

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 July 2022

Item: 1

Application No.:	20/03149/OUT
Location:	Maidenhead Spiritualist Church York Road Maidenhead SL6 1SH
Proposal:	Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for the construction of 49 No. apartments with associated parking and landscaping following demolition of existing building.
Applicant:	Shanly Homes Limited
Agent:	Mr Kevin Scott
Parish/Ward:	Maidenhead Unparished/St Marys
If you have a question about this report, please contact: Michael Lee on or at michael.lee@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application was presented to the Committee in June 2022 where it was deferred to allow the viability assessment prepared by the Council's consultants to be made publicly available. The assessment was made publicly available and the application is being brought back to committee for determination.
- 1.2 The application site relates to approximately 0.2 hectare of land located to the south of York Road, Maidenhead and forms part of the wider AL4 York Road, Maidenhead Site Allocation in the Borough Local Plan. York Stream defines the eastern boundary of the application site, the St John Ambulance site forms part of the northern boundary and Maidenhead United's ground forms the western boundary and the railway embankment forms the southern boundary. The site falls within Flood Zone 2 and very marginally in Flood Zone 3.
- 1.3 This is an outline planning application for a residential development comprising 49 residential apartments following the demolition of the former Spiritualist Church building with access, appearance, layout and scale to be determined. The proposed building would be an 8 storey building of red brick throughout with the upper floor being rendered and of a similar height and mass as the adjoining St Johns Ambulance development.
- 1.4 The ground floor would provide for car and cycle parking, access foyer with associated firefighting lift and stairs with the residential units on floors 1 – 7. The units would be served by their own private balconies.
- 1.5 The report sets out the relevant Development Plan and other policy considerations relevant to this planning application as well as the necessary consultation responses that have been submitted during the course of the application. The report also sets out the main material planning considerations and assessment in relation to this planning application.
- 1.6 The proposal looks to provide for a residential development that accords with the overarching objectives of Site Allocation AL4 pursuant to Policy HO1 of the Borough Local Plan. The proposed development would also contribute to the regeneration and revitalisation of Maidenhead Town Centre and form a key part of ensuring the Council maintains a rolling five-year housing land supply. The proposed development is considered to be visually acceptable and would offer a suitable residential environment for future occupiers.

- 1.7 The development would create a built form which is taller than that currently prevailing in the area and would also have some minor impact on the amenities of the adjacent residential dwellings in terms of loss of daylighting, overshadowing and increased overlooking/ loss of privacy. However, the minor harm identified is considered to be outweighed by the need to make optimal use of this site within a sustainable town centre location and meeting housing need on an allocated site within a highly sustainable and accessible location.
- 1.8 The viability report submitted in support of the application has been reviewed by independent Viability Assessors. Whilst there are some areas of disagreement, the overall conclusion that the scheme cannot viably support the provision of affordable housing is agreed. It is recommended that a further review is carried out at a late stage of the development process so that any change in the viability position can be considered and if appropriate a contribution to affordable housing can be secured at that stage.
- 1.9 The reports sets out matters which have been identified to conflict with the Development Plan and where appropriate has been identified and justified by way of other material considerations. On this basis the Officer recommendation is to approve subject to matters sets out below.

It is recommended the Panel authorises the Head of Planning to GRANT planning permission subject to the following:

- 1. Referral to the Secretary of State**. In the event the Secretary of State opts not to call the application to defer to recommendation 2 and 3 below**
- 2. The conditions listed in Section 15 of this report.**
- 3. The completion of a Section 106 Legal Agreement to secure a Review of Development finances with regard to affordable housing provision.**

***the application is currently subject to a formal objection from the Environment Agency, as a statutory consultee. In the event the local planning authority resolves to grant planning permission with that EA objection outstanding then it will be legally necessary to refer this application to the Secretary of State.*

2. REASON FOR COMMITTEE DETERMINATION

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

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site relates to 0.2 hectares of land located to the south of York Road, Maidenhead. York Stream defines the eastern boundary of the application site, the railway embankment forms the southern boundary and Maidenhead United's ground forms the western boundary. To the north lies the former St John Ambulance site that was granted permission under 19/01276/OUT for a similar residential development in a 7-storey block.
- 3.2 The application site is located to the south of a private access road that serves the Spiritualist Church and the former St John Ambulance site. Beyond the York Stream to the east lie residential properties that front Fotherby Court.
- 3.3 The most eastern part of the site (adjacent to the waterway) falls within Flood Zone 2 and very marginally Flood Zone 3. To the west lies Maidenhead United's ground with commercial development beyond to the west. To the north lies a mix of commercial and residential development within the centre of Maidenhead.

3.4 The surrounding area comprises the AL4 York Road Site Allocation that has been allocated for a mixed-use development including employment and community floorspace and approximately 450 residential properties. The majority of the wider AL4 Allocation was the subject of permission 18/01608/FULL that is now being built out. The St John Ambulance site immediately to the north has an extant outline planning permission for the construction of 53 apartments.

4. KEY CONSTRAINTS

4.1 The key site designations and constraints are listed below:

- BLP Site Allocation AL4: York Road
- Settlement Area (Central Maidenhead),
- Town Centre
- Flood Zone 2 (and marginally 3),
- Local Wildlife Site (York Stream)
- New Footpath (adjacent to the east of York Stream)
- Green Way Preferred (adjacent to the east of York Stream)

5. THE PROPOSAL

5.1 This is an outline application with access, appearance, layout and scale only to be considered at this stage for the erection of 49 residential units with associated access, car and cycle parking and landscaping following the demolition of the existing church building.

5.2 The scheme will re-use the existing access off York Road with the proposed ground floor providing for the car and cycle parking, refuse store, access foyer and landscaping.

5.3 The proposed building would be an 8-storey flat roof structure of red brick with the upper floor being inset and of light-coloured render. Each of the units would be provided with their own terrace or balcony and the elevations comprising decorative brick courses to add visual interest to the scheme.

5.4 The scheme would provide 26 car parking spaces and a housing mix comprising 17 one-bedroom units and 32 two bedroom units.

6. Planning History

6.1 The application site itself has a limited history that relates to the former Spiritualist Church which is listed below:

Planning History				
Application No.	Description	Status	Opened	Closed
02/39034/FULL	Permanent retention of church assembly hall and storage shed.	PERM	19.07.2002	18.09.2002
87/01203/TEMP	RENEWAL OF TEMPORARY PERMISSION FOR ASSEMBLY HALL/CHURCH BUILDINGS & STORAGE SHED	PER	11.05.1987	28.07.1987
90/01222/TEMP	RENEWAL OF TEMPORARY PERMISSION FOR ASSEMBLY HALL / CHURCH BUILDINGS AND STORAGE SHEDS	PER	30.07.1990	20.09.1990
93/01099/TEMP	RENEWAL OF PERMISSION 424068 FOR ASSEMBLY HALL CHURCH BUILDINGS AND STORAGE AREA AND INSTALLATION OF RAMPED ACCESS AND PORCH	PER	08.09.1993	27.10.1993

6.2 Of relevance to the application proposal are two applications to the north of the site that make up the wider York Road Site Allocation that are listed below:

- 18/01608/FULL - Mixed use redevelopment of the site comprising of 5 no. buildings 4-8 storeys in height to provide 229 new residential dwellings (Use Class C3), 1,930 sqm GEA of commercial and community/cultural floor space (Use Class A1/A3/B1/D1), provision of a new civic square and public realm enhancements, along with car parking, access, roads, landscaping and other associated works following demolition and clearance of all existing structures – APPROVED 21st December 2018
- 19/01276/OUT | Outline application for access, appearance, layout and scale to be considered at this stage with all other matters to be reserved for the construction of x53 apartments with associated landscaping and car parking (landscaping reserved) – APPROVED 18th Feb. 2020

7. DEVELOPMENT PLAN

Borough Local Plan

7.1 The Borough’s current adopted Local Plan comprises the Borough Local Plan adopted February 2022. The relevant policies are set out below:

Issue	Policy
Spatial Strategy	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Green and Blue Infrastructure	QP2
Character and design of new development	QP3
Building height and tall buildings	QP3(a)
Housing development Sites	HO1
Housing Mix and Type	HO2
Affordable Housing	HO3
Manging Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Air Pollution	EP3
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2
Utilities	IF7

7.2 As noted above the site falls within the wider AL4 York Road Site Allocation and as such additional reference is made to Policy HO1 and the associated AL4 Site Proforma below.

8. MATERIAL PLANNING CONSIDERATION

8.1 National Planning Policy Framework (NPPF) (2021)

- Section 4- Decision making
- Section 5 – Delivering a sufficient supply of homes
- Section 7 – Ensuring vitality of town centres
- Section 9 – Promoting Sustainable Transport
- 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

8.2 Supplementary planning documents

- Borough Wide Design Guide SPD
- Sustainable Design and Construction SPD
- Maidenhead Waterways Restoration SPG

More information on these documents can be found at:

[Planning guidance | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](http://rbwm.gov.uk)

8.3 Other Local Strategies or Publications

Other Strategies or publications considered to be material planning consideration relevant to the proposal are:

- RBWM Parking Strategy
- RBWM Corporate Plan
- RBWM Environment and Climate Strategy

9. **CONSULTATIONS CARRIED OUT**

9.1 **Comments from interested parties**

26 neighbour notification letters were sent out to the occupiers of adjacent properties.

A site notice advertising the application were displayed on site and a notice displayed in the Maidenhead Advertiser.

46 letters were received objecting to the application including one from the Maidenhead Civic Society, comments made can be summarised as:

Comment		Where in the report this is considered
1.	The block, at 8 storeys, would result in an oppressive and overbearing development that would overlook residents of Fotherby Court	Sections 10.58 – 10.69 deals with impact on neighbouring amenity on occupants of Fotherby Court properties.
2.	The development would, by virtue of its height and balconies, result in loss of sunlight to residents of Fotherby Court, particularly early evenings.	Sections 10.58 – 10.69 deals with residential amenity issues.
3.	The site is in an area of high fluvial and surface water flood risk and should not be approved on this basis.	Sections 10.75 – 10.80 deals with flooding and SuDS drainage matters.
4.	Such a 'woeful' lack of parking, and associated EV charging points, will lead to more on-street parking which is already a problem in the area and will continue to get worse as car ownership is steadily rising.	Sections 10.37 – 10.49 deals with highways, parking and other such related matters.

5.	Such a level of new housing will lead to severe additional traffic which is already a problem in and around the town centre and exacerbated by all other new development occurring.	Section 7.3 deals with such highway matters.
6.	The number of residential units together with balconies will result in adverse impacts from noise and disturbance on properties in particularly though people out on the balconies	Sections 10.58 – 10.69 refers to residential impacts and noise and disturbance.
7.	The development will have real harm on the ecological aspects of York Stream with several responses referring to the number of Kingfishers that are seen around the waterway.	Sections 10.89 – 10.99 considered ecology. Several of the conditions proposed will ensure an ecological enhancement.
8.	All the trees on site will be lost to make way for the flats harming the look of the site and ecology.	Sections 10.34 – 10.36 deals with trees and landscaping.
9.	There is no need for such a tall and harmful block, with the football club likely to be relocating more low-level development could be accommodated across both sites.	This application can only consider the merits of the scheme before it for consideration. It could not withhold permission based on what may happen in the future.
10.	There is already a lack of infrastructure in terms of schools, GP surgeries and the proposed block of flats, together with the other development in the area will exacerbate the problem.	Local infrastructure, such as schools, are considered at a strategic level. Other departments including the Education Authority will work together with the LPA and developers to secure such infrastructure is delivered through CIL receipts and other obligations on other strategic sites.
11.	There is very little information on solar panels, heat pumps etc that would demonstrate the building is 'future proofed' against climate change etc.	Sustainability is considered at Sections 10.103 – 10.014
12.	Other developments in the area have negatively impacted upon wi-fi and broadband, the current scheme will only exacerbate the problem	Such utilities are continuously rolled out by providers.

Consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	No in-principle objection. Additional information sought on bicycle parking and EV charging. Such issues can be resolved by way of appropriate conditions.	Sections 10.37 – 10.49
Lead Local Flood Authority	Initially sought additional information. Upon the receipt of such information, they raise no objection subject to conditions.	Sections 10.75 – 10.80
Ecology Officer	Recommend conditions for CEMP, biodiversity net gain and enhancements alleviate concerns and are achievable on site. Acknowledge that 8m buffer zone would be preferable and highly recommended.	Sections 10.89 – 10.99
Environmental Protection	No objections subject to conditions.	

Housing Enabling Manager	<p>Saved Policy H3 “Affordable Housing” of the adopted Local Plan 2003 seeks the delivery of 30% affordable housing on-site. Policy HO3 “Affordable Housing” of the emerging BLPSV also seeks 30%. 30% of the proposed 49 flats is 15 affordable flats, however at this time the applicant is not proposing any affordable homes as part of this development.</p> <p>If less than 14 affordable unit provision is agreed in terms of viability a review mechanism should be secured by way of a S.106 Legal Agreement.</p>	Sections 10.50 – 10.57
Environment Agency	<p>The EA have submitted two responses dated 08.01.2021 and 28.02.2022. On both occasions the EA have objected on ecological grounds. The first response confirmed they raise no objection with regard to flood risk grounds.</p> <p>This consultation response raises objections on three grounds, that can be summarised as follows:</p> <ul style="list-style-type: none"> • The proposed development involves building within close proximity to the York Stream main river and would be unlikely to receive Environment Agency Flood Risk Activity Permit • The proposed development is unacceptable as it involves building within close proximity to the York Stream main river and is contrary to Planning Policy which seeks to conserve and enhance the natural environment. 	Sections 10.75 – 10.88
Maidenhead Waterways	<p>Raise Objection. The consultation response from the Maidenhead Waterways Restoration Group raises a number of concerns these can be summarised as follows:</p> <ul style="list-style-type: none"> • No in principle objection to the site’s redevelopment • Object to the scale of the building at 8 storey’s is too tall • Concerns about the proximity of the building to the waterway’s edge • The design would, in conjunction with those approved to the north, result in the look of an industrial canal, not the accessible public channel and haven for wildlife • The development would have an overbearing and overlooking impact to those properties on Fotherby Court 	Sections 10.75 – 10.88

10. EXPLANATION OF RECOMMENDATION

The key issues for consideration are:

- i. Principle of the redevelopment of this site
- ii. Loss of Community Facilities
- iii. Design and character considerations
- iv. Highway considerations and Parking Provision
- v. Affordable Housing Considerations
- vi. Impact on Neighbouring Amenity
- vii. Provision of a Suitable Residential Environment
- viii. Infrastructure Provision
- ix. Environmental Considerations

- x. Other material considerations

Issue i) Principle of the redevelopment of this site

- 10.1 Policy HO1 of the Borough Local Plan (BLP) commits to providing at least 14,240 new dwellings in the plan period up to 2033 that will focus on existing urban areas and the allocations listed within the Policy and as shown on the Proposals Map.
- 10.2 Of relevance to this application is Allocation AL4 York Road, Maidenhead which is allocated for “A mixed use scheme incorporating retail, approximately 2,000 sq. m of employment and community/cultural floorspace, civic square and approximately 450 residential units.” The wider allocation includes the application site and the land to the north off the private access and land to the north and south of York Road and to the east and west of both Park Street and St Ives Road.
- 10.3 The majority of the wider Site Allocation was the subject of planning permission (18/01608/FULL) that granted permission for mixed use redevelopment of the site comprising of 5 no. buildings 4-8 storeys in height to provide 229 new residential dwellings (Use Class C3), 1,930 sqm GEA of commercial and community/cultural floor space (Use Class A1/A3/B1/D1), provision of a new civic square and public realm enhancements, along with car parking, access, roads, landscaping and other associated works following demolition and clearance of all existing structures. Part of this site was to the south of York Road.
- 10.4 Immediately to the north of the application site is the St John Ambulance site that was the subject of application 19/01276/OUT that permitted “Outline application for access, appearance, layout and scale to be considered at this stage with all other matters to be reserved for the construction of x53 apartments with associated landscaping and car parking (landscaping reserved).”
- 10.5 The two permissions together with the current application make up the whole AL4 Site Allocation in providing for 331 dwellings and the employment and community uses.
- 10.6 The AL4 Site Allocation Proforma however sets out a number of Site-Specific Requirements which are listed below:
 - 1. Facilitate comprehensive re-development and effective placemaking in the town centre. This will include providing a new civic and social space for the town and improving the frontage to the adjacent waterway
 - 2. Retain existing community uses unless acceptable provision is made elsewhere. Provide a network of high-quality pedestrian and cycle routes across the site which link into surrounding areas and routes to improve the connectivity between Stafferton Way and the town centre via York Stream
 - 3. Provide mixed uses at ground floor levels throughout the development
 - 4. Ensure that the development is well-served by public bus routes/demand responsive transport/other innovative public transport solutions, with appropriate provision for new bus stop infrastructure, such that the bus is an attractive alternative to the private car for local journeys, including to educational facilities
 - 5. Provide high quality green and blue infrastructure
 - 6. Conserve and enhance local biodiversity
 - 7. Retain high/medium quality trees and planting of replacement trees
 - 8. Provide a high-quality public realm, including improvements to existing pedestrian thoroughfare
 - 9. Provide high quality attractive and animated frontages to St Ives Lane, York Road and York Stream
 - 10. Provide 30% affordable housing
 - 11. Conserve and enhance the setting of the Town Centre Conservation Area
 - 12. Preserve the setting of the library, which is a Grade II Listed Building, and its associated outdoor environment, and the Grade II Listed 25 & 27 Broadway

13. Provide appropriate mitigation measures to address the impacts of noise, vibrations and air quality from the railway in order to protect residential amenity
 14. Be sensitively designed to consider the privacy and amenity of neighbouring residential properties
 15. Address surface water flooding and potential risks to groundwater
 16. Consider flood risk as part of a Flood Risk Assessment as the site is partially located within Flood Zones 2 and 3 and larger than one hectare. This will need to demonstrate that the exception test can be passed and that a safe evacuation route can be provided
 17. Provide strategic wastewater drainage infrastructure
 18. Demonstrate the sustainable management of surface water runoff through the use of Sustainable drainage systems
 19. Drainage Systems (SuDS) in line with policy and best practice; any proposed surface water discharge should be limited to greenfield runoff rates where feasible
 20. Protect and enhance the Designated Local Wildlife site (York Stream)
 21. Support the implementation of the Maidenhead Waterways Project.
- 10.7 With the site comprising the southernmost section of the wider York Road allocation, and therefore subject to overall compliance with the objectives of the Site Allocation Proforma the principle of development is acceptable.
- 10.8 Whilst not a specific requirement of Allocation AL4 it is important to note that with the site forming the southernmost section of the wider allocation, and with the remainder of the site benefiting from planning permission the scheme would not impact upon or prejudice the delivery of the remainder of the Site Allocation which is a Core Town Centre redevelopment area together with Site Allocations AL1 – AL6 that comprise the Nicholson's Centre, Land between High Street and West Street, St Mary's Walk, West Street and the Methodist Church, High Street.

Issue ii) Loss of community facilities

- 10.9 Policy IF6(6) of the BLP ensures, inter alia, that existing community facilities such as the Spiritualist Church should be retained, improved and enhanced and in this regard the loss of the church to provide for the residential development would be contrary to the objectives of Policy IF6.
- 10.10 In addition, requirement 2 of the Site Allocation states that development of the site should retain existing community uses unless acceptable provision is made elsewhere.
- 10.11 The applicant confirmed at the time of submission that the Spiritualist Church is to re-locate as part of the current proposal to River View Lodge on Ray Mead Road which was granted planning permission (Application Reference 20/01544/FULL) for a change of use. With an alternative site for the church to relocate to there would be no loss of the existing community facility. Furthermore, Officers have liaised with the Spiritualist Church who have confirmed they have now relocated from the application site to River View Lodge.
- 10.12 With the church, the community use, having successfully relocated to another site within Maidenhead there is no conflict with Policy IF6 or the second objective of the Site Allocation Proforma.

Issue iii) Design and character considerations

- 10.13 Policy QP3 of the adopted Borough Local Plan seeks to ensure that new development will be of a high quality and sustainable design that respects and enhances the local, natural or historic character of the area paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing, proportions, trees, biodiversity, water features enclosure and materials.

- 10.14 Policy QP3 is consistent with the objectives of Section 12 of the NPPF (2021) which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The NPPF further states at paragraph 126 that good design is a key aspect of sustainable development.
- 10.15 Paragraph 130 of the NPPF (2021) further encourages local planning authorities to utilise design advice and review arrangements, particularly for significant projects such as large-scale housing and mixed-use developments. In assessing applications, local planning authorities should also have regard to the outcome from these processes, including any recommendations made by design review panels.
- 10.16 Further to the objectives of Policy QP3 and Section 12 of the NPPF the Site Allocation proforma sets out a number of design related criteria against which application proposals are to be assessed including the need to provide quality active frontages to York Stream.

Impact on the Character and Appearance of the Area, including landscape

Density

- 10.17 One of the key objectives of the BLP, as set out in the Spatial Objective is to ensure the effective and efficient use of land. Such an objective is consistent with paragraph 130 of the NPPF which specifically refers to increased densities. Furthermore, paragraph 6.4.6 of the BLP states that the scale of development and the compact form of the town centre provides enhancement opportunities for intensification and high-density development.
- 10.18 Section 7 of the Borough Wide Design Guide SPD states that denser development at locations which are sustainably located will be encouraged which is consistent with the objectives of Section 11 of the NPPF.
- 10.19 The proposed development would represent a residential scheme of 245 dph. As a comparison the St John Ambulance scheme immediately to the north was redeveloped at a density of 245 dph, while the wider York Road redevelopment site is being developed at a density of 139 dph and the former Desborough Bowls Club was approved at a density of 286 dph, The site is previously developed land in Maidenhead town centre, within walking distance to amenities, shops and services and approximately 550m from Maidenhead Train Station. On this basis the application site can be considered to be within a highly sustainable and accessible location in the context of this Borough.
- 10.20 Whilst the prevailing density of the area is mixed with lower density development to the east fronting Fotherby Court the redevelopment of this site as a flatted development a would respond to and respect this mixed/ changing character. This is of course subject to other design consideration including layout, height and scale.

Layout and active frontages

- 10.21 Policy QP3 of the BLP sets out that proposals will be required to be of high-quality sustainable design. A specific focus is creating buildings, streets and spaces that provide for well-connected permeable movement and create safe and accessible places that have interesting frontages particularly at pedestrian level. The NPPF (2021) sets out the need to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. One of the criteria in the Site Allocation proforma is to create interesting frontages on York Stream.
- 10.22 The application site is located to the south of a private access road off York Road and adjacent to York Stream, the railway embankment and Maidenhead United's ground and as such it has no street frontages. The eastern boundary is visible from the footpath that is adjacent to the York Stream waterway.

- 10.23 Nevertheless the proposal includes a number of windows and other openings on the ground floor that whilst serving ancillary areas such as car and bicycle parking the openings are designed to reflect the windows above with the same fenestration details and detailing to both the east elevation fronting York Stream and the west that looks onto the access.
- 10.24 In addition to the openings on the ground floor of the apartment block provide balconies to each of the units on the first floor and above. In providing balconies on the lower floors there will be increased levels of natural surveillance over both York Stream to the east and the site's access to the west. The northern sections of the access will be overlooked by the wider York Road developments and the St John Ambulance redevelopment which will collectively provide for an active frontage along the site access road and York Stream.
- 10.25 It is considered that despite the site's location and constraints the design of the scheme provides for appropriate active frontages to the internal access road and an interesting and active frontage to York Stream thereby complying with the requirements of both Policy QP3 of the BLP and the Site Allocation Proforma. Additional matters such as external lighting and landscaping along the length of the access that would further contribute to the overall appearance of the development and sense of safety and reduced fear of crime can be secured by way of an appropriate condition.

Scale and Massing

- 10.26 Policy QP3 of the BLP requires new development to have particular regard to height, skylines, scale bulk and massing to ensure the development respects and enhances the local character of an area. The surrounding character has a significant variation with the residential development to the east of York Stream comprising predominantly 2 storey properties, to the north are taller residential blocks of a considerably greater density associated with the redevelopment pursuant to permission 18/01608 and the permission for the St John Ambulance site.
- 10.27 The applicants Design and Access Statement uses 3D image modelling to compare the height and scale of the apartment block proposed to those in the surrounding area associated with those buildings that are under construction as part of the York Road allocation and the approved St John Ambulance scheme and those further afield in central Maidenhead.
- 10.28 The proposed building would be an 8-storey structure that would measure approximately 22 metres in height. This would be comparable to the 7 storey St John Ambulance building immediately to the north. This measures approximately 21m with a marginally lower total height than the apartment block located beyond to the north of York Road. Principle 7.5 of the Borough Wide Design Guide states that building height should not, inter alia, result in adverse impacts on skylines and the character of the area. The surrounding area has evolved more recently with denser taller buildings associated with the redevelopment of parts of central Maidenhead including the York Road Site Allocation. Moreover, Principle 7.6 requires new development to reflect and integrate with the spacing and heights of the existing buildings.
- 10.29 Within the current NPPF, and earlier versions, and more recently with the adoption of the BLP there is a need to make the most effective and efficient use of land, particularly in more accessible and sustainable locations such as the application site. As such, and with the surrounding character evolving to comprise taller buildings which measure approximately 20m and 7/8 stories, officers consider the current proposal, when considered against the more recent developments associated with the AL4 Site Allocation, would not look incongruous nor out of character with surrounding development.

Proposed architectural detailing

- 10.30 The Design and Access statement sets out the principles and architectural approach for the proposed block and how it relates to those within the surrounding area. The DAS states that the proposed architectural style is a continuation of the 'wharf' style adopted by the adjacent St John site. The DAS further refers to the more traditional red brick design with recessed upper floor with contrasting materials.

- 10.31 The proposed architectural style is considered to respect the style and character of the neighbouring building while the proposed materials palette would respect the more traditional range of materials including red brick within the surrounding area. Further, the recessed windows and decorative brick courses would add further visual interest to the proposed building that would break up the buildings mass.
- 10.32 The scheme would therefore accord with the broad objectives of Policy QP3 of the BLP and the more design-based criteria set out in the AL4 Site Allocation Proforma.

Landscape (including trees)

- 10.33 Policy NR3 of the BLP highlights the importance of maximising opportunities for the creation, restoration and enhancement of trees and landscaping and the associated habitats that they can give rise to. The site is dominated by the former church building and associated parking area and as such is largely devoid of any meaningful and attractive soft landscaping with the exception of the York Stream bank and an area to the south that is dominated by overgrown scrub and brambles
- 10.34 The proposal would comprise the retention of the existing areas of soft landscaping although the landscaping itself would be removed and replaced with native species. Such a landscaping proposal could, through an appropriate condition, bring about an opportunity to enhance the sites ecological value together with enhancing the character and appearance of the site and surrounds.
- 10.35 Additional reference is made to ecological matters below.

Issue iv) Highway considerations and Parking Provision

- 10.36 Policy IF2 of the BLP requires new development to be located close to offices and employment, shops and local services and facilities and provide safe, convenient and sustainable modes of transport as well as development proposals demonstrating how they have met a range of criteria including being designed to improve accessibility to public transport, to be located so as to reduce the need for vehicular movements and to provide cycle parking in accordance with the Parking Strategy. Policy IF2 is consistent with the overarching objectives of Section 9 of the NPPF which seeks similar goals in seeking to ensure development proposals maximise and promote opportunities for sustainable transport modes.
- 10.37 A Transport Statement (TS) has been prepared by ADL Traffic & Highways Engineering Limited and submitted in support of this planning application. The assessment below considers the submitted information against the Development Plan and gives regard to material planning considerations.

Sustainable transport modes

- 10.38 Noted above is the overarching aim of Policy IF2 which is to maximise opportunities for and giving priority to sustainable transport modes, the application site is in one of the most sustainable locations in the Borough. The application site is located within Maidenhead Town Centre, in walking distance to all local services and amenities. The Maidenhead Waterway also provides improved pedestrian and cycle links from the north of the town, through to the south and Bray beyond and Braywick Leisure Centre.
- 10.39 Maidenhead Train Station is also within walking/ cycling distance for the site and provides direct links to London and Reading. CrossRail/The Elizabeth Line will improve the train times to London and strengthen the public transport links to Maidenhead Town Centre further still.
- 10.40 There are good bus routes through the town centre to surrounding towns of High Wycombe, Windsor, Slough and Wexham.
- 10.41 Overall it is considered that the highly accessible location will, in itself, reduce the need to travel and such travel would be undertaken by sustainable modes of transport.

Highway safety and capacity considerations

10.42 The NPPF (2021) states at paragraph 109 that:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.43 The scheme proposes the re-use of the existing access road off York Road. The level of traffic that is likely to be generated by the development is not considered to have a material impact on the highway network or the operation of nearby junctions.

Parking Provision

10.44 The proposed development includes 26 parking spaces of which 3 would be wheelchair accessible spaces. In support of the application the applicant has referred to the 2018 York Road application that had a car parking ratio of 0.41 spaces per unit. The Highways Authority however referred to an application at Desborough Theatre where the applicant proposed 169 spaces for 149-unit development. Notwithstanding this however the Highways Authority have stated that having regard to other similar residential developments in the town centre there is no objection to the level of parking proposed.

10.45 The Highways Authority have stated that 20% of the spaces proposed should have 20% active charge points with 20% passive provision made. An additional plan showing details for EV charging has been requested together with a Car Park Management Plan. The applicant has submitted a plan that shows a total of 5 active and 5 passive spaces are to be provided. Subject to condition 7 it is considered that the scheme will provide an appropriate level of EV charging facilities for future residents.

10.46 The Highways Authority have stated that cycle parking must be in accordance with best practice and referred to Transport for London's updated London Cycling's Design Standard or the West London Cycle Parking Guidance (2017) and have requested additional information regarding cycle parking which accords with either of these guides. The applicant has submitted a plan showing a two-tier bicycle storage facility that demonstrates that the necessary bicycle storage can be adequately provided on site. Subject to Condition 6 it is considered that the development will provide for secure bicycle storage that will further enhance the sustainable modes of travel for future occupants.

Services, access, and refuse

10.47 Servicing of the development will take place from the existing access road with the bins being stored to the north of the site adjacent to a turning head that is sufficient to allow the refuse vehicle to enter the site, turn within the site and exit in a forward gear. Refuse collection will take place from within the site.

10.48 The Transport Statement, together with the swept path analysis, confirms that the 10.98m refuse vehicle can adequately enter, turn and leave the site in a forward gear to which the Highways Authority raise no objection.

Issue v) Affordable Housing Considerations

10.49 Policy HO3(1b.) of the BLP would require 30% of the total units to be provided as affordable housing and of that 30% the tenure split should be 45% social rent, 35% affordable rent and 20% intermediate tenure. The 30% affordable housing provision reflects the 30% sought in the Site Allocation Proforma.

- 10.50 Paragraph 7.7.9 of the BLP however states *“In exceptional circumstances, where the provision of affordable housing in accordance with this policy is not economically viable, the Council will expect the submission of open book financial appraisal information alongside the planning application. Applicants will be expected to pay for an independent review of the information submitted.”*
- 10.51 The Council’s Affordable Housing Planning Guidance provides further guidance over developments meeting an on-site 30% requirement. It also sets out that where 30% provision cannot be provided an application should be supported by a financial viability appraisal. The adopted guidance on affordable housing rounds down to the nearest whole unit. 30% on site affordable housing would equate to 14 affordable housing units being provided on site as part of this application.
- 10.52 Kempton Carr Croft, on behalf of the applicants has submitted an Affordable Housing and Viability Assessment. The viability appraisal seeks to demonstrate that the development cannot viably bear any affordable housing contribution. This assessment has been independently reviewed by the BPS Chartered Surveyors.
- 10.53 The applicant has submitted a Financial Viability Statement that concludes by stating *“It can be seen from the summary above that the proposed development of 49 no. units cannot support any element of affordable housing contribution...This is significantly below the necessary level of profit required by lenders in order to fund a scheme and if any further reduction in profit occurs then it is unlikely that the proposed scheme will be able to proceed.”*
- 10.54 The Council’s Independent Viability Assessors have reviewed the applicant’s Viability Statement and have set out a detailed assessment of a range of issues including Benchmark Land Value, Existing Use Value and associated construction costs. The following table has been extracted from the BPS report:

100% Private Housing	KCC FVA	KCC with amended costs	BPS
EUV	£1,221,875	£1,221,875	£123,700
Landowner Premium	-	-	10.00%
BLV	£1,221,875	£1,221,875	£136,070
GDV	£15,195,000	£15,195,000	£15,522,500
Developer’s Profit	20.00%	20.00%	17.50%
Surplus/Deficit	£682,898	£3,064,727	£1,609,058

- 10.55 The Council’s Independent Viability Assessor has concluded that even when revised figures for build costs and development values are used, the scheme is likely to result in a larger deficit than the applicant’s viability report. It should be noted that viability assessments include developer’s return as standard so that the scheme being unviable to deliver affordable housing does not mean that it will not come forward.
- 10.56 Notwithstanding the viability considerations, the lack of any affordable housing is unfortunate however and would only represent a neutral matter within the planning balance. It is recommended that a late stage review is secured via a legal agreement. This would allow a further review of the scheme’s viability looking at build costs and sales values to be carried out when construction costs and sales values are known. If at that time there is surplus profit, a proportion of that in-line with the policy requirement would be required as an off-site affordable

housing contribution. Subject to a legal agreement securing this review mechanism, the scheme is considered acceptable.

Issue vi) Impact on Neighbouring Amenity

10.57 Policy QP3 of the BLP requires new development to have regard to a number of design principles; in particular Principle (m) states “Has no unacceptable effect 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” which echoes the objectives of paragraph 130(f) of the NPPF (2021) a consideration to be given significant weight, and states developments should:

“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.

10.58 Policy SP3 of the BLP states that development will be expected to have no unacceptable effect 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.

10.59 The adjoining residential properties that have the potential to be impacted by the development are two storey properties that front Fotherby Court and which back onto the York Stream footpath to the east of the site. Consideration is also given to potential impacts on the occupants of the approved St John Ambulance scheme to the north.

10.60 The applicant has submitted a Daylight and Sunlight Impact Assessment prepared by Eight Associates (dated August 2021) and looks at the potential impact on these adjacent dwellings. The assessment is based on the Building Research Establishment (BRE) guidelines, which are used nationally as guidance and apply equally to rural and urban locations. BRE recommendations are guidelines rather than adopted policy. The assessment considers both Vertical Sky Component and No-Sky Line, the two key considerations for daylight and sunlight matters.

10.61 With regard to both considerations the assessment concludes as follows:

Based on the results of this analysis and according to the recommendations provided in the BRE guidance “Site layout planning for daylight and sunlight – A guide to good practice” (second edition), the study concludes that:

- In summary, 82.5% of the assessed windows meet the recommendations for the VSC. The loss of VSC is considered to be acceptable in all the properties*
- In summary, 89.0% of the assessed rooms meet the recommendations for the no-sky line. The loss of NSL is considered to be acceptable in all the properties*
- In summary, 83.3% of the analysed south facing windows meet the recommendations for the APSH. The loss of APSH is considered to be acceptable in all the properties*
- The sunlight of all existing gardens would not be affected by the proposed development.*

According to BRE report paragraph 16, the impact is assessed as ‘minor’ when only a small number of windows are affected, or the loss of light is only marginally outside the guidelines. The proposed development will have a ‘minor’ impact on the daylight and sunlight received by the neighbouring amenities.

10.62 The assessment confirms that there would be no unduly unacceptable impacts on the amenities with regard to daylight and sunlight of occupants in Fotherby Court or the approved St John Ambulance development and as such the proposal accords with Policy QP3(m) in this regard.

10.63 Regarding potential overlooking and loss of privacy; Policy QP3(m) noted above refers to overlooking and privacy with the Borough Wide Design Guide SPD highlighting the importance of all residential units having a degree of privacy although it is acknowledged that in more compact areas such as town centres it is not always possible to achieve such separation distances.

- 10.64 Table 8.1 of the Design Guides SPD sets the following relevant separation distances for developments above 2 stories on height:
- Front to front: 15m
 - Rear to rear (for flats): 30m
 - Flank wall to rear of dwelling: 15m
- 10.65 The scheme would share a flank/east elevation relationship with 91 Fotherby Court and a rear/east elevation with 93 – 101 Fotherby Court. The development would be up to 8 storeys in height and include balconies facing the units across the waterway.
- 10.66 The applicant's DAS contains cross sections from the proposed apartment block to the rear of the properties in Fotherby Court. The cross section confirms that there would be an approximate separation distance of 31.2m which exceeds the 30m recommended in the Design Guide SPD. The separation distance to the flank elevation of 91 Fotherby Court would measure approximately 25m which exceeds the 15m set out in the Design Guide SPD.
- 10.67 The development would by virtue of its height and presence of balconies create a level of activity that fronts the walkway parallel with York Stream which is not currently experienced by occupiers of the adjacent residential properties. While there would be an increased perception of being overlooked the separation distances would ensure there is no material loss of privacy. It is evident therefore that the level of impact would be acceptable and accord with the objectives of the Design Guide SPD.
- 10.68 The above confirms that with regard to daylight and sunlight and privacy/overlooking impacts; that the proposal would not give rise to any unduly adverse impacts on the occupants of Fotherby Court or the adjacent St John Ambulance development as approved.

Issue vii) Provision of a Suitable Residential Environment

- 10.69 Policy HO5 of the BLP seeks, inter alia, to ensure that all new residential units provide for a satisfactory standard of accommodation, including adequate living space and both a quality internal and external environment. The Borough Wide Design Guide SPD states that flats will be expected to be provided with their own balconies that should be at least 2m deep and wider than their depth and provide for a minimum of 5sq.m for 1-2 person homes and 1sq.m for each additional person.
- 10.70 The applicant's DAS confirms that each of the apartments would meet the Internal Space Standards set by MHCLG with each of the balconies measuring 7sq.m. The balconies proposed, together with the apartments themselves, would all afford future occupants with acceptable internal and external accommodation. It has been confirmed that the scheme will provide accessible and adaptable details in line with policy HO2. A condition is recommended to secure the final details of the units that will be accessible and adaptable
- 10.71 The upper floor units would be provided with a recessed terrace. Of the 7 units, 3 of these would fall below the necessary 5sq.m set out in the Borough Design Guide SPD. These three units would be provided with outdoor terrace space that measures approximately 3sq.m Whilst below the minimum 5sq.m it is considered sufficient to allow residents to have a table and chairs set out in their own private space. The number that fall below the standard is small and would still allow for enjoyment of these outdoor spaces.
- 10.72 In conjunction with the highly accessible location and the proximity to town centre shops and other facilities, future residents would be provided with quality internal and external accommodation.

Issue x) Environmental Considerations

Flooding and Sustainable Urban Drainage

- 10.73 The east edge of the application site (running parallel to the Maidenhead Waterway/York Stream) falls within Flood Zone 2 and marginally in Flood Zone 3. The existing access to the building falls within Flood Zone 2. A Flood Risk Assessment and SuDS Assessment dated November 2020, has been provided by Water Environment Limited in support of this planning application. The EA and the LLFA have both been consulted on the report.
- 10.74 Policy NR1 of the BLP states that a sequential test for all development in areas at risk of flooding is required except for that allocated in the BLP or a Made Neighbourhood Plan and as such the pertinent objectives of Policy NR1 for this scheme is that an allowance is made for climate change and increased flooding levels, that development proposals should increase the storage capacity of the flood plain where possible, incorporate a SuDS system, reduce flood risk, be constructed with adequate flood resilience and where appropriate to demonstrate safe access and egress. The Policy states that the exception test will need to be applied.
- 10.75 As the site forms part of the AL4 Allocated Site there is no requirement for a Sequential Test to be undertaken and as such the scheme only needs to pass the exception test.

The Exceptions Test

- 10.76 The Flood Risk and SuDS Assessment states that, with flood water level modelling data having been supplied by the EA the applicant has designed the development with a FFL being set at 24.80m AOD which is 600mm more than the 1% AEP plus 35% allowance for climate change whilst the residential units are on the first floor and above which is at 27.675m AOD. As such the Assessment concludes that with the design, together with existing topography levels there should be no flooding of the developable part of the site.
- 10.77 The applicant's Flood Risk and SuDS Assessment has been reviewed by the EA who have stated that contrary to the statement that the scheme would bring about a reduction in the area of built form on site which is incorrect, the development would be outside the 1% AEP plus 35% allowance for climate change and they are therefore satisfied that Part B of the Exception Test has been passed.
- 10.78 The Exceptions Test however is a two fold assessment. Part B has been referred to above and requires developments to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and where possible, reducing the flood risk overall. Part A of the test requires whether a development would provide wider sustainability benefits to the community that outweigh the flood risk.
- 10.79 The development would comprise the re-use of a un-used brownfield plot within central Maidenhead which represent an environmental benefit in its own right. Further, the development would contribute towards the delivery of the AL4 York Road allocation, a key strategic allocation within the BLP that would continue the regeneration of such allocation sites within Maidenhead which is a key benefit. Moreover, the development has the opportunity to bring about other ecological enhancements which further represents a sustainability benefit.
- 10.80 In addition to the above benefits the residential units would be on the first floor and as such there would be a degree of resilience and sustainability built into the development that would, while not reducing the risk of flooding, would ensure a degree if sustainability. Additional reference is made to the benefits associated with the development below within Section 12 below.

Surface Water & Sustainable Drainage

- 10.81 The SuDS Assessment states that, when compared to the existing site there would be a slight decrease in permeable areas and that through the use of Microdrainage with a 450mm deep porous subbase below paving and a cellular 3cu.m tank there should be no surface water flooding at the 5l/s rate plus 100 years plus 40% climate change event.

- 10.82 In accordance with The Flood and Water Management Act 2010 the Royal Borough in its role as Lead Local Flood Authority (LLFA), is a statutory consultee for all major applications. The LLFA has considered the proposal and the applicants SuDS Assessment. The initial response dated 15th December 2020 raised a series of concerns relating to the exact area of permeable development, the discharge rates and the accuracy of this and associated drainage calculations, water levels in relation to York Stream, accuracy of flood mapping for surface water and maintenance regime for the SuDS.
- 10.83 Following receipt of the initial comments additional information was submitted with the LLFA making further comments dated 23rd March 2021. The second LLFA response confirmed that a number of their points including microdrainage rates and outflow levels had been overcome and should the LPA be minded to grant permission the LLFA would request a condition ensuring additional information regarding full details of the SuDS system and maintenance details.
- 10.84 With no objection being raised by the EA with regard to the exception test and subject the SuDS drainage condition being imposed there are no objections from the LLFA. As such the scheme accords with the broad objectives of Policy NR1 of the BLP.

Impact on Maidenhead Waterways

- 10.85 The Maidenhead Waterways runs along the eastern boundary to the site with Policy NR1 seeking to ensure development improves and integrates the Maidenhead Waterways including the completion of the Maidenhead Waterway Project.
- 10.86 The Maidenhead Waterway Project aims to restore and enhance Maidenhead's underused waterways including York Stream by improving their ecological value as well as their public access.
- 10.87 The development site is located at the southern end of a private access road adjacent to York Stream where there is currently no public access to York Stream to the west. There is a public path on the eastern boundary of the stream that extends from York Road under the railway embankment to the south with the path extending beyond to the south towards Stafferton Way to The Cut. As such the development would have no impact upon the level of public access to York Stream. In this regard the scheme has no impact on the objective of Policy NR1.
- 10.88 The second aspect of the Waterways project is in seeking to enhance the waterways ecological value and biodiversity which is discussed below in more detail

Impact on Biodiversity

- 10.89 Policy NR2 of the BLP states, inter alia, that proposals will be expected to demonstrate how they maintain, protect and enhance the biodiversity of application sites and avoid impacts, both individually or cumulatively, on species and habitats of principal importance.

The application was initially supported by an Ecological Survey and Water Framework Directive Letter that found the site to be of low ecological value and that the church building offered negligible suitability for bats and that the potential shading of the waterway from the building would be limited.

- 10.90 The most notable area of ecology is the York Stream Local Wildlife Site which is adjacent to the site.
- 10.91 The Environment Agency has raised an objection to the development on nature conservation and physical habitats grounds. It considers an 8 metre buffer zone should be provided to incorporate enhancements for wildlife and to provide biodiversity interest.
- 10.92 In response to this a Water Framework Directive Assessment (WFD Assessment) has been provided by the applicant and in support of this application, prepared by Ethos Environmental Planning dated April 2022. This sets out that York Stream is heavily modified with metal sheet-piled banks where it borders the York Road site.

- 10.93 The WFD Assessment refers to vegetation, overshadowing and surface water run-off. Regarding vegetation, the report states that the scheme will involve the removal of all bankside vegetation, dense scrub dominated by bramble and will be replanted with a range of native shrubs, grasses and herbaceous plants that will bring about an enhancement compared to the existing vegetation. Such species will include hazel, silver birch, elder and dogwood. The native species planting will enhance the waterway and water bank through thermal regulation and oxygenation of the water, create buffers to slow water run-off, provide woody debris for habitat creation and increase channel diversity.
- 10.94 Regarding overshadowing, the report states *“The Scoping section identified that the proposals would result in an increase in partial shadowing of The York Stream by 1h 50m and full shadowing by 5h 49m in peak summer (the greatest impact). The York Stream is designated as hydromorphologically “heavily modified”. Figure 4 shows the scale of the proposed development in comparison to other tall buildings including blocks of flats and a multi-storey car park in the immediate vicinity. In this context, it is considered that the increase in shade over a short stretch would not have any significant impacts and would not result in any deterioration of the WDF objectives for the waterbody catchment area.”*
- 10.95 In terms of run-off, the report states that with the employment of a range of measures including a gravel subbase and permeable paving, cellular attenuation tank and green roof the surface water run-off rates can be reduced and limited to 5 l/s. Precise details can be secured by way of a SuDS drainage system condition.
- 10.96 The Council’s Ecologist had, regarding wider ecological issues and having reviewed the initial Ecological Survey report that was submitted with the application, sought additional information regarding additional surveys, extended Phase 1 habitat and protected species scoping survey, Phase 2 surveys and bats. Final comments have been received by the Council’s Ecologist. Whilst the acknowledge that a buffer would be preferable, they have raised no objection to the scheme and recommend that conditions as detailed below.
- 10.97 The applicant submitted additional information that has been reviewed by the Ecologist who has requested a total of four conditions regarding the preparation of a Biodiversity Construction Management Plan, external lighting detail and biodiversity net gain measures. Subject to these conditions it is considered that the development would accord with the objectives of Policy NR2 and 3 of the BLP.
- 10.98 Maidenhead Waterways has objected on the grounds that the development, at 8 storeys, is too tall, too close to the water’s edge and will shade the water. Their comments further state that the look of the building and its siting would create the look of an industrial canal whereas the canal was designed as an accessible public channel and a haven for wildlife. Their main concern is stated as follows: *“Our main concern is to ensure the detailed design for any development allowed along the waterway corridor complies with the principles of the Framework policies; embraces the restored waterway; maximises public open space; has active frontages onto the waterway; and provides direct and easy public access to the water for boating and other recreational uses.”*
- 10.99 The proposal will, subject to the ecological conditions proposed, bring about an enhancement to the site’s biodiversity and that of the waterway, the buildings design will respect those that have been approved to the north while public access along the water way will be retained along the footpath to the east.

Impact on Air Quality and Noise

- 10.100 An Air Quality Assessment has been prepared by Redmore Environmental Ltd and submitted in connection with this application as the site is within the Maidenhead Air Quality Management Area. The findings and conclusions of the assessment were that the air quality impacts from the development are not considered to be significant. Due to the anticipated net reduction in vehicle movements in comparison to the existing site use the proposed development is likely to have a beneficial impact on local air quality. It is considered that the findings and conclusions of this

Assessments are acceptable and have raised no objection subject to conditions. These are set out in recommended condition 17 which deals with air quality during construction.

10.101 Policy EP4 of the BLP requires development proposals to consider the noise and quality of life impact on existing nearby properties and also the intended new occupiers ensuring they will not be subject to unacceptable levels of harm.

10.102 Given the dense urban, town centre location and the surrounding commercial activities including the football ground and railway, there will be some level of noise, however this is not considered to result in increased levels of noise or disturbance which would have a detrimental impact on the amenities of future occupiers and the proposed residential use would not give rise to any undue levels of noise and disturbance on the amenities of neighbouring properties. The Environmental Protection Officer has not raised any comments regarding noise and as such noise issues would not warrant a reason to withhold permission.

Sustainability and Energy

10.103 New development is expected to demonstrate how it has incorporated sustainable principles into the development including, construction techniques, renewable energy, green infrastructure and carbon reduction technologies as set out in Policy SP2 of the BLP that requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. A Sustainability & Energy Statement prepared by Blue Sky Unlimited dated October 2020 has been provided as part of this planning application. This sets out the sustainable techniques incorporated into the proposed development. This includes passive design, insulation and natural ventilation to improve the efficiency of the residential building. The Statement proposes a 15.21% carbon reduction over current building regulations based on the fabric performance of the proposed buildings and the provision of photo voltaic panels on parts of the roof of all buildings.

10.104 The proposed development is also designed to minimise pollution, be adaptable to climate change and also consider health and wellbeing as part of the development. On this basis the proposed development is considered to sufficiently incorporate sustainable design techniques into the proposed development and complies with the objectives of Policy SP2 of the BLP and the Council's adopted Sustainable Design and Construction SPD (2009). The application was submitted prior to the publication of the Position Statement on Sustainability and Energy Efficient Design – March 2021 and is therefore not subject to its requirements.

Issue xi) Other Material Considerations

10.105 Paragraphs 10 and 11 of the NPPF (2021) set out that there will be a presumption in favour of Sustainable Development which is consistent with the overarching objectives of the BLP. Policy HO1 of the BLP sets out a trajectory for the provision of new housing and the application site, and the wider AL4 Site Allocation, form an integral part of this housing trajectory. The provision of such housing will ensure the Borough is able to maintain its up-to-date five-year housing land supply.

10.106 In addition, and notwithstanding the site's allocation in the BLP, paragraphs 86(f) and 120(c) of the NPPF highlight the benefits that residential developments can have on town centre locations in terms of their viability and vitality and the weight to be given to re-using brownfield land, such as the application site, to providing for the homes and other developments that communities need.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

11.1 The site and development proposal are CIL liable however the CIL rate for Maidenhead Town Centre is set at £0 per square metre and as such there will be no CIL receipts generated from this development. However, the wider affordable housing review mechanism is set out above.

12. Planning Balance

- 12.1 The application site forms part of the AL4 York Road Site Allocation pursuant to HO1 of the BLP. The development would deliver 49 open market one and two bedroom residential units within an 8 storey building. The site is bound to the south by the railway embankment, residential development to the east that fronts Fotherby Court and that approved and under construction following the approval of applications 18/01608/FULL and 19/01276/FULL. To the west lies Maidenhead United's football ground with the train station and Maidenhead High Street beyond to the west and north respectively.
- 12.2 The proposed development is considered to be consistent with the broad objectives of the AL4 Site Allocation proforma in that it seeks to provide for a well-designed, sustainable residential development that addresses the range of technical matters including protecting the amenities of neighbouring properties, surface water drainage, ecological and biodiversity and sustainable transport matters within a location in Maidenhead town centre.
- 12.3 The development would provide for an additional 49 market residential units that are located within an accessible and sustainable location within central Maidenhead. The provision of housing attracts significant weight and the NPPF makes clear that substantial weight is given to the re-use of such brownfield land.
- 12.4 The development would, pursuant to conditions 9, 10 and 11 bring about an enhancement to both the sites ecological value and that of York Stream which attracts significant weight in support of the development.
- 12.5 The scheme would, by virtue of condition 12, and the siting and topography of the site bring about a reduction in surface water runoff rates that would contribute towards reducing the potential impacts of flooding and the ecological value of York Stream. Such a benefit attracts moderate weight in favour of the proposal.
- 12.6 The applicant secured planning permission for a change of use on a site on Ray Mead Road from where the Spiritualist Church now operate and as such the community facility would not be lost as a consequence of the proposed development.
- 12.7 The proposal would give rise to temporary direct and in-direct construction jobs and longer-term economic impacts arising from additional expenditure in the town centre from future occupants. Both benefits cumulatively attract significant weight in favour of the application.
- 12.8 The proposed development would have a minor impact on the daylighting levels currently received from the nearby residential properties across the waterway that front Fotherby Court. The information submitted with the application confirms that the east elevation separation distance exceeds that set out in the Borough Design Guide and as such there would be no materially harmful loss of privacy. Fotherby Court residents may experience a minor perception of being overlooked, however such an impact would be expected in such a densely built-up urban location. Nevertheless, such an impact would weigh negligibly against the development.
- 12.9 In terms of flooding the proposed development is considered to pass the exception test and the EA have raised no objection to the development in flood risk terms.
- 12.10 The objections from the Environment Agency on ecological grounds is noted. It is however, pursuant to paragraphs 55 and 56 of the NPPF, considered that the proposed ecological conditions would ensure the development brings about ecological enhancements to a site which is of limited ecological value. Further, the objection from Maidenhead Waterways regarding the scheme are also noted. However, for reasons set out above the proposed development is considered to comply with the relevant planning policies, would maintain access to and create a waterway setting. This weighs in favour of this scheme.
- 12.11 The proposed development is considered acceptable in terms of biodiversity, air quality and noise (subject to the necessary conditions) as set out above. Biodiversity enhancements sought as part of this proposed development also weigh in favour of this scheme and will be secured by way of conditions. Subject to conditions the proposed development does not raise any significant issues

in terms of contaminated land and would incorporate suitable renewable and sustainability techniques.

12.12 For reasons set out above the proposed development is considered to be acceptable. There are minor impacts to residential amenity, and the objection from the EA on ecological grounds however such minor harm is, and in conjunction with the conditions proposed would outweigh such minor harm. The planning balance, and therefore the Officer recommendation is to approve subject to the resolution of the matters set out at section 1 of this report.

13. CONCLUSION

13.1 The application, would for the reasons set out above, represent a residential development on an Allocated Site in the BLP that would make for highly efficient use of a brownfield site in the town centre. The scheme's benefits would outweigh the identified minor harm.

14. APPENDICES TO THIS REPORT

- Appendix A – Site location plan
- Appendix B – Proposed Site Plan
- Appendix C – Ground floor plan
- Appendix D – Fourth floor plan
- Appendix E – Upper Floor Plan
- Appendix F – East Elevation
- Appendix G – West Elevation
- Appendix H – York Stream Footpath Street Scene (From the east)

15. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

1 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.

2 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).

3 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).

4 No development above ground floor slab level shall take place until samples of the materials to be used on the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. This should accord with the details submitted in the Design and Access Statement. The development shall be carried out and maintained in accordance with the approved details. The development shall only be carried out in accordance with the approved materials or such other details as agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Borough Local Plan Policies HO1 and QP3.

5 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Borough Local Plan IF2.

6 No part of the development shall be occupied until the cycle parking facilities have been provided in accordance with the details set out in Plan No's DWG 200 Rev. 01 (Proposed Ground Floor Plan) and Drawing No. Two Tier Rack Space Requirements 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 parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Borough Local Plan IF2.
- 7 No part of the development shall be occupied until EV charging facilities have been provided in accordance with the EVCP Spaces Plan received by the Local Planning Authority on 6th July 2021. These facilities shall thereafter be kept available for the charging of electric vehicles 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 - Borough Local Plan SP2 and IF2.
- 8 No part of the development shall be occupied until vehicle parking spaces have been provided and laid out in accordance with the approved plans. The spaces approved shall be retained for parking in association with the development.
- Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Borough Local Plan IF2.
- 9 No development above slab level shall commence until a report detailing the external lighting scheme, and how this will not adversely impact upon wildlife, has been submitted to and approved in writing by the LPA. The report shall include the following figures and appendices: A layout plan with beam orientation. A schedule of equipment Measures to avoid glare An isolux contour map showing light spillage to 1 lux both vertically and horizontally, 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.
- _ To limit the impact of light pollution from artificial light on nature conservation in accordance with paragraph 180 of the NPPF and Borough Local Plan Policy EP3.
- 10 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following. a) Risk assessment of potentially 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 and should include all mitigation measures outlined in the ecology report (Ethos Environmental Planning, January 2021), an updated ecology walkover survey (including an updated PRA of the building) prior to commencement of any works to ensure that conditions on the site have not significantly changed since the time of the 2020 surveys, reasonable avoidance measures during site clearance works for reptiles, nesting birds, and hedgehog (including measures which would be undertaken should any individuals of these species be found), removal of the identified PRF under the supervision of a suitably qualified ecologist, protection of the river and any vegetation to be retained, and construction lighting to be directed away from the river and any suitable bat habitat.).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) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. An updated ecology report detailing the results of this updated survey should be submitted with any Reserved Matters application, and if any new signs of presence of protected species on the site is found then further surveys may need to be undertaken and/or conditioned as part of the Reserved Matters application.
- Reason: To minimise impacts on biodiversity in accordance with Policy NR2 of the Borough Local Plan and Paragraphs 170 and 175 of the NPPF.
- 11 Prior to commencement of the development above slab level, details of the biodiversity net gain which will be delivered as part of this development (including a clear demonstration through the use of an appropriate biodiversity calculator such as the Defra Metric 3.0 that a net gain would be achieved) shall be submitted to and approved in writing by the council. The agreed net gain measures shall thereafter be implemented/installed in full as agreed.
- Reason: To provide a net gain for biodiversity in accordance with Borough Local Plan Policy NR2.
- 12 Prior to the commencement of the development above slab level, details of biodiversity

enhancements, to include integral bat boxes, bricks, or tiles, and at least four swift bricks built into the walls of the new building shall be submitted and approved in writing by the council. The boxes, bricks, or tiles shall thereafter be installed in accordance with the plans and a brief letter report confirming that the boxes, bricks or tiles have been installed, including a simple plan showing their location and photographs of the boxes, bricks or tiles in situ, is to be submitted to and approved in writing by the Council.

Reason: Bats are protected species and swifts, although relatively common in Maidenhead and other areas, are declining and a bird of conservation concern due in part to a lack of nesting sites which are usually in buildings. This condition will result in biodiversity improvements in and around the development in accordance with Borough Local Plan Policy NR2 and Paragraph 175 of the NPPF.

- 13 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on sustainable drainage principles shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details. 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 Policy NR1 of the Borough Local Plan and 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 the commencement of any works above slab level (as shown on the approved site section drawing) details of measures to incorporate sustainable design and construction shall be submitted to and approved by the Local Planning Authority, this should be based on the Sustainability and Energy Statement prepared by Bluesky Unlimited dated 12 February 2019 or such other details as agreed in writing by the Local Planning Authority.

Reason: The aforementioned document provides no clear indication of what measures will be incorporated into the proposal and as such it is necessary to ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Requirement 1 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009), along with the National Planning Policy Framework. Relevant Policy - Borough Local Plan Policy SP2.

- 15 No development above slab level (as shown on the approved long section drawing) shall commence until a noise study has been submitted to and approved in writing by the Local Planning Authority. This shall include: i) Details of all the measures to be taken to acoustically insulate all habitable rooms against environmental and operational noise (including the operation of the adjoining railway), together with details of the methods of providing acoustic ventilation ii) Details of how the proposed development is designed so that cumulative noise from surrounding uses (including the railway) does not impact on residential amenity. This shall include any appropriate mitigation measures. iii) The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of the mutual amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Borough Local Plan Policies HO5, QP3 and EP1

- 16 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 enable satisfactory refuse collection to take place in the interests of highway safety and convenience, to ensure effective waste collection services and to maximise recycling. Relevant Policies - Borough Local Plan Policy HO1 and QP3

- 17 The development shall be carried out in accordance with the submitted Flood Risk and SuDS Assessment, Project Number 20076, by Water Environment dated November 2020 and the following mitigation measures it details: The footprint of the proposed development shall be located outside of the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change as listed in section 5.19 Finished floor levels shall be set no lower than 25.29 m above Ordnance Datum (AOD) PEOUTZ There shall be no raising of existing ground levels within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change as shown in drawing number 200 revision 3 entitled "proposed ground floor plan" and drawing number 01A entitled "site survey as existing". 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 and prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and ensure the channel cross-section is not reduced as a result of the proposed development as required by Policy NR1 of the Borough Local Plan and the NPPF (2021) and its associated guidance on flooding

18 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.

19 Notwithstanding the drawings hereby approved, details regarding the provision of units designed to meet Categories M4(1), M4(2) and M4(3) of Approved Document Part M of Building Regulations 2010 (as amended) shall be submitted to, and approved, in writing by the Local Planning Authority prior to the commencement of above ground floor slab level building works of that building. Thereafter, the development shall be completed in accordance with the approved details.

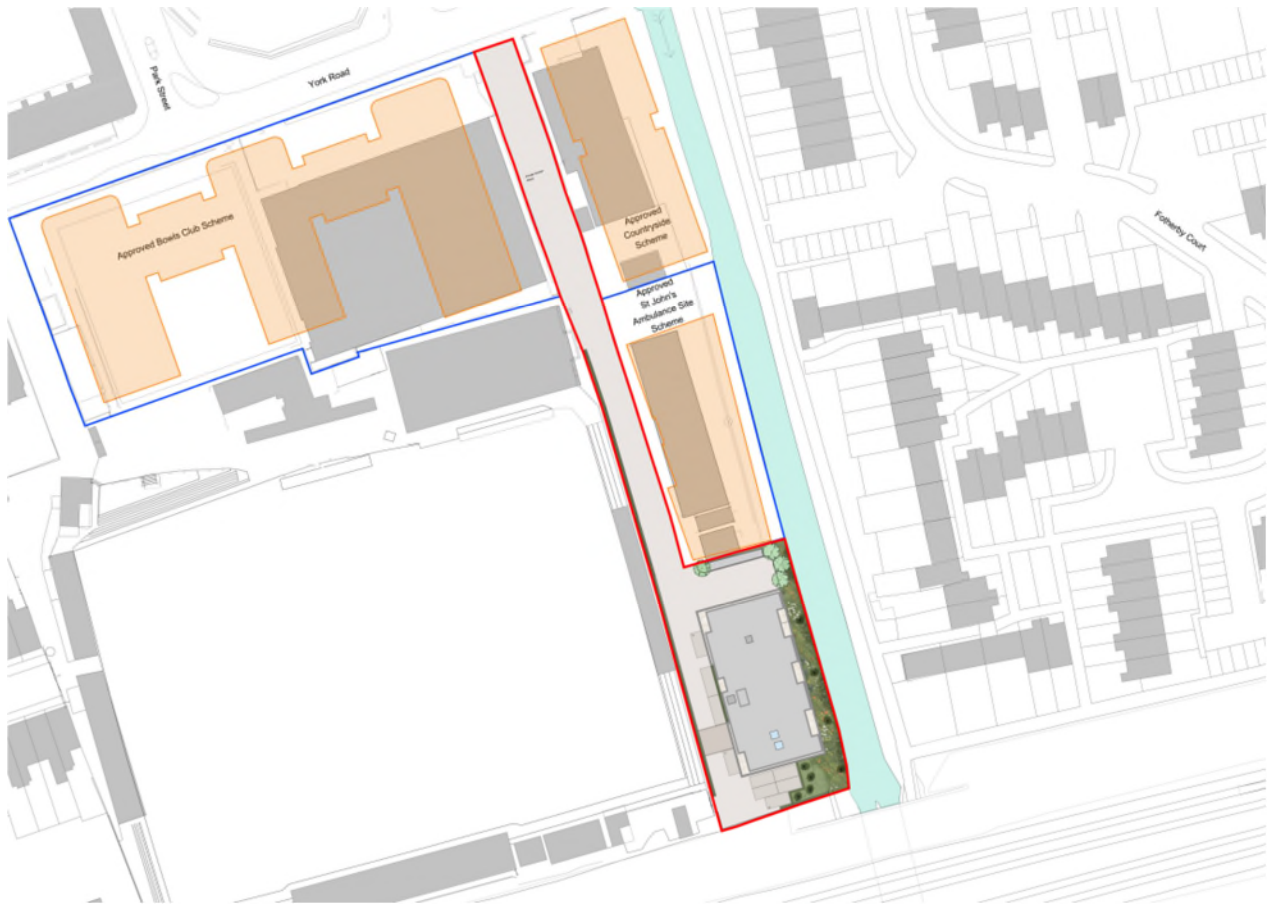
Reason: In order to maximise the practical provision of accessible housing, in accordance with Borough Local Plan Policy HO2.

20/03149/OUT - Maidenhead Spiritualist Church, York Road, Maidenhead.

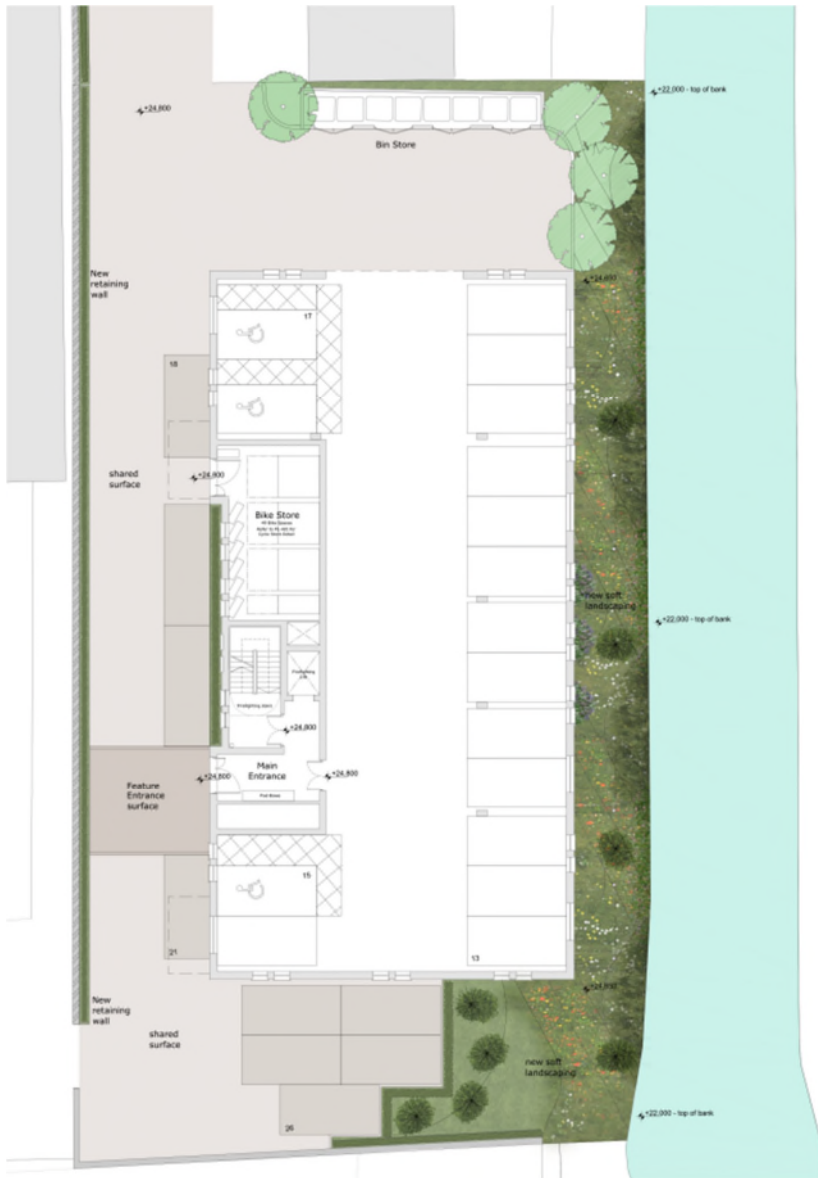
Appendix A - Site Location Plan



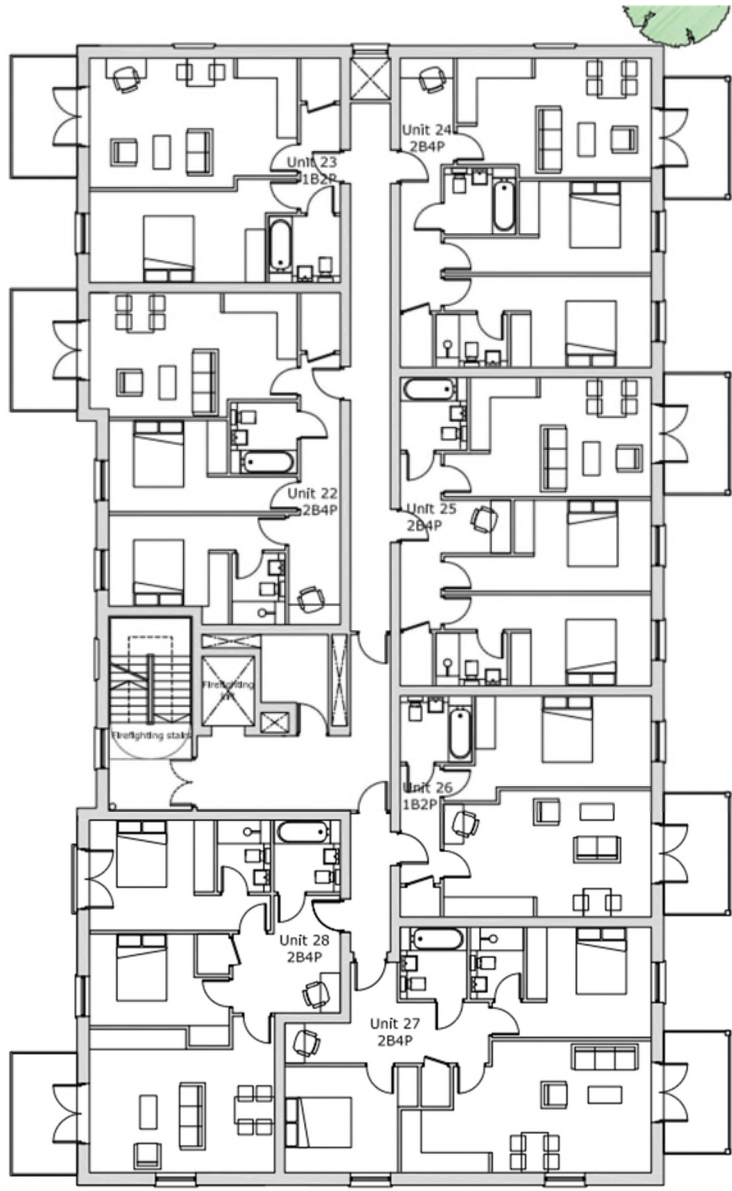
Appendix B – Proposed Site Plan



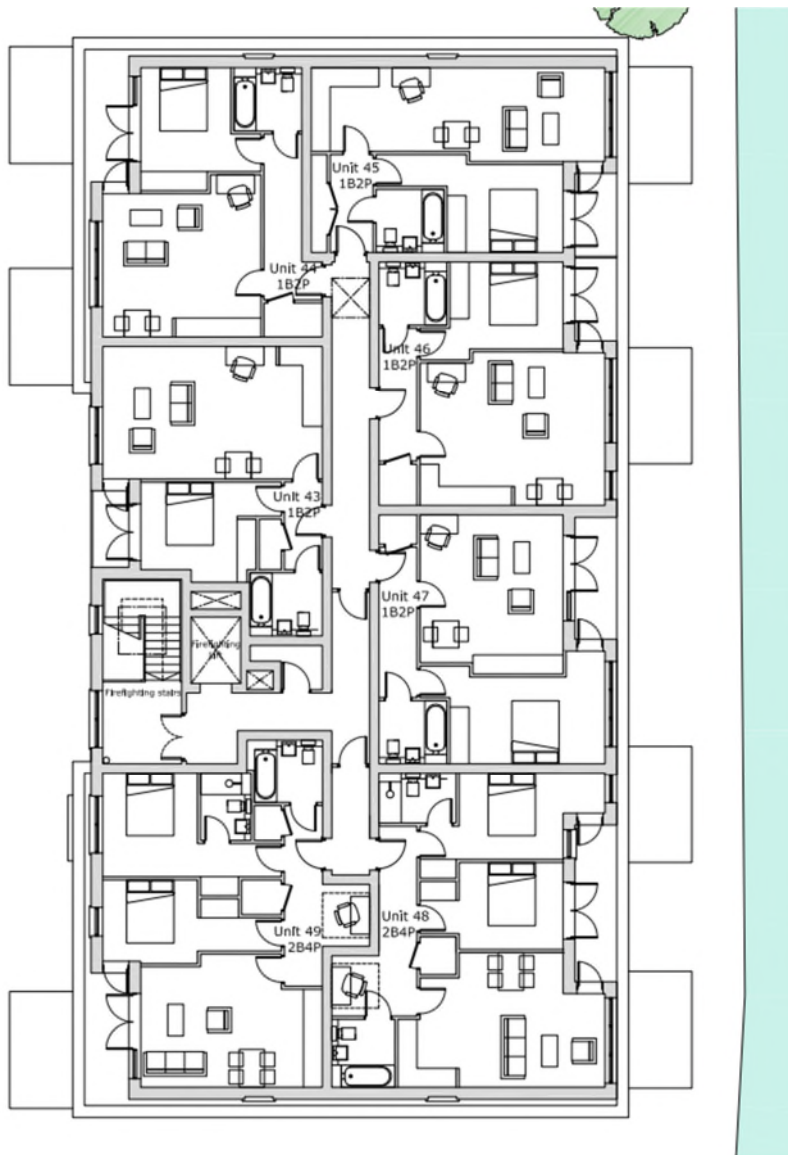
Appendix C – Proposed Ground Floor Plan



Appendix D – Proposed Fourth Floor Plan



Appendix E – Proposed Upper Floor



Appendix F – Proposed East Elevation



Appendix G – Proposed West Elevation



Appendix H – Proposed York Stream Footpath Street Scene (from the East)

