parking restrictions in the surrounding area, and as mentioned above the level of parking proposed is only 3 spaces below what was accepted previously.</p> <p>Although mentioned in the submission, it is recommended that the applicant submits a Car Parking Management Plan.</p> <p>Comments that the submitted Framework Travel Plan should be updated.</p> <p>Recommend conditions for:</p> <ul style="list-style-type: none"> <li>• Cycle parking</li> <li>• Car parking management plan</li> <li>• Revised construction management plan.</li> <li>• Travel plan</li> </ul> <p><u>Comments on revised plans:</u>  Raises no objections, subject to conditions:  -CMP  -Parking as per approved drawing  -Cycle parking as per approved drawing  -Submission of a car parking management plan  -Travel plan</p>	xi
Environment	Sent standing advice to Local Planning Authorities as to	Noted.

Agency	when to consult the EA.	
Ecologist	No objections, subject to a condition to ensure nesting birds are not harmed, and condition to secure biodiversity enhancements and wildlife friendly landscaping. <u>Comments on amended plans:</u> The amended plans do not affect ecology and my original comments on this application (dated July 10th 2020) remain unchanged.	See section x. It not considered necessary to impose a condition to ensure nesting birds are not harmed. They are protected under the wildlife and countryside Act. An informative will be added.
Historic England	In this case we do not wish to offer any comments. This does not mean that we consider the proposals to be acceptable or unacceptable, simply that we are content for the application to be determined by the LPA following their own specialist conservation advice. This view has been taken based on the information available on your website to date.	Noted.

## Others

Group	Comment	Where in the report this is considered
Maidenhead Civic Society	<p><b>Comments on originally submitted plans:</b></p> <p>This proposal is a significant improvement to the previously refused scheme. The height has been reduced by 11 metres - by removing two floors plus the rooftop parapet. The footprint of the building has been reduced and the building line has been stepped back on the western and northern frontages. Consequently, the visuals within the Design and Access Statement illustrate a much improved aspect of the listed buildings when viewed from the southwest.</p> <p>However, the proposed building is still too dominant. The application states that the proposed height is lower than The Point which is diagonally opposite on the Cookham Road roundabout. However, The Point is the eastern part of a series of three buildings on the town centre side of the ring road. St Cloud Gate is an isolated tower on the north side. A further reduction of two storeys would be more in keeping with the setting.</p> <p>The introduction of a cafe facility on the ground floor is to be welcomed as it will create a focal point of interest on the north side of the ring road, to the benefit of nearby residents and visitors to the two doctors surgeries. Parking provision is important in attracting new office tenants and it is feared that the proposed spaces may be inadequate.</p>	li and xiii

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of development
- ii Design and impact on the character of the area
- iii Impact on Heritage Assets
- iv Trees
- v Impact on the amenity of neighbouring buildings
- vi Sustainable Drainage
- vii Air Quality
- vii Noise
- ix Contaminated land
- x Sustainability and Biodiversity
- xi Transport
- xii Developer contributions
- xiii Planning balance

### **Principle of development**

- 9.2 Policy MTC10 of the Maidenhead Area Action Plan (part of the adopted Development Plan), states that proposals for new office development will be focused within Opportunity Areas and the Town Centre Commercial Boundary. Adopted Local Plan policy E1 states that business development will usually be restricted to Town Centre Commercial areas but in other areas outside the Green Belt business development may be acceptable where it relates to an existing business use, while policy E6 states that development or redevelopment for business will be acceptable on sites already in such use subject to compliance with other planning policies.
- 9.3 This site is not located within the town centre commercial boundary of Maidenhead, and it is not situated within an Opportunity Area. As outlined above, policy MTC10 of the Maidenhead Area Action Plan seeks to focus new office development within Opportunity Areas or elsewhere within the town centre commercial boundary; however, it does not preclude the redevelopment of sites in existing office use. Policy E6 promotes the redevelopment of business uses on sites already in such use subject to normal development control criteria and provided that proposals would not lead to an undesirable intensification of activity to the detriment of the local environment, or to the amenities of neighbouring properties.
- 9.4 Policies E1 and E6 of the Local Plan are not fully in accordance with the NPPF, in that they do not provide any guidance on applying the Sequential Test when a proposed office development, as a main town centre use, is not located in a town centre location. These policies are therefore given some weight, but not full weight in the consideration of this application. Policy MTC10 of the AAP is broadly in accordance with the NPPF, although it also does not refer to the application of the town centre Sequential Test and so this policy is again given weight, but is not full weight.
- 9.5 The NPPF 2019 is a material consideration of significant weight. At paragraphs 86 and 87 it states that

*'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and*

*only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*

*When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'*

- 9.6 At paragraph 90 of the NPPF it explains that where an application fails to satisfy the sequential test it should be refused.
- 9.7 The existing office building to be demolished has a floorspace of circa 1,062 m<sup>2</sup>. The proposed building would have circa 4,844 square metres of office floorspace. As the proposed new building would result in a significant increase in office floorspace (a main town centre use) at this edge of centre location, in accordance with the requirements of the NPPF (which is a material consideration of significant weight), the town centre Sequential Test needs to be applied.

#### Application of the town centre Sequential Test

- 9.8 To ensure the vitality of town centres, as described above, the NPPF advocates a 'Town Centre' first approach to the location of new office development. Only if suitable sites are not available (or not expected to become available in a reasonable period) within existing Town Centres should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre, in accordance with paragraph 87 of the NPPF.
- 9.9 In terms of the Sequential Test to determine if there is a preferable alternative site, the National Planning Practice Guidance (NPPG) states the suitability, availability and viability of the site should be considered in a sequential assessment with particular regard to the nature of the need that is to be addressed. In terms of the nature of the need, it was established by the Supreme Court in *Tesco Stores v Dundee City Council* [2012] that to be a preferable alternative site it should be capable of meeting the need that the developer is seeking to meet, and not just a generic need. With regard to suitability, *Tesco Stores Ltd v Dundee City Council* also establishes [a] that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach; and [b] that in terms of the size of the alternative site, provided that the Applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development and not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site. There is no indication as to what degree of flexibility is required in the NPPF or NPPG.
- 9.10 In line with paragraph 86 of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account.
- 9.11 The applicant has considered alternative town centre and edge of centre sites, which have been discounted. The detailed assessment of the alternative sites can be found in the applicant's Sequential Test document. It is considered that there are no sequentially preferable sites within the town centre that are reasonably available. It is considered that the Sequential Test is passed.

#### **Issue ii- Design Considerations**

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

- 9.13 Policy MTC6 of the AAP provides guidance on Tall buildings, and for the purposes of this policy a tall building is identified as a building noticeably taller than 20 metres. This site is not identified as an area to accommodate a tall building within the AAP. The proposed building at a height of 30 metres, would not accord with Policy MTC6 of the Adopted Local Plan which states that new tall buildings on sites outside of tall building areas will be resisted. Policy MTC6 is not considered to be in conflict with the NPPF, and so is given significant weight.
- 9.14 Policy DG1 of the Adopted Local Plan provides guidance on design. This policy is considered to be in accordance with the aims of the NPPF and so is also given significant weight in the consideration of this application. Policy DG1 sets out that the design of new buildings should be compatible with the established street façade, having regard to the scale, height and building lines of adjacent properties, and that special attention should be given to the 'roofscape' of buildings. Policy DG1 also explains that harm should not be caused to the character of the surrounding area through development which is cramped, or which results in the loss of important features which contribute to that character. Policy MTC4 of the Maidenhead AAP also provides guidance on design and is relevant to this application.
- 9.15 The Tall Building Strategy was published in October 2019. It is a document that forms part of the evidence base for the emerging Borough Local Plan, and identifies locations where tall buildings individually or in clusters may be appropriate in the Borough. The study sets the criteria for defining a tall building, which is relative to the context height of buildings in the area. The proposed building would be classed as a tall building using the definition. The study does not identify the St Cloud Gate site as being suitable for a tall building. The study is afforded limited weight in the determination of planning applications at this time.
- 9.16 The Borough Design guide is an adopted Supplementary Planning Document and is a material consideration to the determination of this application. Principle 12.1 of the SPD sets out that all non-residential development will be expected to:
- integrate servicing and infrastructure sensitively into the building;
  - provide good natural light and ventilation to internal spaces;
  - minimise the impact of service areas on the public realm and private space, and
  - ensure entrances to the building are easy to find, safe and attractively designed.
- 9.17 Large floorplate uses will be expected to be integrated into existing environments by:
- A. providing a mix of uses
  - B. reducing visual impact by using architectural detailing, articulation, materials and colour to break up large elevations;
  - C. avoiding blank elevations and inactive frontages
- 9.18 The site is proposed to be allocated within the Borough Local Plan (proposed modifications version) for up to 3,500 square metres of office floor space. At this time, the Borough Local Plan (proposed modifications) is given limited weight, but it is useful in understanding the aspirations for the site, and how it will connect to the wider area. The site specific requirements are:
- *Facilitate comprehensive re-development and effective place making in the town centre. This will include playing a key role in enhancing connections into the Town Centre Areas and improving the appearance and environment of the Town Centre Ring.*
  - *Contribute to the provision of very high quality and safe connections from the northern side of St Cloud Way into the Town Centre Core Area;*
  - *Provide a network of pedestrian and cycle connections through the site facilitating linkages to St Cloud Way, Cookham Road, the adjoining surgeries, Council car park and St Cloud Way allocation site.*
  - *Provide adequate vehicle and cycle parking provision proportionate to and in line with the implemented sustainable transport measures*

- *Ensure that the development is well-served by public bus routes / demand responsive transport / other innovative public transport solutions, with appropriate provision for new bus stop infrastructure, such that the bus is an attractive alternative to the private car for local journeys*
- *Include generous green infrastructure at ground floor and higher levels and incorporate green walls and/or roofs and sitting out areas for employees.*
- *Given its gateway role and immediate proximity to a listed building, be of an exceptional quality design that supports the character and function of the surrounding area*
- *Create an active frontage to both St Cloud Way and Cookham Road*
- *Enclose St Cloud Way and Cookham Road with buildings and large trees*
- *Address the Cookham Road/St Cloud Way intersection with a gateway feature*
- *Provide appropriate transition from the height of the built form on the site to the low height and small scale buildings adjacent to the northern boundary. A building of inappropriate height, scale or mass that does not respect its setting will not be acceptable.*
- *Recognising that the site plays a role in the setting of Claremont Surgery, use exemplary design to positively manage and enhance the relationship between the site and the adjoining Grade II listed building. Particular attention will need to be paid to height, massing, character, overshadowing, architectural form, amenities, landscaping, lighting and materials.*
- *Integrate well in terms of design, layout, function and connectivity with the adjoining St Cloud Way allocation site.*

#### Scale

- 9.19 During the course of the application, the plans were amended so that one level was removed from the proposed building, which is considered to be an improvement to the scheme.
- 9.20 Taking into account the configuration of the site and the surrounding settings, the scale and shape of the building is not considered to respond well to the context of the site. The proposed building would be of a significant height and would appear noticeably taller than buildings surrounding the site. In addition, because the building is a cube shape, there is no breakup or relief to its massing. As the site is relatively small in size, and has smaller scale buildings within close proximity, the large scale and mass of this building would be apparent.

#### Layout

- 9.21 Compared to the previously refused scheme, the layout has improved as the building has been moved away from the Listed Building, thereby reducing the level of harm caused to its setting. The surface level car park and land to incorporate soft landscaping, and new tree planting is proposed next to the original part of the adjacent Listed Building, and this is considered to be an improvement over the previously refused scheme.
- 9.22 The proposed building would be situated in close proximity to the St Cloud Way site to the east. This site is earmarked for residential development. As there is a lack of a buffer between the proposed building and the sites eastern boundary, it is considered that the proposed building would appear overbearing to this neighbouring site. However, at this stage plans for the adjacent site are not at a planning application stage, and so this can only be given limited weight at this time.
- 9.23 A new pedestrian entrance would be provided to the southern part of the site, providing a link from the subway into the site. This would not provide access for disabled persons, persons with

mobility issues or persons with a pushchair. Although it is understood it is not possible to provide a ramped access that would be DDA compliant, this is disadvantage to the scheme, as the new access will not be accessible to all. However, a pedestrian access will be provided from Cookham Road into the site, which will be DDA compliant, and so pedestrian linkages into the site will be improved compared to the existing situation. The detail around this new pedestrian link is limited. The pedestrian entrance would be provided from the top of the subway which is sloped, and as such it is suggested that more detailed plans of this pedestrian entrance which shows changes to ground levels are secured by planning condition.

- 9.24 A site requirement of the emerging BLP allocation which seeks to provide a network of pedestrian and cycle connections through the site, facilitating linkages to St Cloud Way. In terms of connectivity with the adjacent St Cloud Way site, within the submitted framework travel plan, this shows future potential pedestrian routes to the St Cloud Way site.. Realistically, it is questionable if the site layout would improve connections to and from the adjoining St Cloud Way site, as the pedestrian routes through the site would be underneath the proposed building, and so would not be an obvious route for persons other than those specifically wanting access to the office building. Also, the routes cannot be made a public right of way (owing to security and management issues for the landowner), as such there is no obligation to keep these routes open to the public at all times.
- 9.25 Where the new stairs would be created into the site from the subway, and ground levels lowered, a column to support the proposed building would be placed on this new stairway. There were concerns that this would appear imposing to pedestrians using the new stairs and when viewed from the subway, however the plans show this column would be boxed in, with landscaping around it, so that it appears less imposing to pedestrians. Further detail for this new stair way and its treatment is required, and this can be secured by planning condition.

#### Appearance

- 9.26 The building would have a contemporary appearance. The window detailing and use of a light buff brick is considered to be acceptable within the context of this area. Samples of the brick, and further detailing for the windows would need to be secured by planning condition. The building does not have a clear principal elevation, or a defined entrance. The eastern elevation of the proposed building will have mesh across it (covering the stairwell), which makes this elevation appear more bland, and this elevation will face the adjoining St Cloud Way which is earmarked for residential development, which is a negative to the scheme.

#### **Impact on Heritage Assets**

##### *Impact on the Setting of the Listed Building*

- 9.27 The building (The Wilderness) to the north of the application site is Grade II Listed. Local Plan Policy LB2 provides guidance on Listed Buildings, and sets out to ensure that development proposals do not adversely affect the grounds and/or setting of Listed Buildings. This policy is considered to accord with the requirements of the NPPF and is given significant weight in the determination of this application. The NPPF at paragraph 193 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.28 Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.29 The Wilderness is a two storey building (with basement) which dates from the 18th and 19th centuries. The building is a designated heritage asset and has significance because of its architectural and historic interest.

- 9.30 The Maidenhead Town Centre Conservation Area lies to the south of the site, it encompasses the town's traditional high street and there are views towards the site looking north from Market Street. The Conservation Area has an appraisal that was completed in 2016.
- 9.31 The NPPF advises that the setting of a heritage asset can be considered as the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. With regards to new development, in terms of the historic environment the NPPF advises that in determining applications local planning authorities should take account of the desirability of enhancing the significance of heritage assets and also the desirability of new development making a positive contribution to local character and distinctiveness. It also advises that great weight should be given to the assets conservation.
- 9.32 In Part 1 under Setting and Views, the Historic England Guidance "The Setting of Heritage Assets" Planning Note 3 is clear that the setting of a Listed Building is much wider than just that of its curtilage and setting can change over time and is more than just views to or from the asset.
- 9.33 In this case, the setting of the adjacent Listed Building has changed over time, as it has lost its original garden, however, the building is quite architecturally distinct in terms of the local townscape and its roofline, with its chimneys and chimney pots, is clearly visible and is a positive feature in views from the park and from the north and south. The existing building on the application site, is of a reasonable scale and mass and does not dominate the setting of the Listed Building.
- 9.34 With regard to the proposed building, it is considered that due the scale and massing, and lack of transition with the Listed Building, that it would appear dominant in relation to the Listed building and this would have an adverse impact upon its setting. The harm caused to the setting of the Listed Building is considered to be moderate. However, for the purposes of the NPPF the harm is considered to be less than substantial harm. Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This is considered further in the planning balance section of this report.

### **Trees and landscaping**

- 9.35 Policy MTC2 of the Area Action Plan, is supportive of the planting of trees and the use of other soft landscaping in gateway and other prominent locations. Paragraph 127 of the NPPF sets out that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 9.36 There are no trees on or off the application site covered by a Tree Preservation Order that would be adversely impacted by the proposed development.
- 9.37 Landscape plans have been submitted, which shows new soft landscaping at ground floor level, and also planting on the roof terrace. Semi-mature Fastigata Oak would be planted along the boundary of the site, on the south-western boundary. Other smaller landscape trees are also proposed along the southern part of the site.
- 9.38 On the roof terrace, below the PV panels, a green roof is proposed.
- 9.39 Given the significantly larger scale of the proposed building, new tree planting and soft landscaping will be important in softening the appearance of the development. In addition, wildlife friendly landscaping can be incorporated which will provide net biodiversity gains. Details of the soft landscaping can be secured by planning condition.

### **Impact on the amenity of neighbouring buildings**

- 9.40 Policy E10 of the adopted Local Plan sets out that in considering applications for business development that a scheme should not result in an unneighbourly development or undesirable

intensification of an existing use. The NPPF sets out at paragraph 127 that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 9.41 The buildings adjacent to this application site, include the building to the north which includes the medical centre, dental practice and pharmacy. To the east of the application site is the former Magnet Leisure centre. The submitted daylight and sunlight study does not assess the impact of the proposed development on these buildings, as they are commercial properties, and, as such it is set out that these properties would not have a reasonable expectation of daylight and sunlight, and they generally rely on artificial lighting. The BRE guidelines (daylight and sunlight) explain that the guidelines are normally used to look at the impact on residential buildings. It is explained that they may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices. The doctor's surgeries, dentist and pharmacy are non-residential uses, and it is not considered that they would have an expectation of daylight. The impact of the proposal on daylight to these uses would not be considered as grounds to warrant refusal.
- 9.42 With regard to nearby buildings in residential use, there are not any in close proximity to the building. The daylight and sunlight assessment considers the impact on the proposed development on the closest residential uses to the application site. The report concludes that the proposed development accords with the BRE guidelines.

#### vii **Sustainable Drainage**

- 9.43 Paragraph 165 of the NPPF sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. This application is a major development, and so there is a requirement for the scheme to provide a sustainable drainage system.
- 9.44 Excess surface water flows during high intensity rainfall events are proposed to be stored using a combination of permeable pavements and below ground geo-cellular storage crates. The Lead Local Flood Authority has no objection to this, subject to a planning condition.

#### **Air Quality**

- 9.45 Policy NAP3 of the Adopted Local Plan sets out that the Council will not grant planning permission for proposals likely to emit unacceptable levels of noise, smells, or fumes beyond the site boundaries.
- 9.46 Paragraph 181 of the NPPF sets out that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. It is further explained that planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 9.47 The development site is within Maidenhead Air Quality Management Area (AQMA) and has the potential to affect the local air quality conditions during both the construction and operation phase. The submitted Air Quality Assessment is based on a detailed dispersion modelling of the annual mean concentrations for nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). The predicted values at existing and proposed receptor locations for 2021 are below the national objectives. The results and conclusion of the assessment that the air quality impacts of the development are considered to be not significant is acceptable.

#### **Noise**

- 9.48 The proposed external plant as part of the development include:

- Tenant plant
- VRF plant
  - Air handling unit
  - Toilet extract fan
  - Smoke extract fan
  - Life safety generator

9.49 These would be located on the roof level. A Planning Noise Report was submitted with the application. An initial assessment of the proposed plant items associated with the development was carried out. The report advises that as long as the specified sound power limits are met for all external plant, the noise egress from the proposed development is expected to comply with the relevant noise limits. The report sets out that subject to certain sound insulation being incorporated that the development would not generate unacceptable levels of noise in the context of this area. It is recommended that a condition is imposed to secure details of the type of plant and acoustic measures.

### **Contaminated land**

9.50 The results of intrusive site investigations submitted with the application showed the presence of contamination on site. Environmental Protection recommends a condition for a survey and remediation strategy for contaminated land, and such conditions are considered necessary to secure this detail.

### **Sustainability and biodiversity**

9.51 Paragraph 150 of the NPPF sets out that new development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. Paragraph 153 of the NPPF sets out that in determining planning applications, local planning authorities should expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

9.52 Paragraph 110 of the NPPF sets out that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

9.53 At a local level, the Council's declaration of a climate emergency is a material consideration and the development is an opportunity for high sustainability standards to be promoted.

9.54 Whilst there is no adopted development plan policy on sustainable energy, 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.

9.55 Furthermore, the Council's draft climate strategy sets out various measures for applicants including:

- improving recycling rates through provision of good recycling facilities;
- reduced energy and water demand in new build;
- increased renewables generation in new build to meet targets to increase renewables capacity in the borough 10 times by 2025
- green infrastructure provision in new town centre developments
- electric vehicle charging provision in new developments and cycle parking
- 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.

9.56 The Council also has an adopted Supplementary Planning Document (2010) on Sustainable Design and Construction. This is a material consideration of some weight to the application. Within this SPD it sets out that there is a requirement for major developments to Requirement for

developments to secure at least 10% of the expected energy demand from on-site renewable or low carbon sources, and that non-residential developments (new construction) to meet BREEAM Very Good or above.

- 9.57 The Sustainability Statement submitted with the application states that high efficiency roof mounted PV panels (36 cells) will be used. It also states that the development is targeting BREEAM New Construction 2014 Excellence.
- 9.58 These are positives to the scheme, which weigh in favour of the application, and it accords with the aims of National Planning policy and guidance, and local planning guidance.
- 9.59 The scheme would provide 4 car parking spaces with active electric charging points, with the remainder of spaces to be passive (i.e. will have ducting installed to allow for future conversion.) The provision of the active electric charging points, with the balance to be passive is welcomed and accords with paragraph 110 of the NPPF, and is a benefit of the scheme.
- 9.60 The sustainability measures to be incorporated into the design of the building are considered to be benefits that weigh in favour of the application.
- 9.61 Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.62 The submitted ecological appraisal sets out that provision of the green roof is a biodiversity benefit. The report recommends that the green wall proposed by the new steps on the southern part of the site should comprise native species or non-native species of recognised wildlife value and either deciduous or evergreen species depending on the specification. The ecological report also states that the planting proposed at both ground and roof terrace level should use nectar-rich and berry producing plants which will attract a wider range of insects, birds and mammals and continue to accommodate those already recorded at the site. The report also states that there are opportunities to incorporate bird boxes into the development. It is considered that details of the biodiversity enhancements should be secured by planning condition.

#### Solar glare

- 9.63 A report has been submitted which relates to solar glare. The technical analysis shows that for the majority of the year there would be a largely negligible solar glare effect. The nature of the proposed material cladding does mean that reflected solar glare may be unavoidable at certain times of the day, assuming that there are actually clear skies at these times to allow the sun to reflect off the building façades. The analysis shows, however, that this would be a highly local, short term potential effect of minor adverse significance, lasting only seconds at any one time as a driver, cyclist or pedestrian passes a certain point.

#### Wind Micro-climate

- 9.64 The submitted report concludes that overall, wind conditions around the proposed development would be suitable for the intended uses. It states that depending on the location of fixed seating on the roof terrace, mitigation may be required in order to improve conditions. With the implementation of appropriate mitigation measures, it is expected that wind conditions would improve. No further simulations would be required. Landscaping and tree planting could be used as mitigation to wind at the roof terrace level.

#### vi **Transport**

- 9.65 Policy T5 of the Adopted Local Plan sets out that all development proposals will be expected to comply with the Council's Adopted Highway Design Standards. This policy is not incompatible

with the NPPF, however, the NPPF provides more up to date guidance on transport impacts and so the impact on traffic and highway safety has been assessed against the NPPF.

- 9.66 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 111 of the NPPF sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 9.67 Policy P4 of the Adopted Local Plan requires schemes to provide parking spaces in accordance with the Council's Parking standards. The Council's Parking standards are based on maximum parking standards. The NPPF 2019 at paragraph 106 sets out that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. In this instance, the Highway Authority have not identified that there is a compelling justification for the scheme to comply with the maximum parking standards, and as such Policy P4 is given reduced weight.
- 9.68 The site is within an accessible location and based on the Borough's Parking Strategy 2004 attracts a maximum parking ratio of 1 space per 100m<sup>2</sup>, which equates to 48 parking spaces.
- 9.69 21 car parking spaces are proposed, which is set at a ratio of 1 space per 231m<sup>2</sup>. Whilst it is not considered maximum parking standards should be imposed in this case, this is a low level of car parking relative to the amount of office space proposed. As such, it is considered necessary to have a car park management plan, so that the allocation of those car parking spaces for future users of the building is managed carefully. In addition, it is considered necessary to secure a travel plan in order to promote alternative methods of transport to the use of the private car. An interim travel plan has been submitted with the application. It is recommended that the travel plan, including the submission of a final travel plan is secured through a S106 agreement.
- 9.70 It is not considered that the proposed development, subject to conditions and securing a travel plan and car park management plan, would have a severe impact upon the road network, or would result in an unacceptable impact on highway safety.
- 9.71 Secure cycle storage for 36 bikes would be provided within the ground floor of the building, accessed from the northern elevation of the proposed building. In addition, 6 visitor cycle stands would be provided to the western part of the site, near the new pedestrian access. The provision of secure cycle storage is considered important in providing future users of the building alternative sustainable mode of travel to the car. This provision of the cycle storage within the building should be secured by planning condition. Details of the cycle stand for the visitor cycle store should be secured by condition to ensure it as an acceptable appearance, as it is within close proximity of the adjacent Listed Building.

### **Developer contributions**

- 9.72 Policy IMP2 of the Maidenhead AAP sets out that planning obligations will be used to ensure the delivery of key on-site and area-wide infrastructure required to service and mitigate the impact of development proposals. It states that all new development within the AAP boundary will be required to contribute towards necessary infrastructure improvements.
- 9.73 In September 2016, The Royal Borough of Windsor and Maidenhead adopted a Community Infrastructure Levy. A zero-rated CIL was adopted for Maidenhead Town Centre which has meant that developer contributions to strategic infrastructure are not collected through the CIL mechanism.
- 9.74 Following the removal of regulation 123 from the CIL regulations and lifting of the 'pooling restrictions' on S106 contributions in September 2019, this means that, subject to meeting the 3 tests set out in CIL regulation 122, charging authorities can use funds from both the levy and

section 106 planning obligations to pay for the same piece of infrastructure regardless of how many planning obligations have already contributed towards an item of infrastructure.

9.75 In line with policy IMP2 of the Maidenhead AAP, it is considered that contributions should be sought to fund the strategic transport infrastructure, identified in the Borough Infrastructure Delivery Plan. It is important, that the contribution sought for a planning application meets the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

9.76 In this instance, there would be a notable increase in office floorspace above the existing building, and as such it is considered the proposed development would have an impact upon transport infrastructure (transport infrastructure includes, roads, cycling links and public transport). The applicant is willing to make a contribution towards infrastructure projects. The amount needs to be agreed, and will need to meet the 3 tests mentioned above and will need to take into account the viability of the development. This will be reported in the Panel update.

## **10. PLANNING BALANCE AND CONCLUSION**

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

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

- *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.*

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

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

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

10.4 It is considered that this scheme conflicts with a number of the development plan policies, and also with National Planning Policy, which is a material consideration of significant weight. However, it is important to consider whether there are material considerations which indicate that there should be a departure from the development plan. With regard to the less than substantial harm caused to the setting of the designated Heritage Asset, it needs to be considered if there are public benefits which outweigh this harm, in accordance with the requirements of the National Planning Policy Framework. Special attention also needs to be paid to Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990.

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

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

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

- *Increase the amount and quality of grade A office space in Maidenhead creating around 350 new jobs.*

It is accepted that there is a requirement for office space floorspace to be provided in Maidenhead, as set out in the Employment Land Needs in RBWM October 2019 Topic Paper. This proposal would deliver a significant amount of office floorspace. The provision of grade A office space and the generation of 350 new jobs is given significant weight as a benefit.

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

This is noted, however, there are other opportunities for office development in the town centre or other edge of centre sites which are located closer to the train station than this site. This is given limited weight as a benefit.

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

It is not considered that the proposed building is architecturally significant. This is not given weight as a benefit.

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

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

- *Provide a complementary development to the Royal Borough Development Partnership proposals for 550 homes on neighbouring land to the east;*

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

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

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

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

It is accepted that the scheme is maximising the use of a brownfield site, and this is given moderate weight as a benefit.

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

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

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

It is agreed that there is an opportunity to provide new meaningful landscaping as part of this development. This is given moderate weight as a benefit.

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

This is given limited weight as a benefit.

- 10.6 The benefits outlined above were taken into account in the planning balance for the previously refused scheme. A greater amount of office floorspace and new jobs would have been provided in the previously refused scheme compared to this current scheme. Whilst it is considered the scheme does cause some harm to the character of the area, the scheme is not considered to be as overdeveloped as the previously refused scheme. It is considered that this scheme maximises

the use of a brownfield site. Also, in this current scheme, unlike the previously refused scheme, it is considered that new tree planting and meaningful landscaping can be provided, and so these two benefits that are given more weight in for this application, than in the previously refused scheme.

- 10.7 Whilst it is considered that less than substantial harm to the setting of the Listed Building would arise from the proposed development, the level of harm would be less than in the previously refused scheme (also considered to cause less than substantial harm). In the previously refused scheme, owing to the sheer height and mass of the proposed building there would have been significant harm to the setting of the Listed Building, whereas for this scheme there is considered to be moderate harm to the setting of the Listed building.
- 10.8 With regard to the less than substantial harm caused to the heritage asset, the NPPF requires that public benefits are weighed against this harm. The National Planning Practice Guidance sets out that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework. The NPPG further explains that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.
- 10.9 The public benefits arising from the scheme include the creation of jobs, and the provision of Grade A office space in a sustainable location. In this case, these benefits are considered to outweigh the less than substantial harm (which would be a moderate level of harm) that would be caused to the setting of the Listed Building (the designated heritage asset).
- 10.10 It is considered that this scheme is of an acceptable design, however, the scale and mass of the proposed building is considered to be too large relative to the site configuration, and in the context of neighbouring buildings. It is considered that the scheme would cause a moderate level of harm to the character of the area. It is considered that the scheme conflicts with Policy DG1 of the Adopted Local Plan DG1 and policies MTC4, MTC5 and MTC6 of the Maidenhead Area Action Plan. However, there are material considerations which weigh in favour of the proposed development. More office space is required in the Borough, and this scheme would help contribute to that, and would create employment opportunities. The office space would be Grade A, which is needed within the Borough. The scheme has sustainability benefits. The scheme will target BREEAM Excellent, it will incorporate on-site renewable energy, a green roof and electric charging bays. These weigh in favour of the application. It is considered that the benefits arising from the scheme outweigh the moderate harm caused to the character of the area. The benefits arising from the scheme are material considerations which would indicate that that planning permission being granted, despite the conflict with aforementioned development plan policies.

## **11 APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – Proposed site layout
- Appendix C – Proposed elevations
- Appendix D – Plans for previously refused scheme.

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

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Prior to the commencement of the construction of the building hereby approved, samples of the brick to be used on the building shall be submitted to and approved in writing by the LPA. The building shall be built in accordance with the approved materials.  
Reason: To ensure the material used is of a high quality, given this gateway location and proximity to the Listed Building.

- 3 Prior to the commencement of the construction of the building hereby approved, plans (including details of the materials) at scale of 1:20 of entrance/ doors to the building, windows, and balustrades to roof terrace shall be submitted to and approved in writing by the LPA. The development shall be constructed in accordance with these approved details.  
Reason: To ensure the development is of a high quality, given its prominent location and proximity to the adjacent Listed Building.
- 4 Plans of the new stairs and works to the entrance from the subway at a scale of 1:20, (to include a cross section), including details of the materials, and green wall shall be submitted to and approved in writing by the LPA prior to the commencement of the construction of new stairs. These works shall be carried out in accordance with the approved details.  
Reason: To ensure that the new pedestrian entrance is of a high quality design.
- 5 Prior to the commencement of any works or demolition a construction management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 6 The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing: a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). A copy of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion. b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. LPA. This must be conducted in accordance with the Environment Agency Land Contamination Risk Assessment, formerly CLR11 Model Procedures for the Management of Land Contamination.
- 7 Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA. Remediation of the site shall be carried out in accordance with the approved remedial option. This must be conducted in accordance with DEFRA and the Environment Agency's 'Land contamination risk assessment'. Reason: To ensure the proposed remediation plan is appropriate.
- 8 On completion of remediation, a closure report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.
- 9 If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately, and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.
- 10 No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:  
-Procedures for maintaining good public relations including complaint management, public consultation and liaison  
Arrangements for liaison with the Environmental Protection Team  
-All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

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

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

-Procedures for emergency deviation of the agreed working hours.

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

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

The development shall be undertaken in accordance with the approved plan.

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

- 11 Prior to the commencement of the construction of the rooftop plant, details of the plant, including manufactures specification, and details of the acoustic measures to be used shall be submitted to and approved in writing by the LPA. The plant and acoustic measures shall be constructed in accordance with the approved details, and shall be maintained in good working order for the lifetime of the development.

Reason: To ensure the development does not in result in an unacceptable level of noise.

- 12 Prior to the commencement of construction of the building hereby approved, details of the soft landscaping scheme, which shall include wildlife friendly landscaping, shall be submitted to and approved in writing by the LPA. These landscaping 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 construction of the building hereby approved, details of the materials of hard surfacing to the car parking area, vehicular access and pedestrian routes shall be submitted to and approved in writing by the LPA. The development shall be constructed in accordance with these approved details.

Reason: to ensure a satisfactory appearance of development.

- 14 Prior to the erection of the visitor cycle parking, details of the cycle storage shall be submitted to and approved in writing by the LPA. The development shall be constructed in accordance with the approved details.

Reason: To ensure it is of an acceptable appearance.

- 15 Prior to the commencement of construction of the building hereby approved, details of the green roof (including details of its maintenance) at rooftop level shall be submitted to and approved in writing by the LPA. The green roof shall be implemented and maintained in accordance with the approved details.

Reason: To ensure a satisfactory form of development, and to secure sustainability benefits of the scheme.

- 16 The photovoltaic panels shall be provided in accordance with the approved plan, prior to the first occupation of the building hereby approved.

Reason: To secure a sustainability benefit of the proposal, and to accord with NPPF and National Design Guide

- 17 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.

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

- 18 Details of the biodiversity enhancements and wildlife friendly landscaping (including timeframes of when they are to be implemented) shall follow the recommendations given in section 4 of the ecology survey report (The Ecology Consultancy - dated 17 June 2020 - job ref: 7554.2) and

shall be submitted to and approved in writing by the LPA prior to the commencement of construction of the building hereby approved. The approved biodiversity and enhancements and landscaping are to be installed in accordance with the approved timeframes .

Reason: To incorporate biodiversity improvements in and around developments in accordance with paragraph 175 of the NPPF

18 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 always thereafter be kept available for the parking of cycles in association with the development.

Reason: To ensure that the development is provided with adequate cycle parking facilities to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1

19 The car park shall have 4 active electric vehicle charging points, with the remaining spaces be designed as passive.

Reason: To secure a benefit of the application, and to accord with paragraph 110 of the NPPF.

20 Prior to the erection of the boundary treatment, plans of the boundary treatment shall be submitted to and approved in writing by the LPA. The boundary treatment shall be constructed in accordance with the approved details.

Reason: to ensure it is has a satisfactory appearance, and respects the setting of the adjacent Listed Building.

21 The construction of the surface water elements shall be carried out in line with the drawings submitted as part of this application. Any changes/deviations from the details provided shall be submitted to the LPA for approval before construction of the building hereby approved. Details of the maintenance arrangements relating to the proposed surface water drainage system confirming who will be responsible for its maintenance and the maintenance regime to be agreed in writing by the LPA prior to occupation of the building. The approved surface water drainage system shall be implemented in accordance with the approved detailed design prior to the first occupation of the building hereby approved and maintained thereafter.

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

22 Unless otherwise agreed in writing by the Local Planning Authority, the building hereby approved shall achieve a BREEAM excellent standard. A BREEAM post completion report of the building shall be carried out by a licensed BREEAM assessor within six months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates, a copy of the post completion report shall be submitted to the Local Planning Authority.

Reason: To secure a sustainability benefit of the scheme.

23 The building hereby approved shall be used as an office, with associated cafe only.

Reason: One of material considerations for allowing this development, is that this would provide office floorspace, which is required in the Borough.

24 Prior to the commencement of construction of the building hereby approved, plans at a scale of 1:20, including cross sections showing the new pedestrian entrance from Cookham Road, which shall show details of existing and proposed ground levels shall be submitted to and approved in writing by the LPA. The development shall be constructed in accordance with the approved details.

Reason: To ensure that the new pedestrian entrance is of an acceptable gradient and is of a satisfactory appearance.

25 No development shall commence until detailed plans showing the existing and proposed ground levels of the site, relative to a fixed datum point on adjoining land outside the application site, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of development.

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

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

## **Informatives**

1 The building, trees, and other vegetation where birds may nest which are to be demolished or removed as part of the development, are to be demolished/cleared outside the bird-nesting

season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

- 2 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