

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 August 2021

Item: 3

Application No.:	20/03497/OUT
Location:	Poundstretcher 31 - 33 High Street Maidenhead SL6 1JG
Proposal:	Outline application for access, appearance, layout and scale to be considered at this stage with all other matters to be reserved for the conversion of first floor and new second and third floors to create 10 No. flats with associated works to ground floor.
Applicant:	David Howells
Agent:	Not Applicable
Parish/Ward:	Maidenhead Unparished/St Marys
If you have a question about this report, please contact: Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application is for outline consent for the conversion of the first floor and new second and third floor to create 10 flats, with associated works to the ground floor. Matters to be considered are access, appearance, layout and scale with landscaping to be considered as a reserved matter.
- 1.2 The proposal is not considered to prejudice the operation of the existing retail unit, and as a sustainable, town centre location residential development is encouraged.
- 1.3 Conservation comments on amended plans are pending and will be reported in an update, but the proposal is not considered to harm the character or setting of the host building, nearby important non-listed buildings or Maidenhead Town Centre Conservation Area.
- 1.4 The proposal is considered to have an acceptable impact on neighbouring amenity in terms of loss of light, visual intrusion and overlooking. Furthermore, the proposal would not result in harm to air quality during the construction or operational phase subject to conditions.
- 1.5 No on-site parking is proposed but given the town centre sustainable location and existing on-street parking restrictions within the locality, it is considered a car free development is acceptable. Given the car free nature of the proposed development it is considered that the vehicle trip generation would be limited and so would not unduly impact the local highway infrastructure network. The proposed accesses are acceptable in respect of highway safety. Details of cycle and refuse / recycling storage can be secured by condition.
- 1.6 It is considered that there would be no unacceptable impact on trees subject to a condition to secure full details of services and utilities to ensure the root protection areas of nearby street trees are not transgressed. The sustainable drainage proposal is acceptable.

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

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site measures approximately 0.05ha and is located within Maidenhead Town Centre. It comprises a flat roof, 2-storey, 6-bay building at no. 31-33 which fronts onto the High Street. The building measures a maximum 7.7m in height and 16.2m in width with the ground floor measuring a maximum 29.6m in depth while the first floor is set back by approximately 3m from the ground floor front elevation. It is a 20th century insert between Jasmine Peaking restaurant at no. 29 High Street to the east which was built c.1908, and HSBC at no. 35 High Street to the west which was built c.1922. This row of 3 forms a short parade within the High Street sited between Park Street and Old Post Office Lane. The building is currently vacant, but no. 31-33 High Street comprises of Class E (retail) use on the ground floor with ancillary uses on the first floor. To the rear of the site is a small service area with access from Park Street and beyond is no. 1 Park Street, which comprise of offices.

4. KEY CONSTRAINTS

- 4.1 The site lies within the Maidenhead Town Centre Conservation area, and as part of the High Street forms part of a secondary shopping frontage. The site also lies within Maidenhead Air Quality Monitoring Area. The adjoining neighbours at no. 29 and 35 High Street, and 1 Park Street are important non-designated buildings.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for outline planning permission for 10 flats following conversion of the first floor and the erection of a new second and third floor, and associated works to the ground floor. Matters to be considered are access, layout, scale and appearance with landscaping being a reserved matter.
- 5.2 Amended floorplans and elevations, and parapet detail, were received on the 30 June 2021 to address design issues, and these are the plans being assessed.
- 5.3 Application ref: 19/03444/OUT, for the part conversion of first floor and new second and third floors to create 10 No. flats with associated works to ground floor was refused by the council on 20 February 2020 on the grounds of undue impact on neighbouring amenity for no. 29 High Street.
- 5.3 Outline permission for 12 flats following conversion of the first floor and erection of a new second and third floor, and associated works to the ground floor, was granted on the 20 July 2020 (ref: 20/00973/OUT). The grounds for refusal of 19/03444/OUT had been satisfactorily overcome. Matters considered were access, layout, scale and appearance. The associated Reserved Matters application for landscaping was approved on 5 November 2020 (ref: 20/02034/REM). The main differences between the subject application and the previously approved scheme are as follows:

Roof and Third Floor

Reduction in footprint of the third floor which is accommodated in the proposed roof space by approximately 155sqm, resulting in a reduction of 2 units. Towards the frontage, the flat roof would be screened using a faux façade. To the rear there would be a tile hung truncated mansard.

Second Floor

Changes to the stepped east elevation and corresponding decrease in footprint by approximately 7sqm. Changes in the layout for flat 7.

- 5.4 Access to the flats would be from the ground floor from a pedestrian access on Park Street. The retail unit would have two separate accesses from the High Street serving the main shop floor, and an access from Park Street for deliveries of goods. No off-street parking is proposed. This remains the same as the approved scheme under 20/00973/OUT.

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
Character and Appearance	DG1, H10, H11
Impact on Conservation Area	CA2
Housing Provision	H6, H8, H9
Highways	P4, T5, T7
Trees	N6

6.2 **Adopted Maidenhead Town Centre Area Action Plan (MTCAAP) (2011)**

Issue	Policy
Character and Appearance	MTC4,
Retail Use	MTC7
Housing Provision	MTC12
Highways	MTC14
Infrastructure	IMP2

7. MATERIAL PLANNING CONSIDERATIONS

7.1 **National Planning Policy Framework Sections (NPPF) (2021)**

Section 2 – Achieving Sustainable Development
Section 4 – Decision-Making
Section 5 – Delivering a Sufficient Supply of Homes
Section 7 – Ensuring the vitality of Town Centres
Section 11 – Making Effective Use of Land
Section 12 – Achieving Well-Designed Places
Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15 – Conserving and Enhancing the Natural Environment
Section 16 – Conserving and Enhancing the Historic Environment

7.2 **National Design Guide**

This document was published in October 2019 and seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The focus of the design guide is on layout, form, scale, appearance, landscape, materials and detailing. It further highlights ten characteristics which work together to create its physical character, these are context, identity, built forms, movement, nature, public spaces, uses, homes and buildings, resources and life span.

7.3 **Borough Local Plan: Submission Version (2017) and Proposed Changes (2019)**

Issue	BLPSV Policy	BLPSVPC Policy
Character and Appearance	SP2, SP3	QP1, QP1a, QP3
Housing Provision	HO2, HO5	HO2
Town centre	TR3	TR3
Historic Environment	HE1	HE1
Trees	NR2	NR3
Environmental Protection	EP1, EP2, EP4, EP5	EP1, EP2, EP4, EP5
Highways	IF2	IF2
Infrastructure	IF1	IF1

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).*

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. Consultation is currently on-going on the proposed Main Modifications.

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.

7.4 Supplementary Planning Documents

- Planning Obligations and Development Contributions
- Borough Wide Design Guide

7.5 Other Local Strategies or Publications

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Maidenhead Town Centre Conservation Area Appraisal
- Interim Sustainability Position Statement

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

8 occupiers were notified directly of the application, a planning officer posted a notice advertising the application at the site and the application was advertised in the Local Press.

1 letter has been received supporting the application:

Comment	Where in the report this is considered
The development is attractive and is an improvement to what currently stands at this site.	Section 9(ii)

2 letters has been received objecting to the application:

Comment	Where in the report this is considered
Previously refused on impact on neighbouring amenity (no. 29 High Street) and there is limited	Application No. 19/03444/OUT was refused on these grounds; however, application No.

<p>differences to the scheme. No daylight or sunlight report has been prepared to support the proposal, and it is considered that habitable rooms would suffer a material loss of oblique and direct light. Furthermore, it is considered that the proposal would result in visual intrusion due to its scale, and loss of privacy due to windows facing their property to the detriment of their amenity.</p>	<p>20/00973/OUT was subsequently approved as it was considered to have overcome the previous reason for refusal. Section 9(iii)</p>
<p>HSBC (no. 35 High Street) shares a boundary wall with the application site and have not been notified in accordance with Part 13, Schedule 2 of the Town and Country Planning (Development Management Procedure) Order 2015 (ownership certificate B). If the application were determined without the correct Certificate in place, then this could result in a ground for judicial review.</p> <p>The red-line transects HSBC's access to their service yard and an area of their legal ownership, and HSBC requires daily access to the service yard for essential servicing and the service yard is an essential fire exit route, and access to the roof (to service air-conditioning units, pigeon netting etc). No information has been provided on impact on their access to the service yard or rooftop servicing.</p> <p>Limited consideration has been given to the impact on HSBC premises which are a non-designated heritage asset. HSBC have not been involved in any design correspondence relating to the impact of the proposals on their premises, nor had the opportunity to input into the impact of the upwards extension to the existing connecting wall.</p> <p>The presence of windows at the development which will overlook the service yard would result in inappropriate conflict and security risk to HSBC's back of house servicing operations. If the proposals are to be approved. HSBC will be required to implement additional security measures such as anti-climb equipment, replacement windows and additional window protection to ensure the safe continued operation of the bank as an essential service.</p> <p>Acknowledges that details of construction will likely be conditioned, but expects a robust construction methodology to be prepared as part of the application and requests the following concerns be addressed:</p> <ul style="list-style-type: none"> • Any construction hording should not interfere with visibility of HSBC's premises and services • The proposed construction and associated hoardings, increased in vehicular traffic and other construction related activities should not impact on 	<p>The applicant has confirmed development lies entirely within the site under their ownership. Therefore, there would be no requirement on them to serve notice on HSBC as part of Certificate.</p> <p>The applicant has re-submitted the red-line plan with a thinner red-line. This clarifies that the red-line does not transect HSBC's access to their service yard.</p> <p>Section 9(ii)</p> <p>Section 9(iii)</p> <p>Conditions to secure submission, approval and implementation of a construction management plan and construction environmental management plan have been recommended.</p>

<p>HSBC's ability to impact daily business</p> <ul style="list-style-type: none"> • Debris / detritus in public highway has the potential to constitute danger to the public and there should be appropriate mitigation measures. 	
--	--

Consultees

Consultee	Comment	Where in the report this is considered
Arboricultural Officer	<p>The 'Drainage and Utilities Statement' shows that foul water, gas, electric, telecommunications and potable water will connect into the development site outside the root protection area of the 3 highway trees in Park Street. The applicant will need to provide confirmation from the relevant utility companies that they support these connection points, and whether any upgrading of the utilities will be required further back from the connection points which could potentially compromise the three highway trees. Should the above be adequately addressed, full utility details will be required on submission of reserved matters. These subsequent details will need to continue to ensure the root protection area of the trees are not transgressed.</p> <p>A construction management plan will also need to be submitted to show the trees will not be affected by or within any working area etc. required for the development. Landscaping details will need to be conditioned.</p>	Section 9 (v)
Conservation Officer	<p>The proposed works are similar to those approved under application ref 20/000973. The main difference being the third floor. Towards the frontage the open space would be screened using a faux roof form, however, towards the east, the space this would be open. It would, therefore, be visible from Post Office Lane and possibly in oblique views from Park Street. Given the sensitivity of the site within the Maidenhead Town Centre Conservation Area, the terrace should ideally be enclosed in a similar manner to the front, i.e. within a false roof form. If the applicant is unwilling to include a faux roof form to enclose the flat roof, a traditional raised brick parapet with a stone coping and with simple modern railings positioned behind the parapet is suggested. It is also suggested that the truncated mansard is tile hung.</p>	<p>The comments relate to the proposal as originally submitted.</p> <p>Following receipt of these comments and subsequent submission of amended plans, the Conservation Officer has been re-consulted and their comments will be reported in an update.</p>
Environmental Protection	<p>No objection subject to conditions relating to a Site Specific Construction Environmental Management Plan (CEMP); restricted hours for vehicle delivery/collections; and measures to reduce dust during construction and demolition in accordance with the methodology in the submitted Air Quality Assessment; and informatives relating to dust and smoke</p>	<p>Air quality: Section 9 (iii). CEMP condition agreed. Restricted hours for vehicle delivery and collections during operations is not considered necessary as there are no restrictions for the existing shop, and there</p>

	control.	is no material change to the retail unit to warrant such a condition.
Highways Officer	No objection, subject to details being submitted in relation to Cycle Provision and Refuse Provision. Conditions recommended relating to details of cycle parking; details of refuse, bin and recycling provision; and construction management plan; and informatives relating to damage to footways and verges, damage to highways, no equipment or materials on the public highway.	Section 9 (iv)
Lead Local Flood Authority	No objection as the proposed development is unlikely to lead to an increase in surface water drainage.	Section 9 (vi)
Thames Valley Police	No objection, but postal service is an issue which can have a significant effect on privacy, safety and security of future residents. The preferred management of mail delivery is either external wall mounted letterboxes or via postal boxes within a secured entrance lobby with secondary internal access controlled communal entrance door. Details of mailboxes should be submitted and approved prior to determination of the application. If minded to approve, requests a condition to secure details and implementation of an access control system prior to occupation.	Outside the remit of planning, but advice on mailboxes added as an informative.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Impact on Character, Including Maidenhead Town Centre Conservation Area
- iii Residential Amenity
- iv Highway Safety and Parking
- v Trees
- vi Sustainable Drainage
- vii Sustainability
- viii Housing Land Supply

i Principle of Development

Residential Development

9.2 Maidenhead town centre represents a sustainable location to live, and in addition to contributing towards meeting local housing need an increase in residential units within Maidenhead town centre would bring more life into the area and help support local shops, services and facilities. Local Plan policy H6 states that the Council will grant planning permission for the provision of additional residential accommodation within town centres, while MTCAAP policy MTC12 states

that new housing development will be supported throughout the town centre. As a material consideration of significant weight, paragraph 86 of the NPPF states that planning decisions should support the role of town centres at the heart of local communities and should recognise that residential development plays an important role in ensuring the vitality of town centres. Paragraph 120(d) of the NPPF goes on to state that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help meet the identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops and building on or above service yards). As a further material consideration of significant weight, BLPSVPC policy QP1a states that within the town centre core increased levels of residential accommodation, principally at upper floor levels, will be provided to help support other town centre functions.

- 9.3 In this context, there is policy support in principle for residential development on the upper floors of the property.

Retail Use

- 9.4 Maidenhead town centre is a focal point for shopping facilities which serves the local community and contributes to the wider vitality and viability of the area. As such, MTCAAP policy MTC7 seeks to maintain and enhance the town centre's role by supporting and enhancing retail activity. As a material consideration of significant weight, BLPSVPC policy TR3 shares the same aims and objectives as MTCAAP policy MTC7.
- 9.5 While the proposal seeks to retain the existing retail use on the ground floor, approximately 319sqm of ancillary retail use would be lost on the first-floor. However, it is considered that the remaining retail unit would still be viable in terms of operations. The Council's Retail and Town Centre Study (2015) reports that retailers are moving towards a more efficient use of space in response to the growth of internet / click and collect shopping, which is generally distributed from a warehouse, and decline in 'bulk' shopping. Together with advances in technology to better manage stock it is reported that in-town retail units do not necessarily need the same space traditionally required for storage; much of which is now surplus to requirements. In this context it is considered that a proposed storage area of approximately 50sqm would be acceptable. Adjacent to the storage area, the proposed layout shows staff welfare facilities on the ground floor which are also acceptable. In relation to servicing, refuse collection arrangements would remain the same with access to a service area from Park Street.

ii Impact on Character, Including Maidenhead Town Centre Conservation Area

Density

- 9.6 The proposal will result in approximately 192 dwellings per hectare (dhp), which represents a high-density development. MTCAAP policy MTC12 states that higher density housing will be appropriate in suitable locations. As a material consideration of significant weight, paragraph 120 of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. In this case, the site is located in Maidenhead Town Centre which is a sustainable location and has been identified as an area for strategic growth. This quantum of development is therefore acceptable in principle.
- 9.7 Balanced against this, Local Plan policy H11 states that schemes that introduce a scale or density of new development which would be incompatible and cause damage to the character of the area would be resisted, while paragraph 124 of the NPPF states that making efficient use of land should take into account the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed places.

Design Policies

- 9.8 Local Plan policy H10 and MTCAAP policy MTC4 require new development to display a high standard of design and where possible to enhance the existing environment, while policy DG1 states that harm should not be caused to the character of the surrounding area. As a material consideration of significant weight, paragraphs 126 and 134 of the NPPF advises that high quality

buildings and places is fundamental to what planning should achieve and permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of the area and the way it functions, while BLPSVPC policy QP1 states that all new development should positively contribute to the places in which they are located and policy QP1a states that development should contribute towards the creation of a high quality, sustainable place and therefore will need to deliver high quality architectural design.

- 9.9 The Council is also required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Local Plan policy CA2 requires development to preserve or enhance the character or appearance of the conservation area by ensuring development is of a high standard of design and sympathetic to local character. As a material consideration of significant weight, paragraph 199 of the NPPF states that in 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 irrespective of the level of harm, while paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 201 of the NPPF states 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. As a further material consideration, BLPSVPC policy HE1 states that the historic environment will be conserved and enhanced in a manner appropriate to its significance, but this policy is currently given limited weight.

Identified Character of the Area

- 9.10 The site lies within the historic core of Maidenhead, as identified in the Council's Townscape Assessment, which forms part of the Maidenhead Town Centre Conservation Area. The Council's Townscape Assessment identifies the historic core as having a clear hierarchy of roads comprising of a main through-route (the High Street) with subsidiary roads leading off the principal streets (Park Street, Old Post Office Lane). Key characteristics include irregular building plots; buildings of human scale, typically 2 to 4 storeys in height and irregular building frontages and rooflines which create a varied streetscape.
- 9.11 In relation to the special interest of Maidenhead Town Centre Conservation Area, the significance differs from one street to the next as the town centre has developed piecemeal through the passage of time. However, aesthetically the character of the High Street consists predominantly of Victorian and Edwardian façades and some modern 20th century insertions. Variations in appearance from building to building can be attributed to the organic construction of buildings along the commercial main street of the town. The Maidenhead Town Centre Conservation Area Appraisal notes that the varied building heights and complex roofscape particularly create visual interest and reflects the historic development of the town centre. However, in terms of commonality much of the built form within the conservation area is on narrow plots that face onto the street and is 2 to 3 storeys in height.
- 9.12 The application includes a heritage statement, which is considered satisfactory to assess the potential impact on the significance of the conservation area and the adjacent non designated heritage assets; and whether the proposals would be considered to preserve or enhance the character or appearance of the conservation area.

Siting, Form, Height, Scale and Architectural Detailing

- 9.13 The existing building at no. 31-33 High Street is not considered to be of architectural or historic interest. In relation to the conservation area and setting of the neighbouring important non-designated heritage assets (no. 29 and 35 High Street and no. 1 Park Street), as a modern development the existing building is larger than the historic scale identified as a special character of the conservation area which the neighbouring properties conform to. However, although the

scale is apparent from Old Post Office Lane, the setback first floor, flat roof and plain design minimises its visual presence from the High Street and Park Street. Overall, it is considered that the existing building makes a neutral contribution to the Maidenhead Town Centre Conservation Area and setting of the neighbouring important non-designated heritage assets.

- 9.14 With the false facade the appearance of the north elevation fronting the High Street would be similar to the approved scheme granted under 20/00973/OUT. While both its eaves and ridge height would be above those of adjacent neighbours, the height would reflect some of the heights of other buildings in the area and variation in height is identified as a special characteristic of the conservation area. It is considered that this local variation allows a higher roof to integrate into the streetscene without it appearing overly dominant when seen in context with the neighbouring important non-designated heritage assets. Furthermore, given the character and appearance of the existing building it is considered that the extra floor and mansard type roof, which are architectural features more in keeping with the conservation area, would enhance the character and appearance of the conservation area to a degree.
- 9.15 The height and depth of the proposal would increase the building's scale and mass to the rear. The appearance of the proposed development from Park Street would be similar to the approved scheme granted under 20/00973/OUT. Side/rear views from Park Street would also be limited to views through an existing gap and consequently would not unduly draw the eye from the road. The height, scale and mass to the rear would be more apparent from Old Post Office Lane, but the extension would be set back by a minimum of 6.5m and, due to the extent of development to the rear of the application site and no. 29 High Street, it is considered that the setting of no. 29 High Street as a non-designated heritage asset is already compromised. That would remain the same with the new development in place. In relation to views from the south, as originally proposed there were concerns that the roofline would appear unfinished. To overcome this concern, the proposal has been amended to include a tile-hung truncated mansard and parapet.
- 9.16 On balance, it is considered that the character and appearance of the streetscene, conservation area, and setting of the neighbouring non-designated heritage assets would be preserved.

iii Residential Amenity

- 9.17 Local Plan policy H11 states that in established residential areas development which introduces a scale or density that would cause damage to the amenity of the area would be resisted. As a material consideration of significant weight, paragraph 130 of the NPPF states that planning decisions should ensure that development will achieve a high standard of amenity for existing and future users while BLPSVPC policy QP3 states that development should have no unacceptable effect on the amenities enjoyed by occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.

No. 29 High Street (Jasmin Peaking)

- 9.18 To the east of the site is no. 29 High Street with a restaurant on the ground floor and residential on the upper floors. Based on information provided by the occupant / owner of no. 29, on the west elevation which faces the application site there are two first floor flank windows which serve a kitchen and lounge, and a second-floor flank window that serves a kitchen. The new second floor and roof (accommodating a third floor within) would be sited in front of these windows, and objections have been raised over this proposed increase in height and resultant loss of light. In this case it is considered that in the existing situation the kitchen and lounge served by the first floor windows already experience limited light given that they face the existing first floor flank wall at no. 31-33 High Street. The kitchen, served by the second floor window, is not considered to be a habitable room but, in any case, the impact of the proposal on the kitchen window would be less as it is a storey higher and, as an improvement to the proposal granted under 20/00973/OUT, the roof is set back by a minimum of 6.5m from the east elevation. Paragraph 125(c) of the NPPF also states that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). On balance, it is considered that the proposal would not warrant refusal in this context.

- 9.19 In relation to visual intrusion, given that the existing first floor flank windows at no. 29 High Street face the existing first floor flank wall at no. 31-33 High Street, the existing outlook is limited. The second floor flank window at 29 High Street would face the proposed second floor whereas before it would overlook the flat roof at no. 31-33 High Street. However, a kitchen is not considered to be a habitable room and, as an improvement to the proposal granted under 20/00973/OUT, the roof is set back by a minimum of 6.5m from the east elevation. As such, the proposal is not considered to result in undue harm in this respect to warrant refusal.
- 9.20 There are no first-floor windows on the south (rear) elevation at no. 29 High Street, only a solid door leading to the flat roof of the ground floor. However, on the second floor there are two windows. At a site visit the occupants confirmed that the smaller window to the east serves a bathroom (a non-habitable room) but the larger window to the west, adjacent to the shared boundary with the application site, serves a bedroom. The previously refused proposal (19/03444/OUT) comprised of a second floor with a crown roof which extended approximately 9.9m along the shared boundary. When viewed from this window, it was considered that the height and depth of the second floor and roof extension would appear unduly visually overbearing and intrusive, to the detriment of the amenities of the occupants of No. 29. In terms of daylight, taking a diagonal downward 45-degree angle from the nearest top corner of the extension, the centre of the subject window would lie within the 45-degree angle. The extension would also intrude through a 45-degree line taken from the mid-point of the window. As such, together with the south facing orientation, it was considered that the proposal would result in an unreasonable loss of daylight to this room.
- 9.21 Due to the chamfered south-east corner the proposed second floor and crown roof would extend along the shared boundary at a depth of approximately 3m before angling away from the shared boundary at a 45 degree angle for a further 5m in depth to the rear building line. This is considered to reduce the bulk and mass along the shared boundary when viewed from the no. 29 High Street to an acceptable level. In relation to light, due to the chamfered south-east corner, the centre of the window lies outside of the downward 45-degree angle taken from the nearest top corner of the extension, and the extension would not intrude through a 45-degree line taken from the window at no. 29 High Street. As such, the British Research Establishment (BRE) Sunlight and Daylight guidance advises that daylight to the subject window is unlikely to be significantly affected.
- 9.22 It is considered that there are no undue concerns on overlooking. There are windows proposed to the east elevation facing no. 29 High Street, but these are high level windows while windows on the chamfered south-east corner would be angled away, and the rear terraces would overlook the existing flat roof of no. 29 High Street. The applicant has confirmed that the access onto the flat roof to the east is for maintenance and emergency access only, and the flat roof is not proposed as amenity space. This can be conditioned.

No. 35 High Street (HSBC)

- 9.23 Local concern has been raised over loss of privacy to the service yard to the rear of no. 35 High Street. From the proposed floor plans, adjacent to the shared boundary there would be a first floor terrace and balconies on the second and third floor. However, a privacy screen along the shared boundary can be conditioned to ensure no undue overlooking (condition 14).

Air Quality

- 9.24 The site lies in an Air Quality Management Area (AQMA) due to the exceedance of the air quality objectives with regard to the annual mean nitrogen dioxide particulate matter. As a material consideration of significant weight, paragraph 186 of the NPPF requires planning decisions to sustain and contribute to compliance with relevant limits and take opportunities to improve air quality or mitigate potential impacts from both the construction and operational phases. As a further consideration of significant weight, BLPSVPC policy EP2 states that development

proposals will need to demonstrate that they not significantly affect residents within an AQMA or to residents being introduced by the development itself.

- 9.25 The Air Quality Assessment submitted with the application reports that the potential air quality impacts from construction activities would not be significant assuming good practice. Details of measures to reduce the risk of dust complaints and exposure to elevated PM10 concentrations during construction and demolition work have been included in the assessment. If minded to approve it is recommended that these measures are secured by condition (condition 11). During the operational phase, it is considered that the main air pollutant would be from road traffic. The development of 10 flats is predicted to generate less than 44 daily vehicle movements, and the resultant impact on air quality is not considered to be significant.

iv Highway Safety and Parking

- 9.26 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to accord with adopted car parking standards, and policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking. MAAP policy MTC14 states that where appropriate development should provide adequate parking facilities. As a material consideration of significant weight, BLPSVPC policy IF2 states that development should be located close to employment, services and facilities and sustainable modes of transport; minimise the distance people travel and the number of vehicle trips generated; optimise traffic flows and circulation to minimise negative environmental impacts of travel; and provide vehicle and cycle parking in accordance with the current Parking Strategy.
- 9.27 The retail use currently benefits from pedestrian access from the High Street and access to the servicing area off Park Street. There are no proposed changes to this arrangement and therefore the proposal is not considered to result in any undue harm to highway safety over and above the existing situation in this respect. In relation to the flats, a new separate pedestrian access is proposed from Park Street which is acceptable.
- 9.28 No on-site parking is proposed but, given that Maidenhead Town Centre is a sustainable location with good access to local services and public transport, it is considered that this location could support a car-free development. Furthermore, there are parking restrictions within the vicinity such as double yellow lines, time limited parking bays and disabled parking bays to prevent any potential indiscriminate on-street parking to the detriment of highway safety.
- 9.29 The Council's adopted Parking Strategy states that cycle parking in town centres is encouraged by the Council and it should generally be provided at a ratio of at least 1 cycle parking space per residential unit. Further details on cycle storage, including demonstrating manoeuvrability with a bicycle, the width of the entrance and whether the storage rack can accommodate children's bicycles are required but can be secured by condition (condition 8). It is considered that details of refuse and recycling storage could also be secured by condition (condition 7).
- 9.30 Given the car free nature of the proposed development it is considered that the vehicle trip generation would be limited and therefore would not impact on the local highway infrastructure network and so is acceptable in this respect.

v Trees

- 9.31 Local Plan policy N6 states that an application for new development should, wherever practical, allow for the retention of existing trees and where the amenity value of trees outweighs the justification for development, planning permission may be refused. As a material consideration of significant weight, paragraph 174 of the NPPF states that planning decisions should recognise the benefits from natural capital such as trees. As a further material consideration of significant weight, BLPSVPC policy QP3 states that new development should protect trees and vegetation worthy of retention. BLPSVPC policies NR2 and NR3 also require development proposals to demonstrate how they maintain, protect and enhance features of conservation value such as trees, but these BLPSCPC policies are currently given limited weight.

- 9.32 There are no trees on site, but there are 3 trees on the adopted highway to the west on Park Street. The 'Drainage and Utilities Statement' shows that foul water, gas, electric, telecommunications and potable water will connect into the development site outside the root protection area of these trees. The acceptability of the connections from relevant utility companies has not been confirmed, but it is considered that full details of services and utilities can be secured by condition to ensure the root protection areas of the trees are not transgressed (condition 12).
- 9.33 The Council's Tree Officer has commented on the lack of greenery other than a narrow planter opposite the bin store and raises the possibility of greening the area behind the facade if the area is flat. However, landscaping is a reserved matter, and if outline permission is granted for the proposed development then landscaping details would be submitted under a subsequent reserved matters application.

vi Sustainable Drainage

- 9.34 As a material consideration of significant weight, paragraph 167 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate while BLPSVPC policy SP2 states that all development should minimise the impact of surface water runoff from the development in the design of the drainage system. No sustainable drainage strategy is proposed. However, the submitted Drainage and Utilities Statement indicates that the existing site is 100% impermeable and as the proposed development would not alter the footprint there is unlikely to be an increase in surface water runoff. Furthermore, given the constraints of the site, it is accepted there would be limited scope for the inclusion of sustainable drainage measures. As such, the lack of a sustainable drainage strategy is considered acceptable in this particular instance.

vii Sustainability

- 9.35 The Council declared a climate change emergency in June 2019 and committed to achieving a target of net zero carbon across the Borough by 2050. Following adoption of the Council's Environment and Climate Strategy (December 2020) and prior to the production of a Sustainability Supplementary Planning Document, an interim Sustainability Position Statement was published in March 2021 which sets out the Council's approach to these matters and is a material consideration in determining planning applications.
- 9.36 However, as the application was submitted in the transition period, it is considered that compliance with Part L of the Building Regulations, which refers to the conservation of fuel and power and exists to guarantee the eco-efficiency of properties built under UK law, is acceptable in this instance.

viii Housing Land Supply

- 9.37 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.*

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

9.39 For the purpose of this planning application the LPA currently cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer), and section d(i) of paragraph 11 of the NPPF is not engaged as there is no clear reason for refusing the development proposed against 'restrictive' policies which includes designated heritage assets (conservation areas) for the reasons set out in Section 9 (ii). Therefore, for the purposes of this application and in the context of paragraph 11 of the NPPF the 'tilted balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 In accordance with the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, the development is CIL liable, but the required CIL payment for the proposed development is set at £0 per square metre.

11. CONCLUSION

11.1 As set out in Section 9 viii it is considered that in this instance the tilted balance should be applied.

11.2 In relation to benefits that weigh in favour of the development, it is acknowledged that the proposal for 10 units would make a small contribution towards the Local Planning Authority in meeting their 5-year housing land supply. Although unquantified, there is also considered to be some environmental benefits as the proposal would involve the redevelopment of a brownfield site and the provision of additional housing in a sustainable, town centre location. It is also likely that there would be some economic benefits through employment during construction and increase in local spends with additional residents.

- o It is considered that the proposal is policy compliant in relation to retention of retail use at the site, residential amenity, highway safety and parking, trees and sustainable drainage, which is given neutral weight in the planning balance.
- o On the basis of the above, the benefits of the proposal would demonstrably outweigh the limited harm of the proposal.

12. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan
- Appendix B Proposed Plans and Elevations

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 The Development shall commence within two years from the date of approval of the last of the reserved matters.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

2 Details of the landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.

Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) Order 1995.

3 An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

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

Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, CA2, H10,

- 5 Prior to their installation details of the design, materials and finish of external doors, windows, dormer windows, balconies and Juliet balconies, and shopfront at a scale of 1:5, 1:10, 1:20 or to full size as appropriate shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - DG1, CA2, H10, MTC4
- 6 Prior to their installation the location, external appearance and manufacturers details of any vents, flues and associated plant shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - DG1, CA2, H10, MTC4
- 7 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details including design that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety, to ensure the sustainability of the development, and in the interests of the appearance of the Maidenhead Town Centre Conservation Area. Relevant Policies - Local Plan T5, DG1, CA2.
- 8 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 9 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.
- 10 No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan has been submitted to and approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to: a) Procedures for maintaining good public relations including complaint management, public consultation and liaison; b) Arrangements for liaison with the Environmental Protection Team; c) 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; d) Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above; e) 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; f) Procedures for emergency deviation of the agreed working hours; g) Control measures for dust and other air-borne pollutants; and h) Measures for controlling the use of site lighting whether required for safe working or for security purposes. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.
- 11 The development shall be undertaken and maintained in accordance with the approved Air Quality Assessment ref: 2935-1r2, dated 20 April 2020.
Reason: In the interest of air quality.
- 12 The installation of underground services and utilities including foul water, gas, electric, telecommunications and potable water shall be carried out in accordance with drawing ref: 8190747-SK02 Rev. P1, titled 'Utilities Strategy' at Appendix H in the Drainage and Utilities

Statement by Glanville, issue 5, dated 20 April 2020.

- Reason: To ensure that the root protection area of existing trees are not transgressed. Relevant Policies - N6
- 13 Other than the terraces on the first floor and balconies as shown on drawings ref: HSMD31-33/PLN/302 and HSMD31-33/PLN/303 Rev. D, the flat roof areas of the development hereby approved shall not be used as a balcony, roof garden or similar amenity area.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11
- 14 Prior to occupation, privacy screen shall be installed along the west side of the second floor serving flat no. 5 and the third floor balcony serving flat no. 9, and along the west side of the terrace serving flat no. 1 which will project at least 2.5m in depth from the rear elevation. The privacy screens shall be 1.7m high, measured from the base of the balcony and terrace. Prior to its installation, details of the materials/glazing of the proposed privacy screen shall be submitted to and approved in writing by the Local Planning Authority. The screen shall thereafter only be installed and maintained in accordance with these approved details.
Reason: To prevent overlooking and loss of privacy to neighbouring properties. Relevant Policies - Local Plan H11.
- 15 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 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. Applicant should be aware the permitted hours of construction working in the Authority are as follows:
- Friday 08.00 - 18.00
08.00 - 13.00
working on Sundays or Bank Holidays.
- 2 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 68 3830 and follow good practice.
- 3 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 4 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 5 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
- 6 Postal service is an issue which can have a significant effect on privacy, safety and security of future residents. Thames Valley Police advises that the preferred management of mail delivery is either an external wall mounted letterboxes or via postal boxes within a secured entrance lobby with secondary internal access controlled communal entrance door.