

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

MAIDENHEAD DEVELOPMENT MANAGEMENT COMMITTEE

15 September 2021

Item: 1

Application No.:	21/01616/FULL
Location:	70 High Street Maidenhead SL6 1PY
Proposal:	Change of use and extension to the upper floors from ancillary retail use to form 8 apartments, alteration and extension of the ground floor retail unit with roof terrace over, alteration and extension of first and second floor, and construction of a block of 18 apartments with new pedestrian access.
Applicant:	Mr Nicholas
Agent:	Mr Paul Devine
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 a change of use and extension to the upper floors from ancillary retail use to form 8 apartments, alteration and extension of the ground floor retail unit with roof terrace over providing approximately 245sqm of communal amenity space, alteration and extension of first and second floor, and construction of a 5 storey block fronting West Street to provide 18 apartments with new pedestrian access.
- 1.2 Overall the proposal would retain a viable retail unit within the primary shopping area and town centre. The proposal would also provide additional housing on previously developed land in a sustainable location, and make more efficient use of under-utilised upper floors above and to the rear of shops.
- 1.3 It is not considered to result in harm to the significance of the heritage asset (Maidenhead Town Centre Conservation Area) or its setting, the streetscene when viewed from the High Street or West Street, or character of the area including the skyline when viewed from the wider locality.
- 1.4 The scheme would have an acceptable impact on neighbouring residential amenity in terms of loss of light, visual intrusion and overlooking. Furthermore, the proposal would not harm air quality during the construction or operational phase. It is considered that there would be no harm in terms of highway safety and the local highway infrastructure. No on-site parking is proposed, but given its sustainable location there are no objections in this respect. It has been demonstrated that an acceptable sustainable drainage scheme can be achieved on site. The proposal is not considered to harm archaeology subject to a condition securing the approval and implementation of a written scheme of investigation.

It is recommended the Panel Authorises the Head of Planning to:

1	Delegate authority to the Head of Planning to approve the application with the conditions recommended in section 13 of this report, subject to no neighbour comments being received after Members have considered the application and before the 20 September 2021 which raise substantive and unresolved material considerations not covered in the officer report.
2	Should such representation(s) be received, the application shall be reported back to Members for their further consideration.

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 is located within Maidenhead Town Centre and comprises of a mid-18th century, 3 storey building fronting onto Maidenhead High Street. There is retail use on the ground floor with ancillary retail use on the upper floors which had previously been occupied by Savers and New Look but is currently vacant. To the rear is a service area and single storey storage building with access from West Street serving the retail units.
- 3.2 The site is attached to no. 68 High Street to the east and no 74 High Street to the west. In general, there are no substantial gaps between the buildings on the High Street, and so the High Street is flanked by buildings of varying heights and facades, limiting views out to the north and south. West Street has historically existed to serve the properties on the High Street and the south side of West Street is particularly dominated by parking and servicing areas. As such, there is a lack of frontage onto West Street.

4. KEY CONSTRAINTS

- 4.1 The site lies within the Maidenhead West Street Opportunity Area, Maidenhead Town Centre Conservation Area and designated as an important non-listed building. As part of the High Street the site lies within a primary shopping area and the existing building forms part of a primary shopping frontage. The site also lies within an Air Quality Monitoring Area.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 Planning permission ref: 19/00942/FULL was granted in April 2020 for the change of use and extension to the upper floors from ancillary retail use to form 8 apartments, alterations and extension of the ground floor retail unit with roof terrace over, alteration and extension of first and second floor, and construction of a block for 18 apartments with new pedestrian access.
- 5.2 The applicant has subsequently identified some required modifications to the approved scheme following a site survey comprising of an extended footprint of approximately 11.9 square metres to the rear adjacent, to the proposed residential access from West Street. To reflect the change in footprint, the proposal also includes revision to the layout of the ground floor bin store and to the proposed layout and balconies of flats 1/1, 2/1, 3/1 and 4/1 on the first to fourth floors of the West Street building.
- 5.3 The proposal also widens the building by approximately 0.3m on either side of the West Street building. The extended width to the east is full depth of the West Street building, while to the west it extends approximately half the depth. The increase in footprint is approximately 5.8sqm and 3sqm, respectively. The overall increase in floorspace is approximately 20.7sqm.
- 5.4 A Full application has been submitted to seek approval for these changes as the extended footprint extends outside of the red-line plan submitted for 19/00942/FUL and therefore cannot be dealt with under a Section 73 (variation) application. There is a different red-line for this application, which incorporate the subject land and the applicant has confirmed that they are the owner of this land.
- 5.5 In relation to other relevant planning history for the site, a S73 application, ref: 21/01190/VAR, was approved in August 2021 to vary condition 12 (approved plans) of planning permission 19/00942/FULL. The key changes to the approved plans comprise of alterations to the ground floor layout to the West Street building to include a sprinkler plant room in the cycle store, alterations to the flat layouts on the first and second floor and associated changes to the rear elevation of the High Street building, and additional vent and access to the roof. Condition 7 (Cycle Parking) was also amended to include the sprinkler plant in the cycle store and revised

cycle stands, and condition 4 (slab levels) which referenced plans that would need to be amended to correspond with changes sought under condition 12. There were no changes to the slab levels.

6. DEVELOPMENT PLAN

6.1 Adopted Royal Borough Local Plan (2003)

The main strategic planning policies applying to the site are:

Issue	Local Plan Policy
Character and appearance of area	DG1, H10, H11
Impact on Conservation Area	CA2
Housing Provision	H3, H6, H8, H9
Highways	P4, T5, T7
Trees	N6
Archaeology	ARCH2, ARCH3
Open Space	R3, R4

6.2 Maidenhead Area Action Plan (MAAP) (2011)

Issue	MAAP Policy
Retail Use	MTC7
West Street Opportunity Area	OA2
Character and appearance of area	MTC2, MTC4
Housing Provision	MTC12
Highways	MTC14

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 9- Promoting Sustainable Transport
 Section 11- Making Effective Use of Land
 Section 12- Achieving well-designed places
 Section 16- Conserving and enhancing the historic environment

7.2 Borough Local Plan: Submission Version

Issue	BLPSV Policy	BLPSVPC Policy
Retail Use	TR3, TR6	TR3, TR6
Character and appearance of area	SP2, SP3	QP1, QP1a, QP3
Infrastructure	IF2, IF8	IF1, IF7
Housing Provision	HO2, HO3, HO5	HO2, HO3
Impact on Conservation Area	HE1	HE1
Trees	NR2	NR3
Air Pollution	EP2	EP2
Climate Change	-	SP2

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. The consultation on the main modification to the BLPSV has begun, running from 19 July to 5 September 2021.

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.

7.3 Supplementary Planning Documents

- West Street Opportunity Area
- Planning Obligations and Developer Contributions

7.4 Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Maidenhead Town Centre Conservation Area Appraisal
- Interpretation of Policies R2, R3, R4, R5 and R6
- Affordable Housing Planning Guidance

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

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

At the time of writing, re-consultation is underway on an amended wording of the description of the proposed development, which closes on the 20 September 2021. This was done for clarity, there was no change in the proposed development. At the time of writing, no representations have been received. Any representations subsequently received will be reported in an update.

Consultees

Consultee	Comment	Where in the report this is considered
Berkshire Archaeology	The site falls within an area of archaeological significance, and archaeological remains may be damaged by ground disturbance from the proposed development. Therefore, a condition is recommended securing a programme of archaeological works including	Section 9(viii)

	a written scheme of investigation has been submitted to and approved by the local planning authority.	
Conservation Officer	No objection, subject to condition relating to development carried out in accordance with specified materials.	Section 9(ii)
Environmental Protection	No objection subject to a conditions relating to a site specific construction environmental management plan; restriction on commercial vehicle deliveries / collection; and informatives relating to dust and smoke control, and contaminated land.	Noted and conditions and informatives recommended with the exception of deliveries / collection. While it is considered that a condition is required to protect residential amenity the suggested hours (08:00-18:00 on Monday – Friday, and 08:00 – 13:00 on Saturday) are considered to be too onerous in particular given the mixed use character of the area. As such, an alternative is recommended (see conditions).
Highways	Comments not yet received.	Any comments received will be reported in an update.
Lead Local Flood Authority	Comments not yet received.	Any comments received will be reported in an update.

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 Affordable Housing
- iv Highway Safety and Parking
- v Residential Amenity
- vi Air Quality
- vii Sustainable Drainage
- viii Archaeology
- ix Housing Land Supply

i Principle of Development

9.1 The acceptability in principle of the development has been established under planning permission 19/00942/FULL. There has been no material change in national or local planning policy, or material change in the environmental context. Furthermore, at the time of writing, planning permission 19/00942/FULL is extant and therefore a material consideration of significant weight.

Residential Development

- 9.2 It is recognised that 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. As such, Local Plan policy H6 states that the Council will grant planning permission for the provision of additional residential accommodation within town centres. In particular, Local Plan policy H6 encourages the re-use and conversion of vacant upper floors in shopping areas to residential accommodation. Furthermore, MAAP policy MTC12, which also forms part of the Development Plan, states the new housing development will be supported throughout the town centre. These policies should be given full weight due to their compliance with paragraph 86 of the NPPF which states that planning policies and decision should support the role of town centres at the heart of local communities including the recognition that residential development plays an important role in ensuring the vitality of the town centre, and paragraph 120(d) of the NPPF which states 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). Therefore, the principle of the proposal is supported by policy.

Retail Development

- 9.3 In relation to Maidenhead town centre as a focal point for shopping facilities to serve the local community and its contribution to the vitality and viability of the area, MAAP policy MTC 7 seeks to maintain and enhance the town centre's role by supporting and enhancing retail activity. As a material consideration of significant weight BLPSV policy TR3 also seeks to support Maidenhead town centre as a primary shopping area and enhance retail activity.
- 9.4 The proposal results in the loss of ancillary retail use. Therefore, it should be considered whether the ground floor retail unit would still be viable in terms of operation. An unviable retail unit in terms of operation would effectively result in the loss of retail use to which there would be an objection in principle. In this respect it is considered that adequate storage and facilities could be sufficiently accommodated together with an adequate trading area within the proposed ground floor space. In relation to servicing, refuse collection arrangements would remain the same with access to the proposed bin stores from West Street. For deliveries, Maidenhead High Street is a pedestrian zone from 10am to 5pm but is open for delivery vehicles between 5pm to 10am the following day. On balance, it is considered that the proposal would not unduly compromise the viability of retail use in terms of operation and would therefore be acceptable in principle.

Comprehensive Development of West Street Opportunity Area

- 9.5 The site forms part of the West Street Opportunity Area, which MAAP policy OA2 has allocated for mixed-use led regeneration. MAAP OA2 goes on to state that comprehensive development of the West Street Opportunity Area is preferred but a phased approach may be appropriate provided the development is in line with the development and design framework and does not prejudice the future delivery of the opportunity area.
- 9.6 The development and design framework for the regenerations scheme is outlined in the West Street Opportunity Area SPD and includes 21,000sqm of office space, 310 residential dwellings and complementary leisure provision. The SPD goes on to advise that due to multiple landowners and the fragmented nature of potential sites on the south side of West Street it is expected that there would be a more gradual approach. As such, it is considered that the proposed development is in keeping with the overall framework by contributing to the planned housing, and as infill development on the south side of West Street it would not prejudice the future delivery of the opportunity area.

Density

- 9.7 The proposed changes from the approved scheme under 19/00942/FUL would not result in an additional number of residential units and therefore the proposed density would be the same at approximately 333 dwellings per hectare (dhp), which represents a high density development.
- 9.8 Under the assessment for 19/00942/FUL, the proposal was supported by BLPSV policy HO5 which supported higher density residential schemes in town centres and given significant weight as a material consideration. This policy has subsequently been deleted in the BLPSVPC. However, higher density development is still supported by policy MAAP policy MTC12, which forms part of the Development Plan. MAAP policy MTC12 states that higher density housing will be appropriate in suitable locations. As the site is located in Maidenhead Town Centre, a sustainable location that had been identified as an area for strategic growth, the site is considered to be a suitable location for this quantum of development and therefore acceptable in principle.

Design Policies

- 9.9 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 and, while paragraph 120 of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes, 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.
- 9.10 Relevant design policies include Local Plan policy H10 and MAAP policy MTC4, which 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. Specifically relating to the West Street Opportunity Area, MAAP policy OA2 advises on design principles for new development including the requirement for high quality architecture with active frontages to West Street, and buildings which enhance skylines and make a positive contribution to wider views with particular attention to neighbouring development including heritage assets, roof design and variations in building height. As a material consideration, which should be allocated significant weight, BLPSVPC policy QP1 states that new development should positively contribute to places in which they are located and larger development such as this (over 10 residential units) will be expected to be of high quality that fosters a sense of place, while policy QP3 outlines design principles which represent high quality design which new development is expected to achieve. This includes preserving and enhancing the local character with regard to urban grain, layout, density, scale, bulk, massing, and materials; incorporating interesting frontages and design details to provide visual interest; provision of high quality soft and hard landscaping and amenity space; and to ensure no unacceptable harm to neighbouring amenity. Within Maidenhead town centre greater flexibility on building heights will be permitted. The Local Plan, MAPP and BLPSV policies are considered to be in line with paragraph 126 and 134 of the NPPF which 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 reflect government guidance on design and local design policies.
- 9.11 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 in terms of siting, proportions, scale, form, height, materials and detailing. As a material consideration of significant weight, paragraphs 189 of the NPPF states that heritage assets should be conserved in a manner appropriate to their significance. BLPSVPC policy HE1 which sets out similar aims and objectives, is currently given limited weight.

Identified Character of the Area and Existing Building

- 9.12 The sites lie 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 principle street (King Street, Queen Street, Market Street and White Hart Road). Key characteristics includes buildings of human scale, typically 2 to 4 storeys in height, with variations in roofscape and frontages creating interest within the streetscene. Building frontages open directly onto the street, resulting in an active character.
- 9.13 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 with remnants of earlier buildings behind the facades and some modern 20th century insertions. The service architecture along the High Street including a number of purpose built stables, inns, banks and shops illustrates the historic role of the High Street as an important stopping point for coaches on the Great West Road, and the variations can be attributed to the organic construction of buildings along the commercial main street of the town. In terms of scale and mass, the large majority of the built form within the conservation area is 2 to 3 storeys in height, which is typical of the eras in which they were built.
- 9.14 The site backs onto West Street which lies within the historic town fringe, as identified in the Townscape Assessment. Historically West Street acts as a service road for the High Street premises and so the southern side of West Street is dominated by parking and servicing areas to the buildings fronting onto the High Street with a lack of frontage onto West Street. On the northern side of West Street is a mix of development dominated by the BT Telecom Exchange which is a large scale, 7 storey, post-war building. To the west of the BT Exchange is open surface car park (West Street Car Park) while to the east is the former Portland Arms public house and a Quaker Meeting House which are more domestic in scale at 2 storey. The eastern end of West Street comprises of modern hotel and office development, and the Grade II Listed United Reformed Church. Overall, the environment and experience of West Street is of a mixed, poor quality, and lifeless urban environment.
- 9.15 In terms of the existing building while the existing ground floor shop front facing onto the High Street is 20th century, the first and second floors have largely retained their Victorian symmetry and features including good quality sash windows and glazing bars. The rear has been altered extensively over the years, resulting in an ad-hoc and unsympathetic appearance.

Layout, Siting, Height and Scale

- 9.16 There are no material changes to the proposed alterations to the building fronting the High Street. The proposal includes a ground, first and second floor rear extension to the existing building. The proposed ground floor would extend to the rear of the plot, measuring approximately 56sqm in depth. The first and second floor rear extension would result in a depth of approximately 20m from the High Street elevation. However, while the proposed depth at ground, first and second floor would be significant, it is not considered to be unduly harmful to the appearance of the host building. In the past there has been significant alterations to the rear of the existing building that make little reference to the proportions, and overall the proposal is considered to be more cohesive in appearance. The proposed depth would not be appreciated when viewed from the High Street and Maidenhead Town Centre Conservation Area thereby preserving its special character. In relation to West Street, the proposed rear extension would not be discordant to its character given that a number of existing buildings on the south side of West Street also occupy the entire plot and extend to a similar depth at first and second floor if not deeper. Furthermore, in terms of views from West Street the new block of flats over the ground floor unit would effectively screen the first and second floor extension while the extent of the ground floor would not be appreciated.
- 9.17 In terms of the proposed building fronting West Street, the subject application proposes an extended footprint by approximately 20.7 square metres and to reflect the change in footprint, the

proposal also includes revision to the layout of the ground floor bin store and to the proposed layout and balconies of flats 1/1, 2/1, 3/1 and 4/1 on the first to fourth floors of the West Street building. The changes are not considered to significantly alter the overall siting, layout, height, or scale of the West Street building approved under 19/00942/FULL.

- 9.18 The West Street building would be sited adjacent to the public highway, measuring approximately 18m in height to the 5th floor. This element would be a storey higher than the adjacent buildings but the 7m set back from the West Street Elevation would reduce its visual prominence and so would not appear unduly incongruous within the West Street streetscene. The block of flats fronting West Street would be visible in medium-to-long views from Bad Godesberg Way and Castle Hill, but from medium-to-long distances the increase in height would be seen in the wider context of this part of Maidenhead, including Maidenhead Town Centre Conservation Area, which is characterised by a varied roofscape. In this context it is considered that the proposed increase in height and roof form would not be overly conspicuous and would contribute to the visual interest in the skyline.
- 9.19 In terms of views from the High Street and from within the conservation area, the Maidenhead Town Centre Conservation Area Appraisal states that significant tall building development has been granted within the town centre and tall schemes are anticipated in various areas within the town centre including the West Street Opportunity Area. These proposals have the potential to affect the character and setting of the conservation area and appropriate assessment should be made about how any given proposal would affect the significance of it. In this case there are no changes to the siting, height and scale of the building fronting onto the High Street thereby preserving the existing character of the High Street and Maidenhead Town Centre Conservation Area. The proposed building fronting onto West Street would not be readily perceived from the High Street due to its siting behind the existing building and the tight urban grain which would limit public vantage points where the proposed building can be seen from the High Street. Furthermore, it is considered that any glimpses will be seen in the context of a visually contained site. It is therefore considered that the new building would preserve the character of the High Street and the setting of Maidenhead Town Centre Conservation Area.

Architectural Detailing and Landscaping

- 9.20 A new shop front is proposed to the High Street frontage. The fascia sign is not materially different in siting, depth, width and height from other fascias in the vicinity, and generally in proportion to the shopfront and building on which it sits. It is advised that any signage would be subject to a separate advertisement consent. In terms of the removal of the doorway at No. 70 High Street and conversion into the shop window, the replacement stall riser would be a continuation of the existing black stone while the new glazing would also be a continuation of the existing timber framed window. It is considered that the resultant amount of glazing would not be ill proportioned. Overall, these alterations are not considered to be incongruous to the character of the streetscene of the High Street, nor would it have an impact on the significance of the conservation area. The frontage onto the high street otherwise remains the same.
- 9.21 The architectural detailing of the rear extension to the existing building when viewed from the proposed courtyard is relatively simple with plain grey-buff brickwork and aluminium windows and therefore considered to be neutral and inoffensive in appearance. The windows to the rear of the existing building would not replicate the siting, size and style of the existing windows on the front elevation; however, the siting of the windows are considered to result in a cohesive appearance, while the sizes are not considered to be disproportionate to the rear elevation. The style of windows are modern in appearance but there are no substantive objections to this. The inclusion and overall increase in the number of windows would also increase passive surveillance to the shared roof terrace / courtyard to deter anti-social behaviour.
- 9.22 While the proposed roof terrace / courtyard would not be visible from a public vantage point, it is considered that the introduction of soft landscaping would improve the appearance of the site which is currently dominated by built form and hardstanding.
- 9.23 The West Street Opportunity Area SPD aims to create a livelier and more attractive environment along West Street. To help achieve this aim, the elevation of the new building fronting onto West

Street includes two new pedestrian accesses, one to serve the retail unit and the other to serve the residential accommodation. There would also be windows and balconies serving the flats. This would potentially increase activity on West Street and passive surveillance which would help deter anti-social behaviour. A further aim of the West Street Opportunity Area is to improve links from West Street and the High Street. With an access to the retail unit on West Street and the High Street, while this would not create a public through route that is accessible at all times, it is considered to improve links between West Street and the High Street.

- 9.24 Overall, the West Street elevation is modern in appearance, including full height aluminium framed windows and patio doors and recessed balconies with white render balcony reveals and grey metal railings set in grey buff brick. The top floor will be finished in zinc colour cladding. There is no objection to the contemporary design and materials, which are considered to be in keeping with the more recent development to the east of West Street, while the colour pallet is considered to be reflective of West Street in general. The rear elevation, facing the roof terrace / courtyard, is similar in design and materials which is considered to be acceptable.

Summary

- 9.25 For the reasons above the proposal is not considered to result in any harm to the significance of the Maidenhead Town Centre Conservation Area or its setting and is therefore acceptable in this respect. The proposal is not considered to result in harm to the streetscene when viewed from the High Street or West Street or character of the area when viewed from the wider locality, including medium to long distance views of the skyline.

iii Affordable Housing

- 9.26 For residential development sites of 0.5ha or over or schemes proposing 15 or more net additional dwellings, such as this, Local Plan policy H3 requires the provision of 30% of the total units provided on site as Affordable Housing. BLPSVPC Policy HO3 is given limited weight due to the extent of unresolved objections but for a scheme of this size would result in the same affordable housing requirement. On this basis 8 units should be affordable as part of this proposal.
- 9.27 The viability report submitted to support 19/00942/FULL has been resubmitted to support the current application. It is considered that the viability report is not out-of-date. Valuations put forward by the applicant within the viability report were adjusted by an independent assessor and consequently agreed. The majority of costs assumptions in the applicant's viability assessment are in line with the relevant benchmarks by Building Cost Information Services (BICS) of the Royal Institution of Chartered Surveyors (RICS) and therefore considered reasonable. There was a difference in opinion on profits (additional costs). A profit margin of 20% of private residential revenue was adjusted by the independent assessor to 17.5%. This was subsequently agreed. In relation to the retail profit margin this was adjusted to 5% by the independent assessor. This is below a typical 15% level, but reflects that much of the ground floor existing structures are to be retained with comparatively limited expenditure in terms of demolition and rebuild. This was not agreed. However, based on the above the independent assessor concluded that the scheme would deliver a deficit. Therefore, it is considered that it has been demonstrated that the proposed scheme would not be able to make any contribution towards affordable housing.

iv Highway Safety and Parking

- 9.28 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, including disabled parking spaces; cycle parking; and provision of electric vehicle charging points. As a material consideration of significant weight, BLPSV policy IF2 states that development proposals should support the policies and objectives of the Transport Strategy as set out in the Local Transport Plan and provide car and cycle parking in accordance with the current Parking Strategy.

Access

- 9.29 The site currently benefits from having a vehicular access to the rear of the site off West Street which leads to a small parking and service area for both existing units, which would be lost as a result of the proposal to extend the built development up to the public highway. Under 19/00942/FULL it was considered that with the loss of the existing servicing area there is no objection in principle to the loss of the existing access. There are no material considerations that would reasonably warrant a different conclusion. If minded to approve a condition is recommended to reinstate the footway along this section.

Car and Cycle Parking

- 9.30 No on-site parking is proposed, but it is considered that the location could support a car-free development given the town centre is considered to be a sustainable location with good access to public transport and local services. Furthermore, there are parking restrictions within the vicinity, such as double yellow lines, time limited parking bays and disabled bays to prevent any potential indiscriminate on-street parking to the detriment of highway safety.
- 9.31 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 units. 36 cycle parking spaces are proposed on the ground floor for the residential development which would exceed this requirement. There is no objection to this as the facilities would encourage cycling.

Trip Generation

- 9.32 Given the car free nature of the proposed development it is considered that the vehicle trip generation would not unduly impact the local highway infrastructure network and the proposal is therefore acceptable in this regard.

v Residential Amenity

- 9.33 Local Plan policy H11 states that in established residential areas development which introduce a scale or density that would cause damage to the amenity of the area would be resisted. As a material consideration of significant weight, BLPSVPC policy QP3 requires development to have an acceptable affect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight. As a further material consideration, paragraph 130 of the NPPF also states that planning decisions should ensure that development should achieve a high standard of amenity for existing and future users. However, this should be balanced against paragraph 125 of the NPPF which states that where there is an existing or anticipated shortfall of land for meeting identified housing need 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).
- 9.34 The Natwest building lies to the east of the application site, and there are no residential properties on the upper floors. To the west of the application site is no. 74 High Street with residential units on the upper floors. However, the proposed extension to the existing building would not extend any further rearwards than the existing first and second floor and so would not have an impact on the residential units at no. 74 in terms of loss of light or visual intrusion that is significantly over and above the existing situation, nor introduce any direct views into habitable rooms. With regards to the new building fronting West Street, this would be sited to the north-east and at a distance of at least 25m from the upper floors at no. 74 High Street. Given the standard angles and pathway of the sun and the separation distance, it is considered that there would be no undue harm relating to overlooking, visual intrusion or loss of light as a result of the new block of flats.
- 9.35 In terms the relationship between the proposed flats to the upper floor of the existing building and the new block of flats, there would be a separation distance of approximately 19m which is

considered sufficient to mitigate any undue overlooking or visual intrusion. The new block of flats would be sited to the north and so there are no concerns over sunlight to the residential units on the upper floors of the existing building. In terms of daylight, the proposal would intrude through a 25 degree line when taken from the midpoint of the lowest window serving a habitable room and therefore daylight is likely to be affected. However, given the separation distance and the degree of intrusion through the 25 degree line it is considered that daylighting is unlikely to be reduced to such an extent that it would provide unacceptable living standards. Paragraph 123(c) of the NPPF states that authorities should take a flexible approach in applying guidance relating to daylight where they would otherwise inhibit making efficient use of a site as long as the resulting scheme would provide acceptable living standards.

vi Air Quality

- 9.36 The site lies within 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 compliance with relevant limits values or national objectives for pollutants, taking into account the presence of AQMAs, and take opportunities to improve air quality or mitigate potential impacts from both the construction and operational phases. As a further material consideration of significant weight, BLPSVPC policy EP2 states that development proposals will need to demonstrate that they do not significantly affect residents within an AQMA and development proposals which may result in significant increases in air pollution must contain appropriate mitigation measures.
- 9.37 An Air Quality Assessment has been submitted to support the application, which is considered to be sufficiently robust. The main air pollutant for the area is caused by road traffic. During occupation of the residential development, the Assessment concludes that nitrogen dioxide and particulate matter are predicted to be below the annual mean objectives and therefore the impact of the proposal on air quality is acceptable. In relation to the construction phase, if minded to approve it is recommended that a Dust Management Plan, which can be included in a Construction Environmental Management Plan, is secured by condition.

vii Sustainable Drainage

- 9.38 Paragraph 169 of the NPPF states that major developments such as this should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. A Surface Water Drainage Strategy with addendums has been submitted with the application. The submitted surface water drainage strategy comprises of the use of Blue Roof Systems in the podium decking with a discharge rate of 2 litres per second, which is the same scheme approved in principle under 19/00942/FULL. As such, the proposal is considered acceptable, and it is recommended that full details of all components, and the implementation and maintenance of the approved details can be secured by condition.

viii Archaeology

- 9.39 Local Plan policy ARCH3 states planning permission will not be granted for proposals which appear likely to adversely affect archaeological sites of unknown importance unless adequate evaluation enabling the full implications of the development on archaeological interests is carried out prior to the determination of the application. This is supported by paragraph 194 of the NPPF, which is a material consideration of significant weight, which states that where a development site has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. BLPSVPC policy HE1 also states that applications for works within archaeologically sensitive areas will be required to include a desk-top archaeological assessment, however, this policy is currently given limited weight.
- 9.40 No archaeological assessment has been submitted to support the application. However, Berkshire Archaeology acknowledge that opportunities for archaeological investigation on the High Street and West Street are particularly rare and so little is known of the archaeology of Maidenhead Town Centre. Therefore, if minded to approve a condition is recommended to

secure a programme of archaeological work including a written scheme of Investigation to be submitted to and approved by the Local Planning Authority. The site lies in an area of archaeological significance due to its location within the historic town of Maidenhead and medieval deposits have been recorded to the rear of 1-3 High Street, No. 44 High Street and 66 High Street. In addition, excavations in West Street in 2014 and 2015 recorded a late 18th and early 19th century burial ground associated with the former West Street Congregational Chapel. As such, there is a credible expectation that investigation may yield something of archaeological interest. The condition is in line with Paragraph 205 of the NPPF which states developers should record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. In this instance it is considered that further archaeological investigation can be undertaken post-permission as there has been some previous development on the site.

ix Housing Land Supply

9.41 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.*

9.42 Footnote 8 of the NPPF 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); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous three years.’

9.43 At the time of writing and for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

9.44 Section d(i) of the NPPF clarifies that section d of paragraph 11 of the NPPF is not applied where ‘policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed’. Footnote 7 clarifies that this includes designated heritage assets such as conservation areas. However, for the reasons set out in section ii, the proposed development is not considered to result in any loss of or harm to the significance of the designated heritage asset from its alteration or its setting, and therefore while the proposed development falls within a ‘protect area(s) or assets of particular importance’ there is no clear reason for refusing the proposed development on this basis. Accordingly, 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 The development is CIL liable, but the required CIL payment for the proposed development would be £0 per square metre.

11. PLANNING BALANCE AND CONCLUSION

11.1 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development and with regard to section ix of this report it is considered that the ‘tilted balance’ should be applied.

This sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

- 11.2 It is considered that the proposal would not result in harm in terms of the vitality and viability of the town centre, nor is it considered to result in harm to the significance of the heritage asset (Maidenhead Town Centre Conservation Area) or its setting. It is not considered to result in harm to the streetscene when viewed from the High Street or West Street or character of the area when viewed from the wider locality. The scheme would have an acceptable impact on neighbouring residential amenity. It is considered that there would be no harm in terms of highway safety and the local highway infrastructure. No on-site parking is proposed, but given its sustainable location there are no objections in this respect. The proposal would not harm air quality during the construction or operational phase. It has been demonstrated that an acceptable sustainable drainage scheme can be achieved on site in principle and full details of components, implementation and maintenance can be secured by condition. The proposal is not considered to harm archaeology subject to a condition securing the approval and implementation of a written scheme of investigation.
- 11.3 Weighing in favour of the proposal is the provision of housing on previously developed land. Paragraph 120 of the NPPF goes on to state that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Furthermore, paragraph 69 of the NPPF states that local planning authorities should support the development of windfall sites through policies and decisions and give great weight to the benefits of using suitable sites within existing settlements for homes. The site is considered to be a windfall site (sites not specifically identified in the development plan) and brownfield land within the town centre of an existing settlement. Such a site is considered to be suitable for housing, and the NPPF promotes development of such sites for housing. It is acknowledged that small and medium sized sites can make an important contribution to meeting the housing requirements of an area.
- 11.4 On the basis of the above, the benefits of the proposal would demonstrably outweigh the harm of the proposal.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed Floorplans and Elevations

13. 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 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 The development shall not be occupied until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

- 4 The proposed building shall be built to the ground levels and heights shown on the approved drawings ref: 234(21)101 Rev E, 234(21)102 Rev B, 234(21)103 Rev C, 234(21)104 Rev C, and 234(21)110 Rev E.
Reason: In the interests of the visual amenities of the area and the street scene. Relevant Saved Policies - Local Plan DG1
- 5 No part of the development shall be occupied until the existing accesses to the site of the development are stopped up and The footways and verges shall be reinstated in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1.
- 6 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 7 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
- 8 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, dust management, 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 and the amenities of existing residents in the vicinity of the site. Relevant Policies - Local Plan T5 and paragraph 181 of the NPPF (2019).
- 9 In the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' and should include a survey of the extent, scale and nature of contamination; as assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments an appraisal of remedial options, and proposal of preferred option(s). Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The approved remediation scheme must be carried out in accordance with its terms. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.
Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, 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.
- 10 No development shall take place/commence (other than demolition to ground floor slab level) until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an

assessment of significance and research questions; and: 1. The programme and methodology of site investigation and recording. 2. The programme for post investigation assessment. 3. Provision to be made for analysis of the site investigation and recording. 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation. 5. Provision to be made for archive deposition of the analysis and records of the site investigation. 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. The Development shall take place in accordance with the Written Scheme of Investigation approved. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site lies within an area of archaeological potential; specifically it lies within the historic medieval town of Maidenhead. The condition will ensure the satisfactory mitigation of any impacts upon buried archaeological remains and advance understanding of their significance in accordance with national and local planning policy.

- 11 Prior to commencement (excluding demolition) of the development, a surface water drainage scheme for the development, details based on the surface water drainage scheme submitted during the application, shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, covered levels and relevant construction details; supporting calculations confirming compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems, the agreed discharge rate of 2 l/s and the attenuation volumes to be provided; and 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 not does increase flood risk elsewhere.

- 12 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.