

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

DEVELOPMENT CONTROL PANEL

21 April 2021

Item: 1

Application No.:	19/02085/FULL
Location:	St Edmunds House And 20 Ray Mill Road West Maidenhead
Proposal:	Erection of 14 No affordable apartments with associated parking, landscaping and access following demolition of St Edmunds House and 20 Ray Mill Road West
Applicant:	RBWM Property Company Ltd
Agent:	Mr Shaun Travers
Parish/Ward:	Maidenhead Unparished/St Marys
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks permission for 14 affordable units across the three proposed buildings. Two of the buildings would be two storeys in height, and one block would be three storeys in height. 14 car parking spaces would be provided.
- 1.2 Ten of the proposed units would be shared ownership, and the remaining 4 units would be social rent. There is no local plan policy requirement to provide affordable housing as part of this scheme. There is a significant need for affordable housing within the Borough, and so the provision of 14 affordable units is a significant benefit of the application.
- 1.3 There are a number of harms arising from the proposal, which include the loss of St Edmunds House as a non-designated heritage asset; the resultant cramped form of development; the resultant harm to neighbouring residential amenity, the resultant poorly designed residential environment for some of the future occupiers, and the likely resultant additional pressures for some on-street parking on Ray Mill Road West, which has existing parking pressures.
- 1.4 The recommendation is finely balanced; however, it is considered that the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits. As such, the application is recommended for approval subject to the affordable housing being secured through a legal agreement.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure the provision of all 14 units as affordable housing, and with the conditions listed in Section 12 of this report.
2.	To refuse planning permission if an undertaking to secure the affordable housing referred to in (1) is not achieved, for the reason that the provision of affordable housing is a significant benefit weighing in favour of the application and without it, the harm resulting from the scheme would outweigh its benefits.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site consists of a narrow piece of land situated to the south of Ray Mill Road West, measuring circa 0.23 hectares. The site is situated within the developed area of Maidenhead and is located within a predominantly residential area. A detached bungalow faces on to Ray Mill Road West with St Edmunds House located to the rear of the site. St Edmunds House is regarded as a non-designated heritage asset. There is a car parking area between the bungalow and St Edmunds House. A road runs along the eastern part of the site which provides vehicular access St Luke's school to the south.
- 3.2 A group of protected trees are situated in close proximity to the eastern boundary of the site (outside of, but adjacent to the application site).
- 3.3 The site is situated circa 0.8 km from Maidenhead town centre, located in a reasonably sustainable location.
- 3.4 Within the surrounding area, dwellings are predominantly two storey and domestic in scale. There are three storey (town house) dwellings to the west of the site on Wayside Mews. The rear gardens of these properties, which back on to the site, are approximately 8.0m in depth.

4. KEY CONSTRAINTS

- 4.1 Non-designated heritage asset
Protected Trees

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application proposes the demolition of existing buildings on site and the construction of three apartment blocks. Block A, facing on to Ray Mill Road West would accommodate 4x 1 bedroom flats and would be two storeys in height. Block B would be 2 storeys in height and would accommodate 4 x 2 bedroom flats. Block C would be three storeys in height, and would accommodate 6 x 2 bedroom apartments. In total 14 apartments would be provided, and all would be affordable.
- 5.2 70% of the flats (10 units) would be of shared ownership tenure, with the remaining 30% (4 units) to be social rent. 4 social rented units would be provided in block A, with Blocks B and C accommodating shared ownership units.
- 5.3 **Block A** would have a height of 8.1 metres to the ridge and an eaves height of around 5 metres. The building would be finished in a mixture of brick and cladding and would have grey cement tiles on the roof.
- 5.4 **Block B** would have a height of circa 8.6 metres to the ridge and an eaves height of around 4.4 metres. It would be finished in brick and cladding and would have a grey cement tiled roof.
- 5.5 **Block C-** would have a height of around 11.5 metres, and an eaves height of around 7 metres. The building would be finished in a mixture of brick and cladding and would have grey cement tiles on the roof.
- 5.6 The existing access road down the eastern boundary would remain to provide access to the school to the rear, as well as the proposed flats. On-site parking for 14 cars would be provided. Grassed areas which would provide outdoor amenity space would be provided within the site.

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, H10, H11
Highways	P4 AND T5
Trees	N6
Other sites in business and industrial uses	E6
Pedestrian environment	T8
Cycling	T7
Meeting a range of housing needs	H8/H9
Loss of community facility	CF1

7. **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2019)

Section 2- Achieving Sustainable Development
 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 challenges of climate change, flooding and coastal change
 Section 15- Conserving and enhancing the natural environment
 Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Housing Density	HO5
Ecology	NE1
Trees	Ne3
Local Heritage Assets	HE8

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
Ecology	NR2
Trees	NR3
Historic Environment	HE1

7.1 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

- “a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

- 7.2 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. 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 were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector's post hearings advice letter was received in March 2021. The next stage will be for main modifications to be carried out and consulted upon.
- 7.3 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

Supplementary Planning Documents

- Borough Design Guide
- Sustainable Design and Construction SPD

Other Local Strategies or Publications

- 7.3 Other Strategies or publications material to the proposal are:
- RBWM Townscape Assessment
 - RBWM Parking Strategy
 - Affordable Housing Planning Guidance

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

21 occupiers were notified directly of the application. One neighbour (number 3 Wayside Mews) was not sent a letter (due to an administration error) but were notified of the application on the 24th March 2021. Any comments from this occupier will be reported in a Panel Update.

The planning officer posted a notice advertising the application at the site on 5th August 2019 and the application was advertised in the Local Press on the 8th August 2019.

Amended plans were received on the 21st October 2020, with a reduction in the number of units proposed. A new site notice and newspaper advert with the new description were displayed. Letters were sent to neighbouring occupiers notifying them of the amended plans.

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

Comment		Where in the report this is considered
1.	Concerns over the scheme not meeting the requirements of the right to light legislation.	See iv
2.	Concerned that on demolition of No 20 the party wall issues are dealt with correctly and that on completion the party wall is sound.	Party wall issues are not a planning consideration.
3.	From the plans we understand that the development will have no shared services with our property and would like that confirmed in writing. It is noted that some of the surface water runoff is entered into a combined system and we would like to see confirmation from the Drainage Authority that this additional outfall into the existing system will not cause any problems with the existing discharge from our property	Section vii looks at Sustainable drainage
4.	Have bat surveys been carried out?	See vi
5.	Concerns over the increase in traffic, in a busy area. Also there are schools in close proximity	See ix
6	This proposal will also mean St Luke's has to add yet another security gate/fencing to ensure the site remains safe and secure for its pupils	Noted, this is not relevant to the planning consideration.
7	In the submitted documentation (Refer to 'Design and Access Statement' section 7 and other supporting Plans) the line of existing trees to the east of Block C is depicted incorrectly as a continuous border of trees, whereas in reality there is a significant gap. This means Block C will result in unacceptable overlooking to 4 The Hyde.	The impact upon 4 the Hyde is considered to be acceptable. It does not directly adjoin the site.
8	The scheme will cause overshadowing to properties to the east.	See iv
9	With regard to the tree protection fence that will be in place during the construction. At its southern end, where the new wall is to be constructed, the plan appears to show it crossing my boundary fence and cutting off the SW corner of my garden. However, none of the documents suggest that access to my property will be required during the construction and I would not expect this to happen.	Noted.
10	The proposal shows Block C has Juliet balconies directly overlooking the garden of number 5 the Hyde. I object to this invasion of privacy, and request that the eastern elevation of Block C is to the same design as proposed for Block B.	See iv The Juliet balcony is not considered to result in significantly higher levels of overlooking than windows would in the same location.
11	The planning document has taken into consideration the potential overshadowing effect of blocks B and C on the properties in Wayside Mews but makes no reference to the effect on 5 The Hyde. Despite being directly adjacent to the site, it is shown only as a 2D area rather than a 3D representation on the above massing model (from the Design and Access Statement), so the extent to which it would be dwarfed by the 3 storey blocks is not shown.	See iv
12	Believes the submission of the application was timed for when residents would be away.	Not relevant to planning considerations.

13	The transport assessment was not undertaken on a typical school day and normally traffic would be much higher. It was done during school testing week when traffic movements are a lot lower than normal.	The Highway authority have not objected to the date of the assessment.
14	Ray Mill Road West is already heavily congested.	See ix
15	The plan does not take account of dwellings in the area, or the school.	See assessment
16	Homes for key workers for police and nurses is unacceptable, as they work shift patterns. They will be slamming their doors at night, which will cause disturbance to surrounding residents.	Key workers live in open market housing too. People of all professions require homes.
17	The construction period will cause unacceptable noise and disturbance to existing residents.	There is a level of disturbance associated with construction. There are construction working hours set by Environmental Protection.
18	The additional cars will add emissions to the area.	See ix
19	The ecological report is full of errors. I have seen bats on the site. They submit photographs of bats and refer to Section 40 of the National Environment and Rural Communities Act 2006.	Bats do use the site for foraging; however, the bat surveys did not find evidence of roosting bats in the buildings to be demolished.
20	The scheme proposes insufficient car parking, and this is likely to impact on highway safety, as cars are likely to park on the access.	See ix
21	The width of the proposed access is a concern taking into account the use by the school and the proposed flats.	See ix
22	The developers assured us that a brick wall would be built between the site and the school. This is not proposed, and we object to this, as a fence is not adequate.	This would not constitute a reason to refuse the application.
23	The scheme will remove a roundabout which the school have had to pay for.	Noted. This is not relevant to the planning consideration.
24	Cramming flats in a privately owned area is not in keeping with the character, or in the best interests of surrounding residents.	See iii
25	Scheme would impact on peace and enjoyment of number 2 Wayside.	See iv
26	Lights from cars and street lighting would affect the health of surrounding residents.	Details of new lighting could be controlled by condition.

27	The construction period would devalue my property and deny me the right to extend under permitted development.	The impact on the value of a property is not a planning consideration. If a property has permitted development rights, this development will not affect what that property could do under permitted development.
28	Scheme will remove biodiversity habitats.	See vi
29	There are more bird species, and butterflies in the ecological assessment reported that would be impacted.	See vi
30	Considers the scheme will harm the bat habitat which is illegal.	See vi
31	If these plans go ahead, a zebra crossing should be installed on Ray Mill Road West to allow a safe crossing point for people going to school.	A zebra crossing is not considered necessary.
32	The transport assessment is incorrect. The access is used by visitor's deliveries and contractors, both within and out of school term time.	Noted.
33	The school requests that the area in front of St Edmunds is re-tarmaced as part of the building work.	This assessment can only consider the acceptability of the proposal put forward in the application.
34	How do you prevent HGVs turning down Wayside Mews and causing damage to a private road?	This is not material to the consideration of this application.
35	Noise and light pollution are a concern.	See x
36	Block B would reduce light to windows in 5 the Hyde.	See iv
37	Concerns over the boundary treatment. Land at 5 the Hyde is around 1 metre lower and so a 2.4 high metre fence would cause an unacceptable impact.	Details of the boundary treatment could be secured by planning condition.
38	Scheme will add to pressures on schools, GP's and dentists	See x
39	Object to sheer scale of the development	See iii
40	Impact on privacy to number 22 Ray Mill Road West	See iv

41	<p>We see as well in the study that the height of the buildings is the same in the 2 versions. Yet the "proposed value" of the VSC changes between the 2 versions in the Daylight and Sunlight report.</p> <p>It means, that the margin of error in the number calculated is questionable (24.82-24.48=0.34), therefore the accuracy of the simulation is highly questionable. We believe that this inaccuracy is a considerable concern and that the light lost from this window would be noticeable (as the values of the Vertical Sky Component is below 27% and losses of 20% are reached).</p>	<p>See iv</p> <p>The daylight assessment was further updated to take account of the latest amended plans.</p> <p>No evidence has been presented to show why it is considered the assessment is incorrect.</p>
42	<p>The bat survey has still not been put on the application page, nor the mitigating actions taken, despite the fact that Boonbrown confirmed on the telephone that the survey has been done. Please publish this report.</p>	See vi
44	Extra noise from additional cars	See x
45	Concerns over the sheer size of the proposed build.	See iii
46	Where will the considerable number of cars that park by St Edmunds House go?	<p>This car park is not dedicated to the school, and there is an informal agreement with the school that they can park there. The school has on-site car parking within the site.</p>
47	Serious loss of privacy to number 22 Ray Mill Road West	See iv
48	Parking on Ray Mill Road West is already an issue. This scheme if allowed would add to this problem.	See ix
49	Exiting the drive from number 22 Ray Mill Road West is already an issue, this will add to the problem.	See ix
50	The noise levels during construction and after completion will increase and cause harm to neighbouring properties.	See x
51	Concerns over the impact on bats, which are present on site.	See vi
52	Concerns over construction traffic.	<p>Construction traffic is to be expected. A condition could be imposed to secure a Construction Management Plan.</p>
53	There won't be space for council to park when they need to undertake maintenance of the site.	Noted.
54	Concerns over the impact of the scheme, in combination with the development proposed on Ray Mill Road East.	<p>Planning permission for new housing has not been granted on Ray Mill Road East.</p>

55	Not seen anything about the proposed security measures for the school.	A gate is shown on the site layout plan.
56	You will need to do an Environmental Impact Assessment if bats are present.	An EIA is not required for this application.
57	Lorries will arrive between 6-7am delivering materials. What compensation will you offer?	This is not a relevant planning consideration.
58	Proposed building block B will be overbearing and cause loss of light to number 2 Wayside Mews.	See iv
59	The Council declared a climate change emergency, so shouldn't these houses be built to zero carbon standards?	See x
60	The scheme will result in the loss of car parking that was granted permission for St Lukes School	It will not impact on the car parking granted at St Lukes school.

Comments on Amended plans

Comment	Where in the report this is considered
Inadequate car parking would be provided. Ray Mill Road West already has problems with parking, and this will add to it.	See ix
Concerns over the lack of parking, which will result in parking on non-designated spaces causing access problems to St Lukes School	See ix
Lack of access to disabled people/ people with walking frames	See x
Development will put pressure on already stretched local services	See x
Concerns over the access, which is small in width.	See ix
Concerns over the impact on wildlife on the site, which includes bats, birds and butterflies.	See vi
Concern over the extra noise associated with the weekly refuse lorries.	The refuse vehicles already collect refuse from this area.
There will be extra noise from cars after the development is completed.	See x
Concerns over the scale of the development in relation to the size of the site, and in the context of the local area.	See iii
Loss of privacy to number 22 Ray Mill Road West	See iv
Traffic is already an issue in the area, and this development would add to it.	See ix
Cars continue to park regularly on the site, demonstrating a requirement for that purpose.	See ix
Scheme is not in keeping with the character of the area.	See iii
Valuable open space would be replaced by urbanisation.	This is not considered to be a valuable open space.
Concerns over the accuracy of the daylight/sunlight report. Believe that there would be a noticeable loss of light to 18 Ray Mill Road West.	See ix.
We demand that the building plans are changed so that the right of light to number 18 is not adversely impacted and expect the VSC to be above 27%.	See ix
There will be significant levels of traffic on a busy road, and it will result in air pollution, impacting upon the health of children.	See x
Concerns over the scale of the development.	iii
School is concerned about the shared driveway and they are deeply concerned about cars parking on the link road and/or parking in passing areas. We are also concerned about cars parking on the kerb at the access point because there will be limited spaces now available inside.	ix
If access areas are restricted staff will not be able to get to their place of work, emergency vehicles will not be able to enter and neither will refuse or government vehicles or indeed delivery drivers.	ix
The number of parking spaces has been reduced from 16 to 14 which will only increase the issues for households with more than one vehicle.	ix
The three parking spaces at the top of the site (numbers 1, 2, 3) originally planned to be accessed directly from Ray Mill Road West had the advantage of preventing on-road parking in front of them. The current plan has moved these parking spaces and landscaped the area which will encourage on-road parking adjacent to the access road. This will cause visibility problems which are currently experienced with vehicles parking at the top of the drive now.	ix

School governors are very worried about safety of pupils, and particularly that of staff and visitors accessing the school via the drive access – the only vehicle access. Should this access road become blocked by parked residential vehicles it could seriously impede access for emergency vehicles, particularly ambulances and fire tenders.	ix
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Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	Raises no objection, provided a condition on the detailed design of the sustainable drainage system is imposed.	viii

Consultees

Consultee	Comment	Where in the report this is considered
Ecologist	<p>Raises no objections, subject to planning conditions being imposed to secure a method statement, or a new survey to be undertaken if development has not commenced before April 2021, a suitable lighting strategy and biodiversity enhancements.</p>	See vi
Conservation Officer	<p>The demolition of the building would be counted as substantial harm and in such cases the test contained in paragraph 197 of the NPPF would need to be applied when considering the development. This states that in weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss of significance of the heritage assets.</p> <p>If demolition were considered appropriate, then we would expect that the buildings are recorded by way of a photographic record, to HE level 1-2, prior to demolition, in accordance with para 199 of the NPPF. Suitable wording for a recording condition can be provided if required. In addition, we would support a condition as noted in para 6.40 of the Planning and Heritage Statement that addresses the requirements of para 198 of the NPPF, to ensure that the new development will proceed after the loss of the building has occurred.</p>	See ii
Tree Officer	<p>No objections, subject to a condition for tree protection measures. They also advise the landscaping plan and landscaping maintenance and management plan should be updated.</p>	See v
Highways	<p>According to the Local Authority's current Parking Strategy the proposal results in the site having a parking shortfall of 10 spaces. The parking survey results show the development will add to the severe parking pressures within the surrounding area, which will be detrimental to highway and pedestrian safety and to the local residents and their visitors who currently rely on this area for parking.</p> <p>For these reasons, the Highway Authority cannot support this proposal and recommends that planning permission be refused as it is contrary to policies P4 and T5 from the Boroughs Local Plan and the NPPF (paragraphs 105, 106 & 109).</p>	ix

Environmental Protection	<p>Agree with the outcomes of the Phase II Geoenvironmental Site Investigation and Risk Assessment report in that there are no viable pollutant linkages at the development site. Given that the risks of contamination at the development site are very low, recommends imposition of a condition regarding contamination.</p> <p>Also recommend a condition for a CEMP to be submitted, and for a restriction on the timing of deliveries for commercial purposes.</p>	<p>See recommended conditions for the CEMP and contaminated land.</p> <p>A condition on the restriction on the timing of deliveries by commercial vehicles is not considered to be necessary to make this development acceptable.</p>
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Loss of use of the existing office building
- ii The loss of the non-designated heritage asset
- iii Design and impact on the character of the area
- iv Residential amenity for neighbouring properties and future occupiers
- v Impact on Trees
- vi Ecology
- vii Affordable Housing
- viii Sustainable Drainage
- ix Transport
- x Other considerations
- xi Planning Balance and Conclusion

i Loss of use of the existing buildings.

9.2 It is understood that St Edmunds House has been used for office use, and a pupil referral unit in the past. The building has been vacant for several years. Policy E6 of the Adopted Local Plan (the development plan) sets out that proposals for the redevelopment or change of use of premises in employment use to other uses will be supported in appropriate circumstances. Policy E6 does not prevent the loss of employment uses that are not within allocated employment sites.

9.3 The National Planning Policy Framework (NPPF) 2019 at paragraph 121 explains that Local planning authorities should 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 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.

- 9.4 It is not considered that this scheme would conflict with Policy E6 of the Adopted Local Plan. In addition, there is a need for housing within the Borough, as the Council is unable to demonstrate a five-year housing land supply, and so it is considered that the scheme accords with paragraph 121 of the NPPF.
- 9.5 A pupil referral unit would be classed as a non-residential institution. Policy CF1 of the Adopted Local Plan sets out that “The borough council will not permit the loss of existing community facilities and buildings unless it is satisfied that 1. There is no longer a need for them; or 2. An acceptable alternative provision is to be made elsewhere.” In this case, the design and access statement explains that the pupil referral unit closed several years ago and as such there is no longer considered to be a need for it. The scheme would not conflict with Policy CF1.

ii Loss of the non-designated heritage asset

- 9.6 St Edmunds House is considered to be of both architectural and historic interest. It is a substantial mid to late Victorian villa with outbuildings, and an original boundary wall to the rear. The existing building (St Edmunds House) is considered to be a non-designated heritage asset. Paragraph 197 of the NPPF sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 9.7 In architectural terms it is quite a large mid-Victorian Villa with unusual gothic inspired and “freestyle” detailing. The original stables and outbuildings remain off Ray Mill Road West, which are fairly rare survivors. Historically, this building is a good example of the phase of Victorian development that followed the construction of the railways in Maidenhead. The building is a good example of its type, with some interesting and attractive design details, although now disfigured by unsympathetic alteration and ad hoc additions. The scheme would result in the entire demolition of the building. The building is of architectural and historic value; however, it has been modified in an unsympathetic way. The demolition of the non-designated heritage asset weighs against the scheme.
- 9.8 Although the Conservation Officer regards the loss of the non-designated heritage asset as substantial harm, given that there have been some unsympathetic alterations to the building, some of its architectural and historic value has been eroded. It is therefore considered that the loss of this non-designated heritage asset should be given significant rather than substantial weight.

iii Design and impact on the character of the area

Scale

- 9.9 The building proposed to the front of the site (building A) at two storeys in height would be in keeping with the heights of the two storey dwellings along Ray Mill Road West. The depth of this building would be noticeably greater than other buildings in the local area and this would be visible when viewed from Ray Mill Road West, when looking from the east. The scale of this building is not characteristic of this area, and some harm to the streetscene would arise.
- 9.10 With regard to block B (within the middle of the site), the height of the building would fit in with the height of other two storey buildings within the locality. Building B is deep at 19 metres, which is significantly deeper than other buildings in the locality. The scale of this building would be out of keeping with other buildings in the locality. It would not be as visible within the streetscene as block A but would be visible from surrounding residential properties. Block C, at three storeys in height, combined with its footprint would be significantly larger in scale than buildings in the surrounding area. This building would be set back within the site and views of the building from Ray Mill Road West would be limited, but it too would be visible from surrounding properties.

Layout

- 9.11 The application site is linear in form and relatively narrow. The proposed buildings would be located behind one another, with areas of car parking in between the buildings. The space around proposed block A would be limited. Block B at two storeys in height would have a reasonable amount of space around it, so that it does not appear overly cramped. Block C would be three storeys and would be sited close to the access road. Given the scale of the building and the limited spacing around it, this building would appear somewhat cramped within the site.
- 9.12 Given the scale of the buildings and the distances between the proposed blocks (with gaps of 16 and 20 metres) the positioning of the buildings is considered to be acceptable.
- 9.13 Blocks B and C would have a reasonable amount of outdoor amenity space. In addition, there are areas of land within the site where landscaping can be provided to soften the appearance of the development. The layout incorporates refuse and cycle storage, the positioning of which is generally considered to be acceptable.

Appearance

- 9.14 The majority of the application site lies within 'a post war suburb' as defined by the Council's Townscape Character Assessment where its main characteristics include medium density residential suburbs consisting of a distinctive network of curvilinear streets with dead end roads and cul de sacs where parking is predominantly off street.
- 9.15 The proposed buildings would have gable roofs which are in keeping with the roof form of buildings in this area.
- 9.16 The buildings are of a contemporary design. Subject to the use of appropriate brick and cladding, the materials proposed are considered to be acceptable within this area where there are a variety of materials.
- 9.17 Block A is considered to be of an acceptable appearance. The northern and eastern elevations, which would face Ray Mill Road West and the access road respectively have active frontages which is considered to be a positive of the scheme.
- 9.18 The front elevation of block B is considered to be acceptable. The use of the gable, and window detailing would create an active frontage to the building on the north (front elevation). The eastern elevation which would face the access road lacks architectural detailing and would appear quite bland, which is a negative of the scheme.
- 9.19 The northern and eastern elevation of block C incorporates fenestration and architectural detailing, so that they are active elevations. The appearance of this building is considered to be acceptable.
- 9.20 The bin stores provided for each block would have a height of 2.4 metres. This is considered to be high, especially when located next to the boundaries with residential gardens. It is considered that the height of the bin stores should be reduced to somewhere closer to 2 metres, to reduce the impact of the bin stores on neighbouring gardens. The final design of the bin stores could be secured by planning condition (condition 15).
- 9.21 Overall the scheme is considered to be cramped, owing to the scale of the buildings proposed within a site of this size. There would be views into the site from Ray Mill Road West, although the views of the entire scheme from this road would be fairly limited. However, the scale of the development will be visible from many neighbouring properties. In addition, the side elevation of Block B is quite bland, which is not good design. It is considered that there would be harm to the character of the area, in conflict with policies DG1 and H11 of the Adopted Local Plan. This is considered in the planning balance.

Iv Residential Amenity for neighbouring properties and future occupiers

- 9.22 There are no adopted Local Plan policies relating to residential amenity. The NPPF at paragraph 127 sets out that planning decisions should ensure developments 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 9.23 The Borough Design Guide is an Adopted Supplementary Planning document and is a material consideration in the determination of this application. The SPD provides guidance on amenity.

Neighbouring amenity

- 9.24 The application site is bounded by residential development to the east and west, and the impact of the development on the amenity of these neighbouring properties needs to be considered.

18 Ray Mill Road West

- 9.25 This is a two-storey dwelling situated to the west of the application site. The two-storey building proposed to the front of the site (block A) would have the greatest impact on this dwelling.

Impact on light

- 9.26 A sunlight and daylight assessment was submitted with the planning application. The assessment shows that there would be an impact on light to windows in this dwelling, however, the reduction in light as a result of the proposal is not considered to be significant. There is a first floor side facing window in the eastern elevation of number 18 which serves a bedroom (the only window to serve this room), however, the submitted daylight assessment reveals the impact on light to this window would not be significant.

Impact on privacy, and whether the development would appear overbearing

- 9.27 The side elevation of block A would face number 18 Ray Mill Road West (the dwelling and rear garden area). No windows are proposed in the side elevation of this proposed building at first floor level, and so no unacceptable overlooking would arise. The proposed building would be circa 3.5 metres from the rear garden area of number 18. Given that the building is two storey and set off the boundary, it is not considered the scheme would be unduly overbearing to the garden area of this property.

Number 22 Ray Mill Road West

Impact upon light

- 9.28 This dwelling is situated to the east of the site. A row of trees and a private access separates the application site and this neighbouring dwelling. A gap of circa 13 metres would be maintained between these two buildings. Block A would face the side elevation of number 22 Ray Mill Road West. Given that the proposed building would not face a principal elevation of this dwelling and taking into account the distance between the two buildings, it is not considered that there would be a significant impact upon light to the windows of this dwelling.

Privacy

- 9.29 There are windows and a non-projecting balcony in the eastern elevation of block A, which would provide views to the side elevation of this dwelling, however, given the distance of 13 metres, and the fact that the windows would not face a principal elevation of the house, it is not considered that there would be an unacceptable level of overlooking of this dwelling or its garden.

Numbers 1- 12 Wayside Mews

- 9.30 These are three storey town houses located to the west of the application site. The rear elevations and rear garden areas of these properties face onto the western boundary of the application site.

Impact on light

- 9.31 The Sunlight and daylight assessment shows that the windows in the rear elevation of the dwellings would have a reduction in light as a result of the proposed development, but that the impact on light would not be significant.

Privacy and whether the development would be unduly overbearing.

- 9.32 The rear garden areas to the dwellings on Wayside Mews are shallow, at around 8 metres deep, and are at a lower ground level than the application site. Blocks B and C would have side elevations with windows at first floor level, with block C having windows at second floor level that would face the rear gardens on Wayside Mews.
- 9.33 Block B would have bedroom windows which would face the properties on Wayside Mews. These windows are shown to have etched glazing. Block C would have first and second floor levels that would serve bedrooms and a kitchen that would face the properties on Wayside Mews.
- 9.34 The distance between the windows in the western elevation of block B and the windows in the rear elevations of properties on Wayside Mews would be circa 16 metres. This is quite a close relationship, given habitable room windows are located in the side elevation of block B, and the rear (principal) elevation of the dwellings on Wayside Mews contain habitable room windows. There would likely be unacceptable overlooking to the windows of these dwellings if mitigation is not put in place. The first-floor windows in block B are shown to have etched glazing, which would limit views from these windows. As such, provided these windows are in etched glazing, it is not considered that there would be unacceptable levels of overlooking to habitable room windows in these neighbouring dwellings.
- 9.35 There is a gap of around 19.5 metres between the first and second floor windows of block C to the rear elevation of the dwellings on Wayside Mews. This distance is considered to be reasonable to avoid unacceptable levels of overlooking between properties. The rear garden areas of numbers 11 and 12 would experience a level of overlooking, but the separation distance to the rear garden is greater from block C, compared to block B. It is considered that windows at first and second floor level should also have etched glazing to reduce the level of overlooking to these gardens.
- 9.36 It also needs to be considered whether the proposed buildings would be overbearing when viewed from the neighbouring properties on Wayside Mews. Block B would come within close proximity (within 2 metres), of the rear gardens of numbers 2, 3 and 4 Wayside Mews however, it is number 3 Wayside Mews that would be most impacted, with the gable of this building extending across the entire width of this garden boundary. Block B is two storeys in height, and whilst the building is not particularly high for a two-storey building, the two-storey gable will be in close proximity to this rear garden. It is considered the building would be overbearing to this garden. The gable facing this garden would appear bland and lacks architectural detailing. The applicant has offered to provide architectural detailing on this elevation; however, whilst this would improve what neighbouring occupiers can see of this elevation from their garden, the building would still appear overbearing when viewed from this rear garden area.
- 9.37 Proposed block C would be located at its closest point around 4.5 metres off the boundaries with Wayside Mews. Given the wider separation distance up to the boundary, it is not considered that this building would be unduly overbearing to the rear garden areas of the properties on Wayside Mews.

5 The Hyde

- 9.38 This dwelling is located to the east of the application site (to the rear of number 22 Ray Mill Road West). This dwelling and its garden would be most impacted by blocks B and C. The windows in the side elevation at ground and first floor level of this property would experience an impact on light, however, the sunlight/daylight assessment shows that this would not be to a significant level. The window in the ground floor side elevation is a secondary window which serves a kitchen/dining area, and the first-floor side window serves a bedroom (this is the only window serving this room).
- 9.39 Proposed block C would be visible from the rear garden of number 5, however, given the offset of the building from this rear garden area, and taking into account the large size of this garden area,

it is not considered that block C would be unduly overbearing when viewed from this rear garden area. It is not considered that block C would result in unacceptable overlooking to the rear garden of this property.

Amenity of future occupiers

- 9.40 The floorspace for each apartment is considered to be sufficient in size and would meet the nationally described space standards, which is supported by the Adopted Borough Design Guide.
- 9.41 Some of the apartments would have inset balconies, but these balconies are not very large, and would not meet the standards in the Borough Design Guide, and so it is not considered that these balconies would provide appropriate amenity space in themselves for future occupiers. However, blocks B and C would have a fairly reasonable amount of outdoor communal space for future occupiers. Block A would have an adequate amount of outdoor amenity space when assessed against the Borough Design Guide, however, this space is not well connected to the building and there would be limited opportunity for tree planting in this space.
- 9.42 The habitable room windows (bedrooms) within blocks B and C that are proposed to be fitted with etched glazing would result in an inadequate outlook for future occupiers of these flats, which weighs against the scheme.

V Trees

- 9.43 There are two group Tree Preservation Orders 008/1980/G2+G3 aligning with the western boundary of 5 The Hyde Ray Mill Road West. Group G2 protects 4 x Yew trees. G3 protects 7 x Common Yew, 2 x Sycamore, 1 x Holm Oak, 1 x Purple Beech, 1 x Hawthorn and 1 x Blue Atlas Cedar. Policy N6 of the Adopted Local Plan provides guidance on new development and trees.
- 9.44 The submitted outline arboricultural method statement and tree protection plan is missing important tree protection method measures, and methods to ensure off-site trees are protected. However, in principle the development is considered to be acceptable in relation to protected trees. A condition would be required to obtain the required tree protection measures and method statement (condition 3).
- 9.45 Turning to new soft landscaping proposed planting is ornamental in nature, and does not include native species. It is considered native planting should be included within a landscaping scheme. This could be secured by planning condition (condition 4).

Vi Ecology

Bats

- 9.46 The buildings on site were assessed for their potential to support roosting bats.
- 9.47 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).
- 9.48 The ecology report (Plowman Craven, 2019) made recommendations for further surveys in order to establish whether or not the buildings support bat roosts. These further surveys were provided as part of this application. The buildings were all surveyed following best practice guidelines and at an appropriate time of year. No bats were recorded emerging or returning to roost during the further surveys and therefore the applicant's ecologist has concluded that bats are most likely absent from the buildings.
- 9.49 Due to the transient, mobile nature of bats, the presence of features on the buildings suitable for use by roosting bats, and the time since these surveys were undertaken (July 2019), it is considered

necessary to include a condition so that demolition works follow a method statement of precautionary measures to safeguard against any risk of the proposals causing harm to bats (condition 8). The Council's Ecologist does recommend that if demolition of the buildings has not commenced by April 2021, a condition should require a new bat survey to be undertaken, however, this is not considered reasonable. A new survey would need to be undertaken before the application was determined, and as the survey is not older than 2 years, it is not considered necessary or reasonable to request a new survey to be undertaken prior to the determination of the application.

- 9.50 New lighting without appropriate mitigation could have a detrimental impact on bat species by disturbing foraging and commuting lines and discouraging bats from roost sites. The ecology survey makes recommendations with regards to lighting at the site in order to minimise the impact of lighting on bats including the avoidance of lighting on the wildlife sensitive areas of the site including the eastern boundary, creation of dark corridors through the site, use of low pressure sodium lamps, or lamps with UV filters and prevention of increased lux and illumination levels (condition 9).

Other wildlife

- 9.51 There was no evidence of badgers and no suitable habitat on site to support great crested newts or reptiles.
- 9.52 The buildings and vegetation may be used by nesting birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. Works to the buildings, trees and shrubs should be undertaken outside of the bird nesting season (March to August inclusive) or, if that is not practical, areas to be cleared should be checked immediately prior to clearance by a suitability qualified ecologist.
- 9.53 The site has the potential to support hedgehogs, which are listed as a Species of Principal Importance, which makes it a conservation priority under Section 41 of the NERC Act 2006. The NPPF 2019 states that "Planning policies should promote the protection and recovery of priority species". The applicant's ecologist has made some recommendations with regards to the protection of hedgehogs during development. A condition could secure details of how to protect hedgehogs and mammals during development.
- 9.54 A technical note states the biodiversity enhancements which will be included at the site including areas of grassland, native tree and shrub planting, the installation of bird and bat boxes onto the new buildings and the provision of log piles and hibernacula. In addition, as the site contained habitat suitable for hedgehogs, 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. The technical note states that an 18% increase in biodiversity will be provided following development. The locations and specifications of all the enhancements should be included within a biodiversity enhancement scheme, and this could be secured by planning condition (11).

vii Affordable Housing

- 9.55 As the site area is less than 0.5 hectares, and the number of dwellings to be provided is less than 15, there is no requirement to provide affordable housing under policy H3 of the Adopted Local Plan. Policy H03 of the Borough Local Plan (proposed changes version), requires 30% of the units on site to be affordable for this size of development, however, the Borough Local Plan is not adopted, and carries limited weight at this time in the determination of the application.
- 9.56 Paragraph 71 of the NPPF sets out that local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their home), unless the need for such homes is already being met within the authority's area. It states these sites should be on land which is not already allocated for housing and should:

a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and

b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.

- 9.57 The Draft Housing Strategy for Windsor and Maidenhead explains that Strategic Housing Market Assessment shows that there is a need for an additional 434 new affordable homes in the Borough every year. In the year 2019/2020, 70 affordable units were delivered. It is evident that there is a significant need for affordable homes within the Borough, and this scheme would make a contribution to this.

Viii Sustainable Drainage

- 9.58 Paragraph 165 of the NPPF sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence it would be inappropriate.
- 9.59 The Lead Local Flood Authority advised they were satisfied that a satisfactory sustainable drainage scheme can be achieved but asked the applicant to confirm that the strategy had not been changed as a result of the amended plans. The applicant's drainage consultant has confirmed that the drainage strategy has not changed as a result of the amended plans. The LLFA recommends a condition is imposed to obtain full details of the strategy and ensure implementation (condition 7).

Ix Transport

- 9.60 Policy T5 of the Adopted Local Plan sets out that all development will be expected to comply with the Council's Adopted Highway Design Standards.
- 9.61 Paragraph 108 (c) of the NPPF sets out that for specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be- or have been- taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved by all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be effectively mitigated to an acceptable degree.
- 9.62 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.
- 9.63 Policy P4 of the Adopted Local Plan requires developments to provide car parking in accordance with the Council's parking standards, which are set out in the Council's Parking Strategy 2004. However, the Council's parking standards are maximum parking standards, which the NPPF sets out should only be imposed if there is clear and compelling justification that they are necessary for managing the local road network. Policy P4 is therefore not given full weight in the determination of this application.
- 9.64 Although when assessed against the Parking Strategy, the site would not be considered one of good accessibility (as it is not within 800 metres of a train station with a regular service), the site is in a reasonably accessible and sustainable location, being around a 10 minute walk (800 metres) from Maidenhead town centre.
- 9.65 When assessed against the Council's parking strategy, the site would be considered as an area of poor accessibility. When applying the standards for this location, based on the number of units and bedroom numbers, 24 car parking spaces would be required to meet the Council's Parking Standards. The scheme proposes 14 car parking spaces, and so there would be a shortfall of 10 car parking spaces.
- 9.66 The submitted transport statement sets out that based on the latest census data, average car ownership is 1.19 cars or vans per household, where the average household size is 2.4, which is

relatively low. The site is also within a reasonably sustainable location, being a relatively short walk from the town centre. It is acknowledged that there are significant pressures for on-street parking on Ray Mill Road West. Given the location, and size of units proposed, it is considered reasonable to apply a parking ratio of 1.5 spaces for the 2-bedroom units (midway between the requirements for a 1 and 2/3 bed unit). Based on this ratio, 19 car parking spaces would be required. When applying this ratio, there would still be a shortfall of 5 car parking spaces.

- 9.67 As there would be a shortfall in car parking spaces, it is considered a car parking management plan should be secured which would set out how parking spaces would be allocated to future occupiers. It is considered that this would help mitigate the impact of the shortfall of 5 on-site car parking spaces. Even though there would be some harm arising from the shortfall in parking spaces, it is considered that through the submission of a car park management plan, any significant impacts on highway safety from increased pressure for on-street car parking could be mitigated to an acceptable degree. A car park management plan has been submitted with the application, however, further detail is required, and so a condition is recommended to secure this (condition 22).
- 9.68 Turning to the access arrangements, a plan showing visibility splays of 2 metres x 25 metres from the main access has been provided and this is considered to be acceptable. The swept path analysis drawings show that a fire appliance and refuse vehicle could access and manoeuvre with the site
- 9.69 Cycle storage is proposed and shown on the site layout plan. Further details of the type of cycle storage is required and can be secured by planning condition (condition 16).

x Other considerations

Pollution

- 9.70 Concerns have been raised about air pollution as a result of the proposal. The site is not situated within an Air Quality Management Area.
- 9.71 In terms of pollution from future occupiers. A low level of car parking provision is proposed. It is not considered that unacceptable levels of pollution would arise from the development.
- 9.72 With regard to noise pollution, it is not considered that a residential scheme within a predominantly residential area would cause unacceptable levels of noise.
- 9.73 With regard to light pollution, residential units would not cause unacceptable levels of light pollution. Any new external lighting could be controlled by planning condition (condition 9).

Sustainability measures

- 9.74 Reference has been made by objectors that the scheme should follow the Council's Climate Change Strategy. This Strategy is a material consideration to the determination of the application. The Council has published an interim sustainability position statement. This is a material consideration, however, this application was submitted prior to this position statement being published, and so the position statement is given limited weight in the determination of this application.
- 9.75 The applicant has advised that they would be looking to contact contractors to ensure the design and build is sustainable in line with the environment and climate strategy. They advise that electric charging bays and renewable energy will be considered at design stage, as the scheme is for all affordable housing, and so the costs of measures will need to be taken into account in considering viability. They state that as the scheme is a 100% affordable housing development, the costs will be a consideration to determine viability, but that they are committed to working within the Council's policies to provide a good standard of sustainable housing. Whilst it is regrettable that sustainability measures such as the provision of electric charging bays, and solar panels have not been considered at this stage, it is accepted that as this scheme is for affordable units, viability may affect what measures can be proposed.

Access for disabled persons, or with reduced mobility

- 9.76 The Design and Access Statement sets out that all buildings and spaces have been designed to comply with part M of the Building Regulations and will allow use by persons of all levels of mobility.

Impact upon infrastructure

- 9.77 The Council has a community infrastructure levy, which places a charge on certain development. This money is used towards funding infrastructure projects such as transport schemes, schools and open space throughout the Borough.

X1 **Planning balance and conclusion**

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

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

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

- 9.79 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.

- 9.78 The scheme is considered to conflict with policies DG1, H11, P4 and T5 of the Local Plan (the development plan). At the time of writing, the Council is unable able to demonstrate a five-year housing land supply, and so paragraph 11 of the NPPF must be engaged (this is known as the 'tilted balance'.) This application is not subject to policies in the NPPF that protect areas or assets of particular importance. As such paragraph 11 (ii) must be engaged, which requires the assessment to consider if any adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, taken as a whole.

- 9.79 As stated in section iii of this report, the scheme is considered to be cramped, owing to the scale of the buildings within this linear site. As views of the entire development from Ray Mill Road West will be quite limited, the harm to the streetscene is considered to be limited, however, the cramped nature of the development would be visible from neighbouring properties. Overall, the development is considered to result in moderate harm to the character of the area.

- 9.80 The scheme would impact on light to habitable room windows in neighbouring residential properties, although the impact is not considered to be significant. It is considered that block B would be overbearing to the rear garden area of number 3 Wayside Mews and that the first-floor windows would result in a perception of overlooking to the rear gardens of numbers 4 and 5 Wayside Mews. As such, overall, the harm to neighbouring residential amenity is considered to be moderate.

- 9.81 For future occupiers of the proposed units, some of the bedroom (habitable room) windows would have etched glazing in order to reduce levels of overlooking to neighbouring gardens. This is not reflective of providing a high-quality environment for those future occupiers of the units and it weighs against the scheme and is given limited weight as harm.

- 9.82 The scheme would result in the total loss of a non-designated heritage asset (St Edmunds House), and this is given significant weight. The planning statement sets out that the ability to restore the building back to residential accommodation is limited both in terms of floor layout and fabric. The building is large with deep floor plates and as such does not lend itself to apartments in terms of providing natural light to habitable rooms. The fabric and layout of the building does not meet modern day building regulations in respect of fire safety. The building is not Part M compliant for disabled access and alterations necessary to render the building compliant would not be viable.
- 9.83 A level of harm would arise from the shortfall of car parking spaces. Although this is not a significant shortfall, Ray Mill Road West has a high level of on-street car parking. As such it is considered that some harm would arise. It is considered that measures such as a car park management plan could help control how car parking spaces on site would be allocated to future occupiers. This harm is given limited weight.
- 9.84 The benefits of the scheme are that it would provide 14 residential units, which would make a moderate contribution to the Council's five-year housing land supply. This is given moderate weight as a benefit.
- 9.85 All of the units would be affordable and there is a strong need for affordable housing within the Borough, with a need for 434 additional new homes each year required. In the year 2019/2020, 70 affordable units, comprising 62 shared ownership units and 8 units for affordable rent were provided. Given the need for affordable housing in the Borough is high, the provision of 14 affordable units on this site is given significant weight as a benefit.
- 9.86 Economic benefits would arise from jobs created during the construction period. These would be temporary jobs and given the scale of the development the economic benefits are considered to be limited.
- 9.87 The site is a brownfield site, situated within a reasonably sustainable location. The NPPF at paragraph 68 sets out that local planning authorities should support development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes. At paragraph 118 of the NPPF, it states planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Great weight is therefore given to this being a windfall site, and substantial weight is given to the use of brownfield land.
- 9.88 The benefits of the scheme are the use of a brownfield site, the use of a windfall site, the provision of affordable housing, and the contribution to the Council's five year housing land supply, balanced against this are the harms, which include the loss of the designated heritage asset, the harm to the character of the area, harm to neighbouring residential amenity; the quality of living accommodation for the some of the units for future occupiers, and the additional pressures for on street car parking. It is considered that this scheme is finely balanced, however applying the tilted balance as set out in the NPPF, it is not considered that the adverse impacts of the scheme significantly and demonstrably outweigh the benefits.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable. An updated CIL form to reflect the floorspace of the 14 apartments is required.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Elevations
- Appendix C – Floor plans

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 construction of the buildings hereby approved, a written specification of the materials to be used on the external surfaces of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

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

3 No works or development shall take place until an Arboricultural Method Statement and Tree Protection Plan specific to this scheme has been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction recommendations.

Nothing shall be stored or placed in any fenced area (construction exclusion zone) in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.

The tree protection measures shall be installed prior to the commencement of works on the site and retained until completion of the development and the works as a whole shall be carried out in accordance with these approved details and maintained until completion of the development.

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

4 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme to be approved by the Local Planning Authority shall include a planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities

The development shall be 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.

5 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.

6 The development shall not be occupied until all walls, fencing or any other means of enclosure (including any retaining walls), have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

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

7 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on sustainable drainage principles shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.

Supporting calculations based on infiltration testing undertaken in accordance with BRE365 confirming any attenuation storage volumes to be provided.

Details of the maintenance arrangements relating to the proposed surface water drainage system confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with the National Planning Policy Framework and the Non-

Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

- 8 Demolition works shall be undertaken under the supervision of an appropriately qualified ecologist [full member of CIEEM and/or a Natural England Bat licence holder with experience of supervising demolitions where there is a risk of bats being present]. Works are to follow a method statement detailing techniques, including the careful removal of tiles by hand, and the procedure to follow should bats or signs of bats be found which will have been agreed in writing by the Local Planning Authority prior to the commencement of the demolition of any of the buildings. A closing-out report including details of the methods used, and any bats or signs of bats found, shall be submitted to the Local Planning Authority.

Reason: To ensure that bats, a group of protected species, are not adversely affected by the proposals.

- 9 Prior to the commencement of construction of the buildings hereby approved, a report detailing the lighting scheme 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 limit the impact of light pollution from artificial light on nature conservation in accordance with para 180 of the NPPF

- 10 No works which will include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect hedgehogs and other mammals from being trapped in open excavations and/ or pipe and culverts have been submitted to and approved in writing by the local planning authority. The measures may include:

Creation of sloping escape ramps for hedgehogs and other mammals, which may be achieved by edge profiling of trenches/ excavations or by using planks placed into them at the end of each working day; and

Open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

The development shall be carried out in accordance with the approved measures.

Reason: To ensure that wildlife is not adversely affected by the proposed development in line with wildlife legislation.

- 11 Prior to commencement of the development, a Biodiversity Enhancement Scheme (incorporating the recommendations for biodiversity enhancements provided in the submitted ecology reports) including timescales to implement the enhancements shall be submitted to and approved in writing by the council. The approved Biodiversity Enhancement Scheme shall thereafter be implemented and maintained as agreed.

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

- 12 No works shall commence until the buildings on site have been recorded to Historic England Recording Level 1. This work is to be undertaken by a person or body approved by the Local Planning Authority and in accordance with a written scheme approved by the Local Planning Authority in writing prior to the commencement of development. Hard copies of the document are to be provided to the Local Planning Authority, Berkshire Archaeology (for the Historic Environment Record) and the Maidenhead Library Local Studies section prior to the completion of the works on site.

- 13 In the event that unexpected soil contamination is found during the development works, development must be halted and the contamination must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which shall be submitted to and approved in writing by Local Planning Authority prior to the occupation of the development.

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

- 14 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 these approved details.
- Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.
- 15 No part of the development shall be occupied until revised elevations of the bin storage and recycling areas have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be constructed in accordance with the approved details and shall be kept available for use in association with the development at all times.
- Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 16 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
- Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 17 The first floor windows in the western elevation of Block B, and the first and second floor windows in the western elevation of block C shall be fitted with etched glazing. The specification of the etched glazing to be used shall be submitted to and approved in writing by the LPA prior to the commencement of construction of Blocks B and C. The glazing shall be retained as approved in perpetuity.
- Reason: To prevent unacceptable levels of overlooking of neighbouring properties on Wayside Mews.
- 18 A plan showing the architectural detailing to the western elevation of Block B shall be submitted to and approved in writing by the LPA prior to the commencement of construction of Block B. The development shall be carried out and maintained in accordance with these approved details.
- Reason: To avoid having a blank gable facing Wayside Mews.
- 19 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with a layout that has first been submitted to and approved in writing by the Local Planning Authority. 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.
- 20 No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.
- Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.

- 21 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 22 No part of the development shall be occupied until a detailed car parking management plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall set out how the car park will be managed into the future, taking account of likely changes in demand. The approved Plan shall be implemented prior to the first occupation of the development and thereafter maintained.
Reason: To ensure that the car park is actively managed and provides adequate parking for the residents of the site only. Relevant Policies - Local Plan P4, DG.
- 23 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 All birds, their nests and eggs, are protected by law. It is a criminal offence (with certain exemptions) to deliberately or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built. The buildings and vegetation on the site are likely to be used by nesting birds and any works to buildings with bird nests or vegetation clearance should take place outside the bird nesting season (March - August inclusive). If this is not practicable areas to be cleared should first be checked for bird nests by an appropriately qualified person. If bird nests are found works that could disturb it must stop until any young have fledged the nest.