

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD  
PANEL UPDATE**

**Maidenhead Panel**

<b>Application No.:</b>	21/00502/FULL
<b>Location:</b>	Magnet Leisure Centre And Magnet Leisure Complex Car Park Holmanleaze Maidenhead
<b>Proposal:</b>	Construction of x5 buildings to create x439 homes (use class C3) with car and cycle parking, pedestrian and vehicular access alterations, landscaping works and boundary treatments, following demolition of all existing buildings and structures.
<b>Applicant:</b>	
<b>Agent:</b>	Mr Bob McCurry
<b>Parish/Ward:</b>	Maidenhead Unparished/St Marys
<b>If you have a question about this report, please contact:</b> Tim Chapman on or at tim.chapman@rbwm.gov.uk	

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

**15 DECEMBER 2021**

**ITEM: 1**

<b>Application No.:</b>	21/00502/FULL
<b>Location:</b>	Magnet Leisure Centre And Magnet Leisure Complex Car Park Holmanleaze Maidenhead
<b>Proposal:</b>	Construction of x5 buildings to create x434 homes (use class C3) with car and cycle parking, pedestrian and vehicular access alterations, landscaping works and boundary treatments, following demolition of all existing buildings and structures.
<b>Applicant:</b>	Countryside Properties
<b>Agent:</b>	Mr Bob McCurry
<b>Parish/Ward:</b>	Maidenhead Unparished/St Marys
<b>If you have a question about this report, please contact:</b> Tim Chapman at tim.chapman@rbwm.gov.uk	

**1. SUMMARY**

1.1 This report provides an update on the above report, being considered by the Committee on 15<sup>th</sup> December 2021.

## Additional Consultation responses

- 1.2 No additional consultation responses have been received
2. Proposed changes to the published report
- 2.1 The proposed changes are as follows (changes shown in bold and italics):
- 2.2 Description of Development. Change number of units from 439 to **434**  
Reason: in order to accord with the revised proposal.
- 2.3 Recommendation: add to 1. ***“The applicant shall enter into a legal agreement with the Council under Section 278 of the Highways Act 1980 to cover the construction of the accesses and associated highway works on Kennet Road and Holmanleaze.”***  
Reason: in order that the matter is appropriately addressed within the legal undertaking.
- 2.4 In 5.1, replace reference to “32” short stay (external) cycle parking spaces to **“16”**  
Reason: in order to correct an error.
- 2.5 In 5.3, add the following to the last bullet point ***“with 341 residential car parking spaces provided”***  
Reason: in order to provide clarity regarding the amount of residential parking.
- 2.6 Add to 7.1 ***“National Planning Policy Guidance”*** and replace NPPF “2019” with ***“2021”***  
Reason: to correct an omission and provide an update.
- 2.7 Add to 9.7 ***“A Fire Statement that was submitted as part of the amendments to the planning application and responds to the Government’s Gateway 1 requirements.”***  
Reason: to correct an omission.
- 2.8 Add to 9.44. ***“It is considered that the additional needs for community facilities created by 434 new households justifies the provision of these improvements, which are considered to be in accordance with Planning Obligations and Developer Contributions Supplementary Planning Document Revised 2014”.***  
Reason: in order to provide justification for the relevant planning obligation.
- 2.9 Replace the conditions put forward in Section 12 of the report as follows:  
**St Clouds Way Conditions**
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 development hereby permitted shall be carried out in accordance with the approved plans listed below [to be added]  
  
Reason: To ensure that the development is carried out in accordance with the approved particulars
3. Prior to the commencement of development (excluding demolition works), a phasing plan shall be submitted to and agreed in writing with the Local Planning

Authority. The development shall be carried out in accordance with the agreed details.

Reason: in the interests of good planning.

4. Prior to their installation, samples and details of the materials to be used on the external surfaces of the buildings, plus hard landscaping within the development, shall be submitted to and approved in writing by the local planning authority. Development shall accord with the approved details.

Reason: in order to ensure a satisfactory external appearance and ensure that the shared cycle route is safe.

5. Prior to the demolition of the existing pedestrian footbridge over Saint Cloud Way, a Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of how the existing opening with the Hines Meadow Car Park shall be made good, including detailed drawings and information on external materials. The development shall be carried out in accordance with the agreed details.

Reason: in the interests of amenity and public safety.

6. No development shall take place until a site-specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include:

**Noise**

- 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. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- h) Measures for controlling the use of site lighting whether required for safe working or for security purposes.

**Biodiversity**

- a) Risk assessment of potentially ecologically damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on

site to oversee works.

f) Responsible persons and lines of communication.

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

The development shall be carried out in accordance with the agreed details.

Reason: In order to protect public amenity and to minimise impacts on biodiversity in accordance with Paragraphs 170 and 175 of the NPPF.

7. Prior to the commencement of the development a dust management plan detailing mitigation measures to control dust emission arising from site remediation, construction, and demolition work shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in full and in accordance with the approved dust management plan.

Reason: To protect the amenities of the area and prevent dust nuisance.

8. Demolition works shall be undertaken under the supervision of an appropriately qualified ecologist [full member of CIEEM and or a Natural England Bat licence holder with experience of supervising demolitions where there is a risk of bats being present]. Works are to follow a method statement agreed between the ecologist and the contractor detailing techniques and the procedure to follow should bats or signs of bats be found. A closing-out report including details of the methods used, and any bats or signs of bats found, is to be issued to the council, prior to the occupation of the development. If works do not commence before April 2022, an updated bat survey is to be undertaken and a report detailing the findings submitted to and approved in writing by the council prior to the commencement of development.

Reason: in the interests of biodiversity.

9. Prior to the installation of any external lighting within a phase, a report detailing the lighting scheme and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the Local Planning Authority. The report shall include the following figures and appendices:

a) A layout plan with beam orientation

b) A schedule of equipment

c) Measures to avoid glare

d) An isolux contour map showing light spillage to 1 lux both vertically and horizontally, areas identified as being of importance for commuting and foraging bats, and locations of bird and bat boxes.

The approved lighting plan shall thereafter be implemented as agreed.

Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with para 180 of the NPPF.

10. Prior to the commencement of each phase of the development above slab level, details of biodiversity enhancements, to include integral bird and bat boxes, tiles or bricks on the new buildings, details of brown roofs and native and wildlife friendly landscaping, shall be submitted to and approved in writing by the council. The biodiversity enhancements shall thereafter be installed as approved.

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

11. Details of tree protection shall be submitted in the form of an arboricultural method statement to the Local Planning Authority and shall be implemented as approved. No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree work be undertaken other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any approved tree work shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species, and shall be planted at such time, as specified by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area in accordance with Local Plan Policies DG1 and N6.

12. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: Piling can cause pollutant pathways when undertaken in areas of contaminated land leading groundwater pollution in the source protection zone.

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

- a) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
- b) Details of the maintenance arrangements relating to the proposed surface water drainage system confirming who will be responsible for its maintenance and the maintenance regime to be implemented.

The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

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

14. Prior to any excavation works within five metres of the existing electrical sub-station, details of the ground investigation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: in order to minimise land contamination in accordance with Local Plan Policies NAP3 and NA4.

15. Prior to the occupation of each phase of the development, a Verification/Validation Report shall be submitted to and agreed in writing with the Local Planning Authority. The Verification/Validation Report shall set out details of verification sampling carried out at the base of the excavation beneath the existing electrical sub-station and any other excavated areas to demonstrate all contamination has been removed from the site and disposed of appropriately or re-used as part of a Materials

Management Plan.

Reason: in order to minimise land contamination in accordance with Local Plan Policies NAP3 and NA4.

16. Each residential block within the development shall not 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 always thereafter be kept available for the parking of cycles in association with the development.

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

17. Prior to the first occupation of each residential block within the development, a Car Parking Management Plan shall be submitted to and approved by the Local Planning Authority including details of charging facilities for electric cars (fast charge and rapid charge points). The space approved shall be retained for parking in association with the development. The Plan shall be implemented as approved.

Reason: To ensure that the development is provided with adequate parking facilities to reduce the likelihood of roadside parking which would be detrimental to the free flow of traffic and to highway safety and ensure that the development encourages sustainable travel. Relevant Policies - Local Plan P4, DG1 and complies with Section 9 of the National Planning Policy Framework (2021)

18. Prior to occupation a Residential Travel Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall be implemented as approved.

Reason: in the interests of sustainable transport and the Council's Interim Sustainability Position Statement.

19. Each phase of the development shall not be occupied until its access has been constructed 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 the free flow of traffic. Relevant Policies - Local Plan T5, DG1.

20. The development shall be carried out in accordance with the submitted Flood Risk Assessment Addendum (reference 070244-CUR-XX-XX-RP-C-92003, revision P01, dated 1 October 2021 and prepared by Curtins), including appendices, and the following mitigation measures it details:

a) Finished floor levels shall be set no lower than 25.04m above Ordnance Datum (AOD) for Block C and ground floor flats in Block B, and no lower than 24.89m AOD for the rest of Block B, in accordance with section 4.3 and drawing number 1810 P 101 002 P7 (titled Site Wide Lower Ground Floor Plan and dated 30 September 2021) in Appendix F

b) Level for level compensatory storage shall be provided as described in sections 4.4 to 4.6 of the FRA addendum and as shown in the drawings within Appendices J and K

c) Land levels shall be set in accordance with drawing number 11036-LD-PLN-206 (titled Levels Intent, issue P04, dated 30 September 2021) in Appendix I

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: to reduce the risk of flooding to the proposed development and future occupants, as well as to prevent an increase in flood risk elsewhere by ensuring that compensatory storage of flood water is provided, in accordance with paragraphs 164 and 167 of the NPPF, policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations, adopted June 2003) and emerging policy NR1 of the Borough Local Plan 2013-2033.

21. Any walls or fencing constructed within the 1% annual exceedance probability (AEP) plus an appropriate allowance for climate change flood extent shall be designed and constructed to be permeable to flood water and maintained as such for the lifetime of the development, and the areas beneath them shall be kept free of obstructions at all times, other than with the written consent of the local planning authority.

Reason: To prevent an increased risk of flooding elsewhere due to impedance of flood flows and reduction of floodwater storage capacity in accordance with paragraph 167 of the National Planning Policy Framework, policy F1 of the Royal

Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations, adopted June 2003) and emerging policy NR1 of the Borough Local Plan 2013-2033.

22. Prior to the first occupation of each phase of the development, a Public Realm Maintenance Plan shall be submitted to and approved by the Local Planning Authority. The plan shall be implemented as approved. This plan will provide details of maintenance, including proposed landscaped areas apart from private gardens, cleaning and access, such as the operation of moveable bollards, should the public realm not be adopted by the Highways Authority.

Reason: To ensure the long-term management of the public realm of the development and to ensure it contributes positively to the visual amenities, public amenity and road safety of the area. Relevant Policies - Local Plan DG1.

23. Prior to commencement of works above slab level within a phase, details of the access control system must be submitted, and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: in the interests of safety and security. Relevant Policies - Local Plan DG1.

24. Prior to commencement of works above slab level within a phase, a detailed soft landscaping planting strategy including planting plans, schedules and all standard planting sections for street level and roof top landscape proposals, shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that planting contributes positively to the visual amenities of the area. Relevant Policies - Local Plan DG1.

25. Prior to commencement of works above slab level within a phase, detailed tree planting plans including tree schedules and specifications, details of tree pit sections for street and roof level landscape including root soil volumes for the tree pits at street levels shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that trees contribute positively to the visual amenities of the area. Relevant Policies - Local Plan DG1.

### **Informatives:**

1. All birds, their nests and eggs, are protected by law. It is a criminal offence (with certain exemptions) to deliberately or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built. The buildings and vegetation on the site could be used by nesting birds and any clearance should take place outside the bird nesting season (March - August inclusive) or areas to be cleared should first be checked for bird nests by an appropriately qualified person. If bird nests are found works that could disturb it must stop until any young have fledged the nest. If there is any doubt whether or not birds are nesting in the buildings or vegetation, expert ecological advice should be sought and or clearance work should not be undertaken until after the end of the nesting season
2. The chalk in parts of Maidenhead is known to be susceptible to the development of dissolution features and the risk of such features should be assessed and taken into account

in the design of any infiltration features and building foundations.

3. 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 CleanAir 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.

**Reason for replacement of proposed conditions:** in order to update the conditions where considered necessary.



