

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

15 February 2023

Item: 1

Application No.:	22/01391/FULL
Location:	Mattel UK Mattel House Vanwall Road Maidenhead SL6 4UB
Proposal:	Construction of x91 residential units together with associated landscaping, car parking and infrastructure works, following demolition of the existing building.
Applicant:	
Agent:	Mr Ben Thomas
Parish/Ward:	Maidenhead Unparished/Oldfield
If you have a question about this report, please contact: Dariusz Kusyk on 01628796812 or at dariusz.kusyk@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application seeks consent for the redevelopment of this Protected Employment Site, to provide a mixed-tenure residential development comprising 91 new homes in 2 blocks, divided into 4 cores with a mix of studio to 3-bedroom homes. These are a mixed tenure of private, shared ownership and affordable. The northern block (cores AB) is L shaped and facing Vanwall Road, whereas the southern block (cores CD) is a north-south orientated building running parallel to the eastern access road. All 1 to 3 bed homes have private amenity space ranging from private terraces, balconies, inset balconies and roof terraces.
- 1.2 A total of 91 car parking spaces are proposed for all the residential units with soft landscaping and a podium garden. The proposed enhanced landscape with a quality communal podium garden creates new public realm. It contains a consistent tree boundary on the western and southern boundary, screening it from the adjacent commercial unit and the busy road with a parking area to the rear.
- 1.3 The proposal would result in the loss of the office use within this protected employment site and the marketing report submitted within the application has failed to demonstrate that the loss would not have a significant detrimental impact on the local, and potentially wider economy. The proposed redevelopment of the site is considered to breach policies ED1, ED2 and ED3 of the Borough Local Plan (BLP).
- 1.4 Notwithstanding the above objection to the loss of the employment use, the design, massing, height and scale of the buildings proposed would appear incongruous and detrimental to the character of the area. Furthermore, the layout of the development, proposing a number of single aspect units and deficient external amenity areas, would represent an unacceptable standard of residential accommodation. The proposals are therefore contrary to policy QP3 of the BLP and advice contained in the Borough Wide Design Guide (BWDG).
- 1.5 In the absence of a completed legal agreement, the application fails to secure the required carbon off-set contribution for the development, contrary to policy SP2 and the guidance contained in the Interim Sustainability Statement.
- 1.6 In the absence of a completed legal agreement, the application fails to secure the required amount of affordable housing, contrary to policy HO3 of the BLP.
- 1.7 The application is therefore contrary to relevant development plan policies as outlined above. The Council has an up to date five year housing land supply and there are no identified planning

benefits which would be of sufficient weight and importance to overcome the harm. The application is therefore recommended for refusal.

This application is the subject of a non-determination appeal. It is recommended the Committee instructs officers to advise the Planning Inspectorate that had it had the opportunity to determine this application planning permission would have been refused for the following summarised reasons (the full reasons are identified in Section 15 of this report):

- 1. Loss of employment use within Vanwall Business Park, Maidenhead, an identified Protected Employment Site, in the form of a Business Area for which the marketing evidence submitted with the application would fail to justify.**
- 2. In the absence of a completed legal agreement, the development would fail to secure the required carbon off-set contribution for the development.**
- 3. The proposal fails to provide affordable housing to meet the needs of the local area.**
- 4. The development would fail to provide a high quality of residential accommodation at the site.**
- 5. The proposal, by virtue of its siting, height and massing, constitutes an overdevelopment of the site, to the detriment of the character of the area.**

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located within Vanwall Business Park, a protected employment site (Business Area) as defined in policy ED2 of the BLP and comprises a two-storey office building and ancillary car parking space.
- 3.2 There are a number of trees bordering the site, mainly to the southern and western boundaries. Opposite the site to the north is a modern office building and to the north-west is Maiden House, which was converted to residential accommodation under a Class O permission. South and east of the site are further office buildings and ancillary car parking. Access to the site is gained from the east via Vanwall Road.

4. KEY CONSTRAINTS

- 4.1 Key constraints listed below:
 - Protected Employment Site (Vanwall Business Park);
 - Contaminated Land.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal involves the demolition of the existing building and the redevelopment of the site with two blocks of apartments comprising 91 residential units in total, extending to 4 to 5 storeys in height. The northern block would be circa 43m wide and 35m deep and the southern block would measure around 19m by 50m. The housing mix in the scheme would include 29x 1-bed flats; 54x 2-bed and 8x 3-bed units. The proposed development includes soft landscaping, together with outdoor communal amenity space located on the raised garden and a car park, sited partially underneath the podium garden.

5.2 Relevant planning history:

Reference	Description	Decision
21/02067/CLASSO	Change of use from offices to 28 flats.	Prior approval required and granted 01.09.2021

6. DEVELOPMENT PLAN

Adopted Borough Local Plan

Issue	Local Plan Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Character and Appearance	QP1, QP3
Green and Blue Infrastructure	QP2
Housing Development Sites	HO1
Housing Mix and Type	HO2
Affordable Housing	HO3
Employment Sites	ED2, ED3
Environmental Protection	EP1, EP2, EP4, EP5
Highways	IF2
Infrastructure	IF1
Renewable Energy	NR5

7. **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2021)

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 5 – Delivering a Sufficient Supply of Homes

Section 8 – Promoting healthy and safe communities

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

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- RBWM Design Guide
- Interim Sustainability Position Statement

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

41no. occupiers were notified directly of the application.

2no. letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Adverse impact upon the highways and parking arrangements	See section IV of the report.
2.	Excessive scale, height, mass and overdevelopment of the plot	See section 9.10-9.13 of the report.

Consultees

Consultee	Comment	Where in the report this is considered
Highways Officer	No objections, subject to conditions.	See section 9 of the report.
Env Protection Officer	No objections, subject to conditions.	
Ecology Officer	No objections, subject to conditions.	
Berkshire Archaeology	No objections, subject to conditions.	
Local Lead Flood Authority	No objections, subject to conditions.	
Housing Officer	No objections, subject to conditions	

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- I. Principle of Development
- II. Design Considerations
- III. Impact on Neighbouring Amenity
- IV. Provision of Suitable Residential Environment;
- V. Highways Safety and Parking;
- VI. Climate Change;
- VII. Affordable Housing.
- VIII. Flooding and Sustainable Drainage

I. Principle of Development

9.2 Paragraph 81 of the National Planning Policy Framework states that *‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’*

- 9.3 The Adopted Borough Local Plan (BLP) Policy ED1 'Economic Development' states in point 1 that *'A range of different types and sizes of employment land and premises will be encouraged to maintain a portfolio of sites to meet the diverse needs of the local economy. Appropriate intensification, redevelopment and upgrading of existing sites and premises will be encouraged and supported to make their use more efficient and to help meet the forecast demand over the plan period and to respond to modern business needs.'* Then it continues in point 3 that *'It will do this by ensuring a flexible supply of high quality employment floorspace making some new allocations, utilising existing employment areas and promoting a more intensive use of these sites through the recycling, refurbishment and regeneration of existing older or vacant stock and promotion of flexible working practices.'*
- 9.4 The BLP Policy ED2 confirms that Vanwall Business Park, Maidenhead is within the group of Protected Employment Sites, as a Business Area. It states in point 3 that *'Within business areas and mixed use areas, intensification of employment activity will be encouraged subject to the provision of appropriate infrastructure and safe access. An element of residential development may also be acceptable in mixed use areas but it must ensure that the overall quantum of employment floorspace within the mixed use area as a whole is not reduced, except where identified in the proforma in this plan.'* Also, it emphasizes in point 6 that *'For all sites a 'nil net loss' of commercial floorspace principle will apply.'* Finally, point 7 states that under exceptional circumstances *'(...)where redevelopment does not provide full replacement space the Council will require market evidence to justify this loss, using policy ED3 and Appendix D as a guide. This should consider both the reuse of the buildings on site and feasibility/viability of replacement space offered freehold or leasehold. Justification should also be provided as to why the release is needed in advance of the plan review of the allocation in question.'*
- 9.5 The proposed application seeks to replace an office building for residential development in two blocks of flats. The application site is located within Vanwall Business Park; this is a designated Business Area within Policy ED2 of the Adopted Borough Local Plan as a protected employment site and therefore policy ED2 states that it should retain for economic and employment use. Given the above, as the proposal would result in the loss of employment floorspace, the principle of a residential use on this site is therefore considered unacceptable.

Marketing evidence

- 9.6 Policy ED3 goes on to state that for development such as this, where a change is proposed from an economic use to another use, the Council will require credible and robust active market evidence for a continuous period of at least 12 months prior to submission, unless otherwise agreed, to justify this loss, using the detailed information within policy ED3 and Appendix D as a guide. This should consider both the reuse of the buildings on site and feasibility/viability of replacement space offered freehold or leasehold. The following principles would apply with regard to the marketing evidence:
- It should prove that both the land and the premises have been widely advertised and marketed for a wide range of economic uses for at least one continuous year immediately prior to submission of a relevant planning application.
 - The exercise should be formally agreed with the Local Planning Authority prior to its commencement and demonstrate that the price and terms on which the land or premises were marketed were reasonable by comparison with similar examples in the local area.
 - Information should be provided detailing any interest received from potential buyers or tenants since the marketing commence. Where interest has been received and that interest has not been pursued, this must be explained. The requirement for marketing evidence applies when a proposal is made that would result in the loss of an economic use or a net reduction in the quantity of employment land or premises.

- 9.7 In support of the planning application, a Marketing Report has been submitted and this has been the subject of independent external review, in line with the following requirements of policy ED3:
- a) the overall quality of the site as an employment location;
 - b) the level of occupation/vacancy of the site;
 - c) consideration of the suitability of conversion for start-up and micro businesses;
 - d) whether the employment use generates any adverse impacts on the adjoining area;
 - e) possible benefits from relocating the economic use; possible benefits from using the site for alternative uses; and,
 - f) the achievement of other plan objectives. Marketing evidence will need to address the demand from both the freehold and leasehold markets – reflecting the fact that the dynamics of the two markets may differ.
- 9.8 The application site is located within an identified employment location and is surrounded by a number of other employment buildings. The site is therefore considered suitable for such a use, and consideration is therefore given to the information provided on the nature of the marketing.
- 9.9 In the applicants marketing evidence a total of 35 key requirements across the two policies (ED2 & ED3) and Appendix D of the Local Plan were identified, relevant to this application and assessment. Of the 35 key requirements the review of the Applicant's evidence has shown that 13 have been satisfied in full; 11 have been partially satisfied but may require further information, and a further 11 have not been satisfied. The marketing and viability evidence is deemed to be deficient in the following respects:
- demonstration that the loss of employment land would not cause unacceptable harm to the local economy;
 - significance to the local economy of the use to be lost;
 - unclear when the building became vacant;
 - information provided regarding the number and details of enquiries received;
 - consideration of the suitability of conversion for start-up and micro businesses;
 - consideration whether the employment use generates any adverse impacts upon the adjoining area;
 - possible benefits of relocating the economic use; possible benefits of using the site for alternative uses;
 - consideration of the achievement of other plan objectives;
 - the overall quantum of floorspace within the mixed-use area as a whole has been reduced;
 - demonstration of the 'nil net loss' of commercial floorspace principle.
- 9.10 The Marketing Report concludes that there has been a lack of interest in the site during the marketing period 2019 and 2022, with no office offers made during this period (only offers for an alternative use), despite a number of viewings by commercial parties looking for offices. The proposed office space was marketed for let as a whole (30,140 sqft) as an office headquarters building or by floor from 14,640 sqft. The floor spaces on this basis are likely too large and as a consequence too expensive, for a start-up or micro business and the applicant has not assessed whether there would be scope to redesign the proposed footprint to be more suitable for such users.
- 9.11 Notwithstanding the above, policy ED3 requires marketing evidence to be provided for at least one continuous year immediately prior to submission of a relevant planning application. The links provided in the marketing report are partially inactive at the time of writing this report. Whilst the site still appears when conducting an internet search for the address on the dedicated website, the advert is no longer available on the property search engines. As such, the information

contained within the Marketing Report, would not provide justification for the proposed loss of employment floorspace in Vanwall Business Park, an identified protected employment site.

II. Design Considerations

- 9.12 Paragraph 134 of the NPPF states that *'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.'* The Adopted Borough Local Plan policies QP1 and QP3 emphasise the importance of high-quality and sustainable development. The Borough Wide Design Guide (2020) further encourages high quality buildings and well-designed spaces.

Design and layout

- 9.13 The surrounding area is predominantly commercial in nature comprising of office buildings that display a mix of typologies. The application site is surrounded by a mixed character of commercial units in terms of their external appearance – from modern glazing with yellow brick (Abbot House) to predominantly red brick (SC House) and a grey and white rendered building on the opposite site and units with a significant amount of glazing (Geoffrey and Maiden House). The proposed building comprises a mix of light brown bricks and dark brown metal elements (balustrades, railing, fenestration) and in terms of its materiality it would not appear out of place in this setting. However, in terms of the scale and massing of the building, the proposed development would be significantly higher than the surrounding buildings, which are predominantly 2-3 storey high. The proposal would be mostly 5 storeys high with a flat roof and of a monolithic bulk. Only a minor element facing Vanwall Road would be 4 storeys high and the resultant building would be the most prominent structure within the area, circa 2 storeys higher than adjacent buildings. The proposed building would be in front of the building line of adjacent commercial units, about 5-6m from the edge of the highway and in this respect would appear incongruous when viewed in the context of the adjacent Abbot House, set back by around 27m and SC House, set back by around 40m. Effectively the proposed northern block would project between 20m-35m closer to the highway in comparison with the adjacent buildings, which are noticeably more diminutive in scale. It is considered that such a significant projection combined with the excessive height and massing would have a detrimental impact the streetscene, and the character of the area. This aspect would fail to comply with the BWDG Principle 7.6, which states that *"New development should reflect and integrate well with the spacing, heights, bulk, massing and building footprints of existing buildings, especially when these are local historic patterns"* and that *"The council will resist proposals where the bulk, scale and mass adversely impacts on the streetscene, local character and neighbour amenities."*
- 9.14 The proposed development would include two L-shaped blocks, (4/5 storeys) facing Vanwall Road and a rectangular (5 storeys) in the southern part of the plot. The northern block would be circa 43m wide and 35m deep and the southern would measure around 19m by 50m. This is considered to amount to an overdevelopment of the site by virtue of the excessive size and massing of the proposed structures and the overall density of development. The overall density would amount to 156.9 units/hectare on the application site. For comparison the Maiden House development has a density of approximately 129 units/ha.
- 9.15 Overall, the scale, appearance, siting and massing of the proposed development would be considered unacceptable and contrary to BLP Policy QP3 of the Local Plan, which states in paragraph 1 b) that new development "will be expected to contribute towards achieving sustainable high quality design in the Borough" and "Respects and enhances the local, natural or historic character of the environment, paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing, proportions, trees, biodiversity, water features, enclosure and materials". It would also breach point e), which states that the proposal should respect and retain existing high-quality townscapes and point h), which emphasises that it should incorporate interesting frontages and design details to provide visual interest, particularly at pedestrian level.

Housing provision and quality

- 9.16 Policy HO1 of the 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. If the proposals were able to overcome the objection to the loss of employment floor space detailed above, the introduction of a residential use would be supported in principle. Notwithstanding the objection to the loss of the office floorspace, the quality of the proposed housing will be addressed below.
- 9.17 In order to ensure compliance with policy HO2 which seeks to ensure that new homes contribute to meeting the needs of current and projected households, if the proposals were otherwise acceptable, a condition would be recommended to secure 30% of the dwellings to be delivered as accessible and adaptable dwellings in accordance with Building Regulations M4(2), and 5% of the dwellings to meet the wheelchair accessible standard in Building Regulations M4(3).
- 9.18 Policy QP3 of the BLP seeks 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 sets out a number of criteria in order to secure this.
- 9.19 The proposed units would all meet the required internal space standards with ventilation provided in the form of openings. However, this is not the only criteria for assessing the quality of the proposed residential units. Principle 7.4 of the Borough Wide Design Guide sets out that "Dual aspect accommodation will be strongly encouraged for all types of development to facilitate cooling of internal spaces through natural airflows. Single aspect development that relies on air conditioning to keep internal spaces cool will be strongly resisted." Principle 8.3 is also relevant and sets out that "occupants of new dwellings should be provided with good quality daylight and sun access levels to habitable internal rooms and external spaces" and that "Dual aspect dwellings are strongly encouraged. Where single aspect dwellings are proposed, developers should demonstrate how good levels of ventilation, daylight and sun access will be provided to habitable spaces. Single aspect residential units that are north facing should be avoided."
- 9.20 Of the 91 units proposed, 49 of the units are single aspect (32 in the south block and 17 in the north block), however none of these are only north facing units. The single aspect units represent approximately 53.8% of the total development, which for a new build such as this cannot be justified and considered to be an acceptable standard of residential accommodation. The application has been submitted alongside a daylight and sunlight report to address the quality of the new units. However, the report is based on the BRE guidance dated 2011 and as such does not assess the units using up to date BRE guidance with the listed tests having been superseded. Although 93% of all rooms pass average daylight factor (ADF) levels, this does not necessarily mean that they would now pass the LUX levels. Notwithstanding this, the report demonstrates that the development would have lower than recommended levels of annual probable sunlight hours (APSH) to 33% of the living spaces (23 out of 69 rooms), including several rooms at 0%, which further represents a poor quality of residential accommodation.
- 9.21 With regard to amenity space, the proposed scheme would contain a communal podium garden, which would be sited in an area between the blocks, open towards the west and south-west. It would be circa 800.0m² including the soft landscaping, trees and hedge along the boundaries of the garden and it would be sited on a raised podium, circa 5.0m above the ground level. Underneath there would be a parking area with a 34.0m long elevation, which would lack any fenestration or detailing (except ventilation openings) and therefore it would appear poorly designed, monolithic and would fail to present a visually attractive elevation, visible from Vanwall Road.

- 9.22 The BWDG Principle 8.6 requires the provision of a minimum of 10.0m² of communal outdoor amenity space per flat, therefore the minimum 910.0m² area would not be met. Also, the BWDG states that it is required to provide an easily accessible area for all residents. However, the occupiers of units in the southern building located in block D would not have a direct access to the podium garden, which would breach the aforementioned requirement contrary to BWDG Principle 8.6.
- 9.23 The proposed development includes balconies for all units, however not all balconies comply with the BWDG advice about the private amenity space for flatted development. The ground floor private amenity space for each flat should measure minimum 3.0m in depth and have a width similar to the width of the flat itself. All of the ground floor outdoor private amenity spaces would have an insufficient depth of around 1.3m-1.5m. Furthermore, the proposed upper level balconies would not meet the minimum requirements of 2.0m depth and 5.0m² area (for 1-2 person homes and 1.0m² for every additional occupier), as some of them measure around 1.4m by 3.2m, resulting in circa 4.5m² area. This element of the proposal would fail to comply with the Borough Wide Design Guide Principle 8.5.
- 9.24 Taking the development as a whole, given the high number of single aspect units, the level of light to the units and the nature of the amenity space, the submission fails to demonstrate that the proposals would represent an acceptable standard of residential accommodation, contrary to Policy QP3 of the BLP and the guidance contained in the Borough Wide Design Guide.

III. Impact on the amenities of the surrounding occupiers

- 9.25 The development is located within the business park and the closest residential properties are located at Maiden House to the north east, and to the south east in Norden Close. Given the distance between the application site and residential properties and despite the inappropriate height, design and scale of the development proposed, the scheme is not considered to give rise to an unacceptable level of overlooking of these properties, nor to appear unduly overbearing or visually intrusive to their occupiers. Given the commercial nature of the adjacent buildings and the surrounding area, it is not considered that the scheme would result in an unacceptable loss of light or privacy to these units.

IV. Highway Safety and parking

Parking

- 9.26 The site is located within 2km (under 30 minutes walking distance) from Maidenhead Railway Station which would be considered an inaccessible location based on the Borough's parking strategy (2004). The number 7 bus travels directly from Cox Green Road to the station with an approximate journey time of 15 minutes. Access to the site is good. It is an approximate 25min walk to Maidenhead Station and the edge of the town centre, with local bus connections to the nearest stations. The site proposes to retain access off the southern arm of a mini roundabout junction with Vanwall Road, with no new access routes for vehicles or pedestrians proposed. This is considered acceptable.
- 9.27 Car parking provision of 1no. space per dwelling is below the RBWM Parking Strategy (2004) demand (which would require 161 parking spaces), however given the parking restrictions in the area, the reduced level is considered acceptable.
- 9.28 In addition, since the Council's Parking standards were published, paragraph 108 of the NPPF (2021) now clarifies that: 'Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport'. In accordance with the NPPF, less weight can therefore be attributed to the 2004 Parking Strategy as it does not form part of the development Plan and is not wholly consistent with the NPPF (2021). Furthermore, the site is within a relatively sustainable location and the Highway Authority have confirmed that the proposed parking provision is acceptable.

- 9.29 The applicant has set out a number of mitigation measures within a travel plan to reduce the impact that motor vehicles may have upon the local highways network. These include a number of objectives including:
- Minimise the need to travel;
 - Reduce reliance on the private car and the need for car parking;
 - Reduce the number of single occupancy car users;
 - Increase the proportion of journeys to and from the site by sustainable modes of transport such as walking, cycling and public transport;
 - Implement effective travel targets which are SMART (Specific, Measurable, Achievable, Realistic and Timely); and,
 - Identify opportunities for car sharing between residents.
- 9.30 Furthermore, the measures for residents to reduce the need for use of private motor vehicles includes a Travel Plan Coordinator to oversee the TP for the first 5 years, a Steering Group comprised of residents of the development that will meet up once a year to discuss travel issues associated with the site, provision of travel information, car sharing scheme and provision of a home working hub. Additionally, the TP commits the TPC to report baseline and yearly surveys to RBWM for monitoring purposes. These objectives and measures are considered acceptable, in accordance with the BLP Policy IF2.

Cycle storage

- 9.31 Secure and covered cycle parking is indicated on the submitted floorplans. The proposed level of cycle parking as well as the mix of cycle parking including accessible cycle parking is considered acceptable. A detailed plan of the cycle parking facility, ensuring that the path and entrances are at least 1.20m wide is necessary, however this could be adequately controlled by condition should permission be forthcoming.

Refuse

- 9.32 The proposal includes refuse points with cores A and B sharing a refuse store at the north of the site, as well as C and D having individual refuse stores at the southeast of the site. Furthermore, the site layout is considered suitable to accommodate a standard size refuse collection vehicle required to service the site. It is also demonstrated that the refuse vehicle can park within 10.0m of bin collection points in line with Manual for Streets. The proposals are considered acceptable in this regard.

V. Impact on landscaping and biodiversity

- 9.33 It is considered that the proposed landscaping is acceptable. The proposed development would include soft landscaping with hedges along the frontage, side and to the rear of the proposed blocks, which would appear visually acceptable, in compliance with the BWDG Principle 11.2., subject to condition to an appropriate condition should permission be forthcoming.
- 9.34 The applicant has submitted a bat survey report, which has been undertaken to an appropriate standard. As such, the report concludes that the buildings and trees are unlikely to host roosting bats. Furthermore, as recommended in the report, and in accordance with paragraph 180 of the NPPF, which states that “opportunities to incorporate biodiversity in and around developments should be encouraged” a condition could be attached to any permission to ensure that enhancements for wildlife are provided within the new development. In light of this there would be no policy-based conflict with policy NR2.
- 9.35 A Biodiversity Net Gain calculation has been provided and details the habitats which will need to be provided in order to establish an overall on-site net gain in biodiversity. A landscaping scheme has been provided and post development, the site will provide a 0.13 net gain in habitat units and a 0.44 gain in hedgerow units. In addition, a number of other enhancements including installation of bird and bat boxes would be provided.

- 9.36 In accordance with paragraph 180 of the NPPF, which confirms that opportunities to incorporate biodiversity in and around developments should be encouraged and Policy NR2 of the Borough Local Plan, a condition could be attached to any permission to ensure that the enhancements for wildlife are provided within the new development.

VI. Climate Change

- 9.37 The Royal Borough of Windsor & Maidenhead declared a climate emergency in June 2020 setting out the council's intention to implement national policy and ensure net-zero carbon emissions are achieved by no later than 2050. In December 2020 the Environment and Climate Strategy was adopted which sets out how the borough will address the climate emergency across four key themes (Circular Economy, Energy, Natural Environment and Transport). The strategy sets a trajectory which seeks to a 50% reduction in emissions by 2025.
- 9.38 A Sustainability Supplementary Planning Document will be produced in due course, however, the changes to national and local climate policy are material considerations which should be considered in the handling of planning applications and achievement of the trajectory in the Environment and Climate Strategy will require a swift response. It was therefore considered prudent and necessary to adopt an interim position statement which clarified the Council's approach to these matters.
- 9.39 Section 1 of the guidance states that development should make the fullest contribution to minimising CO2 emissions with development of this type expected to achieve net-zero carbon emissions unless it can be demonstrated otherwise.
- 9.40 Information has been put forward by the applicant in this regard in their Energy Statement, which demonstrates compliance with the RBWM planning requirement for developments to achieve a 33.78% reduction (of which at least 10% would be met by on-site renewables) in regulated CO2 emissions when set against a Building Regulation Part L1A (2013) baseline. However, as the scheme would not be Net Zero an offset contribution would be required as per the ISPS.
- 9.41 As an adequate financial provision towards the Council's off-set fund has not been secured in the form of a legal agreement, the likely adverse impact of climate change has not been overcome. The application therefore fails to meet the requirements of the Council's Interim Sustainability Position Statement and is therefore contrary to Policy SP2 of the Borough Local Plan.

VII. Affordable Housing

- 9.42 The scheme would require 30% of the total number of units to be affordable, comprising 80% social rent and 20% shared ownership, in line with the requirements of Policy HO3 of the Adopted Borough Local Plan.' Whilst the proposal puts forward affordable housing the tenure and size has not been agreed. It would not meet the expectations of policy HO3.
- 9.43 In the absence of this and any affordable housing being secured in the form of a legal agreement, the application fails to meet the requirements of policy HO3 of the BLP.

VIII. Flooding and Sustainable Drainage

- 9.44 Policy NR1 of the BLP states that a sequential test for all development in areas at risk of flooding is required except for those allocated in the BLP or a Made Neighbourhood Plan. The site is not located within an area at risk of flooding; however, the application has been submitted alongside a Flood Risk Assessment (FRA) and Drainage Strategy.
- 9.45 With regard to Surface Water and Sustainable Drainage and the associated strategy, a Drainage Strategy and Surface Water Quality Management Report has been submitted. This confirms that the proposals would see a reduction in discharge rates to the surface water sewer, and Thames Water have confirmed there is adequate capacity. The proposed drainage strategy is acceptable and demonstrates that the proposals have been designed to take into account and satisfactorily address surface water flood risk in the surrounding area. If the proposals were otherwise acceptable, a condition would be recommended to secure prior to commencement of

development a more detailed surface water drainage scheme based on the submitted sustainable drainage strategy.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is CIL liable.

11. PLANNING BALANCE AND CONCLUSION

11.1 With regards to 5 year housing land supply, the applicant has indicated that it is questionable whether the Council can demonstrate a 5 year housing land supply. The Council disagrees with this statement as the Borough Local Plan was adopted in February 2022. As part of the examination of the Borough Local Plan the Inspector examining the Plan considered whether the Council had demonstrated whether there was a 5 year housing land supply. She concluded that there was a 5 year housing land supply. In August 2022 the Council published a Position Statement on the Housing Delivery Test and 5 Year Housing Land Supply. This indicates that, based on the Inspector's assessment, the Council has a 5.92 years' supply. Since then, on 6th December 2022 the Secretary of State for Levelling Up, Housing, and Communities issued a written statement entitled "Update on the Levelling Up Bill". In that statement he said:

We will end the obligation on local authorities to maintain a rolling five-year supply of land for housing where their plans are up-to-date. Therefore for authorities with a local plan, or where authorities are benefitting from transitional arrangements, the presumption in favour of sustainable development and the 'tilted balance' will typically not apply in relation to issues affecting land supply.

This is a clear statement of intent regarding a change to national planning policy to which the Council attaches significant weight. On 22nd December 2022 the Government published a consultation entitled: "*Levelling-Up and Regeneration Bill: reforms to national planning policy.*" The consultation document was accompanied by a "*track change*" version of the 2021 National Planning Policy Framework (NPPF) consulting on immediate changes to the NPPF which the consultation document indicates will take effect in Spring 2023. The changes shown incorporate the earlier ministerial statement with regards to ending the obligation to maintain a rolling five-year housing land supply and indicate that an up-to-date local plan is one where the housing requirement as set out in strategic policies is less than 5 years old. On this basis, the Borough Local Plan is up-to-date and there will not be a requirement under the soon to be revised NPPF for the Borough to maintain a rolling five-year housing land supply for another 4 years.

11.2 In accordance with the requirements of the NPPF, the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004, the benefits and harms of the development proposals as a whole must be considered and balanced in reaching a decision and applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Statutory duties and national guidance must be adhered to.

11.3 It is important to make clear that prior approval 21/02067/CLASSO (as detailed in the relevant history section of this report above) includes conversion of the existing building to 28 flats, and the applicants have stated that it would be a viable option to implement the prior approval permission. Despite this, given the significantly smaller scale of the prior approval scheme, it is considered that this fallback position is not comparable as an alternative to the proposed development and consequently should be given minimal weight in the planning balance.

11.4 The proposed loss of the employment floorspace is contrary to relevant development plan policies due to its location within the boundaries of a designated Business Area and Protected Employment Site and the applicants have failed to demonstrate through the submission of a marketing report that such a use is no longer viable. Notwithstanding this in principle objection to the proposal, whilst it is accepted that the proposal would provide for 91 residential units in an accessible location, which is a benefit, the nature of the development is such that the proposals

would represent a poor quality of residential accommodation. Furthermore, the proposed scale, height, siting and massing of the development would harm the character of the locality.

- 11.5 The main benefit of the application is the potential provision of on-site policy-compliant affordable housing, which comprises 27 units, meeting a priority housing need in an accessible location in Maidenhead. However, this is not considered to outweigh the in-principle and other objections outlined above. The application is therefore recommended for refusal.

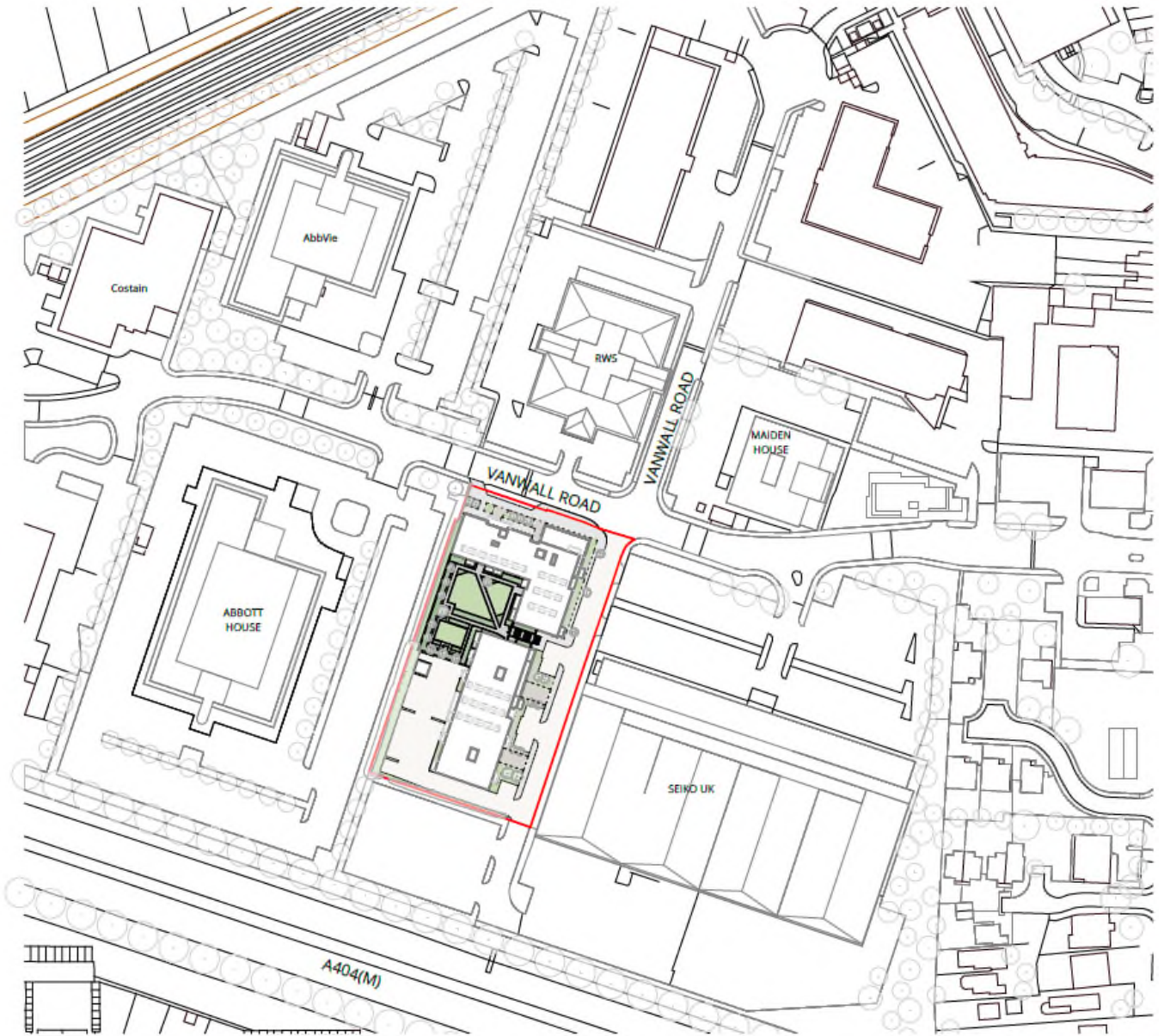
12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site plan
- Appendix C – Proposed ground floor plan
- Appendix D - Proposed first floor plan
- Appendix E – Proposed second floor plan
- Appendix F – Proposed third floor plan
- Appendix G – Proposed fourth floor plan
- Appendix H – Proposed elevations

13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal would result in the loss of employment floorspace within the designated Business Area and protected employment site of Vanwall Business Park, Maidenhead. The applicant has failed to demonstrate that such a loss would not have a significant detrimental impact on the local, and potentially wider economy and in the absence of this justification, the proposal is contrary to policies ED1, ED2 and ED3 of the Borough Local Plan.
- 2 In the absence of a completed legal agreement to secure the appropriate carbon offset contribution for the development to meet the requirements of the Council's Interim Sustainability Position Statement in relation to adapting to and mitigating climate change, the proposal is contrary to policy SP2 of the Borough Local Plan and the guidance contained in the Interim Sustainability Position Statement.
- 3 The proposal fails to provide affordable housing which would meet the needs of the local area and would therefore be contrary to Borough Local Plan policy HO3.
- 4 The proposed residential development, by reason of the number of single aspect units, lack of adequate amenity space and lack of light to habitable rooms, would fail to provide an acceptable quality of residential accommodation for future occupants. As such the proposal is contrary to policy QP3 of the Borough Local Plan and the guidance contained in the Borough Wide Design Guide.
- 5 The proposed development, due to its excessive mass and size, would appear prominent and out of keeping with regards to the appearance of the streetscene and scale of development in the vicinity of the site. Furthermore, the height of the development would appear incongruous and in combination with its siting, would result in a development out of character with its surroundings. Consequently, the proposed development would not be reflective of the grain of development in the vicinity and would result in an overdevelopment of the site, contrary to Adopted Borough Local Plan Policy QP3, Principles 7.6 and 7.9 of the Borough Wide Design Guide and section 12 of the National Planning Policy Framework.

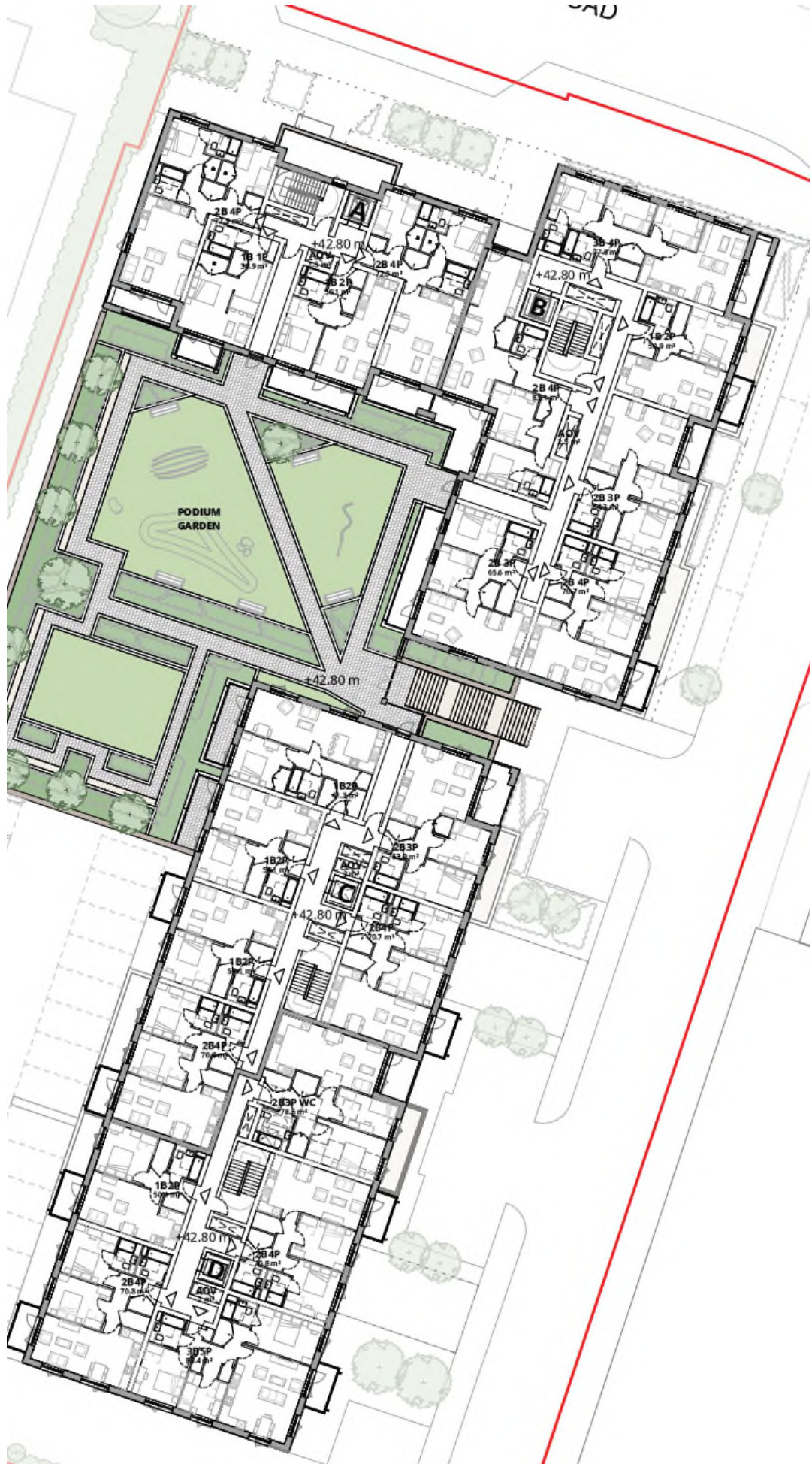
Appendix A - Location Plan

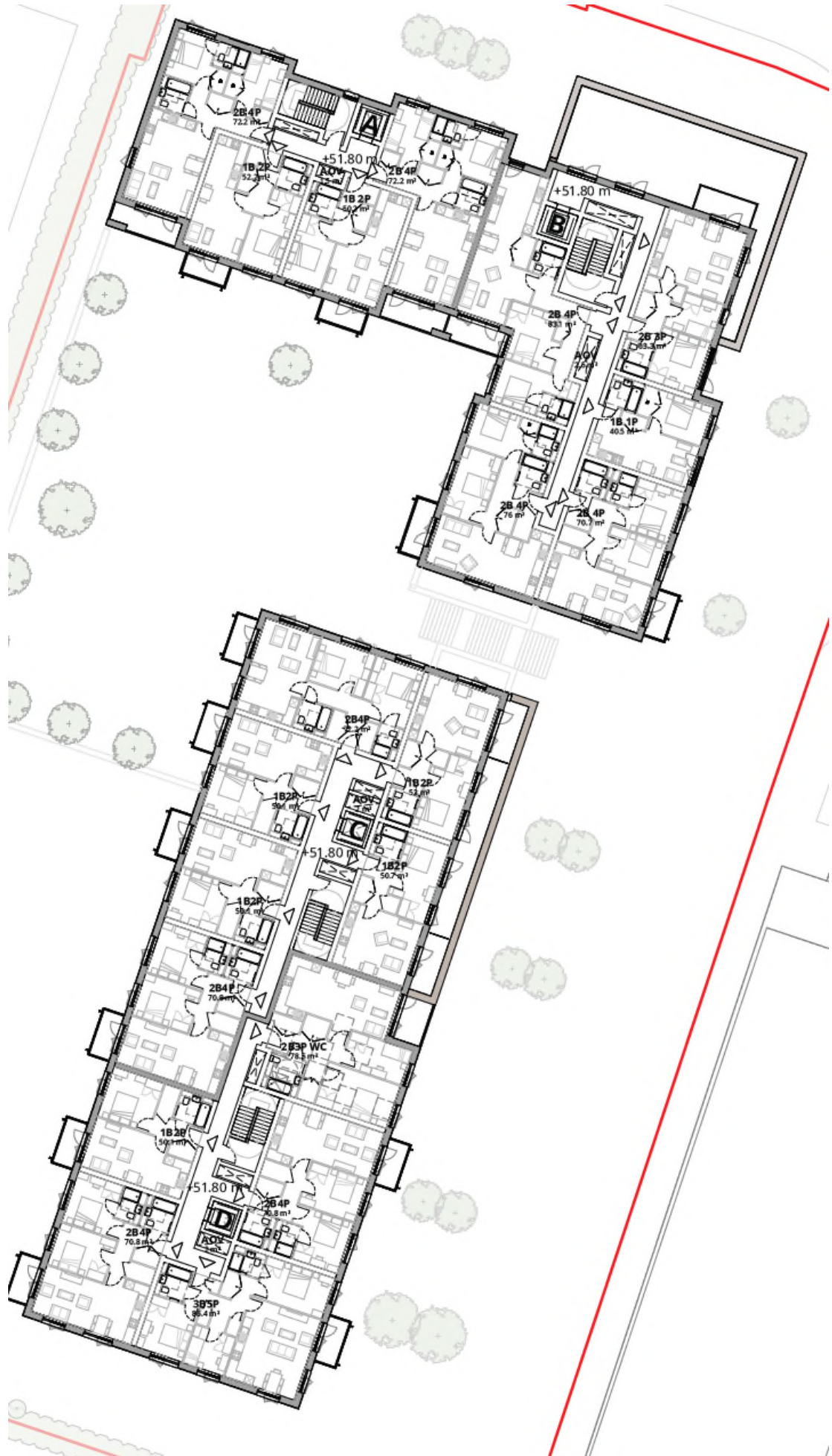


Appendix B - Site Plan



Appendix D - First Floor Plan





Appendix H - Elevations

