

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

6 July 2016

Item: 3

Application No.:	16/01667/FULL
Location:	Hard Edge 100 - 102 High Street Maidenhead SL6 1PT
Proposal:	Construction of building with retail at ground floor and 1 x 1 bed and 4 x 2 bed flats following demolition of existing building.
Applicant:	Shenley Estates
Agent:	Mr Stephen Harrington - Boyes Rees Architects
Parish/Ward:	Oldfield Ward

If you have a question about this report, please contact: Victoria Gibson on 01628 685693 or at victoria.gibson@rbwm.gov.uk

1. SUMMARY

- 1.1 Planning permission is sought for the demolition of the existing building with the construction of a four storey building comprising of a retail unit on the ground floor and 5 flats above. The proposal provides the opportunity to provide new homes in a sustainable location and would contribute to improving the vitality and viability of Maidenhead High Street. In addition, the new building and its shopfront would improve the appearance of this part of the High Street. Overall, the proposals would have a positive impact on the town centre.
- 1.2 In all other respects such as highway safety and living conditions of neighbouring and future occupiers the proposal is acceptable subject to conditions. A legal agreement will need to be entered into to restrict future occupants obtaining parking permits in order to accord with the Council's aims regarding sustainable travel.

It is recommended the Panel authorises the Borough Planning Manager:

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| 1. | To grant planning permission on the satisfactory completion of an undertaking to secure preclusion on future residents obtaining parking permits and with the conditions listed in Section 10 of this report. |
| 2. | To refuse planning permission if an undertaking to secure the preclusion on future residents obtaining parking permits has not been satisfactorily completed by 20th July 2016 for the reason that the proposed development would not create sustainable travel. |

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Borough Planning Manager delegated powers to determine the application in the way recommended as the proposal is for the approval of more than 2 net additional dwellings; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 100 - 102 High Street is sited within the Maidenhead Town Centre Conservation Area and within the primary retail frontage. The character of the area is predominately retail at ground floor with a mix of first floor uses. The existing building is two storeys and has no first floor front elevation details and offers no positive contribution to the character and appearance of the area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The current premises comprise of ground, first and basement levels and consist of two interconnecting shop units. The proposal comprises of the demolition of the existing building and the redevelopment of a three storey building with a significantly set back fourth storey. The

development will accommodate five residential flats whilst maintaining the retail use at ground floor together with the service access to rear. The third floor is formed within a mansard roof containing window dormers with a large roof terrace which is accessible to all residents. The proposal will be finished with traditional face brick and detailing window surrounds, cornices and capped parapet. The mansard roof will be finished in slate zinc and a low pitched roofing system. The rear facade will be finished in face brick with recessed balconies serving the residential flats at the rear. The new building will be of a similar height to that of the newly permitted scheme on 94-96 High Street and sympathetic in scale with its immediate surrounding buildings.

- 4.2 With regard to the planning history of the site application 14/02450 which proposed the construction of a three storey building with basement level, comprising of retail unit (A1) at ground floor and 5x 2 bed and 1x 1 bed self contained residential units above with associated cycle and refuse store was withdrawn on 2nd October 2014.
- 4.3 The applicant has also been in discussion with officers through the Council's pre application service and a number of design improvements have been secured.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections

Royal Borough Local Plan

5.2 The main strategic planning considerations applying to the site and the associated policies are:

Within settlement area	Highways and Parking	Conservation Area	Air Quality
DG1, H10, H11	P4, T5	CA2	NAP2
Maidenhead Area Action Plan	MTC1, MTC2, MTC4, MTC12, MTC14		

More information on these documents can be found at:
http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- Conservation Area appraisal - view at:
http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of the development;
- ii Impact on the character and appearance of the Conservation Area and neighbouring amenity;
- iii Future living conditions of occupiers of properties;
- iv Housing Mix;

v Highway safety and refuse collection; and

vi Air Quality.

Principle of Development

- 6.2 Residential development is supported in the town centre under Policy MTC12 of the Area Action Plan. The AAP recognises that town centre locations are becoming increasingly important as a place to live.
- 6.3 Furthermore, support can be given to the proposed redevelopment as it would preserve the character and appearance of the Conservation Area. The development is acceptable in principle as the site lies within a highly sustainable location and the development will provide additional homes. The development accords with national advice contained within the NPPF which favours such development in principle.

Impact on the character and appearance of the Conservation Area and neighbouring amenity

- 6.4 The existing building is formed within a small stretch of terraced buildings reflecting post war era typology, with white render and large window openings at first floor. The existing building is considered to be incongruous both to its surroundings and its location and neither in harmony with many taller buildings adjacent and opposite the site. This small stretch of terraced buildings offers very little positive contribution to the High Street with the abrupt gap in the street visually disrupting the flow of what otherwise is a charming series of varying window heights which differs from each and every building. The building eras also vary offering mixed period style architecture which all adds to the character of the Conservation Area. As such no objection is raised to the demolition of this building subject to its replacement being considered acceptable.
- 6.5 The existing ground floor shop front has a more contemporary appearance and the proposed shop front would give the building a more traditional appearance with stallrisers, pilasters and fascias reflecting Victorian proportions and design and this is an improvement.
- 6.6 The upper floors will also have a more traditional appearance to better fit with the existing mix of predominantly Victorian and Georgian-style. This will be achieved through the use of a traditional brick facade with windows of an appropriate style and scale, the use of stone cornice banding and the fourth floor set approximately 9 metres back so that it would not be viewed from the High Street. There are buildings in the High Street of a similar height and as such it will have an appropriate relationship with its neighbours.
- 6.7 Subject to securing external materials and details of the shop front and the mansard roof (see conditions 2 and 3 in section 10), the proposals will preserve the character and appearance of the Conservation Area and in arriving at this recommendation special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Future living conditions of occupiers of properties

- 6.8 The living accommodation will be of an appropriate size and there will be sufficient levels of natural light. Amenity space is provided via the means of balconies on the rear elevation and a roof terrace on the third floor.

Housing Mix

- 6.9 The proposal will provide good sized apartments and the mix is acceptable (Application 1 for 1 x 1 bed apartment and 4 x 2 bed apartments). The proposal accords with Policy MTC12 of the AAP and Policies H8 and H9 of the Local Plan

Highway safety and refuse collection

- 6.10 Parking is not proposed and it is recommended that the right to parking permits is withdrawn in order to create sustainable travel patterns given that the apartments are within the town centre where there are a range of services, facilities and access to public transport. A bike store will be provided in a secure, covered building and a communal bin store area will be provided. In terms of the existing shop units there will still be access to the rear service yard. The proposals accord with Policies DG1 and P4 of the Local Plan, and Policies MTC4 and MTC14 of the AAP.

Air Quality

- 6.11 Given that there will not be any parking at the site there will not be any impact on air quality directly attributable to the proposal. The proposal accords with Policy NAP3 of the Local Plan and Policy MTC4 of the AAP.

Other Material Considerations

Housing Land Supply

- 6.12 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It is acknowledged that this scheme would make a contribution to the Borough's housing stock and this weighs in favour of the development.
- 6.13 The Environmental Protection Officer raises no objection subject to conditions. However on reviewing these conditions they are not considered reasonable or necessary and therefore do not comply with national guidance regarding the imposition of planning conditions. The proposed ground floor use is to stay as an A1 (retail) use and therefore it is not considered necessary to condition its opening hours or hours of deliveries. Additionally, it is also unreasonable to request a noise survey to assess construction noise or to restrict the maintenance and repair of any plant.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 The Council's Community Infrastructure Levy (CIL) document was subject to examination in March of this year. While this development is likely to place additional pressure on local services and infrastructure, the CIL has not yet been adopted, so the development would not be liable for any financial contributions at this time.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

4 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 31st May 2016.

The application was advertised in the Maidenhead and Windsor Advertisers on 2nd June 2016.

No letters of support or objection have been received.

Other Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	No objections subject to conditions.	6.4 – 6.7
Highway Officer	Comments Awaited.	-

Environmental Protection	No objection.	-
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9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B - Plan and elevation drawings
- Appendix C - Views of the proposed development

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have been successfully resolved.

10. CONDITIONS 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. No development shall take place until full architectural detailed drawings at a scale of not less than 1:20 (elevations, plans and sections) of the new shopfront, windows (including stone surrounds and reveals), doors, down pipes, gutters, vents, roof parapet, cills, the stone bands and anti-pigeon measures have been submitted to, and approved in writing by, the Local Planning Authority. The development(s) shall be carried out and maintained thereafter in accordance with the approved details.
Reason: In the interests of the visual amenities of the area and the character and appearance of the Conservation Area. Relevant Policies - Local Plan DG1, CA2 and AAP MTC4.
3. No development shall take place until samples of the materials to be used on the external surfaces of the development(s), including a sample brick panel (incorporating Flemish Bond, the colour of the mortar and type of pointing to be used) as well as a sample panel of the zinc slate roof finish, have been submitted to, and approved in writing by, the Local Planning Authority. The development(s) shall be carried out and maintained thereafter in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy - Local Plan DG1, CA2 and AAP MTC4.
4. The measures set out in the document 'Planning Application Design and Access Statement' accompanying the application shall be implemented in accordance with the statement prior to the first occupation of any unit, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with Council's Supplementary Planning Document 'Sustainable Design and Construction'.
5. No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
6. No development shall be occupied until a refuse bin storage area and recycling facilities along with a scheme for the operational management of facilities to be provided for the storage and

emptying of refuse and recycling bins for the apartments have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided, managed and retained in accordance with the approved details and the apartments shall not be occupied until such facilities have been provided.

Reason: To enable satisfactory refuse collection to take place in the interests of highway safety and convenience and in the interests of visual amenity. Relevant Policies - Local Plan DG1 and AAP MTC4.

7. Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5 and AAP MTC4.

8. The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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