

## MAIDENHEAD DEVELOPMENT CONTROL PANEL

15 February 2023

Item: 4

<b>Application No.:</b>	22/03140/FULL
<b>Location:</b>	Site of Highway House Norreys Drive Maidenhead
<b>Proposal:</b>	Erection of two buildings providing 76 apartments together with basement and surface car parking, landscaping and provision of amenity space.
<b>Applicant:</b>	Mr Goodwin
<b>Agent:</b>	Mr Douglas Bond
<b>Parish/Ward:</b>	Maidenhead Unparished/Oldfield
<b>If you have a question about this report, please contact:</b> Alison Long on 01628 796070 or at <a href="mailto:alison.long@rbwm.gov.uk">alison.long@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The application seeks planning permission for the erection of 2 x seven storey buildings on the site which would provide for 76 apartments (6 x 1 bedroom units and 70 x 2 bedroom units), together with associated basement and surface car parking (94 spaces), landscaping and provision of amenity space.
- 1.2 The site is located on Norreys Drive, Maidenhead within an area which is identified as a Protected Employment Site, in the form of a Business Area in policy ED2 of the Borough Local Plan (BLP). 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. In the absence of this justification, the proposal is contrary to policies ED1, ED2 and ED3 of the BLP.
- 1.3 Notwithstanding the above objection to the loss of the employment use, whilst the units would meet the required internal space standards, the proposals would represent an unacceptable standard of residential accommodation given the high number of single aspect units, of which some are also north facing, the lack of privacy to future occupiers from the neighbouring office use at Scandinavia House (formerly Network House), the level of light to the units and the nature of the amenity space. As such, the proposal is contrary to Policy QP3 of the BLP, and the guidance contained in the Borough Wide Design Guide.
- 1.4 Furthermore, the proposal is for an all-private residential scheme, with no provision of affordable housing. Following external review of the applicants' Financial Viability Assessment, it is concluded that an all-private scheme such as this would generate a surplus and that the scheme therefore has scope to viably contribute towards affordable housing, with the starting point being on site provision. Based on the submission, it has not been demonstrated that the development would provide for the maximum reasonable amount of affordable housing, contrary to policy HO3 of the BLP.
- 1.5 In the absence of an Air Quality Assessment, the application also fails to demonstrate that the development would not result in significant harm to air pollution in the surrounding area for existing and future residents, contrary to policy EP2, and 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 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.

<b>It is recommended the Committee refuses planning permission for the following summarised reasons (the full reasons are identified in Section 15 of this report):</b>	
<b>1.</b>	<b>Loss of employment use within Norreys Drive, Maidenhead, an identified Protected Employment Sites, in the form of a Business Area for which the marketing evidence submitted with the application would fail to justify.</b>
<b>2.</b>	<b>The proposal fails to demonstrate that the development would secure the maximum reasonable amount of affordable housing.</b>
<b>3.</b>	<b>The development would fail to provide a high quality of residential accommodation at the site.</b>
<b>4.</b>	<b>In the absence of a completed legal agreement, the development would fail to secure the required carbon off-set contribution for the development.</b>
<b>5.</b>	<b>The application has not been submitted alongside an Air Quality Assessment in order to demonstrate that the proposals would not result in significant harm to air pollution in the area for existing and future residents.</b>

## **2. REASON FOR COMMITTEE DETERMINATION**

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

## **3. THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site comprises an L-shaped piece of land which is the site of the former Highway House, located on the south side of Norreys Drive, Maidenhead. The site is approximately 0.2 ha and is currently in use as a car park in association with the adjoining office building following the demolition of Highway House in 2011. Prior to demolition, the building comprised a four-storey office building of some 1479sqm of lettable space, with parking for 51 cars.
- 3.2 The site lies within the identified Norreys Drive, Maidenhead Business Area, as defined in policy ED2 of the BLP with commercial uses to the south, south east and north west and west. On the north side of Norreys Drive are three storey residential buildings.

## **4. KEY CONSTRAINTS**

- 4.1 The key site designations and constraints are listed below:
- Norreys Drive, Maidenhead Business Area

## **5. THE PROPOSAL**

- 5.1 The application seeks planning permission for the erection of two buildings on the site which would provide for 76 apartments, together with associated basement and surface car parking, landscaping and provision of amenity space.
- 5.2 The units would take the form of 6 x 1 bedroom units and 70 x 2 bedroom units, with 94 car parking spaces proposed, 23 of which would be provided at ground floor level, with a further 70 spaces within the basement level, accessed by a traffic light-controlled ramp. The existing vehicular and pedestrian access to the site from Norreys Drive would be utilised.

5.3 The two blocks would both be seven storeys in height which equates to approximately 19.9m. The ground floor levels of the buildings would be constructed in a dark stock facing brick, with the upper floors using a lighter colour stock facing brick with brick banding detail. Openings and balconies would be in a dark grey colour.

## 6. RELEVANT PLANNING HISTORY

6.1 Relevant planning history is provided below:

Reference	Description	Decision
06/00361/OUT	Outline application for the erection of a five storey office building with basement parking and alterations to access following demolition of existing office building.	Refused 08.06.2006
06/01467/OUT	Outline application for the construction of 4494 square metres over five storeys of B1 (a) office with basement and surface parking following demolition of existing office.	Granted 15.11.2006
08/00057/OUT	Outline application for the construction of 4494 square metres over five storeys of B1 (a) office with basement and surface parking and revised access following demolition of existing office.	Granted 08.04.2008
08/01960/REM	Reserved matters pursuant to outline planning permission 08/00057 for the erection of 4494 square metres over five storeys of B1 (a) office with parking following demolition of existing office building	Granted 11.11.2008

6.2 Conditions 1, 3, 4, 8, 11 and 12 of application ref. 08/00057/OUT required approval prior to commencement of development. These conditions were discharged through the subsequent approval of reserved matters application ref. 08/01960/REM and associated correspondence. Demolition of Highways House and the creation of a bell-mouth access and footpath has been carried out on the site. Accordingly, this permission has been implemented and remains extant. However, the building, which as approved would have a floor area of 4494 sqm, has not been constructed at the time of submission.

## 7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

### Borough Local Plan (BLP)

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Building Height and Tall Buildings	QP3a
Housing Mix and Type	HO2

Affordable Housing	HO3
Economic Development	ED1
Protected Employment Sites	ED2
Other Sites and Loss of Employment Floorspaces	ED3
Nature Conservation and Biodiversity	NR2
Environmental Protection	EP1
Air Pollution	EP2
Noise	EP4
Contaminated Land and Water	EP5
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2
Utilities	IF7

## 8. 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 6 – Building a strong, competitive economy

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

Section 15 – Conserving and enhancing the natural environment

### Supplementary Planning Documents

- Borough Wide Design Guide
- Sustainable Design and Construction SPD

### Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
  - RBWM Parking Strategy
- ii. RBWM Interim Sustainability Position Statement
- iii. RBWM Corporate Plan

## 9. CONSULTATIONS CARRIED OUT

### Comments from interested parties

8 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 24<sup>th</sup> November and the application was advertised in the Local Press on 1<sup>st</sup> December.

No comments have been received in connection with the application.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
LLFA	No objection, subject to recommended condition.	Section 10.38 – 10.39

### Consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection, subject to recommended condition/legal agreement.	Section 10.34 – 10.37
Ecology	No objection, subject to recommended condition.	Section 10.40 – 10.43
Environmental Protection	Objection.	Section 10.31 – 10.33
Housing Enabling Officer	Viability assessment should be independently assessed. In the event that an element of affordable housing is considered viable on-site, floorplans and the scheme layout will be reviewed to assess the potential for including affordable housing as part of the proposal.	Section 10.18 – 10.22
Thames Water	No objection, subject to recommended condition.	N/A
Naturespace	No objection.	Section 10.40 – 10.43

## 10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Principle of the loss of the office use;
- ii Housing Provision and Quality;
- ii Affordable Housing;
- iii Climate Change and Sustainability;
- v Design and Character;
- vi Impact on amenity;
- v Parking and Highways Impacts; and,
- vii Other Material Considerations.

### Principle of the development

10.2 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.’

- 10.3 Policy ED1 of the BLP sets out 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. Policy ED1 then continues, stating that the Council will ensure that there is 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.
- 10.4 The application site is located on Norreys Drive, Maidenhead within an area which is identified as a Protected Employment Site, in the form of a Business Area in policy ED2 of the BLP. Policy ED2 states that within business areas and mixed use areas such as this, intensification of employment activity will be encouraged, subject to the provision of appropriate infrastructure and safe access and that for all Protected Employment Sites, a 'nil net loss' of commercial floorspace principle will apply. The proposals which form part of this planning application are wholly residential in nature, resulting in the loss of 4494 sqm of office floorspace within a protected employment site (taken from the extant scheme), contrary to policy ED2.
- 10.5 Policy ED3 goes onto 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; and,
  - Information should be provided detailing any interest received from potential buyers or tenants since the marketing commenced. 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.
- 10.6 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:
- the overall quality of the site as an employment location;
  - the level of occupation/vacancy of the site;
  - consideration of the suitability of conversion for start-up and micro businesses;
  - whether the employment use generates any adverse impacts on the adjoining area;
  - possible benefits from relocating the economic use; possible benefits from using the site for alternative uses; and,
  - 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.
- 10.7 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.

- 10.8 The Marketing Report concludes that there has been a lack of interest in the site during the marketing period 2007 and 2020, with no offers made during this period and no enquiries progressing beyond initial contact. However, on the basis of the information provided, it has not been possible to confirm the quoting terms used for marketing the site over this period, or how these were determined to be competitive and reasonable. Furthermore, it is not clear whether the property was marketed for sale as an office building, as an alternative to a pre-let, and no detail is provided on the enquiries/interest received during the marketing period. To demonstrate this, in line with policy ED3 the report should include a log which states the number of enquiries received and the details for each. Furthermore, the proposed office space was marketed for let as a whole (44,978 sqft) as an office headquarters building or by floor from 11,000 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.
- 10.9 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 submitted report fails to provide information on how the property has been marketed since the Covid-19 pandemic i.e. post 2020. Whilst the site still appears when conducting an internet search for the address on the landowners website, the brochure is no longer available and the subject property does not appear as an active listing on the marketing agents website, with the on-site board damaged and not showing the full marketing information. Whilst the office market may have been impacted by the Covid-19 pandemic, in addition to the above comments, no continuous marketing evidence for the last 12 months has been provided to demonstrate that there is no longer a demand for the office use, as required by policy ED3
- 10.10 On the basis of the information provided with the application, the marketing evidence is therefore insufficient to justify the proposed loss of employment floorspace. To further support the submission, the applicants have also provided an analysis of the office supply in Maidenhead, concluding that the current level of supply is significant and that as such, there is no immediate prospect of a new office being developed at the site. This has also been independently reviewed and overall, it is noted that market reports are optimistic with regard to the Maidenhead office market, including projected increases to both prime rent levels and demand. Furthermore, the statement put forward by the applicant that had the office floorspace been built out on the site, this could, subject to compliance with the requirements of Class MA of the General Permitted Development Order, potentially have been converted to residential accommodation under the prior approval process is a moot point as the building has not been completed at the time of the submission. As such, this, together with the information contained within the Marketing Report, would not provide justification for the proposed loss of employment floorspace in the identified Norreys Drive, Maidenhead Business Area.

### **Housing provision and quality**

- 10.11 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.
- 10.12 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).

- 10.13 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.
- 10.14 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, with dual aspect dwellings 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.
- 10.15 Of the 76 units proposed, 49 of the units are single aspect of which seven of these are also north east facing units and 12 are located within approximately 10m of openings to Scandinavia House (formerly Network House) which is in use as an office. With regard to single aspect units, this represents approximately 65% of the units, 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, this is dated January 2022 and as such does not assess the units using up to date BRE guidance with the listed tests having been superseded. For example, whilst 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 low levels of annual probable sunlight hours (APSH), including some rooms at 0%, which further represents a poor quality of residential accommodation.
- 10.16 With regard to amenity space, 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. With regard to communal space, it is states that a minimum of 10sqm of communal outdoor amenity space per flat must be provided. The plans show a number of balconies to be provided; however, balconies are not shown to all residential units and where they are provided, they do not meet the requirements within principle 8.5 of the Borough Wide Design Guide in terms of size or depth. Furthermore, it does not appear that amenity space is provided for all ground floor units, or whether this is suitably private, and no communal space is proposed.
- 10.17 Taking the development as a whole, given the high number of single aspect units, including orientation, the lack of privacy to future occupiers from the neighbouring Scandinavia House (formerly Network House) given the close relationship, 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.

### **Affordable Housing**

- 10.18 Policy HO3 of the BLP states that the Council will require all developments for 10 dwellings gross to provide on-site affordable housing in accordance with the following:
- On greenfield sites providing up to 500 dwellings gross - 40% of the total number of units proposed on the site;
  - b. On all other sites, (including those over 500 dwellings) – 30% of the total number of units.



Policy HO3 goes on to set out that affordable housing size and tenure mix shall be provided in accordance with the Berkshire Strategic Housing Market Assessment 2016, or subsequent affordable housing needs evidence. This currently suggests a split of 45% social rent, 35% affordable rent and 20% intermediate tenure overall. A policy compliant scheme for the proposed development would see the provision of 30% of the units as affordable housing, which would equate to 23 units.

- 10.19 The application has been submitted alongside a Financial Viability Report (FVA) dated September 2022. The Council instructed BPS to carry out an independent review of the FVA in order to determine whether the scheme can viably provide affordable housing. The method adopted for valuing the development land is the Residual Valuation Method. The methodology requires the gross value of the completed development to be assessed, including, amongst others, the aggregated value of any residential properties, commercial income, car parking income and ground rents. Secondly, the cost of building the development is deducted along with professional fees, finance costs and developer's profit. The output is the 'Residual' Land Value ("RLV"). In planning viability terms, if the RLV produced by a scheme is lower than an appropriate Benchmark Land Value ("BLV"), then the scheme is deemed to be unviable and is therefore unlikely to come forward for development, unless the level of affordable housing and /or planning obligations can be reduced. Conversely, if the RLV is higher than the BLV then the scheme can provide additional affordable housing and/or other planning obligations. The Benchmark Land Value ("BLV") (effectively the sites value) is an integral part of the FVA.
- 10.20 Using this approach, the FVA submitted by the applicant concludes that a policy compliant scheme generates a deficit of -J950,000 and the proposed all private scheme generates a deficit of -J226,000. On this basis, the applicant sets out that the scheme is unviable and cannot viably contribute towards affordable housing. However, it is stated that a commercial decision has been made to take a lower initial profit return with an optimistic view that the viability of the scheme will improve over time.
- 10.21 On behalf of the Council, BPS have reviewed the cost and value assumptions contained in the applicants FVA. In doing so, whilst a number of costs/fees, including for the private residential sales, construction costs and professional fees are agreed, BPS have concluded that the BLV for the site is J670,000, rather than the J735,000 put forward by the applicant. The difference in figures derives from the addition of a Landowners Premium of 10% rather than the 20% applied by the applicant, which reflects that the site is currently let on a licence agreement and is therefore income producing but that this agreement is due to expire in the short term. BPS have therefore taken a figure of J9,500 per space, which with 70 spaces on the site equates to a figure of J670,000 as the BLV. In addition to this, BPS have applied a generating value of J110,000 for the parking spaces on the site to which the applicant has attached no value and BPS have lowered the residential disposal fee allowance from 3.5% to 3% to align closer to market standards, as well as reducing the sales period.
- 10.22 Based on the above changes, the appraisal produces a profit output for the proposed all private residential scheme of J579,893. Whilst it is accepted that a policy compliant scheme would be unviable with a deficit of J671,328, given that the all private scheme generates a surplus, the scheme has scope to viably contribute towards affordable housing, with the starting point being on site provision in line with policy HO3 of the BLP. Based on the FVA submitted by the applicant, it has not been demonstrated that the development would provide for the maximum reasonable amount of affordable housing, contrary to policy HO3.

### **Climate change and sustainability**

- 10.23 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.

- 10.24 A Sustainability and Energy Statement has been submitted as part of the planning application. This sets out a number of sustainability measures as part of the construction, as well as measures to maximise energy efficiency and improve water resource management including heating and hot water to the apartments through the installation of a communal air source heat pump system and a total of 188 x 400W photovoltaic panels. Furthermore, the application includes sustainability calculations with regard to the requirements of the Interim Sustainability Position Statement.
- 10.25 The report sets out a 67.37% carbon reduction over current building regulations. Given that the development would not achieve net zero carbon, if the proposals were otherwise acceptable, a carbon off-set financial contribution would need to be secured through the completion of a legal agreement to secure provision of this contribution as part of the development. In the absence of this completed legal agreement, the proposals are contrary to policy SP2 of the BLP and the Council's Interim Sustainability Position Statement.

### **Design and Character**

- 10.26 The appearance of the development is a material planning consideration. Policy QP3 of the BLP 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.
- 10.27 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. The Borough Wide Design Guide is also relevant to this application and is consistent with national and local policy in relation to the character and appearance of a development.
- 10.28 The proposals would take the form of two residential blocks of seven storeys, one fronting Norreys Drive and the second located behind. The building's height and form would be similar to that of the approved and extant office development scheme (ref. 08/00057/OUT). In this context, the principle of the scale of development is acceptable and would sit well within its context. The use of brickwork for the buildings are contextual and the building has been designed to include detailing and interest with the use of differing shades of brickwork and detail banding. If the proposals were otherwise acceptable, a condition would be recommended which would secure further detail of the materials prior to their use.

### **Amenity**

- 10.29 Policy QP3 of the BLP requires new development to have regard to a number of design principles. Policy QP3 (m) requires development proposals to demonstrate that there would be 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".
- 10.30 The application has been submitted alongside a Daylight and Sunlight Report; however, this addresses only the impact on the future occupiers of the dwellings rather than the adjoining buildings. To the north west of the site is Clarion House, a four storey office building. Upon site inspection, it is noted that there are no openings to the south east facing elevation over the application site. As such, and given the form of the buildings, the proposals would not result in material harm to amenity for occupiers of this building. To the south east of the site is Scandinavia House (formerly Network House), a four storey office building where there a number of openings within its facing elevation. The proposed building would be located approximately

10m away from these openings. However, the proposed footprint of the building is similar to that of the extant office scheme (ref. 08/00057/OUT) and the office building benefits from an open floor plate, and a large number of openings on a number of sides of the building. Accordingly, the proposals would not result in material loss of amenity which would harm the continued use of this office building.

- 10.31 Policy EP2 of the BLP requires development proposals to demonstrate that they do not significantly affect residents within or adjacent to an Air Quality Management Area (AQMA) or to residents being introduced by the development itself. Development proposals which may result in significant increases in air pollution must contain appropriate mitigation measures in order to reduce the likelihood of health problems for residents. The site is located close to an AQMA and in the absence of an Air Quality Assessment, there is insufficient information to determine the air quality impact of the proposal, contrary to BLP policy EP2.
- 10.32 Policy EP4 of the BLP is also relevant and requires development proposals to consider the noise and quality of life impact on existing nearby properties and also the intended new occupiers in order to ensure that they would not be subject to unacceptable levels of harm. If the proposals were otherwise acceptable, given the location within proximity of commercial uses and a main road, a condition would be recommended to secure further detail of the measures to be taken to address noise mitigation measures for future occupants.
- 10.33 Policy EP5 of the BLP seeks to ensure that development proposals such as this do not result in contamination to local land and water. Given the nature of the proposals, if the proposals were otherwise acceptable, a condition would be recommended to secure the provision of remediation measures prior to commencement of the development and to secure appropriate mitigation actions throughout the development.

### **Highway safety**

- 10.34 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.
- 10.35 The application site is located approximately 1.6 km south of Maidenhead Station and in this context is suitable for a residential use from a highway perspective and would be unlikely to lead to an adverse impact on the local highway network over and above that of the extant office permission on the site.
- 10.36 The proposed access to the site has already been constructed in connection with the extant office permission. This vehicular access complies with the Borough's standard as does the internal vehicular and pedestrian arrangement. However, given that a ramped access is proposed to the undercroft parking, the design must comply with the latest edition of The Institution of Structural Engineer's Design recommendations for multi-storey and underground car parks. If the proposals were otherwise acceptable, a condition would be recommended to secure further detail prior to commencement of the development.
- 10.37 The proposal would provide 94 car parking spaces, including six spaces for disabled parking, in addition to parking for five motorcycle and 90 cycle storage spaces. This provision is 52 spaces below the requirements of the RBWM Parking Strategy 2004. However, in this location, within proximity to a number of public transport options, on balance, the proposals are acceptable and include accessible parking provision. If the proposals were otherwise acceptable, a Car Parking Management Plan would be secured through the legal agreement and conditions would be recommended to secure the provision of the parking prior to occupation and a minimum of 76

electric vehicle charging points would be secured by recommended condition. With regard to cycle parking, 111 cycle parking spaces should be provided on site. As the proposals are showing a shortfall, if the application was otherwise acceptable, a condition would be recommended to secure the submission of a revised cycle parking plan prior to occupation. A condition would also be recommended to secure refuse storage prior to occupation.

## **Other material considerations**

### Flooding and Sustainable Urban Drainage

- 10.38 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.
- 10.39 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.

### Ecology and Biodiversity

- 10.40 Policy NR2 of the BLP requires applications to demonstrate how they maintain, protect and enhance the biodiversity of application sites, avoid impacts, both individually or cumulatively, on species and habitats of principal importance.
- 10.41 The application has been submitted alongside an Ecological Assessment and Enhancement Plan. Two statutory designated sites lie within 1km of the proposed development; however, there are no identified ecological links between the designated sites and the submitted ecology report concludes that it is very unlikely that these sites will be adversely affected as a result of the proposals. This is accepted. The site as existing, comprises hard standing and a small strip of grassland which are deemed unsuitable or sub optimal to support protected species including badgers, bats, great crested newt (GCN), reptiles or badgers and therefore further survey for these species or any other protected species is not required.
- 10.42 Paragraph 175 of the NPPF states that “opportunities to incorporate biodiversity improvements in and around developments should be encouraged”. Policy NR2 of the BLP also requires proposals to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance. Where opportunities exist to enhance designated sites or improve the nature conservation value of habitats, for example within Biodiversity Opportunity Areas or a similar designated area, they should be designed into development proposals. Development proposals will demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric.
- 10.43 A biodiversity net gain assessment has been undertaken and concludes that the site following development would result in a 49.16% net gain in biodiversity which is acceptable. The calculations are based on the current landscaping scheme and include new areas of vegetated garden. Further enhancements include the provision of integral swift nesting boxes onto the new buildings. If the proposals were otherwise acceptable, full details of these enhancements including locations, plant species (native), numbers, specification and on-going management would be secured by recommended condition.

## **11. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 11.1 The development is CIL liable. The proposed net additional gross internal area following development is 8335 sq.m. The CIL Charging Schedule sets a rate of J100.00 per sq.m. This would be chargeable for the increase in GIA floorspace.

## **12. PLANNING BALANCE**

- 12.1 With regard to the Council's five year housing land supply, the applicant has submitted their review of this and concluded that the Council's housing land supply is around 3.97 years and that accordingly the existence of a housing land supply shortfall triggers the tilted planning balance within the NPPF. The Council disagrees with this statement.
- 12.2 The BLP was adopted in February 2022 and as part of the examination process, the Inspector considered if the Council had demonstrated whether there was a five year housing land supply. It was concluded that there was a five year housing land supply. In August 2022, the Council published a Position Statement on the Housing Delivery Test and Five Year Housing Land Supply. This indicates that, based on the Inspector's assessment, the Council has a 5.92 years' supply. Since then, on 6<sup>th</sup> 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 it stated:

*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. Furthermore, on 22<sup>nd</sup> 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 regard 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 five years old. On this basis, the BLP 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 four years

- 12.3 As set out in section 10.10, it is noted that there is an extant planning permission for an office building at the site (ref. 08/00057/OUT). Whilst, had this office building been built out, it could, subject to compliance with the requirements of Class MA of the General Permitted Development Order, potentially have been converted to residential accommodation under the prior approval process, this is a moot point as the building has not been completed at the time of the submission. Accordingly, this is given little to no weight and would not provide justification for the proposed loss of employment floorspace at the site.
- 12.4 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.

- 12.5 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 76 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 and would fail to provide for the maximum reasonable amount of affordable housing. Furthermore, the application fails to demonstrate that the development would have an acceptable impact on air quality in the surrounding area for both existing and future residents. It is considered that the significant biodiversity net gain proposed would be a benefit of the scheme.
- 12.6 Weight to be attributed to the benefits of the scheme is a matter for the decision taker. Taking into account the loss of employment floorspace within an identified employment area, the overall poor quality of the residential accommodation and that the development would not provide for the maximum reasonable amount of affordable housing, even when taking into consideration the benefits of the scheme, it is not considered that this is of sufficient weight and importance to overcome the harm. If the applicant were to overcome the in-principle objection to the loss of the office use, the benefits of the proposed development could come forward as part of an alternative development which addressed these matters.
- 12.7 There are no conditions that would meet the tests for conditions set out in the NPPF that would overcome the concerns outlined above and enable planning permission to be granted. As such, the recommendation is for the refusal of the application

### **13. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – Proposed site plan
- Appendix C – Proposed basement floor plan
- Appendix D – Proposed ground floor plan
- Appendix E – Proposed first, third, fourth, fifth and sixth floor plan
- Appendix F – Proposed second floor plan
- Appendix G – Proposed north elevation
- Appendix H – Proposed south elevation
- Appendix I – Proposed east elevation
- Appendix J – Proposed west elevation
- Appendix K – Proposed streetscene elevation

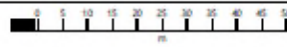
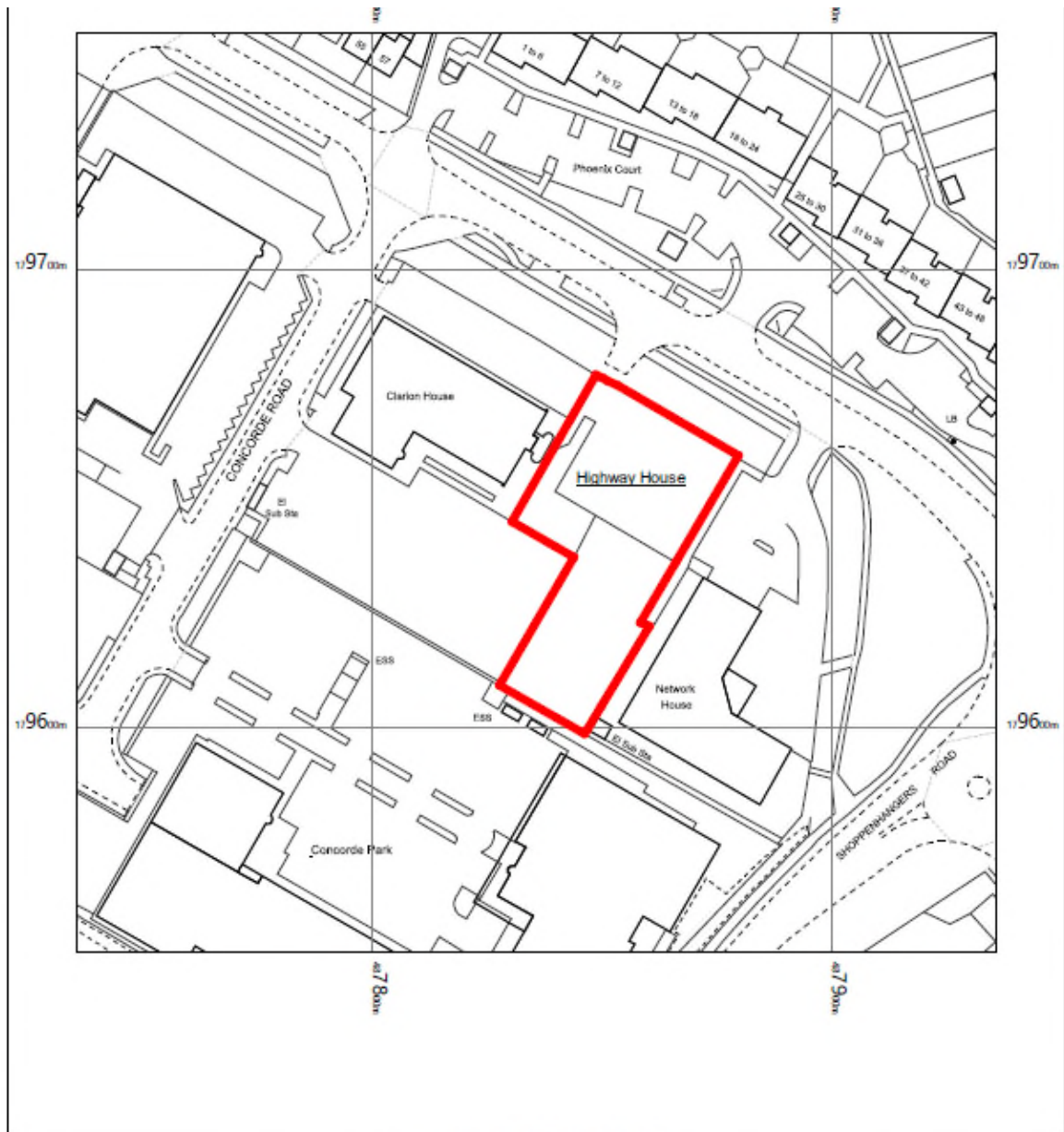
### **14. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 The proposal would result in the loss of employment floorspace within the designated Business Area and protected employment site of Norreys Drive, 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 The proposal fails to demonstrate that the development could not secure the maximum reasonable amount of affordable housing for the development, contrary to policy HO3 of the Borough Local Plan.
- 3 The proposed residential development, by reason of the number of single aspect units which include north facing units, lack of privacy, 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.
- 4 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.

- 5 In the absence of an Air Quality Assessment, it has not been demonstrated that the proposals would not result in significant harm to air pollution, affecting surrounding residents and future occupiers of the development. As such, the proposal is contrary to policy EP2 of the Borough Local Plan.

APPENDIX A – Site location plan



Highway House  
 Norreys Drive,  
 Maidenhead,  
 SL6 4BN

OS MasterMap 1250/2500/10000 scale  
 Monday, July 26, 2021, ID: MPMBW-00979251  
[www.blackwellmapping.co.uk](http://www.blackwellmapping.co.uk)  
 1:1250 scale print at A4, Centre: 487836 E, 179651 N  
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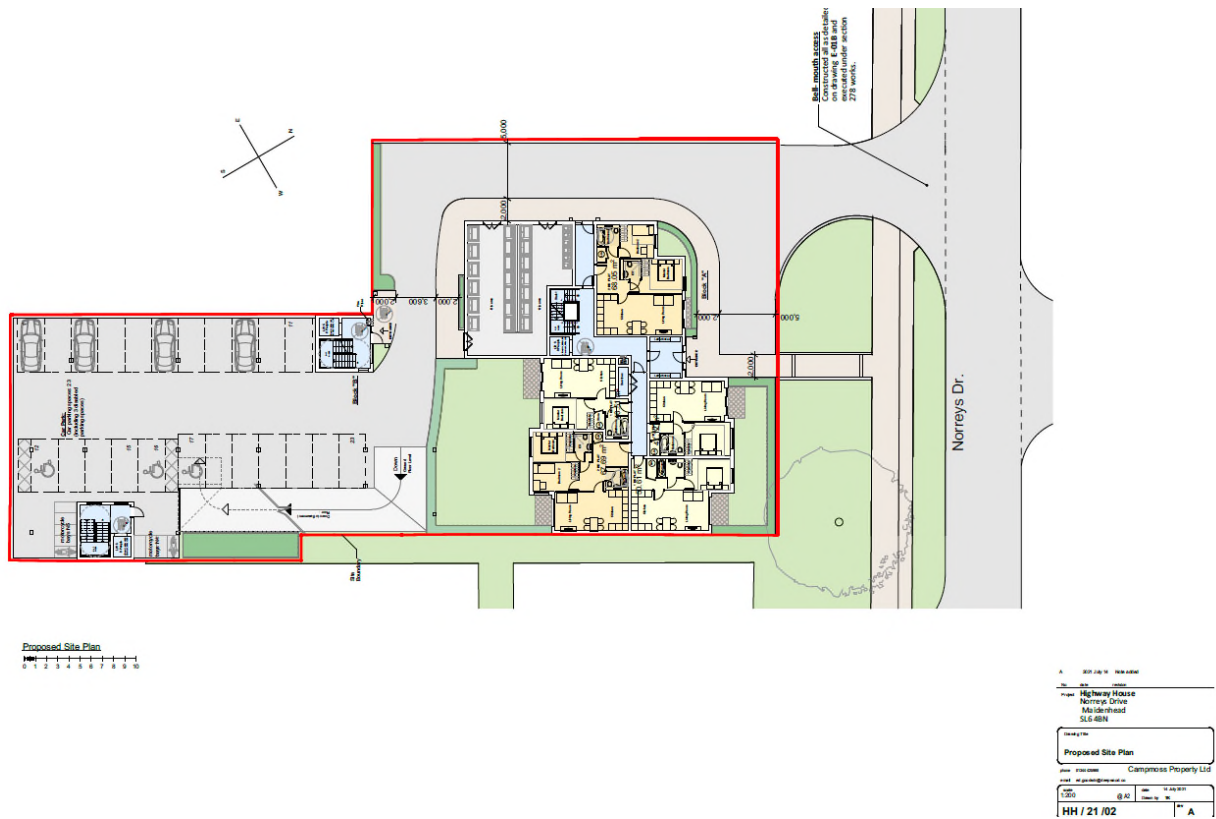
TEL: 0800 151 2612  
[maps@blackwell.co.uk](mailto:maps@blackwell.co.uk)



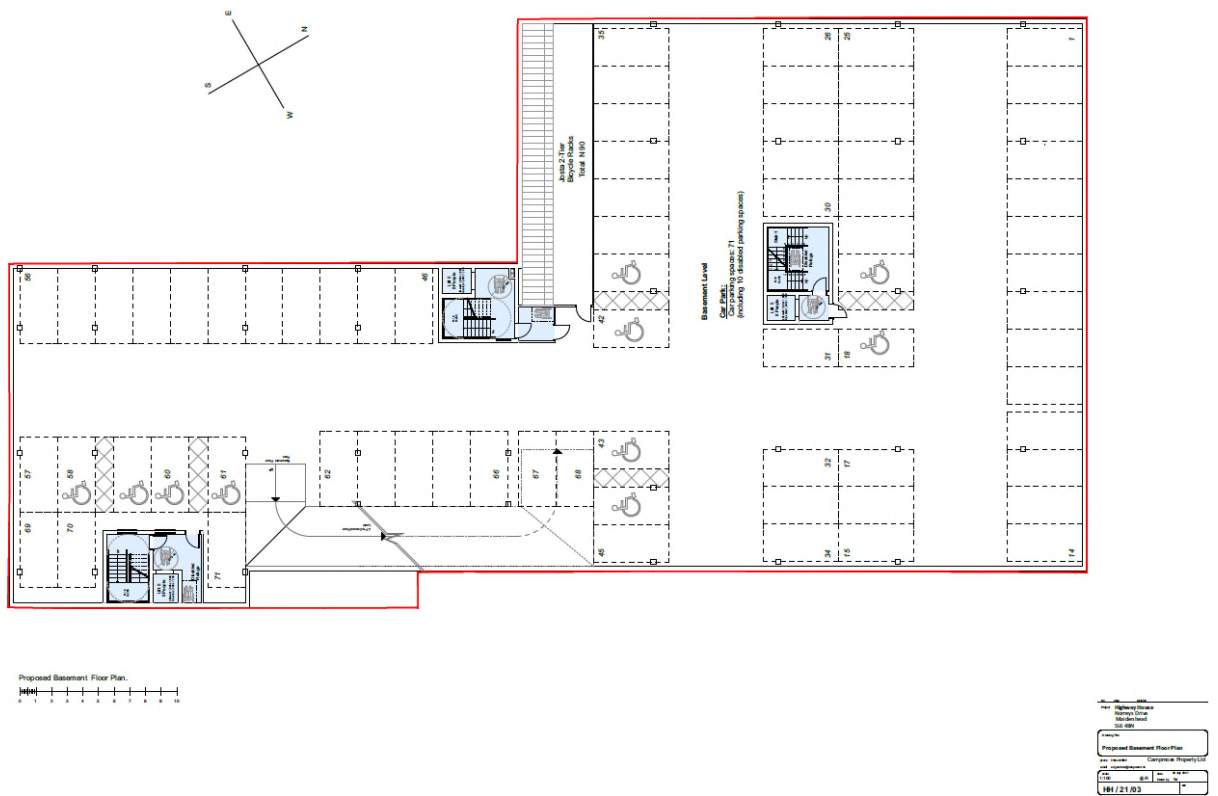
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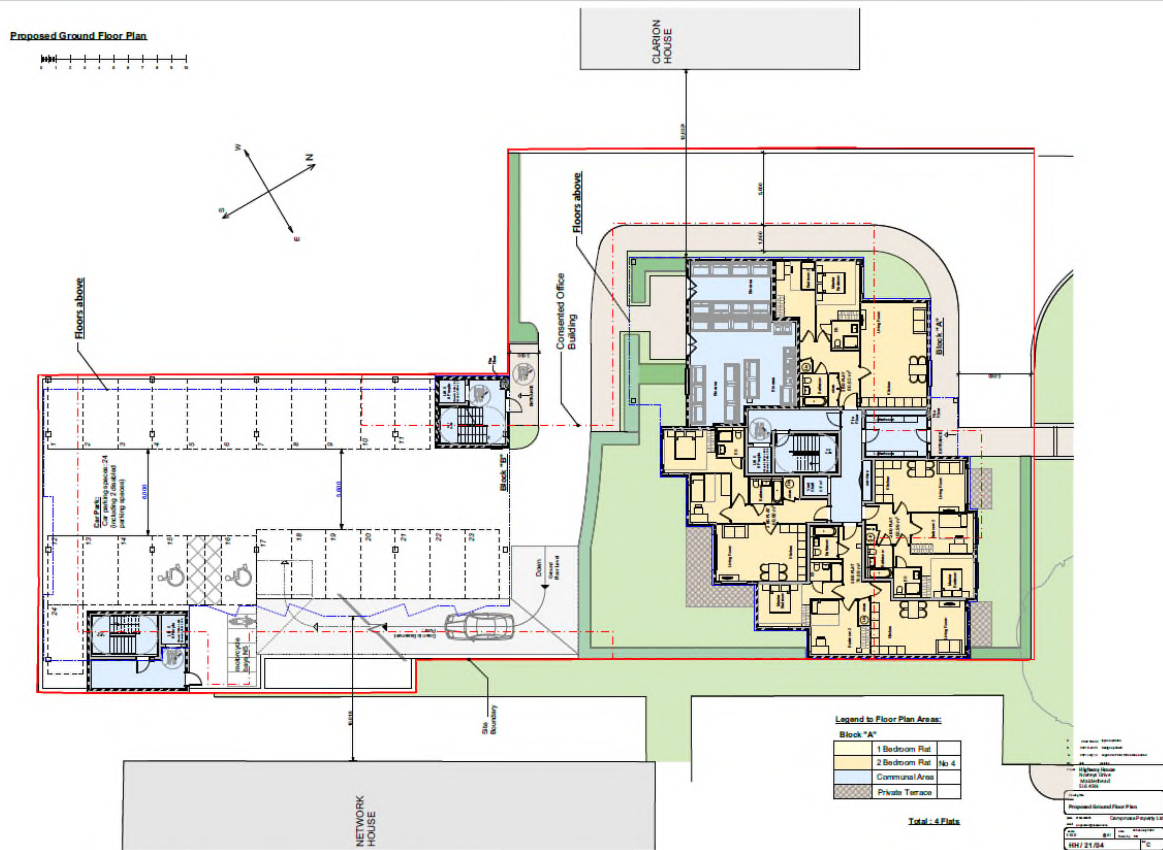
## APPENDIX B – Proposed site plan



## APPENDIX C – Proposed basement floor plan

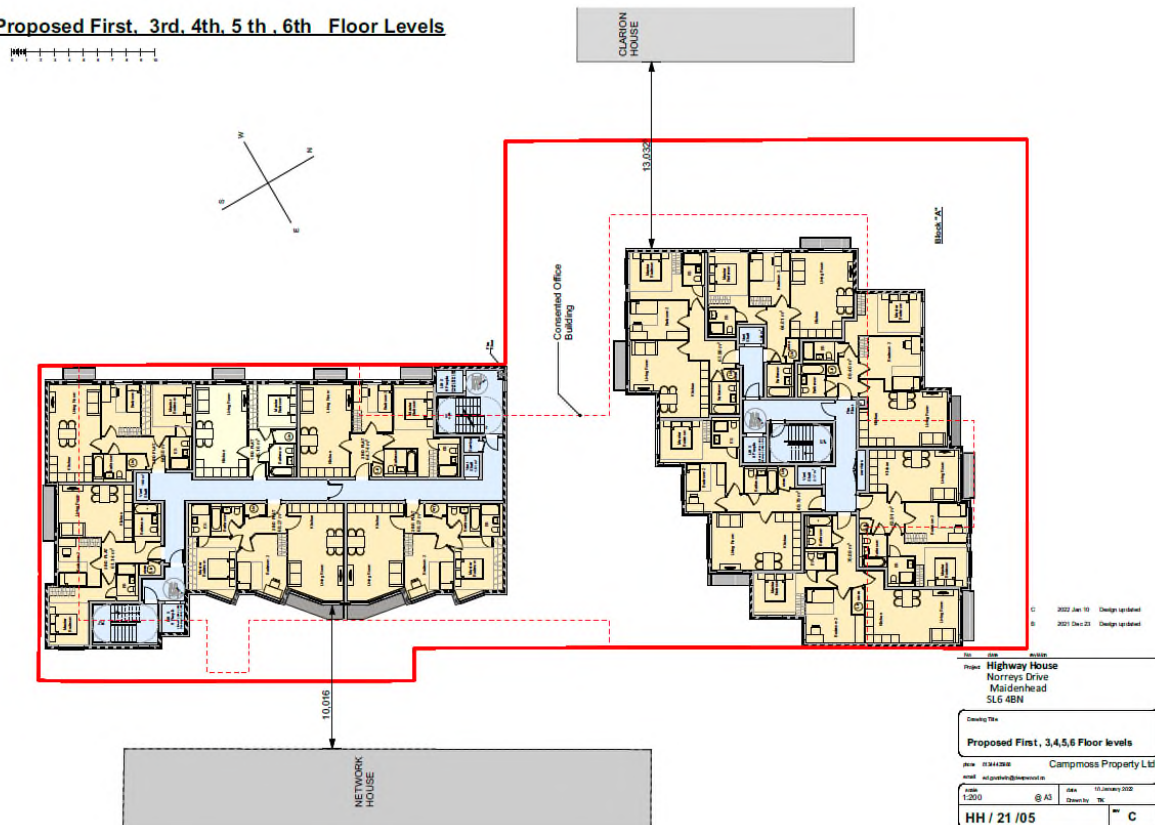


## APPENDIX D – Proposed ground floor plan



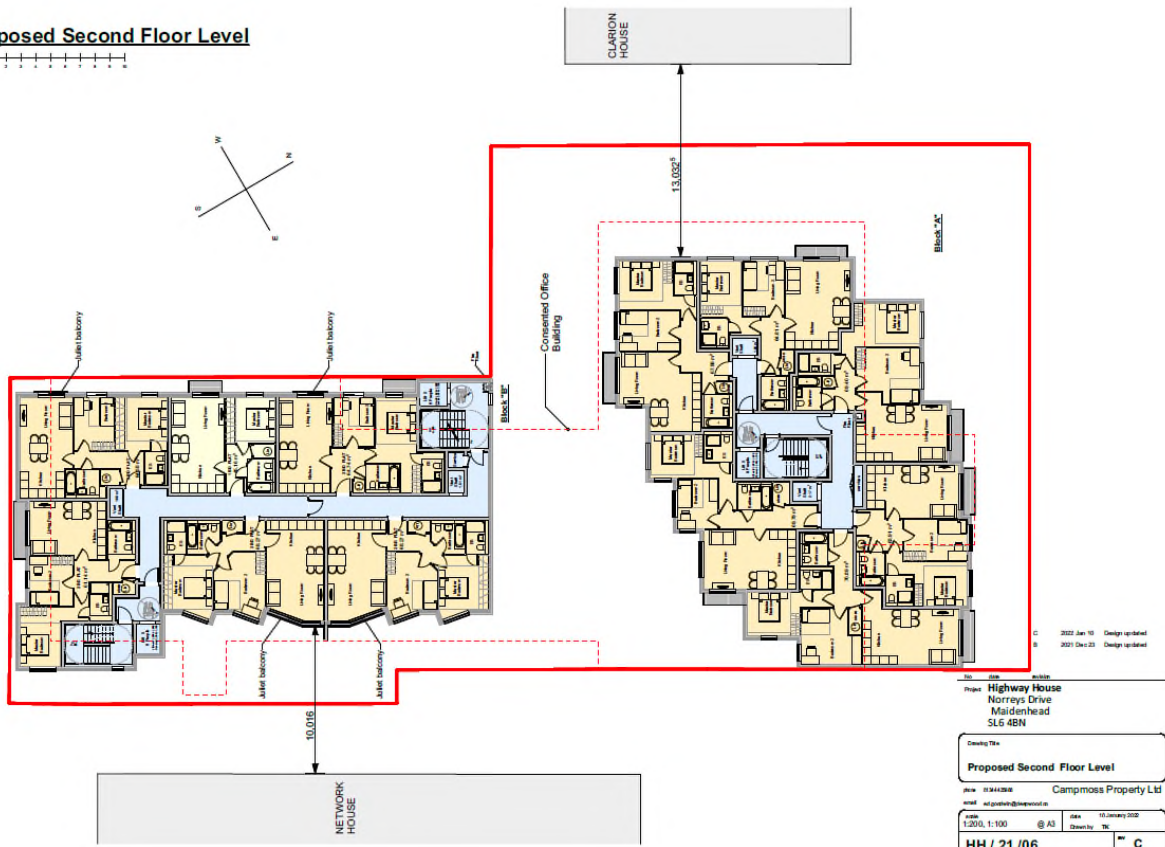
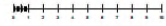
## APPENDIX E – Proposed first, third, fourth, fifth and sixth floor plan

### Proposed First, 3rd, 4th, 5th, 6th Floor Levels



# APPENDIX F – Proposed second floor plan

## Proposed Second Floor Level



## North Elevation

Scale:



2022 Dec 27 Design updated

Project: Highway House  
Norreys Drive  
Maidenhead  
SL6 4BN

Drawing Title:

Proposed North Elevation

Client: Camproms Property Ltd

Scale: 1:100

Drawn by: TH

Checked by: TH

Revision: 01

Date: 10 January 2022

Sheet: 01 of 03

Drawing Title: HH / 21 / 10

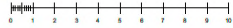
Category: B

# APPENDIX H – Proposed south elevation



South Elevation

Scale:



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 2021/21/12 JKH Architects

Project: Highways House  
 Romney Drive  
 Midland  
 SLE-48N

Proposed South Elevation

Client: Camprose Property Ltd  
 2021/21/12

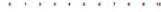
Scale: 1:50  
 Date: 21/12/21  
 Sheet: 10 of 10  
 Rev: C

# APPENDIX I – Proposed east elevation



East Elevation

Scale:



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 2021/21/13 JKH Architects

Project: Highways House  
 Romney Drive  
 Midland  
 SLE-48N

Proposed East Elevation

Client: Camprose Property Ltd  
 2021/21/13

Scale: 1:50  
 Date: 21/12/21  
 Sheet: 11 of 10  
 Rev: B

## APPENDIX J – Proposed west elevation



West\_Elevation  
 Scale:  
 1:100

1	Juliet balcony
2	Juliet balcony
Project No. Proposed West Elevation Site Name: Campross Property Ltd Address: Highway House, Normys Drive, Mansfield, LE16 4BN Date: 15/11/2015 Scale: 1:100 Sheet No: 1 of 1 HH / 21 / 11	

## APPENDIX K - Proposed streetscene elevation



Highway House, Mansfield  
 Scale:  
 1:100

1	Part of existing office building
Project No. Proposed Street Scene Site Name: Campross Property Ltd Address: Highway House, Normys Drive, Mansfield, LE16 4BN Date: 15/11/2015 Scale: 1:100 Sheet No: 1 of 1 HH / 21 / 15	