

REPORT TO CABINET

Title: **BROADWAY/KING STREET/QUEEN STREET TRIANGLE PLANNING BRIEF: REPORT OF CONSULTATION AND ADOPTION (DECISION)**

Date: 18 December 2008

Member Reporting: Councillor Mrs Knight

Contact Officer(s): Sarah Ball, Team Manager (Strategy and Plans) Tel: 01628 796112

Wards Affected: Oldfield.

1. SUMMARY

- 1.1 This report outlines the results of the public consultation for the Broadway / King Street / Queen Street Triangle planning brief, to approve the resultant amendments to the document and to seek approval to adopt the planning brief as informal planning guidance.
- 1.2 The planning brief promotes a mix of uses on the site including retail, leisure, housing and employment. It also covers improvements to the public realm, illustrative guidance on building heights, together with principles relating to access and movement within the area. It should be noted that the brief includes land in Council ownership, and that it also directly refers to the possibility of land assembly using compulsory purchase order procedures.
- 1.3 The consultation period ended on the 26th September 2008. 35 responses to the draft brief were received in addition to 21 completed questionnaires. Comments were also drawn from two exhibitions that were held at the beginning of the consultation period.
- 1.4 As a result of the consultation, there was overall support particularly through the number of visitors to the exhibition. Following the comments received, a number of changes have been made to the draft brief, which include clarification on a number of issues including the policy interpretation of the document, the strengthening of pedestrian and cycle links to the wider town and the strengthening of guidance in relation to the requirement for open space within the site.

2. RECOMMENDATION:

That the amended Planning Brief for the Broadway / King Street / Queen Street Triangle Site be adopted as informal planning guidance and that associated supporting documents including sustainability appraisal be approved.

What will be different for residents as a result of this decision?
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Residents will have a greater certainty and clarity over what is likely to be acceptable through the development of the site in Maidenhead town centre
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focussed on the Broadway, King Street, Queen Street area.

3. SUPPORTING INFORMATION

Background

- 3.1 Following approval by Cabinet on the 24th July, a 6-week period of public consultation began on 15th August 2008 for the draft Broadway / King Street / Queen Street Triangle Planning Brief. The area is shown on the attached map at Appendix 1. Copies of the amended planning brief and associated documents including a Sustainability Appraisal, and consultation statement are available for viewing in the Group Rooms, Members' Room and from Democratic Services.
- 3.2 The planning brief provides further interpretation and guidance on saved policies in the Adopted Local Plan including Policy S1 (Location of Shopping Development), S2 (Town Centre Retail Sites); S5 (Improving the Attractiveness of Shopping Areas); MTC1 (Shopping Provision). The planning brief emphasises the importance of Policy MTC7 (Major Development Sites) – site M1 (Broadway car park/King Street) of the Adopted Local Plan. However, it is clear that this policy only covers part of the site and has to be read alongside other policies in the Local Plan and other development plan policies including the Berkshire Structure Plan, the Regional Spatial Strategy and the South East Plan (Secretary of State's proposed changes).
- 3.3 Work has been proceeding on a Vision for Maidenhead Town Centre which has been undertaken through a Partnership for the Rejuvenation of Maidenhead established in 2007 to coordinate Council and other interests in the promotion of regeneration throughout the town centre as a whole. This 'Vision' was launched in September 2008 and consultation took place throughout October and closed on 14 November. Whilst the Vision is not a formal planning document, its objectives and aspirations will underpin the Council's work in the town centre, and the formal Local Development Framework. The draft document has been widely supported as a statement of future action to improve the town centre. Amongst a number of key sites identified within the Vision, the Broadway Triangle site has been highlighted as an important area to achieve a range of improvements including the provision of new retail and other uses, open space and accessibility within the centre and key linkages throughout.

Main Implications

- 3.4 Consultation on the draft planning brief was undertaken in accordance with the Council's Adopted Statement of Community Involvement. The following consultation elements were undertaken for the planning brief and its supporting documents:
- made available for inspection during normal office hours at its principal offices and in Borough libraries;
 - sent to specific and general consultation bodies;
 - displayed on the internet;
 - a press release was issued;
 - a press notice was published in the Maidenhead Advertiser and the Windsor Express
 - site notices were placed around the site;

- neighbour notification letters were delivered in the form of a leaflet.
- 2 manned exhibitions (Thursday 4th September 2008 in the Town Hall and Saturday 6th September in the Nicholsons Shopping Centre). The exhibition was also extended from the 23rd-26th September in the Town Hall.

3.5 During the Consultation a number of responses were received. These included:

- 35 respondents (on website consultation, by email, and by letter) including the Highways Agency, SEERA, Thames Valley Police Authority, Maidenhead and District Chamber of Commerce, the Nicholsons Centre, Windsor and Maidenhead Access Forum, Maidenhead Archaeological and Historical Society, the Health and Safety Executive, Berkshire Archaeology, the Theatre Trust, residents of Broadway, Maidenhead Quakers, Sainsbury's Supermarket, Environment Agency, Royal Berkshire Fire and Rescue Service, Hillingdon Council, Surrey County Council, Maidenhead and District Friends of the Earth, Thames Water, Central Networks, Ministry of Defence Estates, National Grid, the Coal Authority and East Berkshire Primary Care Trust. A late response was also received from the Government Office for the South East.
- Approximately 40 people visiting the Town Hall Exhibition, with 20-25 questionnaires and leaflets being passed out and additional comments being noted from other visitors. Approximately 120 people visited the Nicholson's Centre Exhibition with 100 questionnaires and leaflets being distributed.
- 21 Questionnaires were received including one from representatives of ING, and one from owners of Sienna Court.

Results of consultation

3.6 Respondents supported the main thrust of the draft planning brief, particularly the inclusion of areas of open space, and in improving the permeability of the area for pedestrians. Key issues that were raised included:

- There was general consensus that the area highlighted would be the most appropriate area to redevelop, although a number of respondents highlighted the need to take into account the wider Town Centre Area in order to avoid piecemeal development and to ensure the continued health of the primary retail area.
- Concerns were raised by a number of respondents regarding traffic and parking issues on the site.
- The Environment Agency requested that a new environmental objective be included to enhance the quality of the natural environment for the benefit of all.
- Some comments expressed the desire to maintain the ambience of Maidenhead, particularly with regards to the built form – to avoid being a copy of other centres such as Slough, and Reading.
- Thames Water required the inclusion of a section on Water Supply and Drainage.
- A number of respondents would like to see the river / water incorporated in the brief.
- The Highways Agency would like to see office and residential uses maximised

- 3.7 Finally, one respondent objected to the Council's use of a supplementary planning document as a basis to 'expand' a site allocated within the adopted Local Plan. The respondent stated that this is an incorrect procedure and requests that the draft document is not taken forward as SPD but instead is progressed as a development plan document (DPD) within the LDF.
- 3.8 Under Government guidance, in terms of an appropriate development plan document, the site would need to be considered within the context of a wider area of change. There is also a desire to ensure that this site relates to and forms part of a plan to look at the town centre as a whole. This would most appropriately be prepared as an Area Action Plan. However, in the absence of any currently adopted DPDs, the use of informal planning guidance based upon the existing development plan and other 'saved' policies as well as up-to date information that reflects the communities aspirations, provides an interim way forward.
- 3.9 Notwithstanding the objection, the brief provides a framework for the coordination of development in an area of mixed town centre uses, and the Council has progressed the document in the appropriate manner with full sustainability appraisal and public consultation.

Suggested Amendments to the Planning Brief

- 3.10 Respondents made positive suggestions for improvements in the document which have been accommodated in respect of the following matters:
- Further clarification in relation to how the document provides guidance and further interpretation to a number of saved policies in the adopted Local Plan and Structure Plan, and to clarify that the brief is not just the strict interpretation of Policy MTC7/Site M1. Supporting documents have also been amended to clarify this.
 - Strengthening the policy guidance for the inclusion of open space.
 - The inclusion of the requirement for any application to take account of the pedestrian access from the station - a "Gateway" to Maidenhead.
 - Further guidance for the type of design required and use of materials.
 - The requirement for traffic routes and circulation to be examined on a wider town centre basis.
 - The inclusion of further information regarding the problems and potential routes for cyclists in the centre.
 - The addition of a section on water supply and drainage.
 - Amendment to tree section to include more detail.
 - Mention the emerging Green Infrastructure Study in section 6 of the brief.
 - The inclusion of references to PPS25 (flooding) and PPS9 (biodiversity).
 - Additions to address the scope for 'greening' the environment to encourage biodiversity in the earlier sections to provide a basis for additional guidelines on this.
 - The deletion of the ownership diagram as it could become out of date over time.
 - The strengthening of the reference to sustainable drainage.
 - Reference to Policy NAP4 (surface and ground water quality) and the site's location within a groundwater source protection zone.

- The inclusion of environmental factors within one of the objectives, or the creation of a new objective for the environment.
- Inclusion of hotel as a possible use on the site.
- The inclusion of further references to the importance of designing out crime and improving community safety.

4. OPTIONS AVAILABLE AND RISK ASSESSMENT

4.1 Options

	Option	Comments	Financial Implications
1.	Do not adopt the Planning Brief and associated documents	Not recommended. Failure to adopt the planning brief will mean that any future planning application for the site would not have the benefit of clear guidance, co-ordinating future development in a holistic manner.	Revenue: None Capital: None
2.	Adopt the brief as SPD and associated documents with changes	Not recommended. Whilst adoption of the brief will provide a clear approach for the Council to influence any detailed scheme for the site that will be progressed as a planning application, the potential challenge to the use of SPD, could undermine the process for the consideration of a subsequent development scheme and the ability to influence the nature of the scheme and possible site assembly.	Revenue: Possible costs associated with any challenges that may arise Capital: None
3.	Not to adopt as SPD but proceed as an informal planning brief and associated documents with changes.	Recommended. Informal planning guidance that has been subject to sustainability appraisal and consultation will carry some weight in the determination of subsequent development proposals. The draft	Revenue: None Capital: None

	Option	Comments	Financial Implications
		document has been widely consulted upon and the recommended changes will clarify the planning framework within the context of current saved policies. The guidance will inform the development of future formal plans within the LDF.	

4.2 Risk assessment

The main risk identified is the effective realisation of a comprehensive development scheme for the area, and whether this is the appropriate planning ‘tool’. On the latter, the representations referred to in para 3.7 above could give rise to a possible risk of legal challenge to the process. The options above take account of this possibility, and, in order to provide the framework for coordinating development, recommend that the brief be adopted as informal planning guidance. The development principles set out in the brief along with the draft Vision for Maidenhead Town centre, will inform a formal town centre wide Plan to be incorporated within the LDF.

4.3 Whilst there are significant land ownerships over much of the site, there are nevertheless areas of land in third party ownership which will be required to achieve a comprehensive scheme for a significant part of the town centre. The purpose of the planning brief is to provide a sound basis for coordinating the nature, layout and form of development, but it will also ensure that the necessary planning framework is in place to justify compulsory purchase orders using the Council’s powers should these be required. If the draft brief is not adopted there could be adverse impacts on the time-scale and ability to achieve a comprehensive development scheme for the area.

5. CONSULTATIONS CARRIED OUT

5.1 As indicated under section 1 of this report.

6. COMMENTS FROM OVERVIEW AND SCRUTINY PANEL

6.1 This report has been bought forward following the agreement of the Chairman.

7. IMPLICATIONS

The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
✓	✓	✓	✓	✓	✓

Background Papers:

Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008
 Planning Policy Statement 12: Creating Strong Safe and Prosperous Communities through Local Spatial Planning (May 2008)
 Planning Policy Statement 6: Planning for Town Centres (March 2005)

Cabinet Report (24/07/08)

Broadway / King Street / Queen Street Triangle Planning Brief – Draft Supplementary Planning Document (August 2008)
Sustainability Appraisal: / King street / Queen Street Triangle Planning Brief – Draft Supplementary Planning Document (August 2008)
Broadway / King Street / Queen Street Triangle – Draft Supplementary Planning Document: Consultation Statement (August 2008)

Broadway / King Street / Queen Street Triangle Planning Brief - Amended version (November 2008)
Final Sustainability Appraisal report, Broadway / King Street / Queen Street Triangle (November 2008)
Broadway / King Street / Queen Street Triangle Planning Brief - Consultation Statement (October 2008)



Planning

Scale: 1:1,250

Map printed on: 18/11/08

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**Broadway / King Street / Queen Street Triangle
Planning Brief
Area**

The Royal Borough



Windsor & Maidenhead