

MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 September 2023

Item: 3

Application No.:	23/01142/FULL
Location:	Land Between Gringer Hill And Hargrave Road Maidenhead
Proposal:	Full application for the development of x49 later living apartments and associated communal facilities (residents lounge, store, guest accommodation) on land between Gringer Hill and Hargrave Road, Maidenhead; car parking; vehicular and pedestrian access from Gringer Hill; maintenance and emergency pedestrian access from Hargrave Road; all associated landscaping including removal of existing vegetation and tennis court; associated drainage works and all other associated works.
Applicant:	Mr Rowland
Agent:	Mr David Murray-Cox
Parish/Ward:	Maidenhead Unparished/Belmont
If you have a question about this report, please contact: Jeffrey Ng on 01628 796213 or at jeffrey.ng@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application site measures approximately 0.57 hectares and is located between Gringer Hill and Hargrave Road. The site is within an identified Protected Employment Site as a mixed-use area under Policy ED2 of the Borough Local Plan (BLP), which is known as the DTC Research site. Currently, the site comprises an unused tennis court and a grassed area which are not open to the public and is associated with the adjacent office complex. The site does not have formal access and it has to be accessed through the land to the south, associated with the existing office building.
- 1.2 This application seeks planning permission for 49 units (C3 sheltered housing), in the form of 26 one-bedroom units and 23 two-bedroom units. Two guest suites are proposed on the ground floor and the third floor respectively. The occupation of the proposed units would be restricted to those aged over 60 and within Use Class C3, secured by recommended conditions. Communal facilities are proposed for the future occupants, including a resident's lounge, a club room and communal amenity spaces. The application site is subject to an extant permission for the development of 44 units (C3 sheltering housing) with its associated facilities (ref. 21/03493/FULL), with a Section 106 planning obligation which secured a review of development finances for affordable housing provision and a carbon offset contribution.
- 1.3 The proposed building block facing Hargrave Road would be three storeys and the block facing Gringer Hill would be four storeys. The proposal comprises a new vehicular access to Gringer Hill and a new pedestrian gated secondary access to Hargrave Road. However, it is noted that the Hargrave Road access would be used for emergency and maintenance only. In terms of parking arrangements, the proposal is seeking to provide 32 vehicle parking spaces. Electric vehicle charging facilities would also be provided. Four buggy spaces and four-cycle parking spaces would also be provided within the proposed building.
- 1.4 The provision of sheltered housing would provide specialist housing for elderly people, which is supported by the SHMA 2016. The application is accompanied by a viability report, which has been the subject of independent review by the Council's independent assessor. The finding of the review supports the applicant's viability report in

concluding that the proposed development is not viable to provide any onsite affordable housing or financial contribution as the land value of the proposed scheme is below the calculation of the Benchmark Land Value. However, an early stage and a late-stage viability review mechanism are recommended, and they would be secured by a Section 106 planning obligation.

- 1.5 The proposed development would achieve a 10.11% net gain in biodiversity, which is above the mandatory national biodiversity net gain requirement, which will come into force in November 2023. As a whole, the development can achieve an overall 69% reduction in CO2 emissions based on the information provided. As the development is not net-zero, building emissions and lifestyle contributions would be secured by way of a Section 106 planning obligation. The legal agreement would also secure the submission of a Travel Plan for the development.
- 1.6 The proposed development complies with relevant development plan policies in terms of highways, waste management, tree and landscaping, ecology and biodiversity, environmental health and flood risk and sustainable drainage, subject to recommended conditions and planning obligations. The Officer’s recommendation is to approve subject to the matters set out below:

It is recommended the Committee authorises the Head of Planning:	
1.	<p>To grant planning permission subject to the following:</p> <ul style="list-style-type: none"> • Completion of a Section 106 legal Agreement to secure: <ul style="list-style-type: none"> ○ Carbon Offset Contributions, the requisite Lifestyle Contribution, and a mechanism to secure compliance testing and any resulting shortfall payments, pursuant to the Position Statement on Sustainability and Energy Efficient Design – March 2021. ○ Travel plan; and, ○ An early stage and a late-stage Review of Development finances for affordable housing provision. <p>- The conditions as listed in Section 15 of this report.</p>
2.	<p>To refuse planning permission if an undertaking to secure the above has not been satisfactorily completed for the reason that the proposed development would not be accompanied by an early and late stage review of affordable housing provision, required travel plan, and carbon offset contribution provision.</p>

2. REASON FOR COMMITTEE DETERMINATION

- 2.1 The Council’s Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; 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 measures approximately 0.57 hectares and is located between Gringer Hill and Hargrave Road. The site is within an identified Protected Employment

Site as a mixed-use area under Policy ED2 of the BLP, which is known as the DTC Research site. Currently, the site comprises an unused tennis court and a grassed area which are not open to the public and are associated with the adjacent office complex. The site does not have formal access and it has to be accessed through the land to the south associated with the existing office building.

- 3.2 The site rises gently from south to the north and immediately abuts the existing two-storey office complex to the south. The separation distance between the proposed block and the office complex is between 5 to 6 metres, with a separate access from the south of the site. Gringer Hill runs parallel to the eastern boundary of the site. The Craufurd Arms public house is located on Gringer Hill to the south of the site. Hargrave Road, which is a cul-de-sac, runs parallel to the western boundary and also rises gently to the north. To the north, the area is predominantly residential in nature. As set out in the RBWM Townscape Assessment, the site is within the “Industrial and Commercial Estates” Character but it is surrounded by the area 8D Belmont Road – Gringer Hill with the “Inter-war Suburbs” Character.
- 3.3 The site is located approximately 1 kilometre from Maidenhead Town Centre and approximately 821 metres from Furze Platt Railway Station, which provides regular train services between Maidenhead and Marlow. The nearest bus stops to the site are approximately 200 metres to the north and south of the site access.

4. KEY CONSTRAINTS

- i. Protected Employment Site as Mixed-Use Area under Policy ED2
- ii. Tree Preservation Order (TPO)
- iii. Area of archaeological significance and archaeological remains

5. THE PROPOSAL

- 5.1 This application seeks planning permission for 49 units (C3 sheltering housing), which takes the form of 26 one-bedroom units and 23 two-bedroom units. Two guest suites are proposed on the ground floor and the third floor respectively. The occupation of the proposed units would be restricted to those aged over 60. Communal facilities are proposed for future occupants, including a resident’s lounge, a club room and communal amenity spaces.
- 5.2 The proposed building block facing Hargrave Road would be three storeys and the block facing Gringer Hill would be four storeys. The proposal comprises a new vehicular access to Gringer Hill, and a new pedestrian gated secondary access to Hargrave Road. However, it is noted that the Hargrave Road access would be used for emergency and maintenance only. In terms of parking arrangements, the proposal is seeking to provide 32 vehicle parking spaces. Electric vehicle charging facilities will also be provided. Four buggy spaces and four-cycle parking spaces would also be provided within the building.
- 5.3 Under the extant 44-unit scheme (see section 6), the unit mix was 11 x 1-bedroom units and 33 x 2-bedroom units. The current application would provide a unit mix of 26 x 1-bedroom units and 23 x 2-bedroom units. The overall building has been reduced by approximately 130 sqm of Gross Internal Area (GIA) with additional hard and soft landscaping provided to the parking area of the site and to the south facing courtyard area. Other changes include reducing the size of balconies at the eastern elevation, adding two bay windows to the second-floor units facing Hargrave Road and adding a new guest suite and owner’s lounge/kitchen area.

6. RELEVANT PLANNING HISTORY

Ref.	Description of Development	Decision and Date
21/03493/FULL	Development of x44 later living apartments and associated communal facilities (residents' lounge, store, guest accommodation) with car parking, vehicular and pedestrian access from Gringer Hill, maintenance and emergency pedestrian access from Hargrave Road, all associated landscaping, including removal of existing vegetation, associated drainage works and all other associated works.	Approved 31 st March 2023

- 6.1 There are also a number of applications relating to the DTC Research site, but they are all regarding the existing office complex and are not considered to be relevant to the current application.

7. DEVELOPMENT PLAN

- 7.1 The main relevant policies are:

Borough Local Plan 2013-2033

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 Development Sites	HO1
Housing Mix and Type	HO2
Affordable Housing	HO3
Protected Employment Sites	ED2
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands, and Hedgerows	NR3
Environmental Protection	EP1
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 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
- Planning Obligation and Developer Contributions SPD

Other Local Strategies or Publications

- Berkshire Strategic Housing Market Assessment (SHMA) 2016
- Townscape Assessment
- Landscape Assessment
- Parking Strategy
- Affordable Housing Planning Guidance
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy
- RBWM Waste Management Planning Advice Note
- DLUHC Technical housing standards – nationally described space standard 2015

Building Height and Tall Buildings Supplementary Planning Document

The Council has prepared the Building Height and Tall Buildings Supplementary Planning Document (SPD) and it was under consultation until 11 October 2022. The Council is now working on the revised version of the SPD. Limited weight should be afforded to the SPD in this regard.

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

9.1 No letters were received from the 27 neighbouring properties directly notified.

9.2 The planning officer posted a notice advertising the application at the site on 05.06.2023 and the application was advertised in the Local Press on 26.05.2023.

Statutory Consultees

Consultees	Comments	Where in the report this is considered
Natural England	No comments received by the time of writing this Report.	N/A.
Lead Local Flood Authority	No objection subject to recommended condition.	See section 10.

Consultees

Consultees	Comments	Where in the report this is considered
RBWM Housing	The submitted viability assessment should be independently assessed to determine the level contribution that is viable and secured in a planning obligation.	See section 10.
RBWM Environmental Protection	No objection subject to recommended conditions.	See section 10.
RBWM Highways	No objection subject to the same set of recommended conditions under extant application ref. 21/03493/FULL.	See section 10.
Berkshire Archaeology	No objection subject to recommended condition.	See section 10.
RBWM Ecology	No comments received by the time of writing this Report.	N/A
Thames Water	No comments received by the time of writing this Report.	N/A
Royal Berkshire Fire and Rescue Service	No comments.	Noted.

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- iv. Principle of Development;
- v. Climate Change and Sustainability;
- vi. Affordable Housing;
- vii. Housing Provision and Quality;
- viii. Design and Character;
- ix. Impact on amenity of neighbouring occupants;
- x. Highways and Parking;
- xi. Trees and Landscaping;
- xii. Ecology and Biodiversity;
- xiii. Environmental Health;
- xiv. Flood Risk and Sustainable Drainage; and,
- xv. Other Material Considerations.

Principle of Development

- 10.2 The application site is categorised as a mixed-use area, within an identified Protected Employment Site under Policy ED2 of the BLP (known as the DTC Research site). Paragraph 3 of Policy ED2 sets out that an element of residential development may be acceptable in mixed-use areas, subject to the overall quantum of employment floorspace within the mixed-use area as a whole not being reduced. The policy continues to set out that an element of residential development may be acceptable in mixed-use areas.
- 10.3 The application site comprises an unused tennis court and a grassed area which are not open to the public and are ancillary to the adjacent office building. The proposed development is not seeking to alter the existing office complex to the south of the site. Given that there is no reduction in the overall quantum of employment floorspace at the DTC Research site as a whole, the principle of the development complies with Policy ED2.
- 10.4 Policy ED2 does not specifically set out the type of residential development to be provided or the proposed residential development has to be provided as a supporting accommodation to the office use. Therefore, the provision of 49 sheltering housing under the current application does not conflict with Policy ED2. Furthermore, it is noted that the site is subject to an extant planning permission for 44 x C3 sheltering housing units (ref. 21/03493/FULL), which was granted on 31 March 2023. The extant permission is an important material planning consideration when determining the current application.

Climate Change and Sustainability

- 10.5 The Climate Change Act 2008 (CCA2008) imposes a duty to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate by contributing to a radical reduction in greenhouse gas emissions, minimising vulnerability and improving resistance, and supporting renewable and low carbon energy and associated infrastructure. The Council declared a climate emergency in June 2019 and intends to implement a national policy to ensure net-zero carbon emissions can be achieved by no later than 2050.
- 10.6 In December 2020, the Environment and Climate Strategy was adopted to set out how the Borough will address the climate emergency. These are material considerations in determining this application. The strategy sets a trajectory which seeks a 50% reduction in emissions by 2025. While a Sustainability Supplementary Planning Document will be produced in due course, the changes to national and local climate policy are material considerations that 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. An Interim Sustainability Position Statement (ISPS) has therefore been adopted to clarify the Council's approach to these matters.
- 10.7 This application is accompanied by a Sustainability Statement which is prepared by RHB Partnership LLP, on behalf of the applicant. The proposed sustainability measures accord with the requirements of the ISPS and BLP Policy SP2, including approximately 68.7% of the energy to be provided by renewable energy and electric vehicle charging made available for all parking spaces, with 20% active and 80%

passive provision. As a whole, the development can achieve an overall 69% reduction in CO2 emissions based on the information provided.

- 10.8 Whilst this would represent a considerable reduction in the potential CO2 emitted from the site, the proposal would not achieve net zero. As such, it is reasonable for the Local Planning Authority to achieve the remainder by Building Emissions and Lifestyle contributions. These contributions have been calculated and would be secured through the legal agreement. Subject to completion of the legal agreement and recommended condition to secure the energy efficiency measures set out in the sustainability statement, the proposal would accord with Policy SP2 of the BLP.

Affordable Housing

- 10.9 Policy HO3 of the BLP sets out that all developments for 10 dwellings gross, or more than 1,000 square metres of residential floorspace are required to provide on-site affordable housing as follows:
- On greenfield sites providing up to 500 dwellings gross – 40% of the total number of units proposed on the site.
 - On all other sites, (including those over 500 dwellings) – 30% of the total number of units.
- 10.10 Policy HO3 was based on a viability study in 2017 to test affordable housing policy and it demonstrates that development in the Borough is viable and the policies do not impose disproportionate burdens on developers.
- 10.11 This application is seeking to provide 49 C3 sheltering housing units which would trigger the affordable housing requirement within the development plan. This application is accompanied by a Viability Assessment, which has been carried out by Bailey Venning Associates, on behalf of the applicant.
- 10.12 The land value of an alternative residential use on the site has been adopted to establish the benchmark land value (BLV). According to paragraph 017 of the PPG¹, if applying alternative uses when establishing the BLV, these should be limited to those uses which would fully comply with the up-to-date development plan policies, including any policy requirements for contributions towards affordable housing at the relevant levels set out in the plan. The BLV for the site will be determined by the applicant based on the residual land value (RLV) of an alternative use.
- 10.13 The submitted viability assessment sets out that the economic viability of the proposed development was tested by including all the reasonable costs of the development against an appropriate site benchmark which was determined from the alternative use value (AUV). In this case, a 14-unit scheme which was proposed under a pre-application submission was used to work out the AUV. Based on the submitted viability assessment, it is understood that the proposed 14-unit scheme would include three rented affordable units and one intermediate affordable unit. The proposed affordable housing provision would therefore comply with the affordable housing provision requirement under Policy HO3 of the BLP. The submitted viability assessment sets out that the BLV of the proposed 14-unit scheme would be £953,789, and the development proposed under the current planning application, without the provision of affordable housing, would generate a RLV of £173,074 which is below the BLV. The findings of the submitted viability assessment therefore conclude that the proposed development cannot remain viable whilst providing any on-site affordable housing or by providing a

¹ Reference ID: 10-017-20190509

contribution towards affordable housing. This was also the case under the extant permission.

- 10.14 The applicant's viability assessment has been reviewed by an independent assessor. Whilst the independent review has calculated that the BLV of the proposed 14-unit alternative scheme would be £1,036,750 and the RLV would be £186.902, the same conclusion of the applicant's viability assessment has been made in that it is not viable for the proposed development to provide any onsite affordable housing and furthermore, that there is no surplus funding available to provide an affordable housing contribution.
- 10.15 Notwithstanding this, both early and a late-stage viability review mechanisms are recommended. This would allow a further review of the scheme's viability (looking at build costs and sales values) to be carried out when construction costs and sales values are known. If at that time there is surplus, a proportion of that in-line with the policy requirement would be required as an off-site affordable housing contribution. The extant permission for 44-unit scheme is subject to a late-stage viability review mechanism. The early and a late-stage viability review mechanisms would be secured by a Section 106 Legal Agreement.

Housing Provision and Quality

Housing Need

- 10.16 Policy HO2 of the BLP sets out that the provision of new homes should contribute to meeting the needs of current and projected households by having regard to several principles, including the provision of an appropriate mix of dwelling types and sizes as set out in the Berkshire Strategic Housing Market Assessment (SHMA) 2016 unless there is evidence showing an alternative housing mix would be more appropriate. The policy also sets out that the provision of purpose-built and specialist accommodation with care for older people will be supported in settlement locations, subject to compliance with other policy requirements.
- 10.17 The submission also makes references to paragraph 001 of the PPG², which sets out that offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health system.
- 10.18 According to the SHMA 2016, the Borough has an ageing population, with significant projected growth in over 65-year-olds. Based on the projected need for older persons' accommodation over the 2013-2036 period, the Council requires an additional 2,155 market units (i.e., 1,866 units after deducting the projected supply of 289 units), which is equivalent to approximately 82 units per year. The application can therefore positively contribute to meeting the housing need for older persons' accommodation, in particular market units. The provision of this type of accommodation, with care for older people in settlement locations, is also generally supported by Policy HO2, subject to compliance with other policy requirements.

Housing Mix

- 10.19 The SHMA 2016 sets out that the future need for specialist retirement housing is typically defined as a form of congregate housing (i.e., designed exclusively for older people and which offers some form of communal space, community alarm service and

² Reference ID: 10-017-20190509

access to support and care if required). This type of housing will usually have smaller units to attract 'early retired' older people looking to 'downsize' or wanting to live in specialist retirement housing.

- 10.20 According to the SHMA 2016 analysis, it sets out that the provision of this type of specialist housing for older people is usually "smaller (one and two bedrooled) housing aimed to attract 'early retired' older people". Furthermore, it also "attracts older people looking to "downsize" to free up family accommodation for younger households." Therefore, the proposed housing mix of one and two bedrooled units in this application is justified.

Age Restriction

- 10.21 This application is seeking to introduce 49 sheltered housing units, comprising 26 one-bedroom units and 23 two-bedroom units. The occupation of the proposed units would be restricted to those aged over 60. The proposal would help meet an identified need within the Borough and therefore is supported in principle.
- 10.22 Regarding older peoples' housing, the NPPF defines older people as "people over or approaching retirement age, including active elderly to the very frail, and whose housing needs can encompass accessible, adaptable general needs housing through to the range of retirement and specialised housing for those with support or care needs."
- 10.23 Planning conditions are recommended to ensure that the proposed units are used solely as described, for the purpose of providing sheltered housing accommodation for person or persons who, to acquire purchase or lease, would have a minimum age of 60, living as part of a single household.

Accessible and Adaptable Housing

- 10.24 According to Paragraph 010³ of the Planning Practice Guidance (PPG), sheltered housing is one of the specialist forms of housing for older people and it comprises purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services but provides some support to enable residents to live independently. This can include 24-hour on-site assistance (alarm) and a warden or house manager.
- 10.25 Policy HO2 of the BLP sets out that for proposals of 20 or more dwellings, 30% of the dwellings should be delivered as accessible and adaptable dwellings by Building Regulations M4(2), and 5% of the dwellings should meet the wheelchair accessible standard in Building Regulations M4(3), unless evidence can be provided to demonstrate that such provision would be impracticable or render the scheme unviable.
- 10.26 All units have been designed to meet Building Regulations M4(2) requirement, which is well above the 30% requirement as set out in Policy HO2.
- 10.27 The submitted design and access statement sets out that the proposed building has been designed so as only the separating walls between certain apartments and corridors are structural. All internal partitions within those units are non-loadbearing, therefore allowing for the adaptation, including the delivery of M4(3) wheelchair-accessible standard units. A layout plan of one of the units has been provided in the

³ Reference ID: 63-010-20190626

submitted design and access statement showing how the proposed unit can be adapted to meet the M4(3) wheelchair-accessible standard. In this case, up to eight units are capable of being adapted to meet the M4(3) wheelchair-accessible standard. This equates to approximately 16% of the total units, which is above the 5% provision requirement under Policy HO2.

- 10.28 This application is seeking to provide specialist housing for older people. Providing accessible and adaptable housing up to Building Regulations requirement is particularly important to accommodate the needs of future occupants. Considering Policy HO2 is for general dwellings and the current application is to provide specialist sheltered housing for a certain group of older people (aged over 60), a pragmatic approach should be adopted in this case.
- 10.29 It is considered that this type of sheltered housing requires some flexibility in terms of wheelchair-accessibility due to the nature of this certain group of older people. While up to eight units can be converted to a M4(3) units, the provision is well above the requirement as set out in Policy HO2 (i.e., 3 units). Notwithstanding, details should be provided regarding measures and plans which would be in place to ensure the relevant adaptations can be implemented in a timely fashion in line with the needs of prospective or existing occupants. Such details are secured by recommended condition.

Design and character

- 10.30 The appearance of the development is a material planning consideration. Section 12 of the NPPF and BLP Policy QP3 set out that all development should seek to achieve a high-quality design that improves the character and quality of an area.

Appearance and character

- 10.31 As set out in the RBWM Townscape Assessment, the site is with the “Industrial and Commercial Estates” Character area but it is surrounded by the area 8D Belmont Road – Gringer Hill with the “Inter-war Suburbs” Character, which shows the use of bay windows and gabled front elevations.
- 10.32 The submitted design and access statement identifies that the site sits between three distinct character areas. Gringer Hill to the east is mainly characterised by detached properties that are set back, with a generous garden to the front and the frontages are generally in line with the street alignment. Hargrave Road to the west is tighter and the properties are in a mix of terrace and semi-detached. To the south of the site is the existing office complex. The Craufurd Arms public house is located on Gringer Hill to the southeast of the site.
- 10.33 The application site forms part of the DTC Research site and it is immediately adjacent to an existing office building to the south of the site. However, the site is within a predominantly residential area with a topography that rises steadily from south to north. The site is bounded by Gringer Hill to the east and Hargrave Road to the west. Gringer Hill comprises a mixture of two and three storey detached houses, incorporating hipped roofs with gables fronting the street, while Hargrave Road comprises terraced brick housing with lower-pitched roofs.
- 10.34 The proposed development responds to the two distinct characters along Gringer Hill and Hargrave Road. The façade fronting Gringer Hill is characterised by the introduction of gables, which is one of the distinct features identified, while the use of bay windows is adopted at the façade towards Hargrave Road. Orange brickwork would be used to respond to the traditional properties of the surrounding areas, while plain clay tiles

would be used to the elevations facing Gringer Hill, and a natural slate would be used to the elevation facing Hargrave Road. A condition is recommended to ensure that the materials to be used on the external surfaces shall be in accordance with the submitted details. The proposed development is considered to be acceptable and complies with Policy QP3 of BLP.

Scale

- 10.35 Policy QP3a of the BLP sets out that a building of more than 1.5 times the context height of the surrounding area or a minimum of four storeys in a two-storey area, would be considered a tall building. Policy QP3a continues to set out that proposals for tall buildings must be of the highest quality of design. Tall buildings will only be considered appropriate in certain areas with high public transport accessibility, a mix of uses and an existing or emerging urban character that can successfully assimilate the scale, height and level of activities of the proposed development.
- 10.36 A calculation has been provided in the submitted design and access statement and it sets out that the context height along Gringer Hill is approximately 2.3 storeys, while the context height along Hargrave Road is two-storeys. Furthermore, due to the difference in levelling, the application site sits significantly lower than the adjacent roads and neighbouring properties and it would help reduce the heights of the proposed building. The submitted design and statement also sets out that there is a selection of three to four storey buildings in the wider area.
- 10.37 The proposed building facing Gringer Hill and Hargrave Road would be four storeys and three storeys respectively. Policy QP3 does not set out how to assess a building with varying heights against the relevant context height. While the proposed three storey part of the building is within 1.5 times, considering the calculated context height along Gringer Hill, the proposed four storey part of the building would exceed 1.5 times of the context height of 2.3 storey of the area, which therefore meets the definition of a tall building as set out in Policy QP3a.
- 10.38 The ridge line of the proposed block is generally in line with the ridge line of the existing nearby properties. It is considered that the proposed building is acceptable in terms of scale and massing.

Layout

- 10.39 The submitted design and access statement sets out that the proposed buildings footprint is approximately 30% of the site. When comparing with the consented scheme under the extant planning permission (ref. 21/03493/FULL), the overall building has been reduced by approximately 130 sqm of Gross Internal Area (GIA). It would also create an additional 18 sqm of hard and soft landscaping which would be allocated to the on-site parking area and additional area to the south-facing courtyard area.
- 10.40 The proposed development is set back from the eastern boundary to be consistent with the existing building line along Gringer Hill. The building is also generally in line with the building line along Hargrave Road to the west. To the north of the site, the existing green space would be retained as a communal amenity space for future occupants. It would also act as a green buffer between the proposed building and the existing properties to the north.
- 10.41 To maintain an adequate separation distance between the proposed building and the existing properties to the north, the proposed building is relatively close to the southern boundary of the site. The majority of the proposed building does maintain a minimum

of 2 metres from the boundary of the site, apart from the section of the proposed building towards Gringer Hill. Given that the existing office complex is set back by approximately 3.6 metres from the boundary, the footprint of the building and its juxtaposition with the office building is acceptable in this case.

Internal Layout

- 10.42 All proposed units would meet the minimum requirement of gross internal floor areas, as set out in the nationally described space standards. The proposal also includes a number of communal facilities, including two guest suites, a club room and an owner's lounge on the ground floor. The proposed communal facilities would provide some internal communal amenity spaces for future occupants and visitors. Windows have been added to allow more glazing at the entrance area. These features would allow natural light and views for future occupants.
- 10.43 34 out of the 49 units (which equates to approximately 69%) would benefit from being dual aspect, in line with the design review panel's comments that an increased proportion of units were required to be dual aspect in order to raise the quality of the internal layouts and reduce overheating. Furthermore, three units in the northwestern corner of the proposed development benefit from a triple aspect, with windows on the east, west and north elevations. The remaining 15 units would be single aspect; however, none of the single aspect units would have only a northerly aspect.
- 10.44 The assessment of daylight within the proposed units has been undertaken using the Daylight Illuminance and Daylight Factor test and the results shows that 107 out of 126 rooms would meet the Building Research Establishment (BRE) targets. Those falling below are predominately located in the northern elevation where sunlight levels are naturally lower when comparing with other elevations. Of the 19 rooms that do not meet the BRE target, only five are bedrooms and it is mainly due to their corner positioning within the courtyard and such lower levels of daylight are expected. In terms of sunlight, 42 out of 49 units meet the BRE target. Though a small number of rooms and units fall below the BRE target, it is not considered that it would constitute unacceptable standards to the future occupiers.

Amenity Space

- 10.45 The Council's Borough Wide Design Guide (BWDG) SPD sets out that flatted developments will be expected to provide high-quality private outdoor amenity space for each unit. All flats above ground floor should also be provided with balconies which are a minimum of 2 metres deep and are wider than their depth.
- 10.46 All of the proposed ground floor flats have access to their own private amenity spaces and they all meet the requirement set out under the BWDG SPD. Balconies are provided for all flats above; however, four units have been provided with Juliet balconies which would not meet the relevant requirements referenced above.
- 10.47 In this case, communal outdoor space is provided within the site and is accessible to all future occupants. Considering that there are only four units which do not meet the Council's requirement, on balance, given the overall provision of both private and communal amenity space available to residents, the proposals are acceptable in this regard.

Impact on Amenity of Neighbouring Occupants

- 10.48 Policy QP3 of the BLP sets out that new development should have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.
- 10.49 This application is accompanied by a daylight and sunlight report, which is prepared by eb7, on behalf of the applicant. The Vertical Sky Component (VSC) and the No-Skyline (NSL) tests are used within the submitted sunlight and daylight report. 12 neighbouring residential properties along Hargrave Road and Gringer Hill which have windows overlooking the proposed development have been assessed. The assessment concludes that all neighbouring residential habitable windows and rooms would retain high levels of daylight, which exceed the target set out in the BRE guidance. For sunlight, the assessment also shows that all main living rooms would retain high levels of sunlight which exceed the BRE target. Therefore, it is not considered that the proposed development would have any unacceptable impact on neighbouring residential properties.
- 10.50 The separation distance between the proposed building block and neighbouring properties to the north is at least 13 metres. Though it is slightly below the 15 metres set out in the BWDG SPD, a number of existing trees would be retained along the northern boundary which would provide screening to the neighbouring properties. Furthermore, it is noted that this was the case under the extant planning permission (ref. 21/03493/FULL) and there have been no material changes in circumstance or policy since this time. Given that the impacts of the non-compliance separation distance provision would be in part mitigated by the existing trees and the principle has been accepted under the extant permission, on balance, the proposals are acceptable.
- 10.51 The separation distance between the proposed building block and neighbouring properties along Hargrave Road is at least 28 metres, which is well beyond the SPD requirement. The separation distance between the proposed building block and neighbouring properties along Gringer Hill is also at least 41 metres and again it is well beyond the SPD requirement.
- 10.52 The separation distance between the proposed building block and the office complex to the south is between 5 to 6 metres. The Council does not have a specific separation distance guidance for office development. Considering the separation distance for buildings above 2 storeys between flank wall to boundary under the BWDG SPD, it is considered that a minimum of 2 metres is required and the separation distance in this case well exceeds the requirement.

Highways and Parking

- 10.53 Paragraph 112 of the NPPF sets out that development proposals should give priority first to pedestrian and cycle movements and second – so far as possible – to facilitating high-quality public transport. Policy IF2 of the BLP sets out that new development should provide safe, convenient, and sustainable modes of transport.

Sustainable Modes of Transport

- 10.54 The application site is approximately 1 kilometre from Maidenhead Town Centre. The existing footpath network also provides access to Maidenhead Town Centre and nearby local services and facilities.
- 10.55 The site is also within walking/cycling distance of Furze Platt Station, which provides regular train services between Marlow and Maidenhead. Maidenhead Railway Station

is approximately 1.3 kilometres from the site and it provides direct train services to London, Reading and Oxford. The nearest bus stops to the site are approximately 200 metres to the north and south of the site access. There are good bus routes to the surrounding towns of Maidenhead, Windsor, High Wycombe, Slough, and Reading.

10.56 This application is accompanied by a travel plan framework, prepared by Bellany Roberts, on behalf of the applicant. The objectives of the travel plan framework are as follows:

- Change the travel behaviours of residents and frequent visitors;
- Minimise journeys to and from the site by single occupancy vehicles;
- Increase active travel and car sharing;
- Encourage more trips by sustainable means; and,
- Ensure that all residents and frequent visitors are aware of the range of available travel opportunities.

10.57 A number of measures are set out in the travel plan framework to ensure the objectives can be achieved, including the appointment of a travel plan coordinator. The role of the coordinator would liaise with future residents and the Local Planning Authority to agree measures to encourage residents and visitors to utilise sustainable forms of travel. The coordinator would be funded by the applicant. Details of the travel plan would be secured by a planning obligation.

10.58 In summary, it is considered that the application site is within a sustainable and accessible location and this allows future occupants an opportunity to use sustainable modes of transport.

Vehicle Movements

10.59 Policy IF2 of the BLP sets out that new development shall be located to minimise the distance people travel and the number of vehicle trips generated. This application is accompanied by a transport statement, prepared by Bellany Roberts, on behalf of the applicant. The following table summarises the vehicle movements of the proposed development:

	Vehicle movements
AM Peak (0800-0900)	8 vehicles per hour – 2 ways
Actual Peak (1000-1100)	15 vehicles per hour – 2 ways
PM Peak (1700-1800)	7 vehicles per hour – 2 ways
Daily	122 vehicles – 2 ways

10.60 The transport statement also sets out that a travel plan framework has been provided to support this application and it aims to encourage residents to use sustainable modes of transport, such as public transport, cycling or walking.

10.61 The Council's Highways Authority has raised no objection to the proposed development. It is considered that the level of traffic likely to be generated by the proposed development would not have a material impact on the existing highway network over and above that of the existing and extant scheme at the site.

Services and Access

- 10.62 The proposed development would be accessed from Gringer Hill as was the case under the extant permission for the 44-unit scheme. The proposed access would provide a bellmouth with visibility splays of 2.4 x 43 metres. The proposed access and visibility splays would be provided prior to the occupation of the development to ensure highway safety and would be secured by recommended condition. The proposal also proposes a pedestrian access onto Hargrave Road. However, it is noted that it would be used for maintenance and emergency use only and would be gated with a coded access provision.
- 10.63 Servicing of the development would take place from the new access to Gringer Hill with the bins being stored to the north of the parking area. It is considered that the development would provide sufficient space for service vehicles to enter, turn and leave the site in a forward gear.

Parking

- 10.64 Policy IF2 of the BLP sets out that new developments should provide vehicle and cycle parking in accordance with the parking standards with the Parking SPD. Prior to adoption of the Parking SPD, the parking standards in the 2004 Parking Strategy will be used as a guide for determining the appropriate level of parking provision, with consideration also given to the accessibility of the site and any potential impacts associated with overspill parking in the local area.

Vehicle Parking

- 10.65 According to the 2004 Parking Strategy, the site just falls outside the 800 metres threshold (i.e., 821 metres) and the nearest train station, Furze Platt, only provides an hourly train service. Therefore, the parking standards for areas of poor accessibility should be adopted in this case and 49 parking spaces should be provided (i.e., 1 space per unit). The following table summarises the maximum parking standard for C3 Active elderly with warden control (sheltered housing) set out in the 2004 Parking Strategy:

Use Class	Maximum Parking Standard (Areas of Poor Accessibility)	Maximum Parking Standard (Areas of Good Accessibility)
C3 Active elderly with warden control (sheltered housing)	1 space per unit	0.5 space per unit

- 10.66 The proposed development is seeking to introduce 32 parking spaces, with three parking spaces designated for disabled parking. The proposed parking arrangement represents 65.3% of the maximum parking standard (areas of poor accessibility), but it is well above the maximum parking standard for areas of good accessibility.
- 10.67 The Council's Highways Authority sets out that additional information should be provided to justify the reduced parking provision. However, given that the location of the site is just marginally below the 800 metres threshold, a pragmatic approach should be adopted when assessing the parking arrangement of the current application. This was also the case when assessing the extant 44-unit scheme and there have been no material changes in circumstance or policy since this time. The application site is within reasonable walking distance to the railway station and bus stops which provide regular bus services to Maidenhead, Windsor, High Wycombe, Slough, and Reading and therefore it is not considered that additional information as recommended by the Council's Highways Authority is required in this regard.

- 10.68 In terms of potential impacts associated with overspill parking in the local area, the submitted transport statement sets out that on-street parking is likely to occur at peak times due to school drop off and pick up periods. Considering the proposed development is to provide retirement living apartments, it is not considered that the proposed development would have the same level of parking demand when comparing to traditional residential development schemes which provides family housings or units. Therefore, the proposed car parking provision is considered to be acceptable in this particular case.

Electric Vehicle Charging Facilities (EVCFs)

- 10.69 The Council's ISPS sets out that at least 20% of parking spaces should be provided with active EVCFs and 80% of parking spaces should be provided with passive provision. The submitted transport statement confirms that 20% of the parking spaces would be provided with active EVCFs and 80% of parking spaces would be provided with passive EVCFs. Given that 32 parking spaces would be provided, 6.4 (round up to 7) active EVCFs are required. Based on the submitted site layout, 7 EVCFs would be provided. The EVCFs should be provided prior to the first occupation of the proposed development and would be secured by recommended condition.

Cycle and Other Parking Provision

- 10.70 The 2004 Parking Strategy sets out that cycle parking provision may be required with certain forms of residential development. In block of flats, a proportion of secure cycle parking will be required and calculated on a case specific basis. The proposal comprises an internal parking area to accommodate four buggy spaces and four-cycle spaces.
- 10.71 The site is located with convenient cycle access to a variety of destinations. Given the location of the application site and the specific characteristics of future occupants, it is considered that additional cycle parking spaces should be provided to meet the specific need of future residents and to encourage future occupants to cycle as a sustainable mode of transport, which is in line with the objectives of the travel plan framework. The Council does not have a parking standard for buggy spaces. However, it is considered that the provision of such spaces are important facilities to support the need of future occupants. The cycle and buggy parking facilities should be provided prior to the first occupation of the proposed development and would be secured by recommended condition.

Summary

- 10.72 Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.73 The application site is within reasonable walking/cycling distance to local services, facilities, local bus stops and railway stations. The submitted travel plan framework sets out several measures to encourage future residents to use sustainable modes of transport, with a travel plan secured by Section 106 planning obligation. Though the proposed parking provision is below the maximum parking standards set out in the 2004 Parking Strategy, the overall parking arrangement is considered to be acceptable in this case. Therefore, it is considered that the proposed development is acceptable in terms of parking and highway safety.

Tree and Landscaping

- 10.74 Paragraph 131 of the NPPF sets out the importance of trees which contribute to the character and quality of urban environments and also help mitigate and adapt to climate change. Policy NR3 of the BLP also sets out that development proposals should protect and retain trees and hedgerows, provide mitigation measures if harm to trees or hedgerows is unavoidable and plant new trees and hedgerows and extend existing coverage where possible.
- 10.75 A number of existing trees along the western and northern boundaries of the site are subject to a Tree Preservation Order (TPO). This application is accompanied by an arboricultural assessment and method statement and a tree protection plan, which are prepared by Barrell tree consultancy, on behalf of the applicant.
- 10.76 The submitted arboricultural assessment sets out that a number of existing trees would have to be removed from the site, but that all of the TPO trees and category A trees would be retained. Two category B trees (T44 and T45) would be removed due to the proposed development; however, the retained trees would continue to buffer any loss and there would be no harmful impact on the local character. The proposed works would also result in some disturbance to the existing trees and encroachment into the root protection areas (RPAs) including two of the balconies on the western elevation of the proposed building, new pedestrian surfacing and the parking area. However, it is considered that the RPAs of those existing trees would not be significantly affected if the protection measures identified in the method statement are fully implemented. Such protection details would be secured by recommended condition.
- 10.77 The submitted statement also identifies that new tree planting would be introduced to the site. Further details should be provided to ensure that the species and location of any new planting are appropriate and that the existing trees and hedgerows would not be adversely affected. A detailed landscaping plan is also secured by recommended condition.

Ecology and Biodiversity

- 10.78 The application site lies within 5 kilometres of several designated sites including Chilterns Beechwoods Special Area of Conservation (SAC) and Bisham Woods Site of Special Scientific Interest (SSSI). The site is also within 2 kilometres of several Local Wildlife Sites. However, it is not considered that the application would have an adverse impact on those locally designated sites given the distance of these Local Wildlife Sites to the application site and the built-up areas that intervene. The application site comprises a fenced-off tennis court and a grassed area surrounded by a mix of mature and young trees, with hedgerows on the eastern and western boundaries of the application site.
- 10.79 No comments have been received from Natural England at the time of writing this report. However, it is noted that Natural England commented on the previous application and concluded that the extant permission (ref. 21/03493/FULL) was not likely to result in significant impacts on statutory designated nature conservation sites and that no further assessment was required. This is a material planning consideration in the determination of the current application. Considering the current scheme is providing five additional units when compared to the consented scheme and would have no additional built form, it is unlikely that the proposed development would result in additional impacts on the designated nature conservation sites in this regard.
- 10.80 This application is accompanied by an ecological impact assessment prepared by Lizard Landscape Design and Ecology, on behalf of the applicant. The report identifies

that there are a number of mature trees along the northern and western boundaries of the site which were considered to offer low or moderate bat roost suitability. Given the nature of the site, it offers some suitable habitat for reptiles, badgers, hedgehogs, breeding birds, invertebrates and foxes. A number of ecological mitigation measures are recommended, including the installation of green walls, the use of flowering plants with a recognised wildlife value within soft landscaping scheme, the use of seed and fruit bearing tree species, the provision of bat friendly planting, the installation of invertebrate, bird and bat boxes in suitable locations within the site and the creation of log piles.

- 10.81 The majority of the hedgerows and trees are to be retained and protected during and post development and any trees to be removed would be replaced by native species. Furthermore, there was no evidence of badger or hedgehog, and the site does not have the potential to support great crested newts or dormice. Six identified trees had the potential to support roosting bats, but it is considered that all of those trees would be retained and protected. Therefore, no further ecological survey is required in this regard.

Biodiversity Net Gain (BNG)

- 10.82 The application is accompanied by a BNG calculation which would provide a net gain of 0.15 habitat units (10.11%) by the creation of onsite habitats include planting of trees and creations of areas of scrub, shrub and gardens.
- 10.83 From November 2023, a minimum 10% mandatory BNG is required using the Biodiversity Metric for any major development after the two-year implementation period from 9 November 2021 when the Environmental Bill received Royal Assent and became the Act. Although the mandatory requirement does not yet come into effect at the time of writing this report, it is expected that all major applications should demonstrate a minimum of 10% BNG. In this case, the current provision of 10.11% net gain in habitable units exceeds the national requirement and local planning policies. Details of how the BNG can be delivered and monitored are required to support the application and are secured by recommended condition.

Environmental Health

- 10.84 Policy EP1 of the BLP sets out that new development will only be supported where it would not have an unacceptable effect on environmental quality both during the construction phase or when completed. Details of remedial or preventative measures and any supporting environmental assessments will be required and will be secured by planning conditions to ensure that the development will be acceptable.

Noise

- 10.85 Policy EP4 of the BLP sets out that new development should consider the noise and quality of life impact on occupants of existing nearby properties and the intended new occupiers. Development proposals will need to demonstrate that they will meet the internal noise standards for noise-sensitive developments as set out in the Policy. Policy EP4 also sets out the Council's external and internal noise standards for noise sensitive developments.
- 10.86 This application was submitted alongside a noise impact assessment, prepared by auric acoustic consulting, on behalf of the applicant. Section 4.2 of the assessment sets out that double glazing and standard trickle ventilators are recommended for the glazing and ventilators for all habitable rooms to achieve the internal noise standards.

Considering the predicted external and internal noise levels with windows open, with the standards set out under the Building Regulations 2021 Approved Document O (ADO) and the Acoustics, Ventilation and Overheating Residential Design Guide, which is produced by the Association of Noise Consultants (ANC), the measured internal and external noise levels of the proposed development are within the negligible or low noise risk categories during both daytime and night-time periods, which means that the use of opening windows as a primary means of mitigating overheating is not likely to result in adverse effect. Furthermore, the proposed close-board garden fencing and screening attenuation would also be expected to provide further attenuation of at least 5dB in the locations of the proposed designated amenity gardens.

- 10.87 Subject to the securing the recommendations set out in the submitted noise impact assessment and further details of those measures to ensure that there is a satisfactory level of amenity for all future residents, by recommended conditions, the proposals are acceptable.

Contaminated Land

- 10.88 Policy EP5 of the BLP sets out that development proposals will be supported where they can demonstrate that adequate and effective remedial measures to remove the potential harm to human health and the environment are successfully mitigated.
- 10.89 This application was submitted alongside a Tier Geo-environmental Assessment, prepared by Sweco UK Limited, on behalf of the applicant. The report summarises that remediation and mitigation works are required for the development in relation to contamination. A remediation strategy should be prepared, and a verification report should be provided on completion. This can be secured by recommended condition.

Other Matters

- 10.90 The Council's Environmental Protection Officer has recommended three conditions in the event of planning permission being granted relating to the submission of a site-specific construction environmental management plan, site working hours and collection during construction and demolition. It is considered that the imposition of the recommended conditions would not be necessary as they are covered by other legislation and would not therefore meet the relevant tests for imposition.

Flood Risk and Sustainable Drainage

- 10.91 Policy NR1 of the BLP sets out that development proposals will only be supported where an appropriate flood risk assessment has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms.
- 10.92 The application site is within Flood Zone 1 and there is a less than 1 in 1,000 annual probabilities of river and sea flooding. The application is accompanied by a Flood Risk Assessment (FRA) and a drainage strategy, prepared by Arch Associates, on behalf of the applicant. The submitted FRA summarises that there is a very low risk of surface water and groundwater flooding, and details of a surface water drainage scheme are secured by recommended condition.

Other Material Considerations

- 10.93 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of sustainable development which is consistent with the overarching objectives of the

Borough Local Plan. Paragraph 120(d) of the NPPF sets out that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.

- 10.94 Policy ED2 of the BLP sets out that the application site is defined as a mixed-use area and an element of residential development may be acceptable subject to the overall quantum of employment floorspace within the mixed-use area as a whole not being reduced. The provision of such housing would provide specialist housing for elderly people, which is supported by the SHMA 2016 and contribute to the Borough's five-year housing land supply.
- 10.95 Berkshire Archaeology have been formally consulted under the current application and raise no objection to the proposed development, subject to recommended condition. Whilst an archaeological condition was not attached to the extant permission, comments have been provided by Berkshire Archaeology on the current application requiring the submission of a watching brief. This is considered necessary to demonstrate compliance with relevant development plan policies and as such, the condition is recommended on the current application.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 In accordance with the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, the development is CIL liable on the chargeable floor area at a rate of £131.48 per square metre (Indexation rate 2023).

12. PLANNING BALANCE AND CONCLUSION

- 12.1 The proposed development is seeking to provide 49 market units (C3 sheltering housing) in the form of 11 one-bedroom units and 33 two-bedroom units. The occupation of the proposed units would be restricted to those aged over 60.
- 12.2 The height, scale, layout, and massing of the proposed building is acceptable in this regard and would not have an adverse impact on the character of the wider area. A small number of proposed habitable rooms and units would be below the BRE target in terms of daylight and sunlight. However, it is considered the harm is very limited in this regard and the proposals would represent an acceptable standard of residential accommodation.
- 12.3 Four units above the ground floor would only be provided with Juliet balconies. Whilst they would not meet the guidance contained in the BWDG SPD, a considerable communal outdoor space is provided and is accessible to all future occupants. Considering the overall provision of private and communal amenity spaces of the proposed development, the harm is **limited** in this regard.
- 12.4 A number of existing trees would be removed from the site to facilitate the development, but none of those trees are subject to TPO or category A. Though two category B trees would be removed, the retained trees would continue to buffer any loss to the extent and there would be no impact on the local character. The proposed works would also result in some minor disturbance to the existing trees, including encroaching into the RPAs. The harm is considered to be **limited** in this regard.
- 12.5 Turning to the benefits of the proposed development, the 2016 SHMA identifies that there is a need for this type of housing and this application can deliver an additional 49

sheltered housing units to address this identified need. This weighs in favour of this scheme and **significant** weight should be afforded in this regard.

- 12.6 A number of ecological enhancement measures would be sought as part of this proposed development and the proposed development would achieve a net gain of 0.15 habitat units (10.11%), which is above the minimum 10% national requirement (which will become mandatory in November 2023) and local planning policies. This ecological benefit can attract **significant** weight in favour of the application.
- 12.7 The site is subject to an extant planning permission for the provision of 44 x C3 sheltered housing units with associated facilities. This permission is an important material consideration of this current planning application (i.e., fallback position). Court case⁴ has already confirmed that the materiality of the fallback position is a planning judgement on whether there is a real prospect of a fallback scheme. In this case, the consented 44-unit scheme is considered to be a realistic alternative and therefore **significant** weight should be afforded in this regard.
- 12.8 Following a recent interim update to the Council's 5-year housing land supply position, the Council currently cannot demonstrate a 5-year housing land supply. The assessed level of supply is currently 4.88 years. As such in accordance with paragraph 11 of the National Planning Policy Framework (NPPF), the presumption in favour of sustainable development applies. The 4.88-year supply is just below the 5-year requirement and the shortfall is not considered to be significant – the tilted balance is engaged but this is a very minimal shortfall and as such relatively **limited** weight is attached.
- 12.9 The proposal is considered acceptable in terms of highway safety and parking, waste management, tree and landscaping, ecology and biodiversity, flood risk and drainage, environmental health, and sustainability (subject to recommended conditions). The overall scheme is considered to be acceptable in general.
- 12.10 For reasons set out above, the proposal is considered to be acceptable. Therefore, the Officer's recommendation is to approve subject to the resolution of the matters set out under Section 1 of this Report.

13. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

14. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The residential units within the buildings hereby approved shall be used solely for the designated purpose of providing self-contained independent living units of accommodation for the person or persons who, to acquire purchase or lease of any of the approved residential units, will have a minimum age of not less than 60 years old (or a spouse or partner living as part of a single household with such person or persons).
Reason: In the interest of proper planning and to ensure a satisfactory living environment

⁴ The Court of Appeal in *Mansell v Tonbridge And Malling Borough Council* [2017] EWCA Civ 1314

for future occupiers.

- 3 The buildings shall not be used or occupied for any other purpose, including an equivalent provision in Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any subsequent or equivalent provision, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). No permitted changes of use shall occur unless the express permission of the Local Planning Authority has been obtained.

Reason: In the interest of proper planning and to ensure a satisfactory living environment for future occupiers.

- 4 Prior to the occupation of the development hereby permitted, a scheme showing how eight units shall be designed so that they are capable of being adapted to meet the wheelchair-accessible standard in Building Regulation M4(3) shall be submitted and approved by the Local Planning Authority, the scheme should include:

- Technical drawings of each unit showing how the units can be converted to meet the wheelchair-accessible standard in Building Regulation M4(3);
- Details of measures and plans which will be in place to ensure the relevant adaptations can be implemented in a timely fashion in line with the needs of prospective or existing occupiers.

The units which are capable of being adapted to meet the wheelchair-accessible standard in Building Regulation M4(3) shall be maintained in accordance with the approved details thereafter.

Reason: The scheme is to provide specialist housing for older people and it is necessary to ensure that the proposed units are capable of being adapted to accommodate the need of future occupants who are wheelchair users. Relevant Policy - Policy HO2 of the Borough Local Plan.

- 5 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 6 Prior to the first occupation of the development hereby permitted, visibility splays shall be provided in accordance with the approved Drawing Ref. 5635/001 (Rev. C) Access Visibility dated 01 November 2021. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Policies QP3 and IF2 of the Borough Local Plan.

- 7 Prior to the first occupation of the development hereby permitted, the access from Gringer Hill shall be constructed in accordance with the approved drawings. The access shall thereafter be retained.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Policies QP3 and IF2 of the Borough Local Plan.

- 8 Prior to the first occupation of the development hereby permitted, vehicle parking spaces shall be provided in accordance with the approved Drawing Ref. 1877-UBU-XX-00-DR-L-0100 (Rev. P12) General Arrangement Plan dated 27 April 2023. The parking spaces approved shall be retained for parking in association with the

development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Policies QP3 and IF2 of the Borough Local Plan.

- 9 Prior to the first occupation of the development hereby permitted, details of the covered and secure cycle parking facilities shall be submitted to and approved by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Policies QP3 and IF2 of the Borough Local Plan.
- 10 Prior to the first occupation of the development hereby permitted, the electric vehicle charging facilities shall be provided in accordance with the approved Drawing Ref. 1877-UBU-XX-00-DR-L-0100 (Rev. P12) General Arrangement Plan dated 27 April 2023. The electric vehicle charging facilities shall be maintained in accordance with the approved details thereafter.
Reason: To ensure that the development is provided with adequate electric vehicle charging facilities. Relevant Policies - Policy QP2 of the Borough Local Plan.
- 11 Prior to the first occupation of the development hereby permitted, the refuse bin storage area and recycling facilities shall be provided in accordance with the approved Drawing Ref. P1056-SNUG-XX-00-DR-A-0211 Proposed Ground Floor Plan dated May 2023. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Policies IF2 and QP3 of the Borough Local Plan.
- 12 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees that are shown to be retained on the approved plan which is set out in the approved Arboricultural assessment & method statement (Ref: 21118-A4-CA) dated 4 May 2023, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.
Reason: To protect trees that contribute to the visual amenities of the site and surrounding area. Relevant Policies - Policies QP3 and NR3 of the Borough Local Plan.
- 13 Prior to the commencement of the development above slab level, a landscaping plan showing details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted, or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be

planted in the immediate vicinity.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Policies QP3 and NR3 of the Borough Local Plan.

- 14 Prior to the commencement of the development hereby permitted, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- (a) Risk assessment of potentially damaging construction activities;
- (b) Identification of "biodiversity protection zones";
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on the retained habitats and protected and priority species during construction (may be provided as a set of method statements);
- (d) The location and timing of sensitive works to avoid harm to biodiversity features;
- (e) The times during construction when specialist ecologists need to be present on-site to oversee works;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and,
- (h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To minimise impacts on biodiversity in accordance with Paragraphs 170 and 175 of the National Planning Policy Framework.

- 15 Prior to the commencement of the development above slab level, details of an external lighting scheme and how this will not adversely impact wildlife shall be submitted to and approved in writing by the Local Planning Authority. The report (if external lighting is proposed) shall include the following figures and appendices:

- A layout plan with beam orientation;
- A schedule of equipment;
- Measures to avoid glare; and,
- An Isolux contour map showing light spillage to 1 lux both vertically and horizontally, areas identified as being of importance for commuting and foraging bats, and positions of bird and bat boxes.

The approved lighting plan shall thereafter be implemented as agreed.

Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with Paragraph 180 of the National Planning Policy Framework.

- 16 Prior to the commencement of the development, details of a biodiversity net gain and habitat management plan for onsite delivery and monitoring of biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The plans should demonstrate how the 0.15 increase in habitat units and 0.52 increase in hedgerow units are delivered. Details shall include the following:

- Habitat management plan;
- Long term aims and objectives for habitats and species;
- Detailed management prescriptions and operations for newly created habitats, locations, timing, frequency, durations, methods, specialist expertise (if required), specialist tools/machinery or equipment and personnel as required to meet the stated

aims and objectives;

- A detailed prescription and specification for the management of the new habitats;
- Details of any management requirements for species specific habitat enhancements;
- Annual work schedule for at least a 30 year period;
- Detailed monitoring strategy for habitats and species and methods of measuring progress towards and achievement of stated objectives;
- Details of proposed reporting to the Council and the Council's Ecology Officer and proposed review and remediation mechanisms; and,
- Proposed costs and resourcing and legal responsibilities.

The biodiversity gain and habitat management plan shall be implemented in accordance with the agreed details and timetable, and all habitats and species specific measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To ensure the provision of biodiversity enhancements and a net gain for biodiversity. Relevant Policies - Policies NR2 of the Borough Local Plan.

- 17 Prior to the occupation of the development hereby permitted, details of biodiversity enhancements, to include but not be limited to the creation of hedgerows, wildflower grasslands, native species grasslands, scrub, green walls and vegetative gardens, the installation of bird and bat boxes, creation of loggeries and provision of gaps in any boundary fencing for wildlife to travel across the site, shall be submitted to and approved in writing by the council. A brief letter report confirming that the biodiversity enhancements have been installed, including a simple plan showing their location and photographs of the biodiversity enhancements, is to be submitted to and approved in writing by the Council.

Reason: To incorporate biodiversity in and around developments in accordance with Paragraph 175 of the National Planning Policy Framework.

- 18 Prior to the occupation of the development hereby permitted, details of noise attenuation measures set out in the approved Noise Impact Assessment (R/NIA/1/230310), prepared by auricl Limited, dated 10 March 2023, Version 02, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to occupation and retained.

Reason: To ensure a satisfactory level of amenity for all future residents of the development. Relevant Policies - Policies QP3, EP1 and EP4 of the Borough Local Plan.

- 19 Prior to the commencement of the development hereby permitted, a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. The assessment shall be carried out in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management (LCRM). The remediation strategy will include the following components:

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, and whether or not it originates on the site. The investigation and risk assessment shall be undertaken by competent persons. How to access and manage the risks from land contamination. The report shall include:

- a survey of the extent, scale, and nature of contamination;
- as assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, adjoining land, groundwater and surface waters, ecological systems and archaeological sites and ancient monuments; and,

- an appraisal of remedial options, and proposal of the preferred option(s).

(b) Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- all works to be undertaken, including proposed remediation objectives and remediation criteria, timetable of works and site management procedures; and,
- ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Verification Report

A verification report shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall provide details of the date that will be collected in order to demonstrate the completion of works set out in the approved remediation strategy in (b) and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The approved remediation strategy shall be implemented as approved. The Local Planning Authority shall be given two weeks' written notification prior to the commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy - Policy EP5 of the Borough Local Plan.

- 20 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The assessment shall be carried out in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management (LCRM). The remediation strategy shall include the following components:

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, and whether or not it originates on the site. The investigation and risk assessment shall be undertaken by competent persons. How to access and manage the risks from land contamination. The report shall include:

- a survey of the extent, scale, and nature of contamination;
- an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, adjoining land, groundwater and surface waters, ecological systems and archaeological sites and ancient monuments; and,
- an appraisal of remedial options, and proposal of the preferred option(s).

(b) Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for intended

use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- all works to be undertaken, including proposed remediation objectives and remediation criteria, timetable of works and site management procedures; and,
- ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Verification Report

A verification report shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall provide details of the date that will be collected in order to demonstrate the completion of works set out in the approved remediation strategy in (b) and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The approved remediation strategy shall be implemented as approved. The Local Planning Authority shall be given two weeks' written notification prior to the commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy - Policy EP5 of the Borough Local Plan.

- 21 Prior to the commencement of the development hereby permitted, a surface water drainage scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details;
- Supporting calculations based on infiltration testing undertaken in accordance with BRE365 confirming any attenuation storage volumes to be provided; and,
- Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.

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

Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere. Relevant Policy - Policy NR1 of the Borough Local Plan.

- 22 Prior to the commencement of any ground disturbance or groundworks, a programme of archaeological work including a Written Scheme of Investigation (WSI) where an archaeological monitoring exercise in the form of a Watch Brief, on a controlled strip of the area, to the required depth for the development, is likely to represent an appropriate programme of work, has been submitted to and approved in writing by the Local Planning Authority. The WSI shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording;

- The programme for post investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation;
- Nomination of a competent person or persons/organisation to undertake the works set out within the WSI; and,
- Early mitigation is recommended which would permit any archaeology found to inform on the design details of this development.

The Development hereby permitted shall take place in accordance with the approved WSI. The development hereby permitted shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved WSI and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric remains. The potential impacts of the development can be mitigated through a programme of archaeological work.

- 23 The development hereby permitted shall be carried out in accordance with the sustainability measures set out in the approved New Sustainability Statement for a New Application (Ref. 4300/HG/JP) dated 31 March 2023.

Reason: To provide sustainability enhancement. Relevant Policy: Policy SP2 of the Borough Local Plan.

- 24 The development hereby permitted shall be carried out in accordance with the approved plans listed out in the approved drawing schedule dated 29 August 2023.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

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