



Appeal Decision

Hearing held on 16 and 17 May 2023

Site visit made on 17 May 2023

by C Masters MA (Hons) FRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 June 2023

Appeal Ref: APP/T0355/W/22/3309308

Mattel House, Vanwall Road, Maidenhead, SL6 4UB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Bellway Homes against the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/01391/FULL, is dated 18 May 2022.
 - The development proposed is demolition of the existing building and construction of 91 residential units together with associated landscaping, car parking and infrastructure works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing building and construction of 91 residential units together with associated landscaping, car parking and infrastructure works at Mattel House, Vanwall Road, Maidenhead, SL6 4UB in accordance with the terms of the application, Ref 22/01391/FULL, dated 18 May 2022, subject to the conditions set out on the attached schedule.

Application for costs

2. An application for a partial award of costs was made by the appellant at the hearing. This application is the subject of a separate decision.

Preliminary Matters

3. This appeal was made against the failure to determine the application within the prescribed time period. Since the appeal was lodged, the Council has indicated that had it been in a position to determine the application, it would have refused it for the reasons set out within the Council's hearing statement. The Section 106 Agreement addresses putative reasons for refusal 2 and 3. The remaining putative reasons have formed the main issues for consideration in the appeal.
4. The appellant submitted an unsigned Section 106 Agreement to the hearing. This was discussed at the hearing, and I allowed a short amount of time after the hearing for the document to be signed. The signed version was received on 31 May 2023. The agreement made includes a number of obligations and provisions for payments to be made to the Council in relation to a carbon offset fund and travel plan monitoring. I shall return to these matters below.

5. There was no dispute that the Council cannot currently demonstrate a five-year supply of housing. It was agreed between the parties that the Council currently have a supply of 4.69 years.

Main Issues

6. Having regard to the above, the main issues in this appeal are:
- The effect of the proposal on the character and appearance of the area
 - The effect of the proposal on employment floorspace within the borough (to include the fall back position)
 - Whether the proposal would provide an acceptable standard of accommodation

Reasons

The effect of the proposal on the character and appearance of the area

7. The application site is located within the Vanwall Business Park, which comprises a mix of relatively modern office buildings accessed along Vanwall Road. There is no predominant pallet of materials or dominant roofline across the business park. There is also no distinctive or cohesive pattern to the location of the buildings or architectural character and form of the buildings which vary between 8-15m in height. Some buildings, such as the appeal site and Maiden House are located flush to the pavement boundary, other buildings such as Abbott House and Geoffrey House are set much further back into their individual sites and are dominated by surface level car parking. The application site is located within the central part of Vanwall Road and contrary to the suggestion by the Council, I can see no merit in the view that the site lies within a prominent location.
8. Whilst the dominant use is employment use, there are notable exceptions to this in the form of Maiden House and Monaco House which are in residential use. These buildings are located relatively close to the vehicle entrance off Norden Road with balconies and soft landscaping providing a clear residential appearance to this part of the business park.
9. The principal concerns of the Council appear to relate to the height, scale and density of the proposed building. In terms of building height, I acknowledge that the 5 storey element of the proposal at 17m would be 2m taller than the tallest existing buildings on the business park at Quantum House and Innovation House. However, this difference in height would not lead to a significant contrast with the neighbouring properties and would be in keeping with the existing variety of building heights in the area. Similarly, in terms of scale, the building was described as 'monolithic'. Given the existing mix of heights, roof detailing and architectural styles within the immediate area, I am of the view that the proposed buildings would be proportionate in scale to both the site and its surroundings. In terms of density, the Council referred back to their concerns regarding the height of the building which I have addressed above. The proposal would not conflict with any development plan policies or the Supplementary Design Guidance in relation to density.
10. The Council raised specific concerns regarding the proposed building being located flush to Vanwall Road and thus harmful to the character and

appearance of the area. I disagree. There is no clear established building line across the business park. The proposed building would replace the existing office building located flush to Vanwall Road with a 4 storey residential property to Vanwall Road, gradually extending to 5 storeys set back from Vanwall Road. The elevations would be appropriately articulated through fenestration detailing and vertical bays and balconies to provide a high quality design response. My attention was drawn to the view across the site from the neighbouring Abbott House car park, however from what I saw on the site visit there is no particular rationale behind why this view is an important one. The design and access statement sets out in some detail an assessment of the proposed buildings from a number of vantage points across the business park as a whole. I am satisfied that this report provides a comprehensive assessment and demonstrates that the proposed development would be of an appropriate scale and mass to its location. There is no merit in the suggestion that this building would in anyway dominate this particular part of the overall street scene.

11. To conclude, the proposal would accord with policy QP3 1 (b) of the Windsor and Maidenhead Local Plan (RBWMLP) 2022 which advises, amongst other things, that development will be considered high quality design and acceptable where it respects and enhances the local environment, paying particular regard to urban grain, layout, density, height and massing.

The effect of the proposal on employment floorspace within the borough (to include the fall back position)

12. The appeal site is located within the Vanwall Business Park which is defined as a protected employment site under policy ED2. Part 3 of the policy advises that within business areas, an element of residential development may be acceptable in mixed use areas but it must ensure that the overall quantum of employment floorspace within the mixed use area as a whole is not reduced, except where identified in the proforma of the plan. Part 6 of the policy goes on to advise that for all sites, a 'nil net loss' of commercial floorspace principle will apply. Part 7 of the policy outlines an exception test. This identifies that where redevelopment does not provide full replacement space the Council will require market evidence to justify this loss, using policy ED3 and appendix D as a guide. Policy ED3 parts 3, 4, 5 and 6 go on to set out what is expected in terms of the marketing exercise to be undertaken. In particular part 4 of the policy states that the scope of the marketing exercise should be formally agreed with the Council. I should point out that in my view, both parties were at fault here in terms of not seeking to agree the scope of the marketing exercise when the application was submitted.
13. The Council appointed AspinallVerdi (AV) in November 2022 to advise in relation to the marketing evidence submitted. At the hearing, I heard that this advice extended to the interpretation of the aforementioned policies. The Framework is clear (paragraph 16) (d) that policies should be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. In my view the policies as they stand achieve this.
14. AV produced a 35 point policy matrix of requirements for the marketing exercise to meet. This added an unnecessary additional tier of complication to what should have been a relatively straight forward exercise. Namely, to demonstrate whether the proposal would cause unacceptable harm to the local economy.

15. The marketing evidence before me clearly explains how the exercise commenced in September 2019 and has been continuous since this time. Marketing had been undertaken for approximately 2.5 years before the application was submitted, well in excess of the one year requirement outlined at policy ED3(4). The document provides a comprehensive and robust assessment of the existing office market, both relative to the Thames Valley area and specific to Maidenhead, outlines key transactions in some detail as well as the existing overall supply and sets out a detailed assessment of the marketing exercise undertaken to date on an all enquiries basis including the interest expressed, by whom and on what basis. To my mind, there can be no doubt that this evidence clearly demonstrates that the relevant steps outlined within the policy have been met and the marketing exercise accords with the development plan requirements.
16. The Council's concern was in relation to the fact that the appellant had not sought professional valuations from at least three independent agents to confirm the advertised prices were reasonable. AV confirmed that on the basis of the comparable evidence presented to support the asking price sought, the asking price had been justified. AV also confirmed that should further valuations be obtained, it would be unlikely the values reported would be significantly different to the values marketed by the appellants. Taking into account this professional view, supported by the very clear evidence from the appellant on this matter, I would concur with this assessment.
17. To conclude, the marketing evidence is comprehensive and compelling. It clearly demonstrates that the premises have been extensively marketed for a wide range of economic uses for a period of time well in excess of the 12 month requirement identified by the development plan policies. The proposal would result in the net loss of employment floorspace and would as a result conflict with policy ED2 parts 3 and 6 of the RBWMLP. The proposal would however accord with the exception test outlined at part 7 of the policy. The proposal would accord with marketing evidence requirements outlined at policy ED3 of the RBWMLP. My attention has also been drawn to policy ED1 of the RBWMLP which is a general economic development policy and refers to the allocation of town centre office sites as well as industrial and warehousing space. It is not directly related to the issue before me.

The Fallback Position

18. The parties differ as to the weight to be attached to the fall back position which would, through the existing prior approval, deliver 28 residential units.
19. The appellant has submitted evidence to confirm their intention to implement the fall back position. I also note that the development at Maiden House within the business park introduced residential use through the implementation of a prior approval, demonstrating a clear example of the delivery of housing through this method. I have also been referred to another scheme within the borough where the Council attached significant weight to the fall back position. In the case of this appeal, I have no evidence to the contrary to suggest that this would not be forthcoming. On the basis of the evidence before me, there is a greater than a theoretical possibility of the prior approval being implemented. In light of this, I attach significant weight to the fall back position.

20. My attention has been drawn to two recent appeal decisions¹ which address this matter. Whilst I acknowledge that these schemes are in different local authorities, locations and with different development plan requirements, nevertheless they provide useful comparisons and I concur with the approach taken in both of these instances.

Whether the proposal would provide an acceptable standard of accommodation

21. The Council's concerns in this regard are twofold – firstly, the number of single aspect units and secondly the amount of amenity space (both communal and with reference to the depth of the individual balconies). I deal with each matter in turn.
22. From the outset, it is important to be clear regarding the development plan requirements in this regard. These are set out at policy QP3(I) of the RBWMLP which states that new development will be expected to contribute towards achieving high quality sustainable design through, amongst other things, providing sufficient levels of high quality private and public amenity space.
23. My attention has also been drawn to the Borough Wide Design Guide Spatial Planning Document (SPD) adopted June 2020. This Guidance document states at principle 7.4 that dual aspect accommodation will be strongly encouraged for all types of development to facilitate cooling of internal spaces. Single aspect development that relies on air conditioning to keep internal space cool will be strongly resisted. The appellant confirmed that this was not part of the appeal proposals. Principle 8.3 of the SPD guidance states that dual aspect dwellings are strongly encouraged and where single aspect dwellings are proposed, developers should demonstrate how good levels of ventilation, daylight and sun access will be provided to habitable spaces. Single aspect residential units that are north facing should be avoided.
24. Notwithstanding the above, the officer advised that the Council's concerns in relation to the single aspect units related specifically to the issue of ventilation. This was in direct contradiction to the conclusions drawn within the committee report on this matter. This position was not supported by any technical analysis, and I note the Environmental Health Officer has not raised any objections in relation to this issue. On this basis I find this assertion without merit.
25. 49 of the proposed units would be single aspect. None of these would be north facing and there was agreement between the parties that the proposal would deliver an appropriate level of daylight and sunlight to the habitable spaces. The appellant has referred to several other examples within the borough where the Council have applied the SPD guidance in a flexible manner, and I agree that it should also be applied flexibly in the case of this appeal. In any event, the location and orientation of the blocks would mean that they would achieve a good standard of residential amenity in this regard and there would in my view be no conflict with the SPD guidance in this regard or the RBWMLP policy QP3(I).
26. Turning to consider the amount of communal amenity space to be provided, the SPD advises at principle 8.6 that a minimum of 10sqm of communal outdoor amenity space per flat must be provided, therefore totalling some

¹ APP/F5540/W/17/3177092 and APP/C5690/W/19/3220004

910sqm. The guidance also states that the space should be easily accessible to all residents. The appellant has set out how 754sqm of communal space would be provided at a podium level which would be directly accessible from the cores of blocks A, B and C. Whilst I acknowledge that the units in block D would not have direct access, they would nevertheless benefit from the use of the communal space as well as private amenity space which could realistically be the preferred amenity space for these residents given that this block is located fronting a no through road. I do not consider that this in itself would be a sufficient reason to withhold the grant of planning permission. Additional areas of soft planting around the site would mean that the numerical guideline of 910sqm would be comfortably exceeded.

27. In relation to the individual balconies of the residential units proposed, the SPD advises at principle 8.5 that terraces to ground floor properties should be a minimum of 3m deep, balconies should be a minimum of 2m in depth and wider than their depth and should provide a minimum floor area of 5sqm for a 1-2 person home. Whilst all of the units would be provided with private amenity space, a significant majority of the proposed balconies would not meet the 2m depth guidance, and similarly they would also fall short of the guidance in relation to the floor area of the individual balconies. The appellant has set out in some detail the potential impacts in terms of overshadowing and loss of amenity for residents on lower levels of the building if deep balconies are to be achieved. They have also referred me to other recent schemes within the same borough where balcony depths comparable with those proposed have been permitted. The proposed balconies would be compliant with the relevant building regulation requirements and would be orientated to receive good levels of sunlight. Overall, I am satisfied that on the basis of the information presented, the proposal would provide a satisfactory standard of residential amenity.
28. I therefore conclude on the final main issue, the proposal would provide an acceptable standard of accommodation, and would accord with policy Q3 (I) of the RBWMLP which advises, amongst other things, that new development will be considered high quality and acceptable if it provides sufficient levels of high quality private and public amenity space.

Planning Obligation

29. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) state that a planning obligation may only constitute a reason for granting planning permission if the obligation is:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development;
 - Fairly related in scale and kind to the development
30. Paragraph 57 of the Framework reiterates these tests.
31. The completed s106 planning obligation makes provision for the following:
- 28 affordable housing units
 - £62,569.89 towards a Building Emissions Contribution
 - £104,104 towards a Lifestyle Contribution

- Shortfall contribution (if necessary) subject to the criteria defined at pages 7 and 8 of the agreement
 - £ 4121 towards a Travel Plan monitoring fee
32. The Council produced a CIL compliance statement. This did not address the travel plan monitoring fee. From discussions and the subsequent submission of the Planning Obligations and Developers Contributions (2014) SPD on this matter, the parties appear to have arrived at the figure utilising the approach set out within the SPD. I am therefore satisfied that the obligation would be necessary and would meet the tests contained within Regulation 122.
33. The contributions in relation to the Carbon Offset Fund (building emissions contribution, lifestyle contribution and shortfall contributions) are addressed by the CIL compliance statement. This document advises that the contributions are necessary in order to satisfy the requirements of policy SP2 of the Local Plan. However, policy SP2 of the RBWMLP requires all developments to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change and makes no reference to a carbon offset fund or planning obligations.
34. I was referred to a document entitled 'Position Statement on Sustainability and Energy Efficient Design', March 2021. This document was not subject to any form of public consultation, nevertheless, it defines a charging scheme. The Planning Practice Guidance is clear that policies for planning obligations should be set out in plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. The PPG goes on to note that it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination. On this basis, I attach only very limited weight to this document.
35. The Council provided three other legal agreements to demonstrate how this approach had been used on other sites within the borough. Only one of these appears to relate to a planning appeal, however I do not have the details of that case available to me and in any event must determine this appeal on the basis of the evidence before me.
36. On this basis, I am not satisfied that it has been demonstrated that any of the obligations in relation to the Carbon Offset Fund (building emissions contribution, lifestyle contribution and shortfall contribution) are necessary to make the development acceptable in planning terms and they would fail to meet the tests contained within Regulation 122 outlined above.

Other Matters

37. Two letters of representations were made at the planning application stage and raised concerns regarding the impacts on local infrastructure and car parking provision. None of the relevant statutory consultees have raised any objections in relation to these matters and I have no evidence before me which would lead me to reach a different conclusion in relation to these matters.

Benefits

38. Turning to consider the benefits of the proposal, there is a general imperative to boost the supply of housing land, as identified by the Framework. The delivery of dwellings in an authority which does not have a 5 year supply of housing sites to my mind attracts substantial weight. The proposal would also deliver a policy compliant level of affordable housing at 28 units in accordance with policy H03 of the RBWMLP. In a borough where there is a very clear need for such provision to be made, I also attach substantial weight to this affordable housing delivery.
39. The proposals would also deliver a number of economic benefits in terms of job creation, albeit temporary in terms of the construction phase of the development. There would also be economic benefits in terms of spending generated by future occupants. Conversely, the proposal would result in the permanent loss of approximately 3000sqm of employment floorspace in the borough, although I acknowledge that the space has been vacant for a number of years. Nevertheless, in light of this I attach only limited weight to these economic benefits.

Whether the proposal conflicts with the development plan as a whole

40. The parties agree that there is currently no five year housing supply in Maidenhead and Windsor. Accepting the agreed housing land supply position is 4.69 years, in an authority with a relatively recently adopted Plan this shortfall is still significant. Paragraph 11 (d) of the Framework and the associated footnote 8 is engaged and the lack of a 5 year supply of housing sites means that the policies most important for determining this appeal are deemed to be out of date.

Planning Balance

41. It is common ground that the tilted balance identified within the Framework and as set out above has been engaged. In the case of this appeal, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
42. The proposal would conflict with the no nil loss of employment floorspace principle set out at policy ED2 part 6. However, the proposal would accord with the exceptional case tests outlined at policy ED2 part 7.
43. The benefits arising from the proposed development would be substantial. I have concluded that the benefits of housing delivery and affordable housing should all individually carry substantial weight. I have attributed only limited weight to the economic benefits the proposal. I have also attached substantial weight to the fall back position which to my mind presents a very real and credible fall back position.
44. The Council have referred me to the Written Ministerial Statement on changes to the Planning System published in December 2022. In their view, this is a material consideration to which significant weight should be placed. In my view, the document outlines proposals for consultation rather than an immediate change to government policy. As such, I place only very limited weight on this document as part of the overall planning balance exercise.

45. I have identified no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. In the case of this appeal, I conclude that the material considerations of the appeal are such that they outweigh the conflict with the development plan.

Conditions

46. The Council and the appellant provided a list of agreed conditions which they considered would be necessary in the event that planning permission be granted. These are set out on the attached schedule. I have amended the wording where necessary for precision. I have also deleted suggested conditions in relation to the closure of the existing vehicular access, the use of the amenity space and reference to satellite dishes to the Sydenham Park facing elevation as these are not relevant to the appeal proposal. Some of the conditions require matters to be approved before development is commenced. The appellants have agreed to the pre commencement conditions.
47. Condition 1 presents a standard implementation condition and condition 2 details the drawings hereby approved. These are necessary for certainty. Condition 3 covers the submission of the external materials to be used in the interest of the character and appearance of the area. Condition 4 requires the details of the refuse storage areas and recycling facilities to be provided in accordance with the approved drawings, this is necessary to ensure that waste facilities are adequately provided for at the site. Conditions 5 and 6 cover the submission of both hard and soft landscaping details and are both reasonable and necessary to ensure the appearance of the development is acceptable. Condition 7 seeks to ensure the replacement of the approved trees and plants if they die, are removed or seriously damaged within a period of five years, to ensure the appearance of the development is satisfactory. Condition 8 prevents the use of the flat roof as a balcony or garden in the interests of safety. Condition 9 covers the sound insulation measures to be provided at the residential units in the interest of residential amenity, including the requirement for the submission of a sound insulation scheme.
48. In order to ensure the appearance of the development is acceptable, a condition is necessary to cover the submission of the boundary treatment and their installation in accordance with the approved details. In the interest of sustainable travel, a condition is attached to ensure the cycle parking is made available prior to the occupation of the development. Condition 12 covers the submission of an external lighting strategy and subsequent to this, condition 13 requires the submission of biodiversity enhancements in the interest of biodiversity.
49. Details of a surface water drainage scheme are covered by conditions 14 and 15 and these details are necessary to ensure the development adequately addresses this issue. Finally, conditions requiring the car park to be laid out including provision for electric vehicle charging points are both necessary and reasonable in the interests of sustainable travel.

Conclusion

50. For the reasons given above I conclude that the appeal should be allowed.

C Masters

INSPECTOR

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.
2. The development hereby approved shall in all respects accord strictly with the application plans :OVM-RMA-ZZ-ZZ-DR-A-0001_S3_P1 , OVM-RMA-ZZ-ZZ-DR-A-0002_S3_P1 , OVM-RMA-ZZ-00-DR-A-0100_P4 , OVM-RMA-ZZ-01-DR-A-0101_P5 , OVM-RMA-ZZ-02-DR-A-0102_P5 , OVM-RMA-ZZ-03-DR-A-0103_P3 , OVM-RMA-ZZ-04-DR-A-0104_P5 , OVM-RMA-ZZ-05-DR-A-0105_P4 , OVM-RMA-ZZ-EZ-DR-A-0200_P2, OVM-RMA-ZZ-SZ-DR-A-0201_P1, and OVM-RMA-ZZ-SZ-DR-A-0202_P1.
3. Notwithstanding the details hereby approved, prior to commencement of development above slab level, a detailed schedule and specification and detailed plan at 1:20 showing windows, doors and all external materials and finishes, roof coverings and balcony balustrades to be used on the building must be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
5. Prior to occupation, drawings showing full details of hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the Local Planning Authority. All hard landscaping works which form part of the approved scheme under condition 6 shall be completed prior to occupation of the development.
6. A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under condition
7. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

8. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re - enacting or modifying that Order), the use of the flat roof on the building shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area with the exception of access for maintenance.
9. The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (*measured with "fast" time weighting*) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472. Within 6 months of commencement of development above grade works a sound insulation scheme pursuant to the above must be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of a flat, the sound insulation scheme proposed for that flat as approved pursuant to the condition shall be implemented. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.
10. Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works. The approved boundary treatments shall be implemented prior to final occupation of the buildings and retained in perpetuity.
11. All cycle parking spaces shown on plan no. OVM-RMA-ZZ-00-DR-A-0100 Rev P4 hereby approved, shall be provided and made available for use prior to occupation of the relevant block and maintained thereafter.
12. No development above slab level shall commence until a report detailing the external lighting scheme, and how this will not adversely impact upon wildlife, has been submitted to and approved in writing by the LPA. The report shall include the following figures and appendices: A layout plan with beam orientation, a schedule of equipment, measures to avoid glare, 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 locations of the new bat and bird boxes. The approved lighting plan shall thereafter be implemented as agreed.
13. Prior to the commencement of the development above slab level, details of biodiversity enhancements, to include integral bird and bat boxes, tiles or bricks on the new buildings and around the site shall be submitted to and approved in writing by the Council. The biodiversity enhancements shall thereafter be installed as approved and permanently retained thereafter.
14. Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on sustainable drainage principles shall be submitted to and approved in writing by the Local Planning Authority. Details shall include details of site investigation results confirming whether contaminants are present within the substrata and if necessary measures to be taken to prevent the mobilisation of contaminants via the infiltration of surface water runoff.
15. 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. 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 demonstrating compliance with the Non-statutory Technical Standards for Sustainable Drainage Systems (DEFRA March 2015) The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

- 16.No part of the development shall be occupied for the relevant block until vehicle parking spaces have been provided in accordance with the approved drawing. The spaces approved shall be retained for parking in association with the development.
- 17.No part of the development shall be occupied until details of the electric charging facilities within the car park have been submitted and approved in writing by the Council. The development shall be carried out in accordance with these approved details and permanently retained thereafter.

APPEARANCES

FOR THE APPELLANT:

Mr Hashi Mohamed of Counsel instructed by Mr Kieran Wheeler

Mr Kieran Wheeler MRTPI Director, Savills

Mr Ben Thomas MRTPI Director, Savills

Mr Toby Lumsden Director, Bray Fox Smith

Mr Chris Tapp Director, RM Architecture

FOR THE LOCAL PLANNING AUTHORITY:

Mr Darius Kusk
Senior Planning Officer, Royal Borough of Windsor and Maidenhead

Mr Matthew Olive Principal Consultant, AspinallVerdi

Mr Ian Maktelow Planning Policy Officer, Royal Borough of Windsor and Maidenhead (Contributed to Planning Balance and Planning Obligations discussions only)

DOCUMENTS SUBMITTED AT THE HEARING

Opening Statement on behalf of the Appellant

CIL Compliance Statement

Position Statement on Sustainability and Energy Efficiency Design, March 2021

3 x Legal agreement examples in relation to Carbon offsetting Measures

Draft Section 106 Agreement

Delegated Officers report reference 20/01277 two storey extension at the appeal site

Mansell v Tonbridge and Malling Borough Council [2017] Court of Appeal Judgement

Planning Obligations SPD 2014