

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

31 August 2016

Item: 1

Application No.:	15/04274/VAR
Location:	Land West of Crown Lane Including Part Hines Meadow Car Park And La Roche And The Colonnade High Street Maidenhead
Proposal:	Outline application with landscaping reserved for redevelopment following demolition of part of Hines Meadow car park, La Roche and The Colonnade to include 162 apartments, 363m ² of Class B1 office space, 1045sqm of retail space (Class A1) and 987sqm of restaurant/cafe space (Class A3), creation of basement car parking, a new footbridge over York Stream and the replacement of the existing vehicle bridge to the existing car park, new pedestrian links, landscaping and alterations to the waterway to create a new public realm as approved under planning permission 12/02762 without complying with condition 1 (approved plans) to replace two plans and 65 (completion of waterways) to vary to the following, No dwelling within Block A (as identified on plan 747-2000E) shall be occupied until the works to the York Stream shown on plans 747-2000E and 747-3000B have been completed.
Applicant:	Shanly Homes Limited
Agent:	Mr Kevin Scott - Kevin Scott Consultancy Limited
Parish/Ward:	Oldfield Ward

If you have a question about this report, please contact: Daniel Gigg on 01628 796044 or at daniel.gigg@rbwm.gov.uk

1. SUMMARY

- 1.1 Outline planning permission was granted in 2014 for the redevelopment of the land to the north of the High Street in Maidenhead Town Centre. This is referred to as Phase 3 of the Chapel Arches development and is a mixed use scheme with commercial uses on the ground floor and residential development above. The buildings within the scheme would flank the York Stream.
- 1.2 The applicant has submitted an application to vary condition 65 which precludes development commencing on Phase 3 until the York Stream works secured under the Maidenhead Waterways permission (11/02183) have been carried out. The waterways planning permission is now being implemented and the applicant wishes to commence development in advance of the specific waterways works through the Chapel Arches development. The applicant will then carry out the widened York Stream improvements within the Chapel Arches scheme and have agreed to preclude occupation of part of the development until the works to the York Stream have been carried out. The Environment Agency, which previously requested the condition because of concerns about works being undertaken in isolation to the rest of the waterways improvements, now raise no objection given that the Maidenhead Waterways permission is being implemented.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.

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; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site contains a number of commercial premises including shops, beauticians and takeaways within the building known as The Colonnade. To the north of the Colonnade was a leisure centre building which has been demolished. Through the middle of the site are the York Stream and The Green Way.
- 3.2 In terms of the wider area, Phases 1 and 2 of the Chapel Arches development are under construction. The development is due to be completed later this year. The alterations to the York Stream are under construction to the north and south of Phase 3 of the Chapel Arches development.

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history is set out below:

Ref.	Description	Decision and Date
12/02762	Outline application with landscaping reserved for redevelopment following demolition of part of Hines Meadow Car Park, La Roche and The Colonnade to include 162 apartments, 363sqm of B1 office floorspace, 1045sqm of retail space and 987sqm of restaurant/café space, creation of basement car parking, a new footbridge over the York Stream and replacement of existing vehicle bridge to the existing car park, new pedestrian links, landscaping and alterations to the waterway.	Approved. May 2014.
15/03582	Reserved Matters application for landscaping	Approved. July 2016.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections - National Planning Policy Framework: Core planning principles (paragraph 17); Section 1 – Building a strong, competitive economy; Section 2 – Ensuring the vitality of town centres; Section 4 – Promoting sustainable transport; Section 7 – Requiring good design; Section 8 – Promoting healthy communities; Section 10 – Meeting the challenge of climate change, flooding and coastal change; and, Section 12 – Conserving and enhancing the historic environment.

Royal Borough Local Plan

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

	Within settlement area	High risk of flooding	Conservation Area	Listed Building	Protected Trees
	✓	✓	✓	✓	✓
Local Plan	DG1, ARCH2, ARCH3, ARCH4, SF1, SF2, SF3, NAP3, NAP4, R3, R4, R14, E1, H3, H6, H7, H8, H9, T5, T7, T8, P4,	F1	CA2	LB2	N6

	IMP1				
Maidenhead Area Action Plan	OA5, MTC1, MTC2, MTC3, MTC4, MTC6, MTC7, MTC8, MTC12, MTC14, MTC15, IMP2	MTC4			

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at:
- RBWM Parking Strategy - view at:

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Whether it is reasonable to amend the condition relating to the waterways; and,
- ii Other considerations

Whether it is reasonable to amend the condition relating to the waterways

6.2 Condition 65 of the original planning permission precluded commencement of the development until the improvements and alterations to the York Stream (herein 'the Maidenhead Waterways') as approved under the permission 11/02183 have been carried out.

6.3 The applicant originally proposed the widening to the York Stream in the 2012 application. However, during consideration of the application the EA raised concerns at the time that if the works were carried out in isolation to the approved waterways scheme then this would have a harmful impact on ecology. As such the applicant amended their plans to show the extent of the York Stream within Phase 3 of the Chapel Arches development to follow the same extent as the approved Maidenhead Waterways scheme.

6.4 The Maidenhead Waterways scheme is now underway with channel works being carried out both to the North and South of Phase 3. The EA have now commented that they no longer raise any concerns because the Maidenhead Waterways scheme is being advanced. Therefore, the EA consider that the widened York Stream within Phase 3 is acceptable. However, condition 65 is recommended to be amended but with a restriction on occupation of the apartments in Block A until the York Stream works are completed. In addition, it should be noted that condition 62 will require details of the banks and bed of the Stream to be submitted before development commences; this is to ensure that this will tie into the Maidenhead Waterways scheme.

Other considerations

6.5 The applicant has completed a Deed of Variation to re-secure the obligations relating to the original S106 Agreement.

6.6 There are no other changes to the proposals and the original planning permission will sit alongside this variation application. It should be noted that the widening of the York Stream would preserve the character and appearance of the Conservation Area and as such for the

purposes of the variation the statutory test under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is complied with. The widened waterway will reduce the width of some of the adjoining public realm areas although not to an unacceptable level. The wider body of water will become more of a focal point of the scheme which is important for the rejuvenation of this part of Maidenhead.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

210 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 2 June 2016

Statutory Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	As the Maidenhead Waterways works are now underway this is no longer a concern, therefore we agree that this condition need no longer apply. Works should be carried out in sympathy with the works being proposed / carried out by Maidenhead Waterways and condition 65 should be altered to reflect this.	6.4
Lead Local Flood Authority	Request a restriction in respect of occupation of Blocks A or B until the York Stream works are carried out.	6.4
Wycombe District Council	No objection.	Noted
Wokingham Borough Council	No comment.	Noted
Historic England	The Local Planning Authority can determine the application using their specialist conservation team.	Noted

Other Consultees

Consultee	Comment	Where in the report this is considered
Tree Officer	No comments	Noted
Environmental Protection Officer	No objection subject to conditions	Noted
Fire & Rescue Service	Comment on the requirement to comply with other Regulations.	This is not a relevant material consideration in the determination of the application.
Berkshire	No comment	Noted

8. APPENDICES TO THIS REPORT

- Appendix A – Previously approved layout plan
- Appendix B – Proposed layout plan and cross section

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

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.

9. CONDITIONS IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be carried out in accordance with the approved plans.
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans.
- 2 The relevant part of the development shall not commence until details of the landscaping (herein called 'the reserved matters') have been submitted to and approved in writing by the Local Planning Authority and that part of the development shall be carried out and completed in accordance with the details of the Reserved Matters so approved.
Reason: To accord with the provisions of the Town and Country Planning (Development Management Procedure) Order 2010.
- 3 Application(s) for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
Reason: To accord with the provisions of the Town and Country Planning (Development Management Procedure) Order 2010.
- 4 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 5 The development hereby permitted shall provide not less than 987 sqm (Gross Internal Area) of A3 floorspace.
Reason: To ensure that the mix of uses proposed within the scheme is maintained and that A3 floorspace currently on site is replaced. Relevant Policies - AAP MTC8 and OA5
- 6 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking and re-enacting those Orders with or without modification, the units hereby permitted in Use Classes A3 and the office in Class B1a shall not be used for any other purpose.
Reason: To ensure that the mix of uses proposed within the scheme is maintained and given the requirements of condition 5 and any change from B1a to B8 could have a detrimental impact on amenity and highway safety. Relevant Policies - AAP MTC4, MTC8 and OA5
- 7 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking and re-enacting those Orders with or without modification, the units hereby

permitted in Use Classes A1 shall only be used for the sale of comparison goods.

Reason: To ensure that there will be an appropriate mix of retail floorspace and given that the retail impacts were based on this figure. Relevant Policies - AAP MTC7 and OA5

- 8 No development shall commence until a Construction Environmental Management Plan to control the environmental effects of all demolition and construction activities for that part of the development, and containing all relevant Codes of Construction Practice, has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Environmental Management Plan shall include details of the strategy, standards, control measures and monitoring effects of the construction process and shall include:

- i) hours of working and periods of the year
- ii) access and parking for construction vehicles, plant and construction workers' vehicles and sustainable travel measures for construction workers
- iii) site layout and appearance, including measures to manage the visual impacts during demolition and construction, along with some public viewing points
- iv) site security arrangements, including hoardings and other means of enclosure
- v) health and safety
- vi) piling methods
- vii) foundation design
- viii) demolition techniques
- ix) measures to control dust
- x) details of access to retained premises within, and adjoining the development site, including the hours during which access will be available
- xi) details of the means of storage, disposal and removal of spoil waste arising from the excavation or construction works
- xii) demolition and construction waste arising from the development that will be recovered and reused on the site or on other sites, and a Site Environmental Management Plan
- xiii) measures to control noise
- xiv) protection of areas of ecological sensitivity
- xv) methods for all channel, bankside water margin works
- xvi) sectional plans showing the interface between the works and the watercourse

Reason: To protect the environmental interests (noise, air quality, waste, ground water, ecology, water quality) and amenity of the area and for highway safety and convenience. Relevant Policies - Local Plan CA2, LB2, DG1, NAP3, NAP4, T5, T7, ARCH2, AAP MTC4, MTC13, MTC1

- 9 No development shall commence until a site investigation is carried out and detailed remediation scheme is prepared to determine the nature and extent of any contamination present to bring that area to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to, and approved in writing by, the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (or an subsequent amendment or re-enactment of this Act) in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved details prior to the commencement of development, other than any development required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation carried out must be produced, submitted to, and approved in writing, by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried safely without unacceptable risks to workers, neighbours and other off-site receptors. Relevant Policy - Local Plan NAP4; AAP MTC4

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately in writing to the

Local Planning Authority. Prior to any further works in the affected area, an investigation and risk assessment, remediation scheme and verification report must be undertaken which will be the subject of the approval in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried safely without unacceptable risks to workers, neighbours and other off-site receptors. Relevant Policy - Local Plan NAP4; AAP MTC4

- 11 No development shall take place until a drainage scheme for the site to deal with surface water including disposal and the below ground drainage system based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall demonstrate the surface water run-off generated up to and including the 1 in 100 year storm with an allowance for climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Where a sustainable drainage scheme is to be provided, the submitted details shall :i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters and no infiltration into any contaminated land ii) include a timetable for its implementation; and provided a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall be carried out in accordance with the approved details and subsequently maintained.

Reason: To reduce the rate of surface water run-off in order to minimise the risk from flooding to accord with Requirement 5 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009), to minimise the risk of ground water pollution and because the Environmental Statement refers to the opportunity to reduce gully blockages and provide attenuation storage in the drains below ground. Relevant Policies - Local Plan, NAP4, AAP MTC4.

- 12 No development shall commence until details of the green roofs to be incorporated within the scheme and a programme for their implementation has been submitted to, and approved in writing by, the Local Planning Authority. The green roofs shall be provided in accordance with the approved details and programme and retained as such thereafter.

Reason: In order to enhance biodiversity of the site and to accord with Requirement 6 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (September 2009).

- 13 No development shall commence until details of the measures for the enhancement of biodiversity on the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In order to maintain and enhance the biodiversity of the site and to accord with Requirement 6 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (September 2009).

- 14 If within 12 months from the date of the approval of the last reserved matter the demolition of the buildings has not been undertaken, further bat surveys of the existing buildings in the relevant part of the development shall be carried out and these and any appropriate mitigation measures prior to demolition shall be submitted for the Local Planning Authority's approval in writing. Any mitigation measures that should be identified as part of these surveys shall be implemented and retained in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will not harm the protected species and its habitat, in accordance with the core principle of the National Planning Policy Framework.

- 15 Notwithstanding condition 14, the mitigation measures in respect of bats shall be carried out in accordance with aspect ecology Technical Briefing Note 'Assessment of Potential Ecological Effects on York Stream' (dated May 2013).

Reason: To ensure that the development will not harm the protected species and its habitat, in accordance with the core principle of the National Planning Policy Framework.

- 16 The 'Completion Report' by JKC Ltd in respect of Japanese Knotweed is acceptable under approval 15/02419/CONDIT as it confirms that none of this invasive species is present as set out in the

Reason: To eradicate the invasive species from the site to prevent it spreading during the development in the interests of the character and appearance of the area.

- 17 No demolition shall commence until a scheme of the de-culverting of the High Street culvert and its replacement, the removal of the Colonnade and construction of the new footbridge have been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate: no reduction in hydraulic capacity; the bridge deck being above the flood level of the 1 in 100 plus climate change flood level and that there will be no central pier; a maintenance schedule for the structures. The development shall be carried out in accordance with the approved details.

Reason: To minimise disturbance to ecological interests of the site and in the interests of the free flow of water along the York Stream.

- 18 The flood compensation shall be carried out in accordance with the approved Flood Risk Assessment Report 115141100115.502/A.1 dated May 2013.

Reason: In the interests of providing additional flood plain storage.

- 19 The residential elements of the development shall achieve at least Code for Sustainable Homes rating of Code Level 3 (or any such similar scheme and rating as may supersede CfSH). Within 3 months of the completion of the final dwelling in each relevant part of the development a BRE issued Final Code Certificate confirming that each residential unit built has achieved at least a Code for Sustainable Homes rating of Code Level 3 shall be submitted to the Local Planning Authority for approval.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Requirement 1 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009). Relevant Policy - AAP MTC4.

- 20 The non-residential elements of the development shall achieve a minimum post construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'Very Good' (or any such similar scheme and rating as may supersede BREEAM). Within 3 months of completion of the final commercial unit in each relevant part of the development a BRE issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of at least Very Good shall be submitted to the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Requirement 1 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009). Relevant Policy - AAP MTC4.

- 21 The development hereby approved shall derive at least 10% of its energy demand from on-site renewable energy and/or low carbon sources. The renewable and/or low carbon energy generation facilities shall be provided in accordance with the approved details that have first been submitted to and approved in writing by the local planning authority and retained as such thereafter.

Reason: To ensure that the development is sustainable and makes efficient use of energy and to comply with Requirement 3 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009). Relevant Policy - AAP MTC4.

- 22 Notwithstanding the approved plans no development shall take place until details of the size, location, layout, the physical separation of the commercial and household waste and position of openings of the waste/recycling storage and collection facilities including the number and type of compactors has been submitted to and approved in writing by the Local Planning Authority. The

waste capacity should be allocated between each waste stream as set out as a percentage of overall capacity: general refuse (50%); dry mixed recycling (45%); and food waste (5%). The development shall be carried out in accordance with the approved details and retained thereafter as approved.

Reason: To enable satisfactory refuse collection to take place in the interests of highway safety and convenience, to ensure effective waste collection services and to maximise recycling. Relevant Policies - Local Plan DG1, AAP MTC4.

- 23 Prior to first occupation a management strategy for collection of waste/recycling shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details pertaining to the operation of compactors and transfer of waste containers to and retrieval from an agreed collection point for emptying by the management company. The waste/recycling storage facilities shall be provided in accordance with approved details prior to first occupation and collection carried out in accordance with the approved strategy, and retained as such thereafter.

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

- 24 Waste compactors shall only be used for the compaction of household waste, the maximum compaction ratio for general waste shall be 2:1 and any compacted waste container presented for collection by the Council shall weigh no more than TBC.

Reason: To ensure effective and safe waste collection services can be provided for the development. Relevant Policies – Local Plan DG1, AAP MTC4

- 25 No development shall commence until details of a system of a site wide Closed Circuit Television (CCTV) strategy for buildings and public realm, including details of measures to ensure that CCTV footage is made available on request to the Police, the Local Planning Authority and the Highway Authority or potential to link into existing CCTV systems, the management, control and maintenance of the system, and of a programme for implementation, has been submitted to, and approved in writing by, the Local Planning Authority. The relevant part of the development shall not be occupied until details of the CCTV coverage for that part of the development have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details.

Reason: In the interests of safety and security. Relevant Policies - AAP MTC4.

- 26 No development shall commence until a schedule of measures to minimise the risk of crime and meet the specific needs of the development has been submitted to and approved in writing by the local planning authority. Any such security measures shall meet the standards of Secured by Design. The development shall be carried out in accordance with the approved details and subsequently retained.

Reason: In the interests of safety and security and to accord with Requirement PAP5 of the Royal Borough of Windsor and Maidenhead Supplementary Planning Document 'Planning for an Ageing Population' (September 2010). Relevant Policies - Local Plan, DG1, AAP MTC4.

- 27 All the apartments shall be constructed to Lifetime Homes standards as defined in the Joseph Rowntree Foundation publication 'Achieving Part M and Lifetime Homes standards' (or such document as amended or replaces the said publication) and 10 per cent of the total number of residential units shall be constructed so that they are easily adapted for residents who are wheelchair users in accordance with the publication 'Wheelchair Housing Design Guide', Habinteg Housing Association 2006 (or such document as amended or replaces the said publication). The apartments shall thereafter be retained as such.

Reason: In the interests of providing a range of accessible housing accommodation that will meet the needs of persons with mobility interests and to accord with the Royal Borough of Windsor and Maidenhead Requirements PAP1 and PAP5 of the Supplementary Planning Document 'Planning for an Ageing Population' (September 2010). Relevant Policy - Local Plan H9, AAP MTC4

- 28 No development shall commence until an external lighting scheme has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented before any of the external lighting is brought into use and thereafter the lighting shall be operated in

accordance with the approved scheme and maintained as operational. The scheme shall include the following:

- i) The proposed design level of maintained average horizontal illuminance for the site.
- ii) The proposed vertical illumination that will be caused by lighting when measured at windows of any properties in the vicinity.
- iii) The proposals to minimise or eliminate glare from the use of the lighting installation.
- iv) The proposed hours of operation of the light.

Reason: To ensure the development contributes to the visual amenities of the area and in the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - AAP MTC4, MTC6, OA1.

- 29 All buildings or premises to be used for purposes within Use Classes A1 and A3 shall open during the following hours: Monday to Thursday 0700 to 2400 Friday to Saturday 0800 to 2400 and Sunday 0900 to 2300

Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Local Plan NAP3, AAP MTC4

- 30 The rating level of the noise emitted from the plant and equipment shall be lower than the existing background level (to be measured over the period of operation of the proposed plant and equipment and over a minimum reference time interval of 1 hour in the daytime and 5 minutes at night dependent upon the operating hours of the proposed plant and equipment) by at least 10dB(A). The noise levels shall be determined 1m from the nearest existing or proposed noise-sensitive premises/residential premises. The measurement and assessment shall be made in accordance with BS 4142: 1997 'Method for rating industrial noise affecting mixed residential and industrial area'.

Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Local Plan NAP3, AAP MTC4

- 31 All plant and equipment and machinery, including ventilation plant and ducting, shall be installed and operated so as to prevent the transmission of vibration into any noise sensitive premises either attached to the building where the plant and equipment is installed.

Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Local Plan NAP3, AAP MTC4

- 32 The relevant part of the development shall not be occupied until details, including acoustic specifications, of all fixed plant and equipment associated with air moving equipment, compressors, generators, ventilation and plant or equipment of a like kind installed within any part of the development, has been submitted to and approved by the Local Planning Authority prior to operation.

Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Local Plan NAP3, AAP MTC4

- 33 Before any such equipment is installed within the relevant part of the development within Use Class A3 details of sound amplification including noise limiting devices, and the level they would be set at, and a system for sound insulation and acoustic ventilation shall be submitted to, and approved in writing by, the Local Planning Authority. The equipment, devices, sound insulation system and acoustic ventilation shall be installed and operated in accordance with the approved details and retained as such thereafter.

Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Local Plan NAP3, AAP MTC4

- 34 Before any external area in association with Use Class A3 is brought into use, details of the provision of amplified music within that area, including any music directed thereto from within any associated building or premises, shall be submitted to, and approved in writing by, the Local Planning Authority. The provision of amplified music within such area must thereafter take place only in accordance with the approved details.

Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Local Plan NAP3, AAP MTC4

- 35 Before an external smoking area is brought into use details shall be submitted to, and approved in writing by, the Local Planning Authority. The smoking areas shall be built in accordance with the approved details and retained thereafter.
Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings.
Relevant Policies - Local Plan NAP3, AAP MTC4
- 36 No development shall commence until details of all the measures to be taken to acoustically insulate all habitable rooms against environmental and operational noise, together with details of the methods of providing acoustic ventilation have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter. The following internal noise design criteria will apply to all new residential units built as part of this development: Indoor ambient noise levels in residential units unoccupied and unfurnished: 0700 to 2300 hours noise level 40dB LAeq,16 hours; 2300 to 0700 hours noise level 40 dB LAeq,8 hours; 2300 to 0700 hours noise level 40 dB LAmax
Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings.
Relevant Policies - Local Plan NAP3, AAP MTC4
- 37 No development shall commence until details of sound insulation to be provided between the commercial use below and the residential development to demonstrate that the residential units will be designed and built to ensure that the sound reduction between the two uses is capable of achieving an internal noise level within the residential unit of 10dB below the daytime and night time standard specified above, please refer to the table below, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter. Indoor ambient noise levels in residential units unoccupied and unfurnished: 0700 to 2300 hours noise level 20dB LAeq,16 hours; 2300 to 0700 hours noise level 20 dB LAeq,8 hours; 2300 to 0700 hours noise level 35 dB LAmax
Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings.
Relevant Policies - Local Plan NAP3, AAP MTC4
- 38 No development shall commence until a noise study to demonstrate that the proposed residential element has been designed so that cumulative noise from commercial sources at outdoor living areas does not exceed the following table has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter. Outdoor ambient noise levels: 0700 to 2300 hours noise level 55dB LAeq,16 hours; 2300 to 0700 hours noise level 50 dB LAeq,8 hours; 2300 to 0700 hours noise level 60 dB LAmax
Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings.
Relevant Policies - Local Plan NAP3, AAP MTC4
- 39 The service areas in the relevant part of the development shall not come into use until noise impact assessments to determine the noise impact on noise sensitive receptors using the criteria in conditions 36, 37 and 38 along with any appropriate mitigation measures shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings.
Relevant Policies - Local Plan NAP3, AAP MTC4
- 40 Any vehicle used for commercial purposes, including fork lift trucks, shall only be started up, manoeuvred, operated, loaded or unloaded between 0700 and 1900 hours Mondays to Fridays and between 0900 and 1700 hours on Saturday between the hours of 10.00 and 16.00 on Sundays and public holidays.
Reason: In the interests of the amenity of future, and adjoining, occupiers of land and buildings.
Relevant Policies - Local Plan NAP3, AAP MTC4
- 41 The relevant part of the development shall not be occupied until details of ventilation and filtration equipment to be installed in any commercial cooking areas have been submitted to and approved in writing by the Local Planning Authority. Such equipment shall be installed prior to first occupation and retained as approved and shall be maintained in good working order at all

times.

Reason: To protect the amenities of the area. Relevant Policy - Local Plan NAP3, AAP MTC4.

- 42 No development shall commence until details of ventilation equipment to be installed in the underground car parks has been submitted to and approved in writing by the local planning authority. Such equipment shall be installed and retained as approved and shall be maintained in good working order at all times.
Reason: To protect users of the car park from a build up of vehicle fumes. Relevant Policies - Local Plan NAP3, AAP MTC4
- 43 The relevant part of the development shall not commence until samples of all materials to be used on the external surfaces of the buildings and surfaces within that part of the development, including the internal surfaces to the car park including its access and servicing bays for the relevant building, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy - Local Plan DG1; Area Action Plan MTC4, MTC6, OA5.
- 44 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 (Flemish bond for the building referred to as Block C and the High Street frontage for Block A, and stretcher bond for the rest of the development, the colour of the mortar and type of pointing to be used) and sample ashlar stone panel 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 - Royal Borough of Windsor and Maidenhead Local Plan DG1, CA2.
- 45 No development shall take place until full architectural detailed drawings at a scale of not less than 1:20 (elevations, plans and sections) of shopfronts, windows (including surrounds), doors, down pipes, gutters, vents, soffits, cornices, ridge details to roofs, balustrades, balconies, bands of materials, stone detailing and any other decorative features including where appropriate re-use of materials in the existing Colonnade building 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 - Royal Borough of Windsor and Maidenhead Local Plan DG1, CA2.
- 46 All access gates or building doors abutting the highway or the new streets and spaces within the development shall open away from the aforementioned areas when opening or when in the open position.
Reason: In the interests of pedestrian and highway safety. Relevant Policies - Local Plan DG1, AAP MTC4, MTC14
- 47 The relevant part of the development shall not be occupied until the cycle parking arrangements have been provided in accordance with the approved plans. The cycle parking shall be retained as such thereafter.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1, AAP MTC4, MTC14
- 48 No demolition or construction shall commence until the Highway Works Strategy for the provision of works to the local highway network required during construction, and prior to any part of the development being brought into use has been submitted to, and approved in writing by, the Local Planning Authority. In relation to the construction phase, the Highways Works Strategy shall be consistent with the Construction Strategy and Phasing Programme. Following approval of the Highway Works Strategy:
- i) no demolition or construction in relation to the relevant part of the development is to

commence until the works identified by the approved Highway Works Strategy as being required in relation to the demolition within or construction of that part of the development have been completed; and

ii) no part of the development shall be brought into use until the works to the highway identified by the approved Highway Works Strategy as being required before that part of development may be used have been completed.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan DG1, AAP MTC4

49 The relevant part of the development shall not be occupied until a detailed servicing strategy, including hours of operation, has been submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and the free flow of traffic and in the interests of the living conditions of occupiers of existing buildings and future occupiers of the development. Relevant Policies - Local Plan DG1, AAP MTC4, MTC14

50 The parking spaces approved shall be laid out and surfaced for up to 159 car parking spaces and retained for parking in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1, AAP MTC4, OA5.

51 Any part of the development that oversails the public highway shall be a minimum of 2.5 metres above natural ground level at any point for pavements and shall be a minimum of 5.5 metres above natural ground level at any point for roads.

Reason: In the interests of pedestrian and highway safety, and the free

52 Block B shall not commence until the access to Block B and the bridge from Crown Lane into the Hines Meadow Multi-storey car park has been constructed in accordance with details submitted to and approved in writing by the local planning authority. The approved access shall thereafter be retained.

Reason: In the interests of pedestrian and highway safety, the free flow of traffic and to ensure the future use of the York Stream would not be compromised. Relevant Policies - Local Plan DG1, AAP MTC4, MTC14

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

Reason: In the interests of pedestrian and highway safety, and the free flow of traffic. Relevant Policies - Local Plan DG1, AAP MTC4, MTC14

54 The details set out in the report by Archaeological Solutions 'Written Scheme of Investigation for an Archaeological Evaluation' (dated 26th October 2015) provides an appropriate programme of archaeological work as approved under 15/04219/CONDIT.

Reason: To ensure the continued preservation in situ or by record of any finds made in this area of archaeological interest. Relevant Policies - Local Plan ARCH2, ARCH3, ARCH4.

55 No development shall commence until details of all finished slab and floor levels for the buildings and associated flood resilience/resistance measures and the finished level of the streets and spaces in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interest of the visual amenities of the area and to minimise flood risk to future occupiers of the buildings. Relevant Policies - AAP MTC4.

56 Any trees, shrubs or hedges felled, removed or destroyed or any that die, become seriously diseased within 5 years from completion of the development shall be replaced within the same species in the next planting season unless the local planning authority gives its written consent to any variation.

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development. Relevant Policies - Local Plan DG1, N6

- 57 No development shall commence until full details of measures to ensure the continued effective operation of all outfalls during both the construction and operational phases has been submitted to and approved in writing by the Local Planning Authority. If any proposed mitigation measure requires the permission of a third party and the applicant is unable to obtain such permission, then an alternative measure will need to be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed as approved prior to the construction of any building on the site and shall be permanently retained and maintained in effective working order thereafter.
Reason: To minimise flood risk. Relevant Policies - Area Action Plan MTC4.
- 58 No development or other operations on site shall take place until an arboricultural method statement has been submitted to and approved in writing by the local planning authority. The statement shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special constructions works within any defined tree protection area on or off-site. The development shall be carried out in accord with the approved statement.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan CA2, GB2, DG1, N6; Area Action Plan MTC3, MTC4.
- 59 The windows in the following ground floor elevations of the commercial and retail premises: west facing elevation of Block A; north elevation in Block B; and east facing elevation of Block C shall be glazed with clear glass for the fascia to the sales area and there shall be no obstruction associated with the retail unit that restricts views into the premises.
Reason: In the interests of the visual amenities of the area and to give an appropriate relationship of the building to the street. Relevant Policies - Local Plan DG1, AAP MTC4, OA5.
- 60 No development shall commence until details of the re-located pedestrian access into the St Mary's Church grounds has been submitted to and approved in writing by the local planning authority. The re-located access shall be constructed prior to any demolition taking place to facilitate the erection of Blocks B or C within the application site.
Reason: To ensure continued access is provided for the Church in the interests of its vitality and viability and the wider Conservation Area. Relevant Policies – Local Plan CA2, AAP MTC4
- 61 No development shall commence until details, including the management/maintenance arrangement to ensure 24 hour access, of the external lift to and from the Green Way has been submitted to and approved in writing by the local planning authority.
Reason: To ensure unrestricted access is provided to the Green Way. Relevant Policies – Local Plan R14, AAP MTC4, MTC14
- 62 Notwithstanding the approved plans, no development shall commence until details of the banks to the York Stream and the depth of the bed of the Stream have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter.
Reason: In the interests of the visual appearance of the area and to ensure that the York Stream within this development can connect to the adjacent parts to the North and South of the site. Relevant Policies - Local Plan CA2, AAP MTC4
- 63 No development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1, CA2, AAP MTC4.
- 64 Notwithstanding the submitted plans, no development shall commence until details of the mitigation measures for the wind microclimate as set out in section 7 of the RWDI Report 'Pedestrian Level Wind Microclimate Assessment Desk Study' have been submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation and retained as such thereafter.

Reason: To ensure that the wind microclimate and the levels of daylight/sunlight would result in an acceptable level of amenity within and around the development. Relevant Policies - AAP MTC4, OA5

65 No dwelling within Block A (as identified on approved plan 747 - 2000 E) shall be occupied until the works to the York Stream shown on plans 747 - 2000 E and 747 3000 B have been completed..

Reason: In the interests of the ecological value of the York Stream. Relevant Policies - AAP MTC4, OA5

66 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.