

MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 16TH JANUARY, 2019

At 7.00 pm

in the

DESBOROUGH SUITE - TOWN HALL, MAIDENHEAD

SUPPLEMENTARY AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
5.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning's report on planning applications received. Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module at http://www.rbwm.gov.uk/pam/search.jsp .	3 - 6

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD PANEL UPDATE

Maidenhead Panel

Application No.:	18/02105/FULL
Location:	Land To The South of Stafferton Way And East of Vicus Way Maidenhead
Proposal:	Erection of five storey split-deck multi-storey car park with access and associated landscaping following removal of existing slab and hardstanding (Regulation 3 application)
Applicant:	The Royal Borough of Windsor And Maidenhead
Agent:	Mr Matthew Blythin
Parish/Ward:	Maidenhead Unparished/Oldfield Ward
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1. SUMMARY

- 1.1 A letter has been received from a planning consultant on behalf of several residents. A letter has also been received from the Right Honourable Theresa May MP. An additional letter has been received from a resident who has already objected to the application.

There is no change to the recommendation in the main report.

2.0 Comments from Interested Parties

- 2.1 A letter has been received by a planning consultant on behalf of several of the residents. A letter has also been received from a resident who has already objected to the application. The points are summarised and addressed in the table below. In the letter from the resident, some questions are posed to Councillors, and as such this update report does not address those questions.

Comment	Officer response	Change to recommendation?
<p>The Council has given local residents five working days to digest and comment on complex and counter-intuitive legal advice (suggesting that a clear and transparent democratic planning decision was not actually made), together with technical advice concerning the details of the scheme. This is not sufficient for the residents to obtain their own considered legal advice or to understand and comment upon the new technical advice.</p> <p>At the very least, and in the interests of fairness, transparency and democracy, the Council should agree</p>	<p>Notice of the 16 January 2019 MDM Panel meeting was provided by the LPA in compliance with all statutory requirements.</p> <p>The published advice is neither complex nor counter-intuitive, and it is not correct to state that the Council has invited comment on that advice</p>	<p>No</p>

<p>to defer consideration of this application in order to allow interested parties to respond to this wealth of new and controversial information. The usual 21-day consultation period would be a minimum timescale for this.</p>	<p>from local residents.</p> <p>No additional information on lighting has been provided by the applicant. Environmental Protection have recommended a more comprehensive planning condition to secure detail on the lighting scheme. A 21-day consultation on additional information is not required.</p>	
<p>My clients recognise that the Council has received a legal opinion which purports to justify their actions to date. As reasonable people, they fail to see how this equates with the openness, transparency and fairness with which a well-run Local Planning Authority should operate. Common sense tells them that if a democratic vote has been taken, it should be acted upon. Finding possible legal loopholes to argue the contrary makes the Council appear stubborn, small-minded and of a disposition to win at all costs rather than to listen to what people are saying. This is such an important matter of principle, not just for the Royal Borough but for the English planning system that my clients reasonably request that the Council does not take this further while they are given the opportunity to seek competent legal advice on the matter. This is not possible within five working days.</p>	<p>This letter does not identify any grounds for contending that officers may not refer a planning application back to panel before a decision notice has been issued. There is no challenge to the robustness of the legal advice provided to the LPA.</p>	<p>No</p>
<p>There are strong planning grounds for refusing this scheme. Each and all of these points are sufficient to warrant the refusal of permission for this scheme, of which the occupiers of newly-built homes had absolutely no inkling until the planning application was notified to them. The Council has not bothered to discuss any of these issues with local residents and is determined to drive this scheme through at the fourth attempt.</p>	<p>The reconsideration of the application presents local residents with an additional opportunity to put before the Panel a well-founded justification for the refusal of planning permission. The representations from residents are summarised and addressed within the officer report. The Council's guidance on how</p>	<p>No.</p>
	<p>to comment on a planning application is available on line and the letter which goes out to notify residents of each planning application makes clear that the LPA does not respond to individual representations.</p>	
<p>The proposed car park is 5 metres away from residences, and the officer report incorrectly states there is a 20 metre gap which is incorrect.</p>	<p>This issue has been raised previously, and it has been clarified that the proposed car park is not 5 metres away from residences.</p>	<p>No</p>

	The distances from properties is set out in the report, and a plan showing the distances is included in the Panel appendix.	
If a resident owned this land and proposed a huge car park like this, the application would be refused.	If this was the case, the application would be considered against the development plan, taking into account relevant material planning considerations.	No
As residents, we have not been treated Fairly, kindly or Democratically. Our concerns about road and pedestrian safety, pollution, antisocial Behaviour, light pollution, huge deviation from the Local Area Plan, have not been taken seriously.	These concerns have been addressed in the officer report.	No
The Council has not allowed our request to more time to raise funds and seek legal advice. This is bullying and disregard to fairness, and democracy.	The process of reporting this application back to Panel has been explained.	No

2.2 A letter has been received from the Right Honourable Theresa May MP. The comments in this letter are summarised in the table below.

Comment	Officer response	Change to recommendation?
The residents do not think the site is suitable for a car park, because they believe traffic is a problem for Stafferton Way, and infrastructure will not cope if this car park is built. The residents also are concerned that anti-social behaviour will be a problem.	These points have been addressed within the officer assessment.	No
The residents believe that a new car park should be built to the north of the town.	Noted. It is not known what site residents are referring to, but this application has to be considered on its merits.	No
Please could the Council confirm whether there is a link between this application and the Broadway car park in the town centre?	The application is not linked to the Broadway car park in the Town centre.	No

