

NOTICE
OF
MEETING

MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 16TH JANUARY, 2019

at

7.00 pm

in the

DESBOROUGH SUITE - TOWN HALL, MAIDENHEAD

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

COUNCILLOR DEREK WILSON (CHAIRMAN)
COUNCILLOR LEO WALTERS (VICE-CHAIRMAN)
COUNCILLORS CLIVE BULLOCK, MAUREEN HUNT, RICHARD KELLAWAY,
PHILIP LOVE, DEREK SHARP, ADAM SMITH AND CLAIRE STRETTON

SUBSTITUTE MEMBERS

COUNCILLORS GERRY CLARK, CARWYN COX, JUDITH DIMENT,
MOHAMMED ILYAS, MARION MILLS, MJ SAUNDERS, HARI SHARMA,
LISA TARGOWSKA AND PAUL BRIMACOMBE

Karen Shepherd – Service Lead - Governance
Democratic Services

Issued: Tuesday, 8 January 2019

Members of the Press and Public are welcome to attend Part I of this meeting.

The agenda is available on the Council's web site at www.rbwm.gov.uk – if you are viewing this on the website and there are appendices you are unable to access, please contact the Panel Administrator **Shilpa Manek** 01628 796310, or democratic.services@rbwm.gov.uk

Accessibility - Members of the public wishing to attend this meeting are requested to notify the clerk in advance of any accessibility issues

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AGENDA

PART 1

ITEM	SUBJECT	WARD	PAGE NO
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.		
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.		3 - 4
3.	<u>MINUTES</u> To confirm the minutes of the meetings held on 17 December and 19 December 2018.		5 - 14
4.	<u>TO CONSIDER A REPORT FROM THE HEAD OF PLANNING</u> To Consider a recommendation to rescind the resolution of the Maidenhead Development Management Panel made on 17 December 2018 on Planning Application 18/02105/FULL Land to the south of Stafferton Way and East of Vicus Way.		15 - 28
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 .		29 - 78

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act 1985, each item on this report includes a list of Background Papers that have been relied on to a material extent in the formulation of the report and recommendation.

The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper, although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as "Comments Awaited".

The list will not include published documents such as the Town and Country Planning Acts and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance, as the instructions, advice and policies contained within these documents are common to the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading "Remarks".

STATEMENT OF THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

These are the draft minutes of the meeting of the Panel on 17th December 2018: following the meeting Cllr Derek Wilson stated he had voted in error. The LPA has taken legal advice and application 18/02105/FULL is recommended to be reconsidered at the MDMP on 16th January 2019. The agenda for the meeting is available on the Council website.

MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

17.12.18

PRESENT: Councillors Derek Wilson (Chairman), Leo Walters (Vice-Chairman), Maureen Hunt, Richard Kellaway, Philip Love, Derek Sharp, Adam Smith and Claire Stretton.

Officers: Mary Severin (Monitoring Officer), Melvin Andrews (Highways Development Control Engineer), Daniel Bayles, Victoria Gibson (Development Management Team Manager), Jenifer Jackson (Head of Planning), Shilpa Manek, Gordon Oliver (Principal Transport Policy Officer) and Claire Pugh (Senior Planning Officer)

Also Present: Councillors Stuart Carroll, David Coppinger, Geoff Hill and Asghar Majeed

122 APOLOGIES FOR ABSENCE

No Apologies for absence were received.

123 DECLARATIONS OF INTEREST

Declarations were received from the following Members:

Councillor Walters and Wilson declared a personal interest for items 3 and 4 as they are both Bray Parish Council Members.

124 MINUTES

The minutes of the meeting on 21 November 2018 were Unanimously Agreed as a true and accurate record.

125 PLANNING APPLICATIONS (DECISION)

The Panel considered the Head of Planning and Development's report on planning applications and received updates in relation to a number of applications, following the publication of the agenda.

NB: *Updates were received in relation to planning applications marked with an asterisk.

RESOLVED UNANIMOUSLY: That the order of business as detailed in the agenda, be amended.

Item 2 18/02105/FULL Land To The South of Stafferton Way And East of Vicus Way Maidenhead	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).
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	<p>Councillor Stretton proposed a motion to REFUSE the application for the following six reasons:</p> <ul style="list-style-type: none"> • Loss of employment site and further loss would undermine the employment strategy set out in the BLPSV contrary to emerging policy ED2. • Another site is allocated in policy OA6 of the AAP for a car park and no evidence has been submitted to support the construction of a car park on this site, it is therefore contrary to policy. • The bulk, mass and scale, is incongruous in the context of nearby dwellings contrary to Local Plan policy DG1, AAP policies MTC1 and MTC4 and policies SP1 and SP2 of BLPSV which indicate high quality development compatible with their location and contribute to community integration. The proposal is poor design contrary to Section 12 NPPF. The proposal would result in an overbearing impact as a result of height and location resulting in loss of sunlight and adversely affecting amenity and quality of life of those nearby occupiers. Contrary to SP3 BLPSV. • History of antisocial behaviour in nearby car parks and the proposal is likely to attract ASB and the possibility of crime, including fear of crime. The location is unsuitable due to proximity to nearby dwellings. Whilst the operation of car park is unlikely to have observable impact on the local communities the application clearly did not take account of ASB contrary to para 127 of the NPPF. • There is another site available and therefore the proposal has not passed the sequential test contrary to para 158 of the NPPF. • RBWM is in the process of producing a strategy to deal with tall buildings and parking in the town centre and therefore this application is premature. <p>This was seconded by Councillor Hunt.</p>
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	<p>A second motion was proposed by Councillor Love to PERMIT the application as per Officers recommendation. This was seconded by Councillor Kellaway.</p> <p>A named vote was carried on the first motion to refuse the application. Councillors Hunt, Sharp, Stretton and Wilson voted for refusal of the application. Councillors Kellaway, Love and Smith voted against refusal and Councillor Walters abstained from voting.</p> <p>It was agreed that the application be REFUSED.</p> <p>Since the first motion was upheld, the second motion fell away.</p> <p>(The Panel were addressed by Noni Konig, Stephen and Alexander Konig, Helen Taylor, Sarah Storey, Mathilde Rossignol and Judy De Haan, Objectors, Matthew Blythin, Applicants Agent, Gurch Singh, supporter of Application. The Panel were also addressed by Councillors Majeed and Hill)</p>
<p>Item 4</p> <p>18/02510/FULL</p> <p>Land To The West of Mullberry Coningsby Lane Fifield Maidenhead</p>	<p>Construction of an agricultural building.</p> <p>Councillor Walters proposed that the application be REFUSED.</p> <p>Councillor Kellaway proposed the Officers recommendation that the application be Permitted with the condition ensuring that this building was only commenced once the agricultural barns were in use. This was seconded by Councillor Hunt.</p> <p>Councillor Wilson seconded the first motion.</p> <p>A named vote was carried out for the Officers recommendation to Permit the application. Five Councillors voted for the application (Hunt, Kellaway, Love, Smith and Stretton). Two Councillors voted against the motion, Councillors Walters and Wilson and Councillor Sharp abstained from voting.</p> <p>It was agreed that the application be,</p>

	<p>as per Officers recommendation, PERMITTED with the one additional condition.</p> <p>(The Panel was addressed by Elizabeth Harrison Turtle, Objector, Parish Councillor Yates and Tom McCardle, Agent. The Panel were also addressed by Councillor Coppinger)</p>
<p>Item 5</p> <p>18/02588/FULL</p> <p>The Crooked Billet Westborough Road Maidenhead SL6 4AS</p>	<p>Construction of x7 four-bedroom dwellings including associated landscaping, amenity space and parking following demolition of the existing building.</p> <p>Councillor Stretton proposed that the application be REFUSED, as per the Officers recommendation. This was seconded by Councillor Walters.</p> <p>It was Unanimously Agreed that the application be REFUSED.</p> <p>(The Panel was addressed by Gurpreet Bangra, Objector, Councillor Stuart Carroll, Ward Councillor and Ben Wilcox, Applicants Agent).</p>
<p>Item 6</p> <p>18/02770/OUT</p> <p>Field Adjacent To North West Corner of Grove Business Park Waltham Road Maidenhead</p>	<p>Erection of a single storey agricultural barn.</p> <p>Councillor Wilson proposed that this application be deferred for one cycle to allow officers to assess the Hurley and the Walthams Neighbourhood Plan policy WW3. This was seconded by Councillor Walters.</p> <p>It was Unanimously Agreed that the application be DEFERRED for one cycle.</p> <p>(The Panel were addressed by Kevin Scott, Objector and Tom McCardle, Applicants Agent).</p>
<p>Item 1</p> <p>18/00600/FULL</p> <p>John Guest Speedfit Ltd Oldfield Road Maidenhead SL6 8BY</p>	<p>Demolition of existing warehouse (B8) and construction of extended warehouse (B8), with access from Oldfield Road.</p> <p>Councillor Wilson proposed that the application be REFUSED as per Officers recommendation. This was seconded by Councillor Hunt.</p> <p>It was Unanimously Agreed that the</p>

<p>Item 3</p> <p>18/02379/FULL</p> <p>The Red Lion Oakley Green Road Oakley Green Windsor SL4 4PZ</p>	<p>application be REFUSED.</p> <p>Proposed 1no. two bedroom dwelling and 1no. four bedroom dwelling with associated works following conversion of public house.</p> <p>Councillor Hunt proposed that the application be APPROVED as per the Officers recommendation. This was seconded by Councillor Walters.</p> <p>It was Unanimously Agreed that the application be APPROVED.</p> <p>(The Panel was addressed by Councillor Coppinger).</p>
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126 ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel noted the appeal decisions.

The meeting, which began at 7.00 pm, ended at 9.33 pm

Chairman.....

Date.....

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MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

19.12.18

PRESENT: Councillors Derek Wilson (Chairman), Leo Walters (Vice-Chairman), Judith Diment, Maureen Hunt, Richard Kellaway, Philip Love, Derek Sharp and Claire Stretton.

Officers: Tony Franklin (Planning), Shilpa Manek and Susan Sharman (Senior Planning Officer)

1 APOLOGIES FOR ABSENCE

Apologies for absence received from Councillor Adam Smith. Councillor Judith Diment was substituting.

2 DECLARATIONS OF INTEREST

Declarations were received from the following Members:

Councillor Walters and Wilson declared a personal interest for Item 3 as they are Bray Parish Council Members.

3 PLANNING APPLICATIONS (DECISION)

The Panel considered the Head of Planning and Development's report on planning applications and received updates in relation to a number of applications, following the publication of the agenda.

NB: *Updates were received in relation to planning applications marked with an asterisk.

RESOLVED UNANIMOUSLY: That the order of business as detailed in the agenda, be amended.

<p>Item 1</p> <p>18/02352/FULL</p> <p>The Royal British Legion Sawyers Crescent Maidenhead SL6 3ND</p>	<p>Redevelopment of the site to create x2 3 bed semi-detached dwellings, x2 4 bed semi-detached dwellings with parking, access and amenity space, following demolition of existing building.</p> <p>Councillor Hunt proposed to move Officers recommendation to PERMIT the application. This was seconded by Councillor Walters.</p> <p>Councillors Diment, Hunt, Kellaway, Love, Sharp, Walters and Wilson voted for the motion. Councillor Stretton voted against the motion.</p> <p>It was Agreed to PERMIT the application.</p> <p>(The Panel was addressed by Vadim Zaripov, Objector, Parish Councillor Patrick McDonald and Simon Sharp, Applicant's agent).</p>
<p>Item 2</p>	<p>Infill and side extensions to lodges to</p>

<p>18/02771/FULL</p> <p>Berkshire To Somerset And Kent And Sussex And Hampshire To Devonshire Lodges Courtlands Maidenhead</p>	<p>provide 7 x one bedroom and 2 x two bedroom dwellings and associated bin stores.</p> <p>Councillor Love proposed to move REFUSAL, against Officers recommendation for the following reason: That the proposal amounted to an overdevelopment of an already cramped site and would harm the character and appearance of the locality. Furthermore, the proposal would result in the loss of the existing gaps between the buildings creating an unacceptable built mass. Consequently the proposals are contrary to policies H10(I), H11 and DG1(II). This was seconded by Councillor Sharp.</p> <p>It was Unanimously Agreed to REFUSE the application.</p> <p>(The Panel was addressed by Garry Hutchinson, Applicants Agent).</p>
<p>Item 3</p> <p>18/02840/VAR</p> <p>Braybrook House River Gardens Bray Maidenhead SL6 2BJ</p>	<p>Variation to planning permission 18/01831/FULL to remove Condition 8 [Removal of PD outbuildings].</p> <p>Councillor Kellaway proposed to move APPROVAL, against Officers recommendation and agree to remove Condition 8. This was seconded by Councillor Hunt.</p> <p>Councillor Walters proposed to move Officers recommendation and this was seconded by Councillor Wilson.</p> <p>A named vote was carried out on the first motion to APPROVE. Councillors Diment, Hunt, Kellaway, Love, Sharp and Stretton voted for the motion, Councillors Walters and Wilson voted against.</p> <p>It was Agreed to APPROVE the application.</p> <p>(The Panel were addressed by Parish Councillor Kiely and Jake Collinge, Applicants Agent).</p>
<p>Item 4</p> <p>18/03114/FULL</p> <p>Butlers Gate Winter Hill Road</p>	<p>Two storey rear extension, following demolition of the existing part single part two storey rear element and alterations to fenestration.</p> <p>Councillor Kellaway proposed to move</p>

<p>Cookham Maidenhead SL6 6PJ</p>	<p>APPROVAL, against Officers recommendation for the following reason: The proposed extensions would enhance and improve the appearance of the dwelling and the wider Green Belt and would result in no material harm to the Green Belt. This would amount to Very Special Circumstances that outweigh the harm to the Green Belt and any other harm. Members requested that conditions covering the following matters be included on the decision notice: Standard time limit of three years * Removal of permitted development rights under Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) from the proposed dwellinghouse. * Materials as specified in the application.</p> <p>This was seconded by Councillor Walters.</p> <p>It was Unanimously Agreed to APPROVE the application.</p> <p>(The Panel were addressed by Councillor Marius Gilmore, Ward Councillor and Mr and Mrs Murrill, Applicants).</p>
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4 ESSENTIAL MONITORING REPORTS (MONITORING)

The Panel noted the appeal decisions.

The meeting, which began at 7.00 pm, ended at 8.30 pm

Chairman.....

Date.....

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Report Title:	To consider a recommendation to rescind the resolution of the Maidenhead Development Management Panel made on 17th December 2018 on Planning Application 18/02105/FUL land to the south of Stafferton Way and East of Vicus Way
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Not applicable.
Meeting and Date:	Maidenhead Development Management Panel – 16 th January 2019
Responsible Officer(s):	Jenifer Jackson, Head of Planning
Wards affected:	None

www.rbwm.gov.uk



REPORT SUMMARY

1. Planning application 18/02105/FUL was reported to the Maidenhead Development Management Panel on 17th December 2018, the Panel resolved to refuse permission. Subsequent to the Panel meeting Cllr Derek Wilson made a public statement, on 21st December 2018 that he had voted in error. The Monitoring Officer took advice from Christopher Lockhart-Mummery QC and his written Advice was made available to the Local Planning Authority on 21st December 2018. The Local Planning Authority has taken its own advice from Counsel which informs this report and the recommendation therein. This is explained in further detail below following the recommendation.
2. In summary, whilst the Panel had resolved to refuse planning permission the decision is not made until the Local Planning Authority issues a formal decision notice. This has not been done and, as such, a decision has not been made on the application.
3. This report to the Panel, whilst related to the planning application, is not a report on the planning application or the merits of that application. This report flows from the legal advice provided to the local planning authority (LPA) by Counsel and attached to this report as Appendix A.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION:

It is recommended by the Head of Planning that the Panel:

- | | |
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| 1. | Rescinds the resolution made by the Panel on 17th December 2018 to refuse planning permission in order that the application may be re-considered by the Panel. |
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Table 1: Options arising from this report

Option	Comments
<p>To rescind the resolution made by the Panel on 17th December 2018 to refuse planning permission in order that the application may be re-considered by the Panel.</p> <p>Recommended option</p>	<p>The Panel is advised that the LPA cannot lawfully issue a decision notice refusing planning permission in accordance with the Panel's resolution to refuse. Further, the Council as the LPA has a duty to refer the application back to the Panel for reconsideration and determination.</p>
<p>To decide NOT to rescind the resolution made by the Panel on 17th December 2018 and to refuse planning permission on application 18/02105 for the reasons set out in the agreed minutes of that meeting.</p>	<p>This would be contrary to the legal advice received from Counsel for the LPA, see Appendix A.</p>

2. EXPLANATION OF THE RECOMMENDATION TO PANEL

- 2.1 Following the meeting of the Maidenhead Development Management Panel on 17th December 2018, Cllr Derek Wilson Chair of the Panel indicated that he had voted erroneously. The Monitoring Officer sought advice from Leading Counsel and made this available to the Local Planning Authority to support a position that the matter should now be reconsidered in the light of the error made by Cllr Derek Wilson. The Local Planning Authority has taken its own legal advice and the Panel is advised that it is now necessary to consider whether or not the original resolution should stand or be rescinded.
- 2.2 For completeness, the background to the current situation is that during debate, a motion was proposed by Cllr Stretton to refuse the application against officer recommendation to approve it. She gave reasons for refusal. After some further debate this motion was seconded by Cllr Hunt. The Chairman, Cllr Derek Wilson, asked for a named vote for the decision on this motion. The named vote was taken from Members in alphabetical order. Cllr. Wilson's name was the last name to be called out and he voted 'for' the motion to refuse. The result was read out by the Panel Clerk, of the eight members who were present, four voted in favour, three against and one abstained. Cllr Wilson asked the Clerk for clarification of the vote. The Panel Clerk read out the result of the named vote again. The Chair stated that the application had been refused and continued with the business on the agenda.
- 2.3 After the meeting had closed Cllr Wilson made the Monitoring Officer aware that he had made a mistake and had intended to vote against the motion when it came time for him to call out his decision. Having brought the error to the Monitoring Officer's attention, the following day she sought the advice of Mr. Christopher Lockhart-Mummery QC on the legal position on the status of a

decision where one Member makes it clear that he made a mistake when voting on an issue.

- 2.4 On 21st December 2018, the Monitoring Officer provided the Local Planning Authority (LPA) with the written advice obtained from Leading Counsel, which is included in the agenda papers as Appendix B.
- 2.5 In the circumstances, the written Advice from Leading Counsel dated 20th December 2018 must be considered as advice to the Applicant to determine whether a refusal of the Application would be lawful where a member of a Panel states that a mistake was made. That advice does not bind the Panel sitting as the LPA. Properly, the Head of Planning was not involved in the decision to instruct Leading Counsel and was not present when Leading Counsel provided advice in consultation by telephone on 20th December 2018.
- 2.6 As this is an application by an 'interested planning authority' under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) it is appropriate for the LPA to seek independent advice from Counsel to determine how best to proceed. Counsel's advice to the LPA and therefore Members of the Panel, is appended to the report.
- 2.7 The Panel is advised that the LPA cannot lawfully issue a decision notice refusing planning permission in accordance with the Panel's resolution to refuse. Further, the Council as the LPA has a duty to refer the application back to the Panel for reconsideration and determination. The advice from Counsel to the LPA is that the first necessary step is to formally rescind the resolution the Panel achieved on 17th December 2018 thus allowing the Panel to reconsider the application. The merits of the planning application have no bearing on this recommendation to rescind the resolution.
- 2.8 The decision notice had not been issued at the time that the advice from Leading Counsel was provided to the LPA, or subsequently. The decision on the application is not formally made until the formal decision notice is issued. It is usual practice where a panel resolution overturns an officer recommendation for the Clerk to circulate the draft minutes of the meeting to assist the planning officer in preparing the decision notice for checking and subsequently being issued.
- 2.8 Having formally agreed the Minutes of that meeting as the first item on the agenda, it is recommended that the Panel debates and votes on the recommendation to rescind the resolution to refuse planning permission for the reasons recorded in those minutes. This is because it would not be lawful to issue a decision notice refusing planning permission given that Cllr Wilson's erroneous vote was decisive and therefore directly influenced the resolution.
- 2.9 In the event that the Panel decides to rescind the resolution made on 17th December 2018, there follows on the Agenda a separate report on the planning application 18/02105/FUL which must be considered, voted upon and determined in accordance with the procedures set out in the Council Constitution and as required by law. Should the Panel resolve not to rescind the earlier resolution to refuse planning permission it will not need to consider the second report from the Head of Planning.

2.10 Letters notifying those who have made representations to the LPA on the application have been sent out providing advance notice of the Panel meeting and providing the information for registering to speak at the Panel in respect of the application. In accordance with Counsel's advice, the public speaking rights set out in the Constitution apply only to the Panel's consideration of the second report relating to the determination of the Application. The Agenda will be published on the website in the usual way at least five clear working days in advance of the Panel meeting as required.

3. BACKGROUND PAPERS

3.1 Counsel's Advice on instruction by the Local Planning Authority on the reconsideration of the application by the Panel (Appendix A).

3.2 The Advice of Christopher Lockhart-Mummery QC dated 20th December 2018 (Appendix B).

In the Matter of:

THE TOWN AND COUNTRY PLANNING ACT 1990

-and-

THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992

-and-

LAND SOUTH OF STAFFERTON WAY AND EAST OF VICUS WAY, MAIDENHEAD

LPA REF: 18/02105/FULL

ADVICE

INTRODUCTION

1. The Council of the Royal Borough of Windsor and Maidenhead ("the Council"), as local planning authority ("LPA"), instructs me in relation to an application for planning permission ("the Application"), submitted on behalf of the Council as landowner ("the Applicant") to develop Land to the South of Stafferton Way and East of Vicus Way, Maidenhead ("the Land").
2. The Application (Ref: 18/02105/FULL) was reported to the 17 December 2018 meeting of the Maidenhead Development Management Panel ("the Panel"). Following consideration of the Application, the Panel resolved to refuse the Application by way of a single vote majority. Subsequently, the Chair of the Panel informed the Council's Monitoring Officer that he had cast his vote in error.
3. The LPA now seeks my advice on the proper approach to the determination of the Application. Specifically, I am asked to consider a written Advice from Christopher Lockhart Mummery QC dated 20 December 2018, which the Applicant submitted to the LPA on 21 December 2018. In that Advice, Leading Counsel advises the Applicant that, in the circumstances, the Application must be reconsidered by the Panel.
4. Following receipt of Leading Counsel's written advice, Councillor Wilson made a statement to the Maidenhead Advertiser, which was published on 21 December 2018. In that statement, Councillor Wilson asserted that the Application would be reported back to the Panel to reconsider the Application in the new year.

5. On 21 December 2018, at the request of the Council's Head of Planning, Mrs Jenifer Jackson MRTPI, I provided the LPA with advice by telephone, the substance of which I confirm and supplement in this Advice.
6. The Application, I am instructed, will be reported back to the Members at the Panel meeting on 16 January 2019 and, as I understand matters, this Advice will be included within the Agenda papers made available to the public ahead of that meeting as required by Part VA of the Local Government Act 1972 (as amended).
7. In the circumstances, the written Advice from Leading Counsel dated 20 December 2018 must be considered as advice to the Applicant to determine whether a refusal of the Application would be lawful where a member of a Panel states that a mistake was made. That advice does not bind the Panel sitting as the LPA. Properly, the Head of Planning was not involved in the decision to instruct Leading Counsel and was not present when Leading Counsel provided advice in consultation by telephone on 20 December 2018.
8. As this is an application by an 'interested planning authority' under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) it is appropriate for the LPA to seek independent advice from Counsel to determine how best to proceed.

BACKGROUND

9. As those instructing me are very familiar with the factual background relevant to my advice, which is set out in the draft Panel reports prepared by the Head of Planning, it is not necessary for me to reproduce that background here, save as is necessary and appropriate to do so.
10. The Periscope video recording of the 17 December 2018 Maidenhead Development Management Panel ("the Panel") meeting confirms that the Chair, Councillor Derek Wilson, was confused about the vote he cast in respect of Councillor Stretton's motion to refuse the Application and its effect on the determination of the Application. The spontaneous reaction of those present vehemently disagreeing with Councillor Wilson's interpretation of the outcome of the vote demonstrates conclusively that he did not intend to vote "for" the resolution to refuse the Application proposed by Councillor Stretton.

11. Also, it is clear from the recording that, in his role as chair of the Panel, Councillor Wilson declared over the Public Address system in open session that the Panel had resolved to refuse the Application and that he made that declaration before taking any advice from the legal adviser in attendance.
12. As a majority of the Panel voted in favour of Councillor Stretton's motion to refuse the Application, the second motion was not put to a vote. It follows, therefore, that the video recording of the Panel meeting does not reveal how Councillor Wilson would have voted on the motion to grant planning permission in accordance with the officer recommendation.

THE PROPER APPROACH

13. In the present case, as Councillor Wilson's erroneous vote was decisive, the LPA cannot lawfully issue a decision notice refusing planning permission in accordance with the Panel's resolution to refuse, and the Application must be reported back to the Panel for reconsideration and determination. The Agenda papers must explain why the Application should be reconsidered. To this general extent, I agree with the advice from Leading Counsel for the Applicant, which accurately summarises the relevant legal framework (within paragraphs 5 and 6).
14. However, I do not agree with Leading Counsel's suggestion (at paragraph 7) that "[...] *in the present case the Council [...] is almost certainly under a duty to [change its mind] in view of the erroneous voting.*"
15. That suggestion appears to be at odds with Leading Counsel's advice (in paragraph 9) that:

"[...] There need be no attempt to secure that the members who sat on the last Panel should sit on the new Panel"

and that

"The Panel should be constituted of those members who are naturally available on the due date (and thus may include some of the previous members)."
16. Likewise, the suggestion that LPA *must* grant planning permission (which is the only alternative available to the LPA) cannot be reconciled with Leading Counsel's advice

concerning the proper approach to the Panel's reconsideration of the Application in paragraph which states (so far as relevant):

"[...] The first resolution will be to the effect for members to consider whether or not they wish to rescind the previous resolution in view of the error. The normal Council procedures relating to the ability of those who wish to address the Panel, should be followed. If the first resolution is rescinded, the Panel will then proceed to vote on the Application in the normal way."

17. The Applicant's barrister accepts that the outcome of the Panel resolution on 17 December 2018 does not preclude the reconsideration of the Application, or fetter the LPA's discretion either to grant or refuse planning permission in the present case. Leading Counsel also accepts, correctly in my view, that the Application must be reconsidered at an ordinary meeting of the Panel, observing the rules, procedures and practices in accordance with the relevant statutory framework and the Council's Constitution.
18. On any view, read fairly and as a whole, Mr Lockhart-Mummery QC's written Advice makes clear beyond doubt that, however Councillor Wilson intended to vote on 17 December 2018, the outcome of the LPA's reconsideration of the Application is not a foregone conclusion and Members of the Panel must determine the Application having regard to the material planning considerations as they exist at the time of their decision.

THE WAY FORWARD

19. Against that background, the reconsideration of the Application should accord with the conventional approach, which requires the Head of Planning to report the matter back to the Panel. In my view, the Head of Planning's report(s) should include two distinct recommendations that generally reflects the advice of Leading Counsel. Put simply, the first recommendation should be to the effect that the Panel resolves to rescind its resolution to refuse the Application dated 17 December 2018 and the second recommendation should be to grant planning permission in accordance with officers' previous recommendation.
20. It is important here to note that the first recommendation engages matters of law and procedure relating to the conduct of meetings under the relevant legislative framework and the Council's Constitution. The first recommendation does not engage the planning merits of the Application, which must be considered separately.

Accordingly, the first recommendation must be considered by the Panel, voted upon and a decision made *before* progressing to consider the planning merits of the Application, if the Panel decides to rescind the 17 December 2018 Panel resolution.

21. To that end, it would be permissible and prudent for this recommendation to be presented to the Panel in a separate report from the Head of Planning. In my view, having regard to the proper approach to the determination of applications for planning permission under Part III of the Town and Country Planning Act 1990 Act ("the 1990 Act") and the Council's Constitution, I do not consider that the first recommendation engages the public speaking rights within the Protocol for Public Speaking at Meetings.¹

22. Paragraph 1.3 of the Protocol for Public Speaking concerns public speaking at Development Management Panel Meeting and states (so far as relevant):
 - "1.1 *Planning applications are determined by either a Development Management Panel or officers acting under delegated authority.*
 - 1.2 *Each application is subject to a public consultation exercise which enables the public and other bodies to comment in writing on the application before it is determined.*
 - 1.3 *The Council provides the opportunity for the public and for applicants (or their agents) to speak at the planning meeting before the Development Management Panel makes their decision.*
 - 1.4 *If objectors speak at the meeting, the applicant must be allowed to speak. An applicant may speak at a meeting even where there are no objectors wishing to speak (but if the applicant is in agreement with the Officers' recommendations to the Panel the Chairman will request the applicant to restrict any comments to matters not covered, or not covered fully, in the Officer's Report).*
 - 1.5 *Anyone who has written to the Council with objections or comments to a planning application will be contacted at least one week before the relevant meeting is due to take place when the application will be considered. They will be invited to tell the Council if they wish to speak at the meeting."*

23. The relevant provisions within the Council's Constitution are clearly intended to ensure that members of the public who object to development proposals described in an application for planning permission are provided with an opportunity to address the Panel responsible for determining the application. However, the right to address the Panel is not unlimited in terms of the subject matter, which is restricted to planning considerations that are material to the determination of the application.

¹ RBWM Constitution, Part 7, Chapter F, Section 1, pages 283-285

24. It must follow, therefore, that public speaking rights do not extend to the business of a Panel meeting generally and certainly do not require the Chair of a Development Management Panel to afford members of the public the opportunity to address the Panel on motions or recommendations that do not involve the determination of a planning application.
25. For these reasons, in my view, it would be lawful and appropriate for the Panel to consider the first recommendation as a separate agenda item, upon which a vote must be taken and a decision made *before* proceeding to consider the Application as a separate item, *but only if* the Panel first decides to rescind the 17 December 2018 Panel resolution.
26. In the usual way, the Head of Planning's Panel report on the Application must take account of all material planning considerations relevant to the determination of the Application, including any material change in circumstances since 17 December 2018, if any exist.
27. It is important to note that the advice provided by Leading Counsel to the Applicant does not address the proper approach to the conduct of the Panel meeting in any detail. The extent to which it will be necessary for the officers to introduce the Application in full detail will depend upon the attendance of members at the meeting.
28. As I understand matters, only one member of the Panel (Councillor Bullock) was absent on 17 December 2018. Should the absent member be present when the Panel reconsiders the Application, or indeed if any substitute members are present, it will be necessary for the Application to be presented in full again. Likewise, it will be necessary for the Panel to debate the merits of the Application in full having regard to any oral deputations made at the meeting, pursuant to the exercise of public speaking rights under the Constitution.
29. In the event that the next Panel is comprised of the same members present on 17 December 2018, a truncated approach to the presentation and consideration of the Application will be permissible. In those circumstances, Members' discussion and debate may properly be confined to the any material change in circumstances identified in the Head of Planning's report, if any, together with any additional representations material to the determination of the Application, made orally or in writing.

CONCLUSION

30. For the reasons set out in this Advice, the LPA cannot lawfully rely upon the Panel's 17 December 2018 resolution to issue a decision notice refusing to grant planning permission in the present case. The Application must, therefore, be reconsidered by the Panel in accordance with the advice provided above.
31. Should those instructing me require anything further, they should not hesitate to contact me in Chambers.

Six Pump Court
Temple
London
EC4Y 7AR

MARK BEARD

8 January 2019

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

VICUS WAY CAR PARK

ADVICE

1. I am asked to confirm briefly in writing the advice I gave to the Council at a telephone conference earlier today.
2. The Council as landowner submitted to the Council as local planning authority a planning application for a multi-storey car park at the above site. The application is very controversial. It came before the Development Control Panel on 17 December 2018.
3. The first motion tabled was for refusal of the application. Of the 8 members present, 4 voted in favour of the resolution, 3 against, and 1 abstained. The motion to refuse was therefore carried.
4. Unfortunately, one of the members (the Chairman) who voted in favour of the resolution did so in error—he intended to vote in favour of the grant of permission. As the room was being cleared, he immediately told the Monitoring Officer that he had voted in error. Since the Chairman has a casting vote, it is apparent that the resolution was erroneous.
5. Under the Town and Country Planning (Development Management Procedure) Order 2015, the decision on a planning application is made when notice of the decision (whether refusal or grant) is issued by the authority: Articles 34-37. No notice of refusal has been issued.
6. There is the highest judicial authority that, in the absence of a notice of decision, a local planning authority can change its mind—indeed, that it may have a duty to do so where (as here) the initial decision is clearly flawed: R (Burkett) v Hammersmith and Fulham LBC [2002] 1 WLR 1593 at para 39, applied in King's Cross Railway Lands Group v Camden LBC [2007] EWHC 1515 (Admin), para 14.

7. Accordingly, in the present case the Council has the lawful ability to change its mind, and is almost certainly under a duty to do so in view of the erroneous voting.
8. The Council is quite clear that it wishes to resolve this matter in a fully open and transparent manner, and with notice to all those (ie including objectors) who have an interest in the application.
9. I therefore advised that the application be brought back to the Panel as soon as appropriate. The correct period of notice of the sitting of the Panel should be given to all interested parties. There need be no attempt to secure that the members who sat on the last Panel should sit on the new Panel. The Panel should be constituted of those members who are naturally available on the due date (and thus may include some of the previous members).
10. The agenda papers must explain why the planning application is being re-considered. The first resolution will be to the effect for members to consider whether or not they wish to rescind the previous resolution in view of the error. The normal Council procedures relating to the ability of those who wish to address the Panel, should be followed. If the first resolution is rescinded, the Panel will then proceed to vote on the application in the normal way.

Christopher Lockhart-Mummery QC

Landmark Chambers

20 December 2018.

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Maidenhead Panel

16th January 2019

INDEX

APP = Approval
CLU = Certificate of Lawful Use
DD = Defer and Delegate
DLA = Defer Legal Agreement
PERM = Permit
PNR = Prior Approval Not Required
REF = Refusal
WA = Would Have Approved
WR = Would Have Refused

Item No.	1	Application No.	18/02105/FULL	Recommendation	PERM	Page No.	15
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	Member Call-in:		Expiry Date:	16 October 2018		

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

16 January 2019

Item: 1

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 On 17th December 2018 the Panel received the report of the Head of Planning on this application reference 18/02105/FULL for Land to the South of Stafferton Way and East of Vicus Way, Maidenhead. The proposal remains the same as was considered previously, it has not been amended. The Council is the applicant. The application had previously been considered by the Panel in October and November 2018, where the decision had been deferred for the reasons set out in the Minutes of those meetings which are available on the Council's website. The officer report to the Panel on 17th December 2018 had been updated with any matters previously contained in Panel Updates to the October and November Panel meetings. This report has been updated to include the matters in the Panel Update to the 17th December meeting and, further, to include additional information in relation to lighting following advice from the Environmental Protection Team in a memorandum dated 4 January 2019.
- 1.2 The application proposes a multi-storey car park (5 storeys).
- 1.3 It is not considered that the proposed multi-storey car park would conflict with Policy OA6 of the Maidenhead AAP (this forms part of the Adopted Development Plan), which seeks to deliver a new multi-storey car park within the Stafferton Way Opportunity Area. The scheme would conflict with policies ED1 and ED2 of the emerging Borough Local Plan, which is a material consideration of significant weight. It is considered that there are material considerations which weigh in favour of the application, which include the need for the car parking to support commuters using Maidenhead Train Station and to take into account the future Crossrail, and also the need to support Maidenhead Town Centre and its redevelopment.
- 1.4 The scheme is considered to be of an acceptable scale and appearance within the context of this area, and is considered to have an acceptable impact upon trees of significance. The scheme is considered to be acceptable in terms of flood risk. It is not considered that the proposal would have a severe adverse impact on the highway network, or that it would have an unacceptable impact on highway safety.
- 1.5 It is acknowledged that the scheme would have a detrimental impact on neighbouring residential properties, and this is considered in the planning balance.
- 1.6 The Panel is reminded that the statutory test in section 38(6) of the Planning and Compulsory Purchase Act 2004 applies to the determination of this application. The law requires that the application be determined in accordance with the development plan, unless material considerations indicate a different decision may be made. If members of the Panel propose to make a decision that is different to the officer recommendation then the reasons for making such

a decision must be clearly stated at the time the propositions are moved at the meeting, as set out in the Council Constitution.

- 1.7 The Panel is made up of 9 members, one of those was absent on 17th December 2018 and there was no substitute in attendance. Having sought Counsel's advice on the matter, the Head of Planning will present the application in full should there be a member present on 16th January 2019 who was not present at the meeting on 17th December 2018. This would be necessary to ensure that all members of the Panel are fully cognisant of all material planning considerations and have the opportunity to participate in the Panel's discussion on the application before a vote is taken.
- 1.8 In his advice to the Applicant, Leading Counsel accepts that the outcome of the Panel resolution on 17th December 2018 does not preclude the reconsideration of the Application, or fetter the LPA's discretion either to grant or refuse planning permission in the present case. Leading Counsel also accepts that the Application must be reconsidered at an ordinary meeting of the Panel, observing the rules, procedures and practices in accordance with the relevant statutory framework and the Council's Constitution. Furthermore, Leading Counsel's written Advice makes it clear beyond doubt that, however Councillor Wilson intended to vote on 17th December 2018, the outcome of the LPA's reconsideration of the Application is not a foregone conclusion and Members of the Panel must determine the Application having regard to the material planning considerations as they exist at the time of the decision.

It is recommended the Panel authorises the Head of Planning:	
1.	To GRANT planning permission subject to the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel. In addition, the Council owns the land.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site relates to land to the south of Stafferton Way and to the east of Vicus Way. The application site measures circa 0.4 hectares and was last utilised as a temporary staff car park by the site owners (the Royal Borough of Windsor and Maidenhead).
- 3.2 The site is accessed from Vicus Way, a direct route off Stafferton Way, which links to the Braywick roundabout to the west. The Vicus Way and Stafferton Way junction is marked by a mini-roundabout.
- 3.3 The site is situated outside of the Maidenhead town centre boundary, but is within the Maidenhead Town Centre Area Action Plan Area (Adopted Plan).
- 3.4 To the rear (south) of the site is a flatted development of five to six storeys in height. To the west of the site, on the opposite side of Vicus Way are residential properties of 2 storeys in height. The east of the application site is Lock and Store, a commercial premises of 4 storeys in height. On the opposite side of Stafferton Way are retail premises which are relatively low in height, and the Stafferton Way multi-storey car park which is 5 storeys in height.
- 3.5 Beech trees provide screening on the southern boundary of the site (these trees are situated in the neighbouring site).
- 3.6 The application site is in the region of 1-1.5 metres lower than the ground level of the ground level of Stafferton Way and Vicus Way

3.7 The application site is within flood zone 2 (medium risk flooding).

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The application proposes the construction of a multi-story car park which would be 5 storeys high (open deck). The main built form of the proposed building would have a height of 14-15 metres and a maximum height of circa 17.4 metres to accommodate the cores for the lift access and stairs positioned to the north and south of the proposed building. The proposed layout would be in the form of a 'split deck' layout where the ramps connecting the levels would be positioned to the southern and northern end of the building.

4.2 The car park would provide 516 car parking spaces. Table 4.1 sets out the parking mix proposed throughout the proposed building.

Table 4.1- Car parking mix

Parking Provision	Level					Total
	Ground	1	2	3	4	
Standard Bay	36	107	107	107	109	466
Accessible Bay	24	0	0	0	0	24
Electric charging bay	21	0	0	0	0	21
Accessible bay with electric charging	5	0	0	0	0	5
Total	86	107	107	107	109	516

4.3 Since the initial submission the applicant has sought to amend the level of electric vehicle charging points to be reflective of demand, and accordingly some of the proposed information contained in the planning statement, Transport Assessment and Design and Access Statement do not fully align with the above break down of mix of parking spaces.

4.4 The existing vehicular access from Vicus Way would be adapted and utilised to serve the development.

4.5 The building would be finished in a cladding system; a metal cladding would be used at ground floor level, with a wooden cladding system applied to the upper floors of the building. The cores (to accommodate the lift and stairwell) would be in a natural concrete with a translucent paint finish to the ground floor area for anti-graffiti measures.

4.6 The Car Park Management Plan sets out that the car park will be operational between the hours of 5am and 8pm.

4.7 There is planning history on the site, but there is no history considered to be of relevance to this application. The Local Planning Authority is currently or has recently considered a number of other planning applications which are considered to be relevant to the context of this application, these are:

York Road redevelopment site:

18/01608/FULL: Mixed use redevelopment of the site comprise of 5 buildings, varying from 4-8 storeys in height to provide a total of 229 new residential dwellings, 1,930 sqm Gross External Area (GEA) of commercial and/or community/cultural floor space (Use Class A1/A3/B1/D1).

The Local Planning Authority resolved to grant planning permission on the 27.09.018. This includes redeveloping on York Road and Grove Road surface car parks.

Ten Pin, Holmanleaze

18/01796/FULL: Demolition of existing building and resurfacing of site with change of use to surface car park and erection of boundary hoarding for temporary 5 year period (100 car parking spaces).

Approved: 02.08.2018

Clyde House, Reform Road:

18/01558/FULL: Resurfacing of site with change of use to surface car park and erection of boundary hoarding for temporary 5 year period following demolition of existing building (60 car parking spaces). Approved: 18.07.2018

- 4.8 These applications are relevant as they show other applications for major town centre redevelopment, or for temporary car parks within the Maidenhead AAP area.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 The National Planning Policy Framework (NPPF) (2018) acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The NPPF is a material consideration of significant weight in the determination of applications.

The sections of the NPPF that are relevant to this application include:

Section 2- Achieving Sustainable Development

Section 6 – Building a strong competitive economy

Section 9- Promoting Sustainable Transport

Section 12- Achieving well designed places

Section 14- Meeting the challenges of climate change, flooding and coastal change

Section 15- Conserving and enhancing the natural environment

Royal Borough Local Plan

- 5.2 The Borough's current adopted Local Plan comprises of the saved policies from the Local Plan (Incorporating Alterations Adopted June 2003). The policies which are considered relevant to this site and planning application are as follows:

- N6 Trees and development
- DG1 Design guidelines
- NAP3- Noise and Fumes
- NAP4 Pollution of groundwater and surface water
- T5 New Developments and Highway Design
- T7 Cycling
- T8 Pedestrian environment
- P4 Parking within Development
- IMP1 Associated infrastructure, facilities, amenities

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

The Maidenhead Area Action Plan (AAP) (2011) forms part of the adopted Development Plan and sets out the Council's vision for the regeneration of the Maidenhead Town Centre. The document focuses on; Place Making, Economy, People and Movement. The AAP also identifies six sites for specific development.

Policies of relevance include:

- Policy MTC 1 Streets & Spaces

- Policy MTC 2 Greening
- Policy MTC 4 Quality Design
- Policy MTC 14 Accessibility
- Policy MTC 15 Transport Infrastructure
- Policy OA6 Stafferton Way Opportunity Area
- Policy IMP2 Infrastructure & Planning Obligations

Borough Local Plan: Submission Version (BLPSV)

Policies in the BLPSV which are relevant to the consideration of this planning application are:

- SP1 Spatial Strategy
- SP2 Sustainability and placemaking
- SP3 Character and design of new development
- ED1 Economic Development
- ED2 Employment Sites
- ED3 Other Sites and Loss of Employment Floorspace
- NR1 Managing Flood Risk and Waterways
- NR2 Trees, Woodlands and Hedgerows
- NR3 Nature Conservation
- EP1 Environmental Protection
- EP2 Air Pollution
- EP3 Artificial Light Pollution
- EP4 Noise
- EP5 Contaminated Land and Water
- IF1 Infrastructure and Developer Contributions
- IF2 Sustainable Transport

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

Significant weight is to be accorded to Borough Local Plan Submission Version policies all relevant policies, aside from Policy NR1 (Flood Risk). Lesser weight should be accorded to Borough Local Plan Submission Version policy NR1 due to the extent and nature of objections raised to it by representations on the Borough Local Plan Submission Version.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary planning documents

Other Local Strategies or Publications

Other Strategies or publications relevant to the proposal are:

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

- Thames Valley Berkshire Strategic Economic Plan

More information on the Townscape Assessment and Parking Strategy can be found at: https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. CONSULTATIONS CARRIED OUT

Comments from interested parties

126 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 25th July 2018 and the application was advertised in the Maidenhead Advertiser on the 26th July 2018.

On the 21st November 2018, neighbours and contributors were consulted on additional information and given 14 days to respond.

31 letters have been received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	The size of the building will impact residents (to the south) behind it majorly. Will result in a lack of privacy.	7.39-7.48
2.	Excessive noise. As it stands we can already hear the noise between 22:00 – 1:00am in the current car park across Stafferton Way, when teenage joy riders do “donuts” in the car park.	7.82-7.83
3.	Serious loss of daylight to the residential units to the south of the site.	7.39—7.48
4.	Excessive traffic on a small road. The highway network cannot accommodate the additional traffic arising from the proposed car park.	7.49-7.62
5.	Adverse effect on road safety. The road Vicus Way has a major blind spot and does not need the increase of traffic. Additionally it will make it hard for residents to access their own homes.	7.49-7.62
7.	Light and views from flats to the south will be adversely affected.	7.39-7.48
7.	It is going to look aesthetically awful.	7.17-7.36
8	The air quality/ noise is going to be unacceptable, especially during construction (groundworks).	Addressed n report.
9.	Object to the fact that prime land near other retail areas is being used for a car park for commuters, rather than investing in the area with more retail or commercial building of us to local residents.	Noted.
10.	It states this application is to ease future car park worries, it feels much more like its easy money and until we see any positive change in the town (rather than shops just shutting down). It is hard to see this plan not just being done regardless of its residents.	7.85-89
11	The entire case is a single solution to potential additional demand and displacement of existing parking capacity across the borough. More efficient would be a borough wide approach, finding a collection of solutions that promote economically beneficial and environmentally friendly methods of transport.	Noted.

12	The current government is committed to phasing out petrol and diesel cars in the next 20 years and yet you are proposing a car park with a shockingly low 10% provision and a further 10% passive provision.	7.65-7.66
13	The planning application does not even validate the Stafferton Way/ Vicus Way mini-roundabout, the junction that is most affected by this proposal. In addition the 2032 baseline model is based on an uplift from 2016 and committed developments at this stage. There is no evidence that the 2032 base model has taken into account the significant additional dwellings under construction on Vicus Way (Loftings site). Therefore the transport assessment is fundamentally flawed and cannot support this application.	7.47-60
14	The proposal contains no plan to enhance the road layout surrounding the proposed car park. The only highway modification referenced within this application is those planned by Redrow as part of their planning application for the new Lofting's site.	7.49-62
15	A proposal of a 5 storey car park to be built, when there is a large car park directly opposite, is astonishing.	7.85-89
16	The land was originally used at ground level & is shocking how the proposal is to build a 5 storey building which will overshadow our homes	7.39-48
17	Better public transport should be considered rather than incentivising traffic & pollution.	Noted.
18	Maidenhead is an up and coming vibrant town and I personally feel that a multi-storey car park sends the wrong message to current and future developers and residents.	7.85-89
19	The roundabout on the corner where you are building the car park is dangerous due to how the people drive down the road and the noise from the drug dealers (which you do nothing about) in the car park adjacent to this area is horrendous and upsetting so I would hate to encourage a similar situation	7.49-62
20	I ask you to either reconsider the height of the building completely or at least how the car park is managed by adding barriers so people can't drive in to the car park freely	See 7.32
21	Concerns over lighting from the car park, and the impact this will have on neighbouring residential properties.	See 7.33 and condition 9.
22	We are concerned about the security of the car park, having to hear the alarms of the cars and this will increase the risk of traffic accidents around the area	7.33
23	The car park will increase the number of commuters to London, therefore, not increasing employment in the town. The regeneration plans in Maidenhead town will have an impact on weekends and night activity and other car parks are closer to the proposed The Landing development.	7.85-89
24	The proposed 'minor realignment works' in the form of a zebra crossing will add more confusion to the junction with a real possibility of physical/permanent harm to those using Vicus Way either in a vehicle or on foot. I have experienced 2 near misses in a month (on foot and in a car).	7.49-62

25	The recommended signage inside the car park 'reminding people to drive at slow speeds and be respectful of neighbours' is reliant upon human behaviour. Furthermore, being reliant upon a report to assess noise impact on neighbouring properties is not reflective of lived experiences and I disagree with the findings that 'short-term noise events...will not be noticeable or intrusive.	7.82-83
26	There is already a multi storey car park a minutes' walk away from the proposed building. I walk past this multi storey car park every day and not once have I seen that the lower floor is full.	7.85-89
27	The development will result in the loss of significant trees.	7.33-7.36
28	It would be extremely unhealthy to open our windows and doors with the carpark in front of us, all the pollution from hundreds of cars starting and stopping their engines, simply filtering into our home.	7.65-7.68
29	Many young families bought their first home here and the planned parking will adversely affect their biggest investment	Not a planning consideration.
30	Multi-storey carpark will make almost impossible for Redrow residents getting in and out by car (and not only) during rush hours	7.49-7.62
31	Multi-storey carpark directly opposite – why not trying to improve its management	The application submitted has to be considered.
32	The development of the car park would not benefit the regeneration of Maidenhead, instead it would serve as a park and ride for commuters to travel into London instead of increasing jobs within the local area.	7.83-89
33	There are already 2 car parks next to the site: a (i) multi story car park and (ii) retail car park, both on Stafferton Way.	7.83-8.9
34	In addition to the loud noises and unsafe environment, cars often enter and exit the car parks at relatively high speeds making the roads around the car parks dangerous.	7.97-7.62
35	Alternatively PLEASE could the Borough CONSIDER building and underground garage and building a park (or other safe community enhancement facility) on top instead?	The application submitted has to be considered.
36	What security measures will be put in place to prevent cars racing and back firing their engines (which is very loud)?	This is not within the control of planning.
37	I have concerns about traffic management in the immediate vicinity. The existing pedestrian crossing points in the area are inadequate. While there is a traffic light crossing next to Lidl supermarket, the zebra crossing just beyond the mini roundabout is dangerous. Frequently I have been trying to cross on that zebra crossing and cars either do not stop or stop at the very last second. As part of the planned works, I would hope that this zebra crossing be upgraded to a traffic light crossing as at present it is a danger.	7.49-62
38	The scheme would decrease property values within the area.	Not a planning consideration.

39	If the Council believes there is a need for other car parks in Maidenhead, they should put these in non- residential areas. This use is not compatible in a residential area.	This area is not purely a residential area.
40	The proposed building would sit within the streetscene between the four storey building and two storey terrace dwelling houses to the west. The proposed building would fail to respect the existing building heights, and would appear out of character and significantly overbearing to neighbouring properties.	7.17-7.36
41	A prevailing characteristic of the area on Stafferton Way is buildings being set back from the road; this building would be out of keeping with this.	7.17-7.36
42	Owing to the size of the building, there is no opportunity to put in meaningful landscaping, which will be of detriment to the character of the area.	7.36
43	An assessment on overshadowing has not been submitted.	Noted, it is not considered necessary
44	Given the pathway of the sun, significant overshadowing would occur to Lock and Store and residential properties to the west in the morning and evenings.	7.39-7.48
45	The proposed building would be significantly overbearing to neighbouring properties.	7.39-7.48
46	Owing to the scale of the proposed building, it would make the car park area and general approach to Lock and Store unwelcoming.	Not a relevant planning consideration.
47	The building would block views of Lock and Store and Lidl, and this would impact upon trade to Lock and Store which relies a lot on passing trade.	This is not a planning consideration.
48	Lock and Store (as a neighbouring user) would not support construction work overhanging their boundary; it would be dangerous.	Noted, this is not relevant to the planning assessment.
49	The proposed building will cross a ROW to the south of the site; Lock and Store benefit from a right of access along this and would not permit this ROW being built on/impeded.	Noted, this is not relevant to the planning assessment.
50.	My house is directly opposite the proposed site; my front drive is used as a crossing point and a pavement by people who are too lazy to the use of existing pavements. I anticipate that with the erection of the car park that many more people will use my property as a pavement' I request the Council to find a solution to this.	The Transport Assessment does show a new footway to go on the western side of Vicus Way (to be secured by the Redrow scheme), with a new pedestrian crossing put in on Vicus Way.
51	The Vicus Way plot is owned by the Council and yes it is available at the moment, but that doesn't make it a suitable spot for such a big development.	This application must be considered against development plans policies.
52	It is the responsibility of the Planning department not to allow this car park to be erected at this location because it will cause a real risk of injury to pedestrians, drivers and cyclists.	See 7.49-7.62

53	Pollution and noise will increase from new traffic and more importantly from stationary cars, due to gridlocks on the road, having a negative impact on residents' Lives and Health	Addressed in report.
54	Security, Behaviour and Disturbance issues relating to car park. Crime and anti-social behaviour in the area will increase and will adversely impact on residents. This is already a problem for the Safferton Way Car Park.	See 7.32-7.33
55	The Flooding report recommends that the application is refused	See 7.7-7.16
57	The Daylight Assessment shows incorrect and misleading information. Specifically the photos in the assessment do not show 1 Greenfield as it is today. There are 2 side windows facing Vicus Way.	See 7.37-7.46
58	Light Pollution coming from the Car park, into our windows 24/7.	See 7.33 and recommended condition 9.
59	The application contravenes both the current planning policy and the submitted Borough Local Plan.	See 7.2-7.6
	Policy OA6 of the Maidenhead Area Action Plan allocates land north of Stafferton Way for a multi storey car park. This was a reasonable site when the Plan was consulted on and approved, so what has changed? The land may not be in the Council's ownership but what efforts have they made to negotiate for its purchase or to use, if necessary, Compulsory Purchase powers?	See 7.2-7.6
60	Too much money is being spent on this project.	Not relevant to the planning consideration.
61	The development has been described as a "Temporary Car Park" in All correspondence to residents, even the latest letter to residents dated 12 November 2018 , as well as on the on-line planning application on the Council's website. This is entirely misleading, and the consultation has not been properly carried out. This can give a reason for a complaint to the Local Government Ombudsman	The reference to a temporary car park was given as the part of the site address (as the sites last use), not the description of development. For clarity the site address has been amended to remove reference to the temporary car park.
62	Where is the report which shows the need for the extra car parking spaces?	This was not submitted with the application.
63	There is evidence that parking usage in Maidenhead is down.	This application has to be considered on its merits.
61	Scheme does not accord with AAP, as the land south of Stafferton Way was meant to provide a striking gateway- this development will not achieve that.	7.2-7.6
62	The Stafferton Way Opportunity Area is not appropriate for tall buildings, as set out in the AAP.	For the purposes of the AAP, tall buildings are those which are noticeably higher than 20 m. This scheme would not be noticeably higher than 20 metres.

63	The proposal does not accord with Policy OA6 of the AAP, as the building would result in a detrimental impact on neighbouring residential uses, and is not considered to be high quality design.	The explanation of Policy OA6 sets this out. Whilst the scheme is considered to cause some harm to residential amenity, this has been weighed in the planning balance. See paragraphs 7.17 and 7.36 in relation to design.
64	Policy OA6 only allows for non-office employment to be provided on this site.	See 7.2-7.6
65	Transport Assessment is flawed. Disagreed with the conclusions from the modelling and the predicted queue lengths.	See 7.49-7.62
66	This is another example of infrastructure not being planned properly, and the Council finding a quick fix solution.	This application must be considered on its merits.
67	Transport assessments are often not correct, as can be seen with the school built in Oldfield.	The TA is the best source of information that can be used to inform a recommendation on this application.
68	Please not I will be issuing proceedings for loss of right to light.	Noted, this is a separate process from planning.
69	Scheme will cause a danger to pedestrian safety.	7.49-7.62
70	Separation distances between the buildings is not acceptable.	7.37-7.48
71	If the council believes this is the last piece of land left in Maidenhead, to erect a car park, it should Help residents move away from this area.	This is not relevant to the planning consideration.
72	Council sends confusing messages. Is the area residential or commercial? If the latter, why has it recently allowed hundreds of residences to be erected on the next plot (the Loftings)?	The site is situated in the Stafferton Way Opportunity Area, which includes retail, employment (B8) and a car park. Residential properties are adjacent to this Opportunity Area, not within it. The Loftings was approved based on a case for very special circumstances for new homes within the Green Belt.

73	Council appears to be treating the residents of the area as 2nd class citizens, due to the fact that the area is not affluent (there is Social housing nearby).	This is not material to the planning considerations within the application.
74	Maidenhead has always been an attractive town compared to other towns. The erection of the car park on this busy location would have a detrimental effect on how Maidenhead is perceived and looks	7.17-7.30
75	Council is creating a road where people would be afraid to walk through in the night (with 3 empty car parks in same road).	This application has to be considered on its merits.
76	Councillors creating this slum, will not be personally affected, as they don't live in the area.	This is not relevant to the planning consideration. The application must be determined on its merits.
77	There is Evidence that the plan is short of employment land. Houses land increases and employment land decreases This is another employment land going. Maidenhead needs more EMPLOYMENT SPACE	The conflict with the BLP Submission Version allocation is addressed in the officer report.
78	The council is putting Commuters who are not residents of Maidenhead above its existing residents, as this car park is aimed for commuters coming to Maidenhead after the completion of the Cross rail	Not relevant to the planning consideration.
79	We/the residents have even had to sit by and watch the RBWM flatten the land in preparation for the build. This has been quite distressing as these actions appear to be predetermined that the car park will be approved by the largely conservative planning panel at RBWM, due to alleged internal politics.	Not relevant to the planning consideration.
80	The RBWM argues it is in keeping with the area. We dispute this. The 'BraywickView' demonstrates a children's play area and the green fields/nature reserve to the rear aspect of Vicus Way. It is also a heavily residential area.	7.17-7.30
81	Given the choice I would like to see the site developed into residences, offices or retail. These developments would be looked after because they would have occupiers. A car park doesn't have an occupier, especially at night.	This application has to be considered on its merits. An application for an alternative use would need to be assessed on its planning merits.
82	Residents already experience ALL of the above from the nearby Stafferton Way Car Park, owned by the COUNCIL. They fear the same will happen in the Vicus Way Car park	This application has to be considered on its merits. A car park management plan is proposed for this application.
83	Proximity to residences will make noise from car park unbearable, as it is 5 metres away from residences. The existing car park is 200m away, but residents still hear noise very clearly.	The proposed building is not 5 metres away from residential properties, the separation distances are greater than this and shown on submitted drawings. The scheme is not considered to generate noise levels to an unacceptable level to warrant refusal on this ground

84	Precedent was set by the refusal of a planning application on the same site in 2016. The Council Refused this application on the same grounds that this application should be refused (due to the Borough Local Plan and being Detrimental to the area). It appears that there is One Rule for the Council and another for everybody else!	The application referred to (16/01063/VAR) was for a different development. In addition that development was allowed on planning appeal as an Inspector considered it was acceptable on planning grounds.
85	This Planning Application is wrong in every way, social, practical, etc. It should have been rejected internally before it reached the Panel, (like the Nene application). The fact that it has been allowed to carry on, shows that the council has given a special treatment to this application, which appears to be because the Council is the applicant.	The Constitution does not allow for an application on Council land to be determined under delegated powers, a decision has to be made by the Area Panel.
86	What kind of council allows the erection of hundreds of apartments and houses, (The Loftings) and sneakily applies to erect a car park next door, a few months after?	The Loftings/Redrow scheme was granted permission in 2015. The application for this car park was made in 2018; the application for the car park was publicised in the correct way.
87	Demand for car parking needs to be re-examined. Surveys by residents show that car parks in Maidenhead are underutilised.	This application has to be considered on its merits; if the application were to be refused this would be on planning grounds which demonstrate that the proposal would give rise to harm.
88	The Maidenhead Town Centre Area Action Plan indicates that parking should be to the north of Stafferton Way, yet this application is to the south. Furthermore, this particular site is reserved for employment land, non-office space with any application for retail use not to be supported. Developments are to be up to 4,000 sq m in size.	7.2-7.6
89	What is the legal statutory limit for distances between a multi-storey car park and residences?	There is no statutory limit.
90	Erecting a multi-storey car park right next door to the Loftings village and the existing residences doesn't fit in with the character of the area, which is also very close to a green belt and children's park and play area.	The site is within the Stafferton Way Opportunity Area which is commercial in use. Non-residential and residential uses are located adjacent to this Opportunity Area. The site is not situated in the Green Belt.

91	<p>The Council has not looked into other alternatives. At the moment a new 7 floor car park has been proposed in Nicholson centre, and this could be amended to a 10 or 11 floor car park, to accommodate more cars. A new height limit of 16 stories has been approved on the opposite side of the Nicholson street, by the Landing project approval, so there is now a precedent and it would not look out of place.</p>	<p>This application has to be considered on its merits. There is no planning application at Broadway car park (Nicholson's)</p>
92	<p>Concerned residents of Oldfield ask for this application to be turned down on the following grounds:-</p> <p>THE HUMAN RIGHTS ACT 1998 OA6, ED1 and ED2 DG1 Design guidelines, NAP3- Noise and Fumes, T5 New Developments and Highway Design, E1 Location of Development, T8 Pedestrian environment, IMP1 Associated infrastructure, facilities, amenities, Borough Local Plan: Submission Version (BLPSV SP3 Character and design of new development, EP3 Artificial Light Pollution, EP4 Noise</p>	<p>The Humans Rights Act is addressed on page 3 of the agenda pack.</p> <p>The interpretation of Policy OA6 has been covered in the officer report. Policy E1 of the Local Plan is not a relevant policy.</p> <p>The Borough Local Plan Submission Version does not form part of the development plan.</p> <p>Matters of pedestrian safety, light pollution and noise and air quality have been addressed in the report.</p>
93	<p>Many near misses happen every-day on the existing zebra crossing. One additional zebra crossing practically inside a resident's garden just simple isn't the answer or correct mitigation!</p>	<p>Addressed in report. The zebra crossing is on highway land as shown on the plan which identifies the new alignment to the road.</p>
94	<p>Distance to residences – is the most shocking! This does not even consider the traffic entrance and exit to the car park from people's homes/balcony's and windows</p>	<p>The assessment does consider the distances between the proposed building, in terms of it's and impact on residential amenity.</p> <p>The impact on both air quality and noise has been considered and is addressed in the officer report.</p>

95	Reference is made to the Design & Tall Buildings & ongoing work on a tall building strategy & Parking Strategy & these documents will be consulted on so how a decision can be made on the Vicus Car Park until a consultation has taken place.	As these documents have not been consulted on, they have no weight in relation to the consideration of this application. They are documents within the future work programme which will amplify policy: the parking strategy will set parking standards for new development and will not relate to the provision of car parking to service district or local centres. The proposed car park is below the threshold definition in the AAP for a tall building.
96	A legal opinion has been submitted by an objector, but this legal opinion was produced in relation to the Borough Local Plan Submission Version.	This legal opinion submitted is not relevant to this planning application.

A petition (with 152 signatures) has been submitted to the Council in relation to the application, setting out objections to the planning application. The objections are summarised as follows:

- A third car park so close to a residential area will add to the existing issues from antisocial behaviour originating from the existing car parks in the area. This will make the area a more dangerous place to live in.
- The air pollution in the area will increase, having a negative impact on the residents' health.
- The surrounding roads will become more dangerous for pedestrians and will not cope with the additional traffic, especially as there is a recycling centre next door and hundreds of new residential dwellings on Vicus Way.
- The noise in the area will increase and will exist 24 hours a day. This will impact on the residents' lives, health and ability to function properly. Young children need to sleep early, adults need to rest so that they can work the next day.
- RBWM has already permitted the erection of hundreds new residential dwellings in Vicus Way. A residential area does not mix well with a multi storey car park so close.
- It will make the area look aesthetically ugly, noisy and over polluted

Consultees

Consultee	Comment	Where in the report this is considered
Ecology Officer	No objection, subject to conditions for a Construction Environmental Management Plan to be submitted, and a condition to secure biodiversity enhancements.	7.72-7.76
Environment Agency	No objection, subject to conditions regarding ground investigation works should be undertaken across the site.	See recommended condition.
Berkshire Archaeology	Offers no objection, subject to a condition being imposed to ensure that the recommendations in the submitted archaeological report are followed.	7.77-7.79
Council's Tree Officer	No objections subject to conditions.	Noted, see recommended condition 16.
Environmental Protection	Recommends conditions. Does not consider the scheme will have an adverse impact	Addressed in report.

	on air quality. Recommends a condition for ground contamination and a condition in relation to lighting.	
Highways	No objection.	7.49-7.62
Lead Local Flood Authority	No objection, subject to a condition.	See recommended condition 7.
Parking Team	<p>In response to concerns from residents conducted space counts at 1.45pm on Monday 3rd December and provide the following information:</p> <p>Hines Meadow has a total space count of 1320 of which 447 are reserved for short stay shoppers and cannot be used by anyone staying longer than 3 hours. 108 spaces are leased to companies and the use of these spaces is not within RBWM control. A further 98 spaces are reserved for residents. A total of 653 spaces leaving 667 spaces for long stay parking. At 1.45pm on Monday 3rd December the following spaces were available. 117 short stay shoppers spaces, 27 leased spaces and 84 resident spaces a total of 228 spaces. Of the 667 long stay spaces only 28 were available at 1.45pm. Of the 1,320 total spaces 80.61% were in use. Of the remaining 19.39% only 56.65% were available for public use or 145 spaces.</p> <p>Broadway Car Park has a total space count of 734 of which 14 are reserved for Shopmobility and 98 are reserved for adjacent offices. A total of 112 spaces leaving 622 spaces for public use. Nicholsons is a predominantly short stay shoppers car park with 536 (on average) spaces used for short stay (up to 3 hours). The majority of short stay use occurs between 10am and 4pm Monday to Friday and 11am to 3pm Saturday. At 1.45pm on Monday 3rd December the following spaces were available 5 Shopmobility and 63 reserved for adjacent offices a total of 68 spaces. Of the 622 spaces available for public use only 63 were available. Of the 734 total spaces 81.75% were in use. Of the remaining 18.25% only 48.09% were available for public use or 63 spaces.</p> <p>Stafferton Way has a total space count of 570 all of which are used for Long Stay Monday to Friday. 300 are reserved for Season Ticket Holders up to 10am. At 1.45pm on Monday 3rd December there were 26 spaces available or 4.56% of the total spaces.</p>	7.85-7.89

Other responses

	Comment	Where in the report this is considered
Access Advisory Forum	<p>The AAF supports the provision of disabled parking within the temporary car park – 28 Blue Badge spaces out of the total 515 parking spaces. All Blue Badge spaces have rear and shared side access zones and are on the ground floor of the car park.</p> <p>However we do have a concern about disabled users of the proposed car park safely crossing Stafferton Way to access the town centre, retail park or station.</p>	This is not a requirement of Policy in the Adopted Local Plan. However see 7.59.

	<ul style="list-style-type: none"> • Of the two existing nearby pedestrian crossings, the zebra crossing enables Greenfields residents to cross Stafferton Way while the more recent Toucan crossing provides a crossing point of Stafferton Way to users of the Green Way and shoppers using the Retail Park / Lidl. • Neither existing pedestrian crossing would enable a user of the temporary car park to cross Stafferton Way without first having to navigate either the junction of Vicus Way & Stafferton Way or the entrances to Lidl and Retail Park car parks 	
Thames Valley Police	<p>Thames Valley Police has no objection, subject to planning conditions being imposed to secure the following:</p> <ul style="list-style-type: none"> • Details demonstrating how the vehicle and pedestrian access control will be achieved have been submitted to and approved in writing. The development shall be carried out in accordance with the approved details • Until details to demonstrate how the multi storey car park will achieve maintain 'Park Mark' Safer parking award status, have been submitted to and approved in writing by the local authority in agreement with Thames Valley Police. • Details of The Management Policy for the above Car Park- demonstrating how the security of the facility will be managed have been submitted and approved prior to building commencement . 	7.32 and 7.33, and see recommended conditions 8, 9, 13, 14 and 15.

7. EXPLANATION OF RECOMMENDATION

7.1 The key issues for consideration are:

- i Principle of redevelopment at the site
- ii Flood Risk
- iii Design, including impact on trees and new landscaping
- iv Impact upon neighbouring amenity (including noise and lighting)
- v Impact on highways and parking considerations
- vi Environmental Considerations
- vii Other material considerations
- viii. Planning Balance
- ix. Conclusion and officer recommendation

i. Principle of this redevelopment at this site

7.2 Policy OA6 of the Maidenhead Area Action Plan (which forms part of the adopted development plan) sets out that the Stafferton Way Opportunity Area is allocated for employment development, and then goes on to set out the proposals that should come forward in this area. Policy OA6 explains that one of the proposals in this Opportunity Area should comprise a new multi-storey car park (which is not an employment use). Policy OA6 of the Maidenhead Area Action Plan sets

out that land to the South of Stafferton Way (which includes this application site) should be utilised to deliver 4,000 sqm of non-office employment floorspace, this includes B1(b), B1(c), B2, B8 and car showroom use.

- 7.3 The Lock and Store (adjacent to the site), which is also situated on land south of Stafferton Way has 8,607m² of B8 self storage, which exceeds the 4000 square metre figure specified in Policy OA6. As such it is not considered that this scheme would conflict with the requirements Policy OA6. Policy OA6 of the AAP identifies that a multi-storey car park should be located on land to the north of Stafferton Way. However, the land to the north of Stafferton Way is in private ownership, and so it would not be possible to provide a new multi-storey car park in this area. The provision of this multi-storey car park would meet the aims of Policy OA6 which seeks to deliver a multi-storey car park in this Opportunity Area.
- 7.4 Policy ED2 of the Borough Local Plan Submission Version (BLPSV) seeks to maintain this application site (as part of a wider allocation) for employment use. This forms part of the wider economic strategy for the BLPSV as set out in policies ED1 and ED2, which are afforded significant weight as a material planning consideration but do not have the weight of development plan policy at this stage.
- 7.5 The scheme does not comply with Policies ED1 and ED2 of the emerging BLPSV. The application site is on land allocated as a business area, and this scheme would remove land allocated for business purposes. However, within Policy ED2 it is stated that within business areas, development proposals that improve and upgrade the facilities available will be supported. This multi-storey car park will increase car parking and will provide car parking for employees within the area. In this instance the provision of a multi-storey car park would support the aims of Policy OA6 which forms part of the Adopted development plan.
- 7.6 It is acknowledged that the scheme would take away land allocated for employment purposes in the emerging Borough Local Plan. The Borough Local Plan is not part of the adopted development plan, however, it is afforded significant weight in decision making. As such, material considerations have been considered in section vii of this report and within section viii which considers the planning balance.

ii. Flood Risk

- 7.7 The application site is situated within flood zone 2 (medium risk flooding). A car park would fall into a less vulnerable use, and according to guidance contained within the NPPF and National Planning Practice Guidance (NPPG), a less vulnerable use is appropriate within this flood zone.

Sequential Test

- 7.8 In accordance with the NPPF, it is a requirement for the scheme to pass the Sequential Test. The aim of the Sequential Test is to steer development to areas at the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If the Sequential Test cannot be met, the principle of the development in Flood Zone 2 is not acceptable.
- 7.9 In order to pass the Sequential Test, it is necessary for the application to demonstrate that there are no alternative reasonably available suitable sites at a lower risk of flooding (i.e. outside of the flood zone) that could accommodate this scheme. With regard to the area of search for alternative sites, given that the need for the car park is to support Maidenhead town centre and its regeneration, for workers in the town centre, and for commuters to London, the search for sites should be limited to the Maidenhead Area Action Plan Area. In addition, the location of a multi-storey car park to be accommodated within the Stafferton Way Opportunity Area is set out in the Maidenhead Area Action Plan. With regard to other potential sites within the AAP area, the expansion of the existing Broadway car park is understood to be in the pipeline, but it is also understood that the expansion of this car park on its own would not meet the future car parking requirements for Maidenhead. Aside from this, within the Maidenhead AAP area, other reasonably available sites are either not at a lower risk of flooding than the application site and so

are not sequentially preferable, or those sites that are available and at a lower risk of flooding are earmarked for future residential development. Such alternative sites include:

-Reform Road (is at a higher risk of flooding).

-The Landing (earmarked for a mixed use development)

-St Cloud Way (the site is at a lower risk of flooding, but residential development is anticipated for the site)

-York Road site (situated in flood zone 3)

7.10 It is considered that the Sequential Test is passed.

7.11 Paragraph 163 of the NPPF (2018) sets out that provided the Sequential Test can be passed, it needs to be demonstrated as part of an application that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

7.12 In this case most of the site is situated in flood zone 2; the proposed use is a less vulnerable use and so the location of the proposed building within the site is considered to be acceptable.

7.13 The Flood Risk Assessment sets out that the finished floor level of the car park will be set at 24.00 AOD which is above the 1 in 100 year plus climate change flood level, which is predicted to be 23.76 AOD. This floor level is recommended to be controlled by condition 17.

Drainage

7.14 The application is submitted with a Strategy, which adequately addresses the management of surface water. The surface water drainage strategy comprises an online geocellular attenuation tank with limited discharge rates. The proposed geocellular storage system dealing with the management of rainfall runoff has been designed to accommodate a 1:100year + 40% climate change storm event. In addition, the possibility of surface water runoff running on to the site from the east during extreme rainfall events (in excess of 1% AEP + climate change) has been recognised and any water running over the existing kerb line to the east of the proposed development will be directed to a compensatory storage area below the proposed mezzanine floor level. While the Lead Local Flood Authority is satisfied with the approach to the management of surface water some additional information is required (specifically relating to the compensatory storage area) and it is recommended that full details are secured by way of Condition 7.

7.15 With regard to residual risk, the FRA sets out that the site is not located within an area benefitting from flood defences and so is not at risk of flood defence failure

7.16 With regard to the access and evacuation, there would be a low hazard escape route in 1 in 100 plus climate change allowance flood event.

iii. Design, including impact on trees

7.17 Policy DG1 of the adopted Local Plan seeks to ensure that development will be of a high standard of design and landscaping, compatible with the area and street scene.

7.18 Policies MTC1 and MTC 4 of the Maidenhead Area Action Plan emphasise the need for place making and creating a high quality, town centre environment. Policy OA 6: Stafferton Way Opportunity Area sets out how development proposals should seek to deliver high quality architecture.

- 7.19 Section 12 of the NPPF which is a material consideration of significant weight to this application deals with achieving well designed places and delivery of developments that will function and contribute to the overall quality of the area in the long term. To achieve this development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; they should be sympathetic to local character and history, including the surrounding built environment and landscape setting. The NPPF is clear to emphasise that this should not prevent or discourage change (such as increased densities).
- 7.20 Policies SP1 and SP2 of the BLPSV states that new developments should positively contribute to the places in which they are located and that larger developments should provide a harmonious, integrated mix of uses, where appropriate, that foster a sense of community, vibrancy and activity, along with contributing to the provision of social, natural, transport and utility infrastructure to support communities. The policy further promotes the community integration and sustainable place making. Policy SP3 sets out a number of principles to achieve a suitable high quality design. In reviewing the level of unresolved objections to these policies on the BLPSV significant weight is given to these overarching design principles to ensure appropriate development.
- 7.21 The Stafferton Way Opportunity Area is identified as part of a southern gateway into the town centre (within the Adopted AAP), segregated from the central area by the railway line to the north. The character of the area is mixed and reflective of this edge of centre location.

Layout

- 7.22 Car parks are inevitably essentially a large 'box' in form with large floor plates. The proposed layout looks to maximise the efficiency of the site, whilst having due regard for the site constraints (notably the residential flatted development and line of trees positioned to the south of the application site). Accordingly the proposed car park layout is positioned away from this boundary. The vehicle access is also proposed to the western part of the site, off the existing highway and set back from the main through road of Stafferton Way. Pedestrian Access routes are proposed to the north and west of the application site, to connect to existing pavements and footways. Disabled access Ramps are proposed as part of this. The proposed car park would also be positioned close to the eastern elevation, which forms the parking area of the adjoining commercial use.
- 7.23 In terms of the proposed internal layout the proposal would utilise a split level with a one-way system circulating traffic around the car park with ramps located to the north and south to connect the split levels. Internally pedestrians would navigate the car park via a series of walkways and crossing points leading to 2 stair cores which provide the vertical circulation and means of escape. The main core is located to the north of the application site opposite Stafferton Way. The southern stair core, adjacent to the car park access is predominantly an escape core.

Scale and mass

- 7.24 Buildings in the Stafferton Way Opportunity Area comprise a mix of buildings that range between 2-5 storeys in height. The buildings in commercial use, owing to their footprint and design appear as fairly bulky buildings. Lower density two storey residential properties are located to the east of the application site, across from Vicus Way forming Greenfields and Alpine Close. To the rear of the application site is a 5- 6 story residential flatted development, the Loftings.
- 7.25 The Design and Access statement for this scheme sets out the massing arrangement and alternatives which were considered as the proposal was progressed to application stage. A split level arrangement between the east and west of the proposed building was considered appropriate as it allows efficiencies of the proposed ramped locations and also enables the ability to concentrate the massing and height towards the eastern boundary with the adjacent commercial premises rather than on the boundary with the residential properties.
- 7.26 Whilst there are smaller scale buildings to the west of this application site, Vicus Way road provides a physical separation between the proposed building, and these nearby buildings. As

discussed at section 3.4 of this report, larger scale buildings are present within the vicinity of the site and these contribute to the character of the area, against which this application is assessed.

- 7.27 It is accepted that the building will occupy a large part of the application site, and because of its shape will have a large bulk and mass. However, as the building would be sited on a corner plot, with the roads providing physical separation from other smaller scale buildings, and because of the variety in the scale of buildings that exist within the local area, it is not considered that scale and massing of the building would look at odds within the context of this area. Broadly the proposal would comply with the development plan in this regard.
- 7.28 It is worth noting that the application site is within an edge of centre location to the main town centre of Maidenhead. The site could not be considered to be in a predominantly residential area. The application site sits within a wider Opportunity area within the Maidenhead AAP which has a commercial focus and allocates the site for employment purposes. This indicates that a large scale building would have been anticipated for this site notwithstanding the current proposal is to use it for parking rather than employment/commercial floorspace.

Proposed architectural approach

- 7.29 The architectural design of the proposed building has been influenced by its use. The building needs to be functional for its purpose; a car park needs to be designed to be secure. This requirement has influenced the design, and material palette for the building. At ground floor level, this will be enclosed in a metal mesh to allow light and ventilation into this part of the car park, while still providing a rigid, vandalism resistant barrier on the ground floor perimeter of the parking spaces. The upper floors of the building would be in cladding of ventilated façades made up of natural wood panels and the corresponding substructure. Each panel would consist of a high density bakelite core, clad in a veneer of natural wood with a surface treated with synthetic resin and an exterior PVDF film (polyvinylidene fluoride). This material has been selected due to its high resistance, as it does not require the typical maintenance of other woods for exteriors. The Design and Access Statement sets out that the colour of the vertical panels and the building in general is derived from the colour palette of the surrounding development in particular the two residential developments west and south of the site which utilise a range of dark and earthy materials. Condition 2, as recommended, requires that samples of materials to be used are submitted to and agreed by the planning authority before the development commences.
- 7.30 Given the use of the proposed building, the rationale for selecting the materials is apparent. In addition, there is a mix of materials and colour within the locality, including colours with an earthy tone, and as such it is considered the proposed material palette set out in the Design and Access statement is acceptable. The proposed building would have a functional appearance, however, a number of commercial buildings in the opportunity area also have a functional appearance (Lock and Store, the retail units on the northern side of Stafferton Way). As such, the architectural approach is considered to be acceptable within the local context and character of the area.
- 7.31 The AAP (2011) and the NPPF (2018) both seek opportunities to design out crime and create safe and accessible areas.

Security and lighting

- 7.32 In addition to the proposed design of the façade of the building and use of materials that have been selected in order to provide a vandalism resistant barrier, the proposal incorporates other measures to prevent crime. The car park will be operational between the hours of 5am and 8pm. The entrance to the car park will be closed at 8pm and directional control provisions will allow cars to exit the car park should any vehicle remain in the car park after 8pm. The gate will be automated and locked shut at 8pm each day, opening at 5am. The directional flow provisions will take the form of flow plates (i.e. causing damage to any car that tries to enter via the exit). In addition to this, it is proposed that all pedestrian and vehicular entrances and exits would be locked shut from midnight, meaning that between 8pm and midnight, people arriving from a late train can access the car park and leave but not after midnight (see condition 15).

- 7.33 It is proposed that both stairwells will have open balustrades allowing good visibility on approach to and from landing areas and vandal resistant mirrors will be installed at stair turns to assist with natural surveillance. CCTV will be installed in the stair wells and also on the floor plates to cover pay machines. The submitted Car Park Management Plan sets out that the car park will be lit 24 hours a day (subject to Passive Infra-Red (PIR), timelock and photocell controls) working in conjunction with the provision of CCTV for safety and security purposes. A report prepared by Hoare Lea on the proposed lighting was submitted with the application. Although this report has a plan which shows the suggested positioning of the external lighting at rooftop level of the car park, detail is required on the positioning of lighting to other floors of the car park. It also needs to be ensured the final lighting scheme provides lighting in the car park to be bright enough and have uniform light levels for the safe movement of pedestrians, safe movement of vehicles, CCTV cameras to see for security, whilst being designed so as not to result in spill light causing unreasonable disturbance to neighbouring properties. The Environmental Protection Officer advises that it is possible to design a lighting scheme so that it is effective as a safety measure, whilst also having an acceptable impact upon neighbouring residential amenity. It is recommended that details of the lighting strategy for the car park is secured by planning condition (see condition 9).
- 7.34 Based on the measures for safety and preventing crime proposed by the applicant, Thames Valley Police raise no objection, subject to planning conditions being imposed. The conditions recommended by Thames Valley Police seek to secure details of how the vehicle and pedestrian access control will be achieved, details to demonstrate how the multi-storey car park will achieve 'Park Mark' Safer parking award status, and details of the management policy for the car park for approval. It is not considered that these details need to be secured prior to the commencement of development, but should be obtained prior to the first use of the building (see conditions recommended conditions 13,14 and 15).

Landscape (including trees)

- 7.35 As set out above Policies MTC1, MTC 4 and OA6 of the Maidenhead AAP (2011) seek high quality design, and landscaping forms a key part of this. Local Plan policies N6 and DG1 also provide general design policies on the importance of high quality landscaping in delivering successful schemes. Policy N6 of the adopted Local Plan states that plans for new development should, wherever practicable, allow for the retention of existing suitable trees and include an appropriate tree planting and landscaping scheme. Where the amenity value of trees outweighs the justification for development, planning permission should be refused.
- 7.36 BLPSV Policy SP3 requires development to protect trees and vegetation worthy of retention and sets out that comprehensive green and blue infrastructure schemes should be integrated into proposals. Policy NR2 of the BLPSV seeks the protection and retention of trees, and where needed suitable mitigation. Where the amenity value of the trees outweighs the justification for development, planning permission may be refused.
- 7.37 [A small group of trees and shrubs to be removed as part of the redevelopment of the site are of limited landscape quality and there is no objection to their loss.](#) Located on the southern boundary of the application site is a row of trees outside of the application site. An arboricultural report and associated tree survey has been submitted as part of the application. It is proposed to protect these trees during the construction process by leaving existing tarmac within the rooting area of these trees, with tree protection fencing erected by this tarmac area. The Council's tree officer is satisfied with this approach, and condition 16 seeks to secure that the development would be undertaken in accordance with these tree protection measures.
- 7.38 Due to the proposed layout there are some opportunities for tree planting and/or soft landscaping. Recommended condition 10 sets out proposed landscaping conditions, however, it is unlikely that there is space for any meaningful tree planting. Visibility splays are fundamental

for this form of development and therefore any form of soft landscaping would likely be low level. This does not weigh in favour of the scheme.

iv. Impact on Neighbouring Amenity

- 7.39 There are no specific policies in the adopted Local Plan or the Maidenhead Town Centre AAP regarding impact on neighbouring amenity. Paragraph 127 (f) of the NPPF (2018) is a material planning consideration to be given significant weight and states developments should:

“Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.

- 7.40 Policy SP3 of the BLPSV states that development will be expected to have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.

Daylight, Sunlight, overshadowing and separation distances

- 7.41 The Daylight and Sunlight Analysis prepared by AECOM Limited looks at the potential impact on adjacent buildings (in residential and non-residential use). The assessment is based on the Building Research Establishment (BRE) guidelines, which are used nationally as guidance and apply equally to rural and urban locations. BRE recommendations are guidelines rather than adopted policy.
- 7.42 The Daylight and Sunlight Assessment sets out the detailed results. For several of the neighbouring buildings, the assessment concludes that there would be a reduction in light to windows, but the reduction in light would be to an acceptable level, in line with the recommendations of the BRE guidelines.
- 7.43 With regard to the impact of the proposed development on the flats to the south of the application site, there would be a significant reduction in light to a number of windows on the northern elevation of a block of flats closet to the application site. This building is shown as Block A within the submitted daylight/sunlight assessment. Although most of the windows on the northern elevation of the building would fail to accord with the guidelines within BRE, those windows impacted are either serving secondary bedrooms, or are secondary windows to living rooms. Given that the windows impacted do not serve primary rooms, or the room has another source of light, it is not considered the proposal would have a significant impact on the amenity of occupiers in this neighbouring building. In addition, there is a row of trees on the boundary which would have some impact on light to some of the lower level windows.
- 7.44 There is another block of flats to the south of the application site (labelled block B in the Daylight and Sunlight Assessment). This building is sited further away from the application site than Block A. Two windows at ground floor level of this building were tested, and the reduction in light was considered to be acceptable in accordance with the BRE guidelines.
- 7.45 It is acknowledged that the views from the windows in the flats to the south of the application site will change, and occupants would have views of the building. However, the flats impacted have other windows which will be free from visual intrusion. In addition, utilising the information in the submitted plan attached as appendix F, it is considered that there would be a reasonable separation distance so that the building is not unduly overbearing. There would be a minimum distance of 13 metres between the proposed building and the boundary with the block of flats to the south, and there would be a distance of around 22 metres between the rear elevation of the proposed building and the north elevation to this block of flats. The Council does not have adopted standards on separation distances between buildings, however, this separation distance between the buildings is considered reasonable given the context of this area.
- 7.46 Turning to the residential properties to the west of the application site (on the opposite side of Vicus Way), the impact on light to windows is considered to be acceptable, in accordance with the BRE guidelines. The occupier of 1 Greenfield states that the Daylight and Sunlight Assessment does not take account of windows in the side elevation of this property, however, the

approved plans for an extension to 1 Greenfields shows that these side windows serve non-habitable rooms, which are not afforded the same protection as habitable rooms. There will be a change to the view from these properties, and there is likely to be shadowing cast to these properties and their gardens (the impact will be greater during morning hours), however, the proposed building (at 5 stories) is set some distance from the boundaries of the dwellings (in excess of 19 metres), and it is considered that whilst there would be an impact upon outlook and shadowing to these properties, it would not be of a level that would cause significant harm to residential amenity. The proposed building (excluding the external ramp) would be approximately 20 metres from the side elevation of 1 Greenfields. It should be noted that it is the side elevation of 1 Greenfields that faces the proposed car park, and the windows within this side elevation serve non-habitable rooms. In any case, this separation is considered to be acceptable given the context of this area.

- 7.47 It should be acknowledged that this application site is located in an edge of centre location, close to the town centre. The buildings that exist in this area are reflective of its edge of centre location. The Local Planning Authority would expect that a higher density development would be provided in this location. It is accepted that the scheme's design avoids significant loss of residential amenity, whilst noting that harm does result from some of loss of light and overshadowing that cannot be mitigated. This is addressed in the planning balance section of this report.

Overlooking

- 7.48 Concerns have been raised by residents who live next to the site about their properties being overlooked, and experiencing an invasion of privacy. It is accepted that there would be views from the proposed building towards nearby residential properties. However, the use of the proposed building needs to be taken into account when considering this matter. The scheme is for a car park; users of the car park would park their car and travel on to their next destination, whether it be the town centre, or to travel by train. It is not a building where users will spend a considerable amount of time, compared to a residential or office use, and so overlooking will be limited. In addition, the cladding used will limit views out from the building. The scheme is not considered to cause an unacceptable level of overlooking to neighbouring residential properties.

Noise

- 7.49 The Institute of Environmental Management & Assessment provide guidance on noise impact assessment. These documents provide guidance on how to recognise when noise should be considered of concern and affect and impact descriptors for long- and short- term changes to environmental sound conditions.
- 7.50 A Noise Assessment was submitted with the planning application. The report concludes that the operation of the proposed car park is unlikely to have any observable impact on the neighbouring residences.

v. Impact on Parking and Highways Considerations

- 7.51 Policy T5 of the adopted Local Plan states that all development proposals will be expected to comply with the Council's adopted highway design standards. Policy MTC4 on Quality design sets out that development will be expected to satisfactorily address traffic, movement, servicing and parking impacts. Policies MTC14 and MTC 15 of the AAP (2011) sets out that accessibility to the town centre will be optimised with an emphasis on sustainable modes of transport. Policy MTC15 sets out the transport infrastructure needed to support development, much of these highway improvements sit outside of this application site, although it is worth highlighting that the Stafferton Way Link has now been implemented.
- 7.52 The NPPF (2018) states that developments should promote opportunities for sustainable transport modes (suitable to the type of development and its location), provide safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 of The NPPF (2018) is clear that:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

- 7.53 A Transport Statement (TA) (dated July 2018) was prepared by Robert West and submitted in support of this planning application. The Transport Statement was further updated in November 2018 to include the modelling of 2 junctions within the vicinity of the application site. The TA looks to model the potential impact the proposed development would have on the highway network. The Transport Assessment utilises the RBWMHM2 Strategic Transport Model, (the Loftings scheme was included in the Strategic Model) and the ARCADY model, together with traffic surveys undertaken by the applicant.
- 7.54 The proposed car park would be utilised as a long stay car park for commuters and office workers in the town centre. Based on information on current car park usage, this should allow some long stay parking at Broadway and Hines Meadow to be located here, releasing these spaces for short stay/shoppers car parking. The TA sets out that it is likely that there would be around 730 vehicle movements coming to and from the site on a daily basis, the majority of which will access the car parking between the morning hours of 07:00- 09:00 hours and exit around 17:00- 19:00 hours during the week days.

Transport Assessment Results. Outputs from 'Baseline - Year 2032' model (no car park)

- 7.55 The modelling shows that the A308 / Rushington Avenue / Stafferton Way junction is predicted to operate within capacity during the AM and PM peaks, with ratio of flow to capacity (RFC) values on all approaches being below the practical maximum value of 0.85. The model also shows that the Stafferton Way / Vicus Way roundabout is predicted to operate within capacity, with a maximum RFC value of 0.76 and a maximum queue length of around 18m.

Transport Assessment Results- Outputs from 'With Development – Year 2032'

- 7.56 The model predicts that the A308 / Rushington Avenue / Stafferton Way roundabout will operate slightly above capacity. Increased RFC values are predicted on all approaches with the highest value (0.90) on Braywick Road (south) during the AM peak. The queue length on this approach is predicted to increase from around 5 cars (28 metres) to around 8 cars (47 metres). However, this increased queue length does not affect any other junctions and is therefore considered acceptable.
- 7.57 The model shows that the proposed mini-roundabout at Stafferton Way / Vicus Way would operate within capacity, with the highest RFC (0.80) on Stafferton Way (west) in the morning peak. The predicted queue length for this arm is 4 cars (23 metres) which is lower than the distance to the Stafferton Way car park / Stafferton Way junction (around 30 metres).
- 7.58 It is not considered that the residual cumulative impact on the road network from the proposed development would be severe. In addition, it is not considered that this would result in a danger to highway safety.
- 7.59 The scheme does not provide for cycle storage, and this fails to accord with Policy T7 of the Adopted Local Plan and advice contained in the NPPF which advises that schemes should be designed to give priority to cyclists. This weighs against the application.
- 7.60 The site is located in an area which is well provided for with an extensive network of footways and quiet routes suitable for cyclists to facilitate ease of movement from the site to the Town Centre and to the Railway Station. This includes the Maidenhead Waterways to the east of the application site. The pedestrian access cores will be provided towards the northern and southern edges of the car park, while the vehicle access and egress points will be provided in the south-west corner of the structure. Off-site highways works propose the provision of a zebra crossing on Vicus Way (onto a footway which is yet to be constructed, as part of off-site works from the Redrow/Loftings scheme to realign Vicus Way) and the extension of the footway along the northern edge of the site, along Stafferton Way to ensure suitable and safe pedestrian routes

from the site to the wider area. It is considered that the implementation of the zebra crossing and the extension of the footway to the north of the application site are necessary in order to ensure that users of the car park have an adequate pedestrian route when leaving and accessing the car park by foot (see condition 18).

- 7.61 The NPPF sets out that applications for development should address the needs of people with disabilities and reduced mobility in relation to all modes of transport. In this case, disabled car parking bays are shown on the ground floor level, and ramps are proposed on the north and west elevation of the proposed building. The proposed zebra crossing on the Vicus Way will provide a route from the proposed car park to the town centre and station that negates the need to navigate Vicus Way or the Lidl entrance in an uncontrolled way and therefore secures a safe route for all users.
- 7.62 Subject to a planning condition to secure the extension on the footway to the north of the application site, and for the zebra crossing on Vicus Way to be implemented (see recommended condition 18), it is considered that the scheme would have an acceptable impact upon highway safety.

vi. Environmental Considerations

Sustainable Urban Drainage

- 7.63 Policy OA6 relating to the Stafferton Way Opportunity Area sets out that new development should utilise sustainable drainage systems within the site design and layout. Paragraph 165 of National Planning Policy Framework states that all 'major' planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development.
- 7.64 In accordance with The Floods and Water Management Act 2010 the Royal Borough in its role as Lead Local Flood Authority (LLFA), is a statutory consultee for all major applications. The LLFA has considered the proposal and the applicants Sustainable Urban Drainage information submitted as part of this planning application and raise no objection (see condition 7).

Impact on Air Quality

- 7.65 Whilst the Maidenhead AAP (2011) acknowledges that most of the town centre is covered by an Air Quality Management Area there are no specific Development Plan policies relating to air quality. The NPPF (2018) states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas
- 7.66 An Air Quality Assessment (dated 15.08.2018) has been submitted in support of this planning application. The assessment concludes that the overall operational air quality impacts of the development are judged to not be significant. The approach, methodology and conclusion of the air quality assessment that the effects of development traffic on local air quality are considered to be acceptable.
- 7.67 Environmental Protection advises that to help offset the impact of the proposed development on local air quality a condition should ensure the provision of 5% of electric vehicle charging spaces as part of this proposed development with a further option for another 5% enabling a future increase to 10% within 3 years from when the car park becomes operational. However, given that this is not required to render the development acceptable with regard to air quality, it is not considered reasonable to secure this by planning condition. Electric charging points are proposed as part of this application, 5% active and 5%, passive to align the proposal with future trends for utilising more environmentally friendly modes of transport. A CEMP can secure details of recycling material taken from the site and the sourcing of materials. These matters go towards investing in sustainable technologies and sustainable construction.

- 7.68 The Council's Environment Protection Officer has also recommended conditions regarding dust management during construction. This would be secured by planning condition (see condition 6).

Sustainability and Energy

- 7.69 The Council's adopted Sustainable Design and Construction SPD (2009) provides further guidance on how new development is expected to incorporate sustainable principles into the development including, construction techniques, renewable energy, green infrastructure and carbon reduction technologies. However, Sustainable development techniques have moved on since the adoption of this document. Therefore less weight should be attributed to this document in this regard. Nonetheless the SPD sets out measures for achieving sustainable forms of development, including 10% energy being delivered through renewable sources and meeting BREEAM measures.
- 7.70 The NPPF (2018) para 153 states that in determining planning applications developments should comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable
- 7.71 The proposed development is for a car park where it is difficult to meet the requirements of the adopted SPD for utilising renewable energy technologies or the ability to provide measures to reduce water and energy consumption. Therefore and having due regard for the type of development involved and its design it is concluded that it is not practical or feasible to provide other mode of renewable energy as part of this development.

Impact on Biodiversity

- 7.72 Policy MTC 3 of the AAP (2011) seek to conserve and enhance biodiversity. Paragraph 170 of the NPPF (2018) states that planning decisions should contribute to and enhance the natural and local environment. The emphasis is on minimising impacts on and providing net gains for biodiversity.
- 7.73 Policy NR 1 of the BLPSV also seeks to ensure development does not reduce the waterways ecological network or habitat. Emerging Policy NR 3 of the BLSV requires proposals to protect and enhance biodiversity. Policy IF 3 of the BLPSV seeks the provision of high quality green and blue infrastructure of river corridors.
- 7.74 An Ecological Appraisal (dated June 2018) prepared by Bioscan has been submitted in support of this planning application. The conclusions establish that the site is of limited ecological value.
- 7.75 The Council's Ecologist has highlighted the location of the Greenway Corridor Local Wildlife Site (LWS) 95m northeast and grassland fields 130m south. To ensure that the nearby LWS is protected during the construction phase and that nesting birds and other wildlife are not harmed as a result of the development, the Council's ecologist has recommended a condition to secure a Construction Environmental Management Plan (CEMP) to secure details on how the construction process will be managed so as not to adversely impact on this site. However given there is no ecology value on this site and the distances to nearby ecology areas the requirements of this recommended condition are not considered to be reasonable or necessary to make the development acceptable.
- 7.76 It is considered to be reasonable and necessary for conditions regarding biodiversity enhancements to be provided, this is set out in recommended condition 12.

Archaeological matters

- 7.77 Paragraph 189 of the NPPF (2018) states that local planning authorities should:

'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require

developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.

- 7.78 An archaeological desktop assessment has been submitted in connection with this application prepared by Thames Valley Archaeological Services and Project specification for an archaeological evaluation’ and dated June 2018 and 29 June 2019. This concludes that that the site has limited archaeological potential. Berkshire Archaeology has been consulted on this application and considers that there is evidence to indicate the application area to have an archaeological interest, the wider area has revealed evidence for prehistoric, Roman and Saxon remains.
- 7.79 The consultation response from Berkshire Archaeology is that the assessment is a reasonable and fair account of the known archaeological resource within and in the vicinity of the application boundary. The assessment also sets out proposed exploratory archaeological investigation which Berkshire Archaeology consider is an appropriate programme of archaeological work. Recommended condition 11 would secure the implementation.

Ground conditions and land contamination

- 7.80 Policy NAP4 of the Adopted Local Plan seeks to ensure that development will not pose an unacceptable risk to the quality of groundwater. This is supported by paragraphs 178 and 179 of the NPPF (2018) which seek to insure development takes into account proper remediation for contaminated land.
- 7.81 A Phase 1 Geo-environmental Desk Study Report (dated 8 June 2018) has been prepared by AECOM has been submitted in support of this application. Appropriate remediation and mitigation measures can be secured by condition. The Environment Agency and the Councils Environmental Protection Team have raised no objections subject to conditions. These are set out in recommended Conditions 3, 4 and 5.

vii. Other Material Considerations

- 7.82 The proposal would not conflict with Policy OA6 of the AAP (which forms of the adopted Development Plan), however, the scheme does conflict with policies ED1 and ED2 of the emerging Borough Local Plan, which allocates the site for employment purposes. The most recent evidence base for employment floor space highlights the importance of retaining employment land. As such, it needs to be considered whether there are material considerations which support allowing the loss of employment land in this instance. The material considerations are set out below and is then followed by an assessment of the planning balance and the officer recommendation to grant planning permission..

The Need for Car Parking in this location

- 7.83 This proposal is part of a wider programme of temporary and permanent car parking across the town to provide mitigation during the regeneration programme where spaces are lost. Overall this proposal would be one of a number of car parks near the centre to accommodate the town’s needs and growth and support employment and economic growth. The site is located within a reasonable walking distance of the town centre and railway station, and so is a good location to accommodate long stay commuter and town centre employee parking, and would help mitigate the loss of other car parks within the Maidenhead AAP area as well as maintain continuity of car parking availability while other car parks are redeveloped in the town. It would also release car parking closer to the centre for shopper’s to use during the day and might assist to meet the existing latent demand by employers for parking spaces for their employees, the Council holds a waiting list of requests which cannot be met within the existing car parking provision.
- 7.84 The Maidenhead AAP notes that with the arrival of Crossrail, and substantial development planned for the town centre, a new multi-storey is required to service this additional growth as well as meet unmet parking demand from existing employers in the town. At paragraph 7.95 of the AAP it sets out that to ensure the station’s continued success it is important that the AAP promotes good access to the transport hub at the station, including the provision of suitable car parking facilities for commuters within this Opportunity Area. The council has secured £3.75

million of Local Growth Fund support for a project to improve access to / interchange at Maidenhead Station; this forms part of the overall strategy for town centre regeneration.

The scheme has four elements:

1. Construction of a multi-modal transport interchange on Maidenhead Station forecourt to improve connections between journeys made on foot, bicycle, bus, train, taxi and car.
2. Improved pedestrian and cycle linkages between the rail station and the town centre, with environmental enhancements for the station forecourt that will transform the area and create a proper gateway to the town centre.
3. Construction of replacement parking for that displaced from the station forecourt within an additional floor on Stafferton Way car park multi-storey car park.
4. Traffic management improvements (converting Broadway to two-way operation).

- 7.85 The project would assist with the predicted increase in passengers and vehicles accessing the station as a result of modernisation of the Great Western Main Line, the opening of the Elizabeth Line (Crossrail) in December 2019 and the future construction of the Western Rail Link to Heathrow. The scheme is recognised as part of a wider phased re-development of Maidenhead town centre as set out in the Maidenhead Town Centre Area Action Plan (AAP); this proposal also falls to be considered as part of that wider programme for regeneration which will bring forward housing and employment uses across the plan period.
- 7.86 Although Policy OA6 of the AAP identifies land to the north of Stafferton Way to accommodate a multi-storey car park, this site is not within the Council's control, and as such is not deliverable. As such, this application site is likely the only available site within the Stafferton Way Opportunity area to accommodate this multi-storey car park. The Council, as applicant, has undertaken significant work to identify opportunities to provide continuity of parking and additional capacity and has identified this site as the most appropriate and deliverable option.
- 7.87 The applicant has advised that feasibility works have been undertaken in relation to putting additional floors on the existing Stafferton Way multi-storey car park, however, the building is unable to structurally take this load. This car park will need to be redeveloped to increase parking capacity, but this will exacerbate problems for commuters using the railway station. It does form part of the long term plan.

The benefits of providing long stay car parking

- 7.88 It is accepted that long stay car parking would support town centre business in the following ways and thus support economic development within the town:
- It provides parking for employees, ensuring staff retention and successful operation of businesses and supporting employment uses in Maidenhead.
 - It frees up town centre short stay parking more suited to shoppers and leisure visitors who are vital to the town centre economy
 - It cements Maidenheads status as a key commuter town, which brings significant expenditure to the area as commuters are incentivised to live in the area, which has indirect benefits to secondary services and other business.

viii. Planning balance

- 7.89 The Panel is reminded that the statutory test in section 38(6) of the Planning and Compulsory Purchase Act 2004 applies to the determination of this application. The law requires that the application be determined in accordance with the development plan, unless material considerations indicate a different decision may be made. This section of the report summarises the relevant development plan policies and the other material considerations that weigh for and against the proposal and concludes with the officer recommendation.
- 7.90 It is considered that the building would be of an acceptable design, scale and appearance within the context of this area. It would have an acceptable impact upon trees to be retained whilst acknowledging that there will be little space for new tree planting. The scheme is considered to

be acceptable in respect of flood risk and the Sequential Test is met. The scheme is not considered to result in a severe adverse impact on the highway network, and is considered to have an acceptable impact on highway safety. There is no cycle parking contrary to the development plan.

- 7.91 The scheme would impact upon neighbouring residential properties, as set out in detail in section iv of the assessment. Policy DG1 of the Adopted Local Plan is relevant. It is accepted that the design of the building has had regard to the adjoining residential properties and thus limited the impact on residential amenity as much as it is possible. Nevertheless harm does result through some loss of light and overshadowing, particularly to a number of windows on the northern elevation of the flats closest to the application site within Block A. As those windows which fail the BRE assessment either serve secondary bedrooms or are secondary windows to living rooms it is considered that this, in itself, is not significant enough to warrant refusal on this ground alone. As such this harm needs to be weighed against any benefits. The scheme is not considered to result in adverse overlooking of dwellings.
- 7.92 The scheme would not conflict with Policy OA6 of the Maidenhead AAP (the adopted development plan). The scheme would conflict with Policies ED1 and ED2 of the emerging Borough Local Plan as it would result in the loss of employment land, which is a material consideration to take into account in this balance. Equally it is material to consider the benefit to capturing vehicle trips on the edge of town, the additional parking supporting the wider strategy for growth in Maidenhead and supporting other highway proposal including the Maidenhead Station Forecourt Scheme which has LEP funding. These contribute towards improving Maidenhead as a place and delivering against the vision of the AAP to regenerate Maidenhead Town Centre.
- 7.93 In this instance it is considered that there are other material considerations which weigh in favour of the application that is the need to have this car parking to support the train station as an important transport hub, and provide commuters using the train with car parking spaces, and to support the need for parking arising from the town centre redevelopment. It is evident that there are limited opportunities within the AAP area to accommodate a multi-storey car park, and this site would provide a car park in the Stafferton Way Opportunity Area, which is identified as a requirement in the Maidenhead AAP. The proposal is deliverable, because the council is the landowner, and allows other sites more suited to housing to be brought forward for that use too thus maximising the efficient use of sequentially preferable sites.

ix. Conclusion and Officer Recommendation

- 7.94 On the planning balance set out above it is concluded that the development proposal complies with Development Plan in many respects, save for in relation to loss of light, overshadowing of homes and lack of cycle parking; there are material considerations which weight against the proposal mainly the emerging allocation of the site for employment purposes in the BLPSV which is given significant weight. Some of the relevant adverse impacts set out within the report above, such as security and lighting, can be mitigated appropriately by the imposition of planning conditions. There is also a number of material considerations largely based on capturing growth, investment and economic benefit which are significant in terms of benefit and weigh in favour of approving the application as set out within the officer report above. The Officer recommendation to the Panel is therefore that planning permission be granted subject to those conditions set out in section 10 of the report.

8. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The development is not CIL liable.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site layout
- Appendix C – Elevations
- Appendix D – Floor plans

Appendix E- Plans showing works to Vicus Way and mini-roundabout as secured by the residential development by the Redrow Scheme.

Appendix F – plan showing separation distances from the car park to dwellings

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 Prior to the construction of the building hereby approved, samples of the materials to be used on the external surfaces of the building shall be submitted to and approved in writing by the LPA. The building shall be constructed in the approved materials.
Reason: To ensure the materials used have an acceptable appearance.

3 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- as assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, adjoining land, groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments:
- an appraisal of remedial options, and proposal of preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme. A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of 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 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. 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 (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting Unexpected Contamination In the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is the subject of the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of (x) years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

This needs to be pre-commencement to ensure the site is adequately remediated.

4 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 180, 178.

Prior to the first use of the car park hereby approved, a verification report demonstrating

completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall have been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 180, 178. This condition needs to be pre-commencement to ensure the site is remediated, so as not to cause pollution to water.

- 5 No infiltration of surface water drainage into the ground (i.e. soakaways) at the application site is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: : To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 180, 178.

- 6 No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

Procedures for maintaining good public relations including complaint management, public consultation and liaison

Arrangements for liaison with the Environmental Protection Team

All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

Procedures for emergency deviation of the agreed working hours.

Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

- 7 Prior to the commencement of development, details of the Sustainable Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Sustainable Drainage Strategy.

Reason: To ensure that the development is provided with an adequate Sustainable Drainage Strategy. This condition needs to be pre-commencement as the proposed drainage system is below the building footprint and needs to be approved before the building is constructed.

- 8 Prior to the first use of the car park hereby approved, an updated Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the car park hereby approved, details of the positions of CCTV shall be submitted to and approved in writing by the Local Planning Authority. The approved car park management plan and security measures shall be implemented prior to the first use of the car park and shall be retained in perpetuity.

Reason: To ensure measures incorporated to help prevent crime and create a secure

environment.

- 9 Prior to first use of the car park a lighting scheme shall be submitted and approved in writing by the Local Planning Authority.
This lighting scheme shall include:
-Location of light fittings
-Location and height of lighting columns
-Make and model of light fittings and the lamps
-Plans showing light (lux) levels including for :
All floors of the development
Up and down ramps
stairwells
-All intended modes of operation (such as full light and dimmed)
-Details of spill light levels
--Measures to prevent stray light including from vehicle movements causing annoyance to neighbouring properties
-Confirmation that lighting will meet requirements of:
Park Mark
CCTV
BS 5266-1:2016 Emergency lighting. Code of practice for the emergency lighting of premises
The car park shall not be used until the approved lighting scheme is implemented. The approved lighting scheme shall be retained in accordance with the approved details.
Reason: To ensure measures implemented to help prevent crime and create a secure environment, and to ensure the lighting is designed to have an acceptable impact on residential amenity.
- 10 Prior to completion of the development here by approved details of soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details following the completion of the development and retained thereafter in accordance with the approved details. Where proposed hard surfaces/structures/ground levels are to be altered within, or introduced into the root protection areas of retained on/off site trees, scaled cross-section construction drawings and supporting method statement will be required to support the hard landscape plan/specifications.
B) Soft landscaping - These details shall include; A) a detailed soft landscaping plan to a recognised scale clearly illustrating the location of all trees/shrubs/hedges/plants to be planted and areas of turf to be laid; B) a detailed written soft landscape specification detailing the quantity, density, size, species, position and the proposed time or programme of planting of all trees/shrubs/hedges/plants. This specification shall include details of ground preparation/cultivation within and adjacent to root protection areas of retained on/off site trees, and other operations associated with, tree/shrub/ hedge/plant establishment.
If within a period of five years from the date of planting of any tree/shrub/hedge/plant shown on the approved plan(s), or any tree/shrub/hedge/plant in replacement for it is removed, uprooted, destroyed, dies, or becomes seriously damaged or defective, another tree/shrub/hedge/plant of the same species and size as that originally planted, shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1
- 11 The development shall be carried out in accordance with the programme of archaeological work set out in the 'Project specification for an archaeological evaluation' prepared by Thames Valley Archaeological Services and dated 29th June 2018. The condition may not be fully discharged until the full programme of archaeological work has been implemented in accordance with the agreed programme.
Reason: The site lies in an area of archaeological potential, particularly in relation to the prehistoric, Roman and post-Roman settlement and land use of the Middle Thames Valley. The potential impacts can be mitigated by a programme of archaeological work in accordance with national and local planning policy.
- 12 Prior to the first occupation of the car park hereby approved, details (to include specifications and

locations) of biodiversity enhancements on and around the development shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first use of the car park hereby approved and retained as agreed.

Reason: To incorporate biodiversity in and around developments in accordance with paragraph 175 of the NPPF

- 13 Prior to the first use of the car park hereby approved, the Management Policy for Car Park (which shall include details of how the security of the facility will be managed) shall be submitted and approved by the Local Planning Authority prior to the first use of the car park. The approved measures shall be implemented prior to the first use of the building, and maintained in accordance with the approved policy.

Reason: To meet the requirements of NPPF which seeks to create a 'Safe and accessible environments where crime and disorder, and the fear of crime will not undermine quality of life or community cohesion'.

- 14 Prior to the first use of the car park hereby approved, details to demonstrate how the car park will achieve 'Park Mark' Safer parking award status, shall be submitted to and approved in writing by the Local Planning Authority. The car park shall not be brought into use until the approved measures have been implemented in full and shall thereafter be retained for the lifetime of the development.

Reason: The prevent crime and protect those people using the car park.

- 15 Prior to the first use of the car park hereby approved, details of how the vehicle and pedestrian access control will operate 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.

Reason: To prevent Crime and ASB associated with unauthorised access of either vehicle or pedestrians when the facility is closed the public

- 16 The development shall be undertaken in accordance with the tree protection measures as set out in the Arboricultural Method Statement Version 2, read in conjunction with the Tree Protection Plan.

Reason: In order to protect the trees on the southern boundary of the site.

- 17 The finished floor level of the ground floor of the car park shall be set at a minimum level of 24.00 AOD.

Reason: To ensure the finished floor level is set above the predicted 1 in 100 year plus climate change flood event.

- 18 Prior to the first use of the car park hereby approved, details of the provision of the footway to the north of the application site and the provision of the zebra crossing on Vicus Way shall be submitted to and approved in writing by the Local Planning Authority. These works shall be undertaken in accordance with the approved details and provided for use prior to the first use of the car park.

Reason: To ensure the scheme has an acceptable impact on highway safety, as required by the NPPF.

- 19 No part of the development shall be occupied until vehicle parking spaces have been provided in accordance with the approved drawings. The spaces approved shall be 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. Relevant Policies - Local Plan P4, DG1.

- 20 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall include:

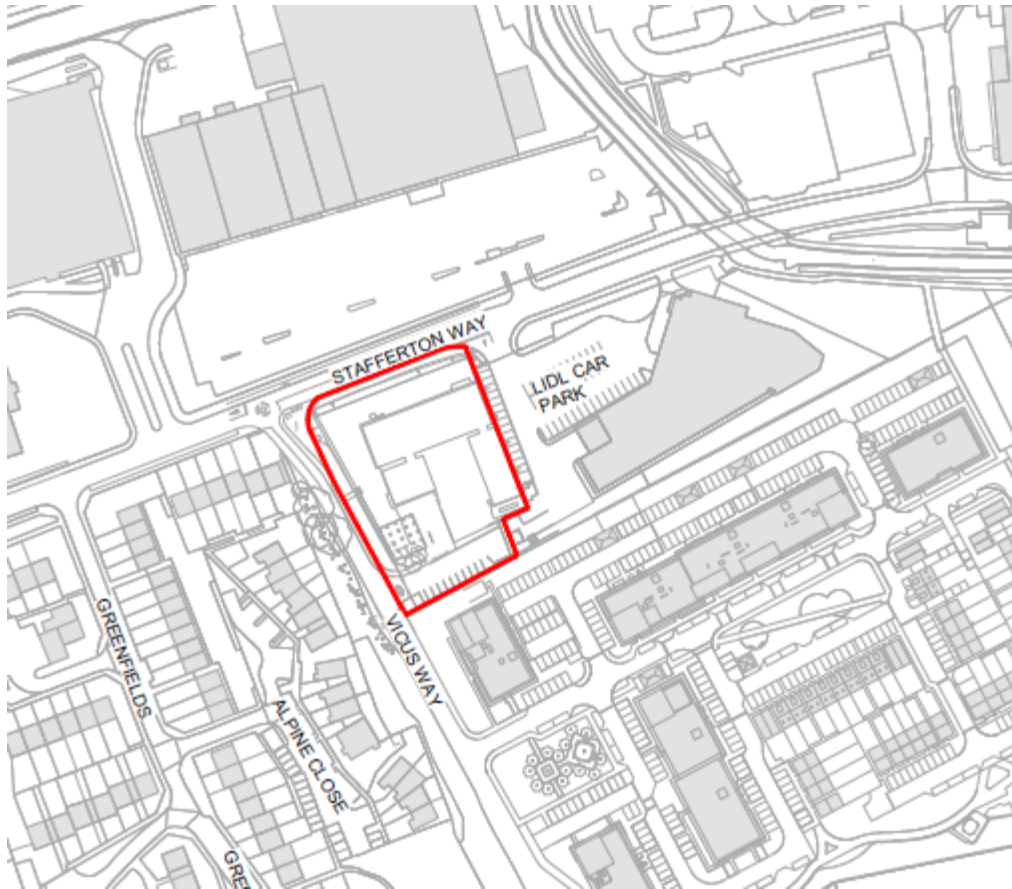
a site plan (showing the areas set out below)

confirmation that a pre-start record of site conditions on the adjoining public highway will be

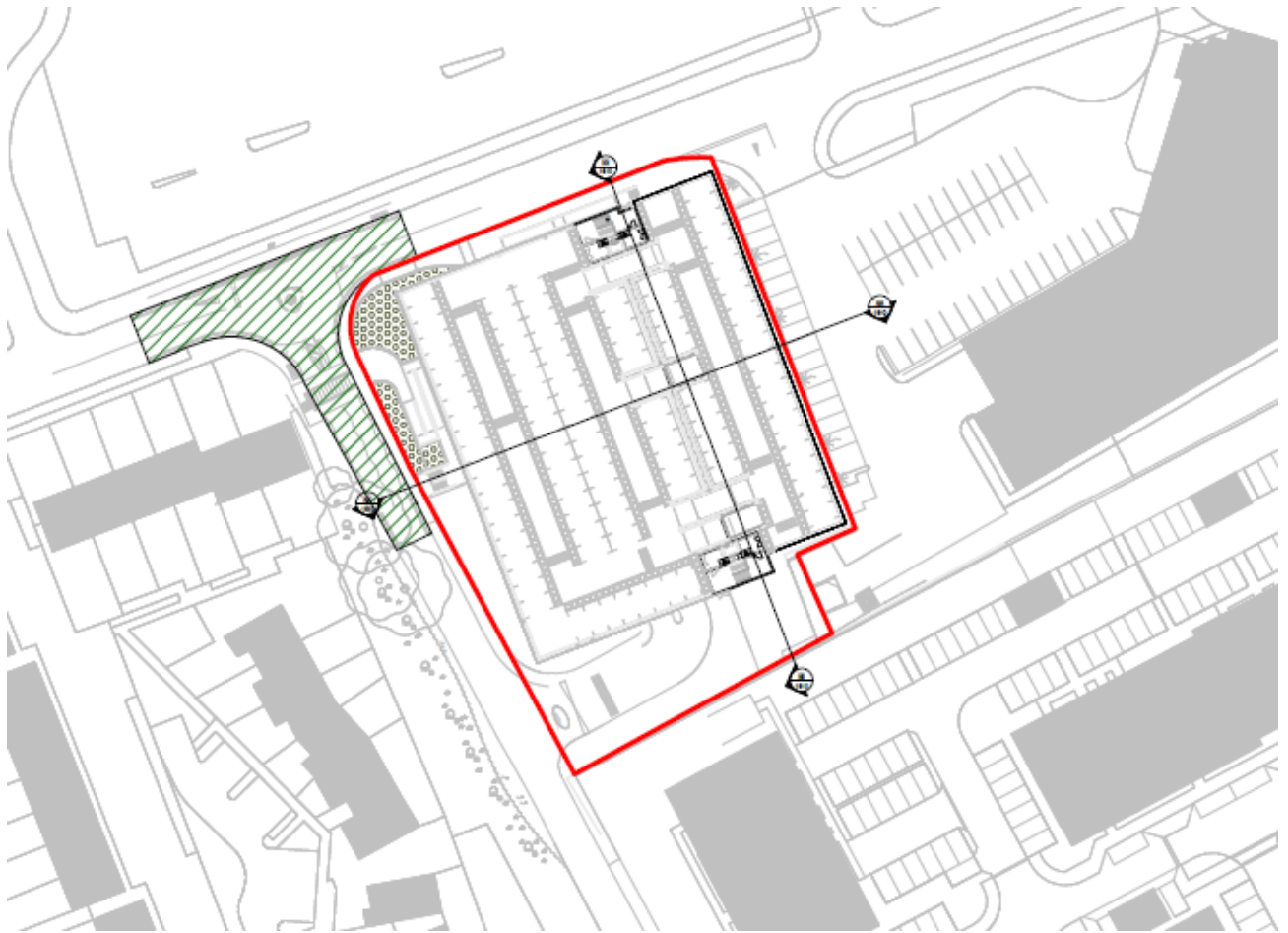
undertaken with RBWM Highways and a commitment to repair any damage caused
provision for the parking of vehicles of site operatives and visitors
provisions for loading, unloading and storage of plant and materials within the site
details of access to the site, including means to control and manage access and egress of
vehicles to and from the site for the duration of construction including phasing arrangements
details of vehicle routeing from the site to the wider strategic road network
the erection and maintenance of security hoarding including decorative displays and facilities for
public viewing, where appropriate
provision of wheel washing facilities at the site exit and a commitment to sweep adjacent roads
when required and at the request of the council
a scheme for recycling/disposing of waste resulting from demolition and construction works
measures to ensure the safety of all users of the public highway especially cyclists and
pedestrians in the vicinity of the site and especially at the access
commitment to liaise with other contractors in the vicinity of the site to maximise the potential for
consolidation and to minimise traffic impacts.
avoidance of peak hours for deliveries and details of a booking system to avoid vehicles waiting
on the public highway
all necessary traffic orders and other permissions required to allow safe access to the site to be
secured and implemented prior to commencement of construction
details of the construction programme and a schedule of traffic movements
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local
Plan T5.

- 21 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.

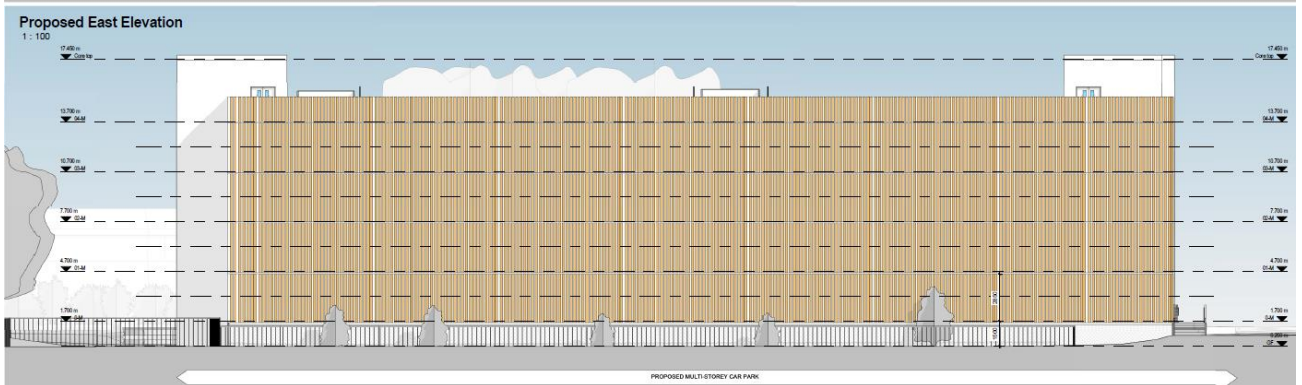
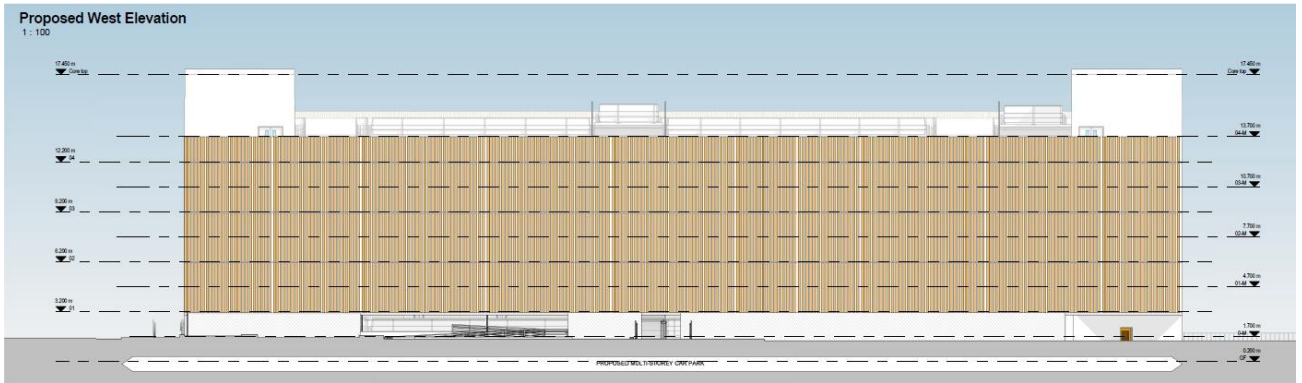
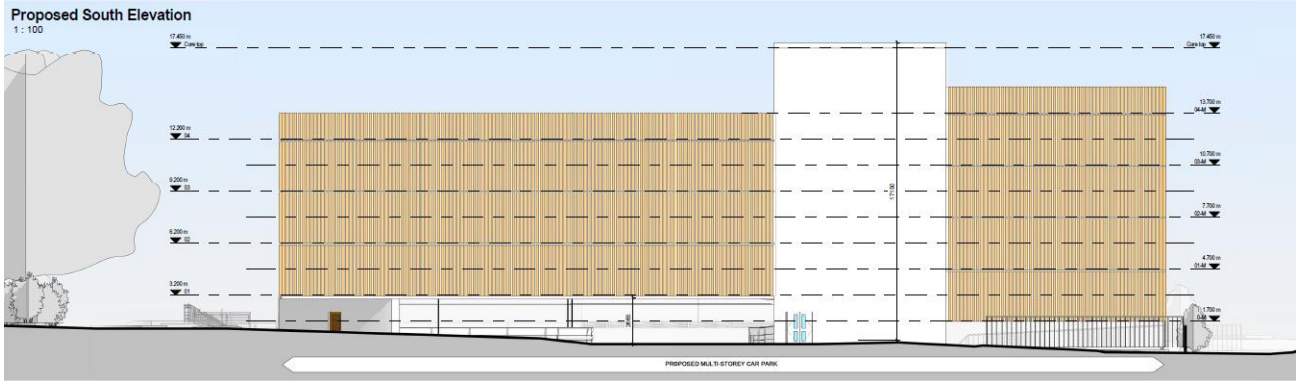
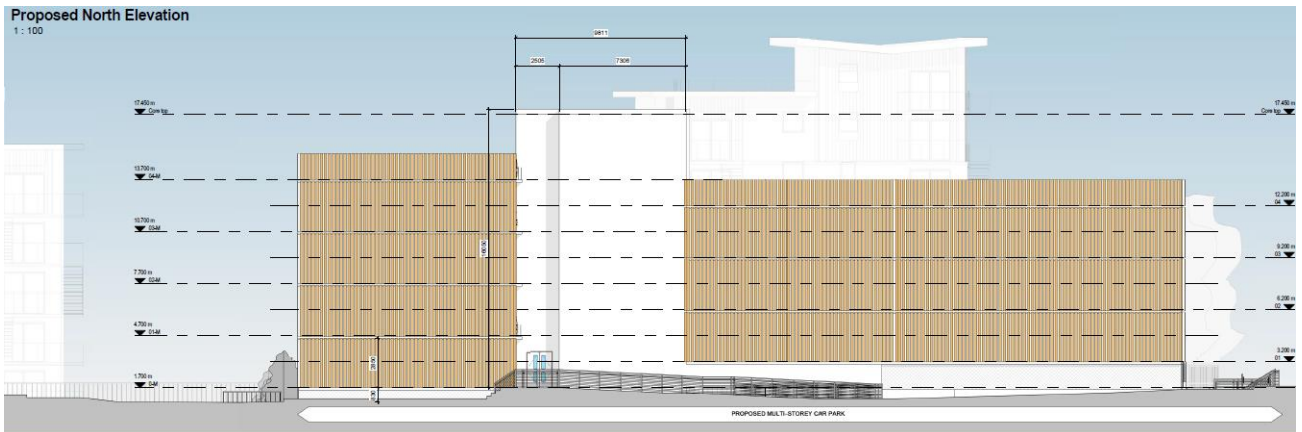
Appendix A- Site location plan



Appendix B- Proposed site layout plan



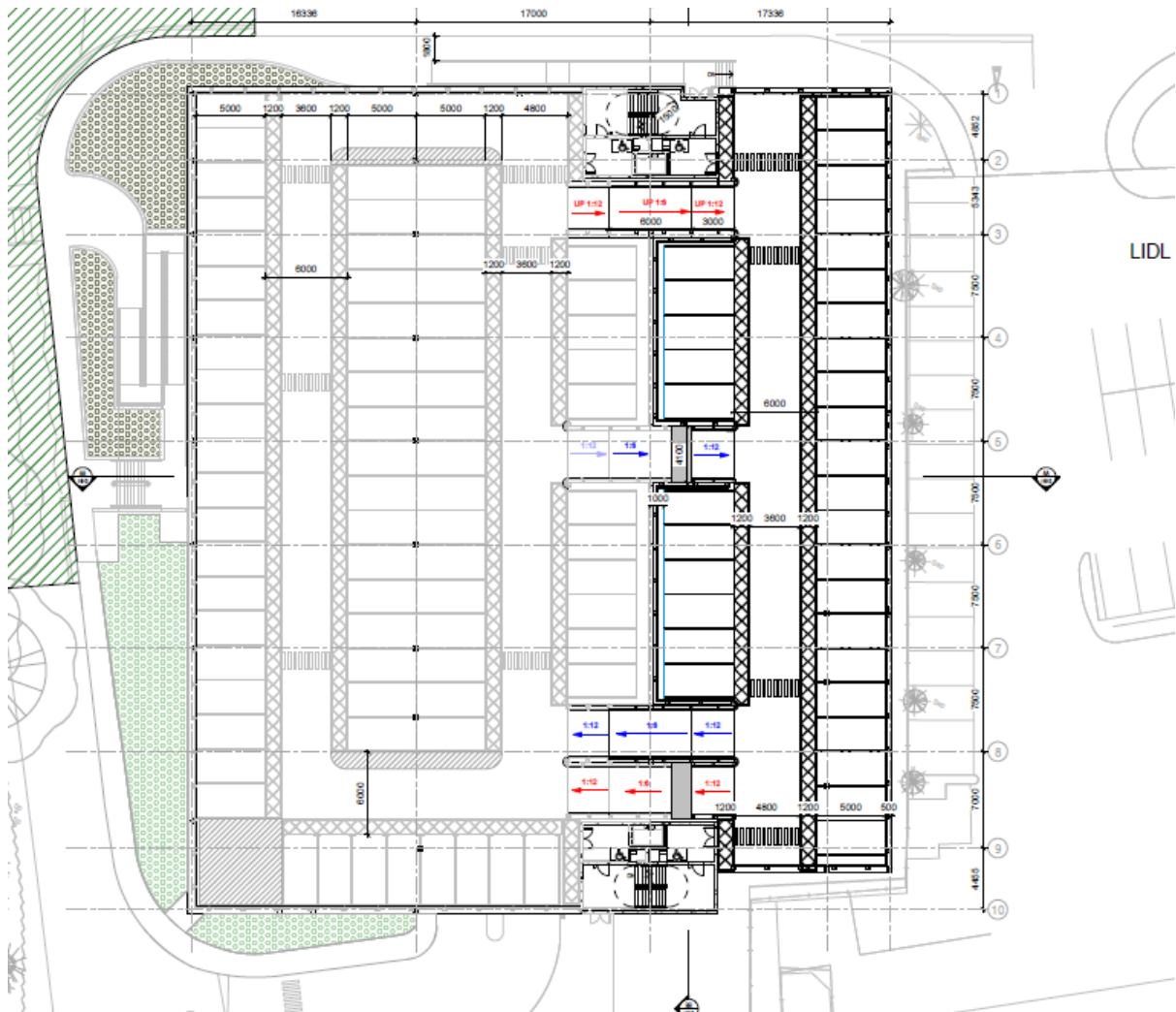
Appendix C- Proposed Elevations



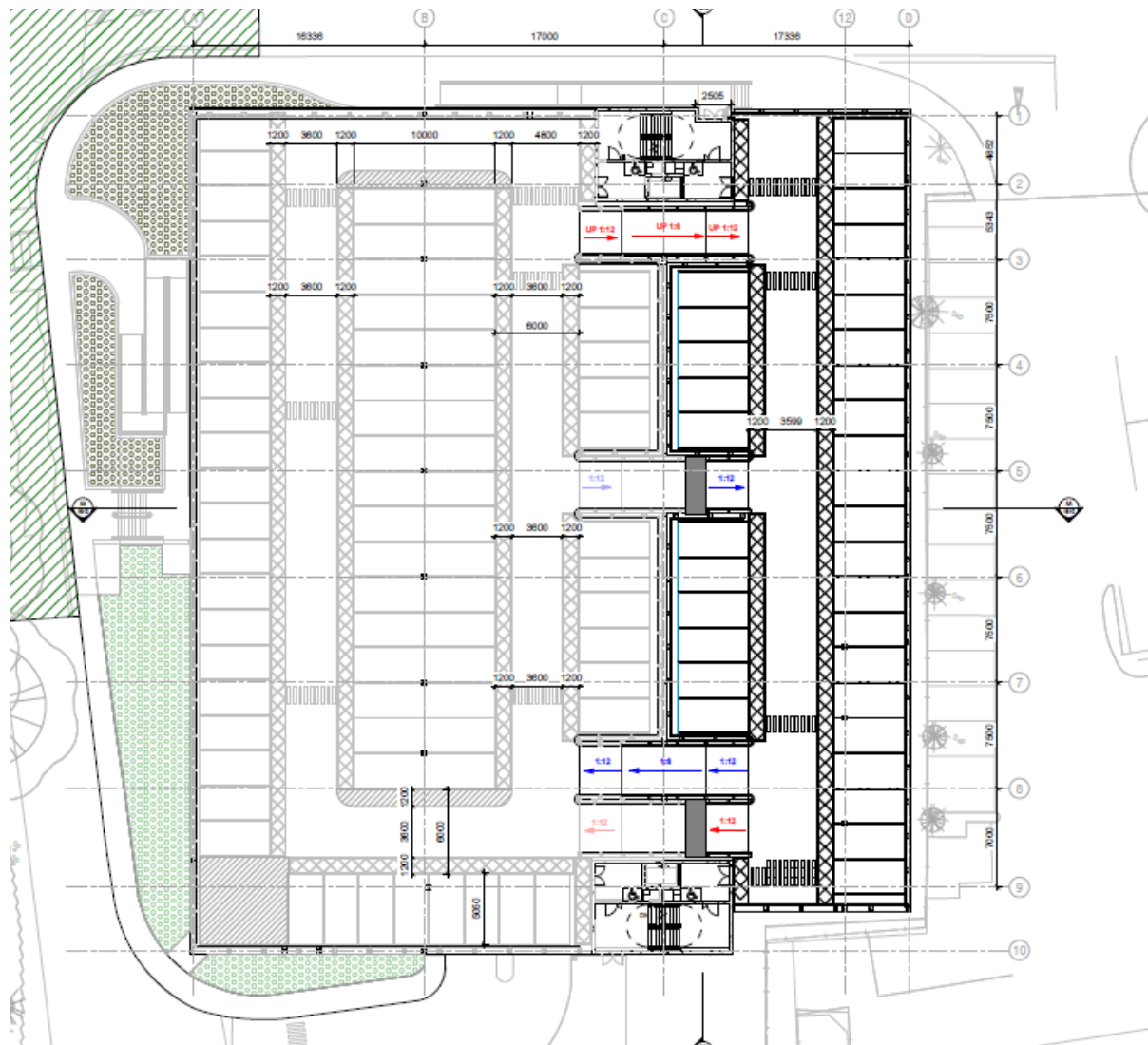
First floor plan



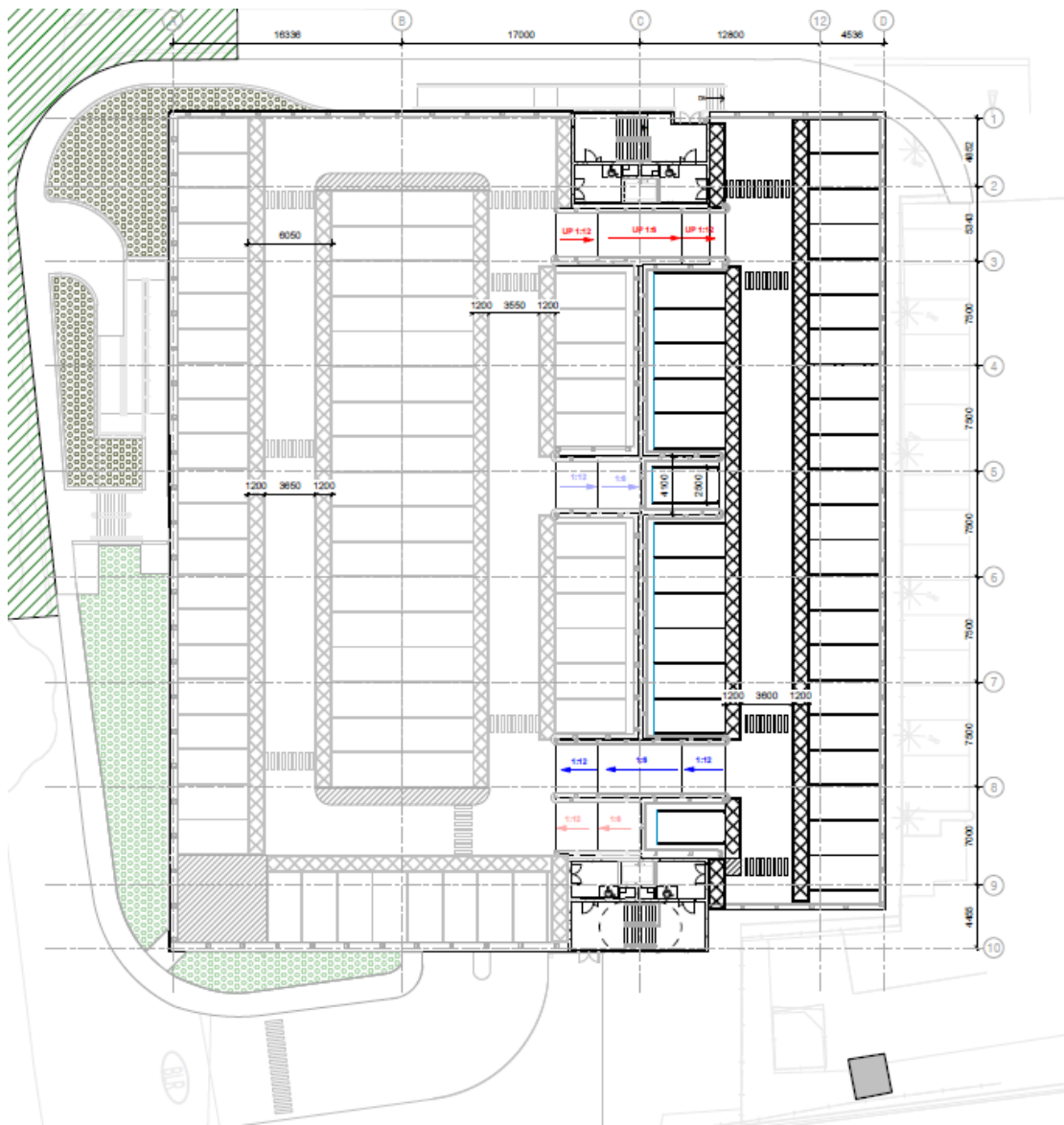
Proposed second floor



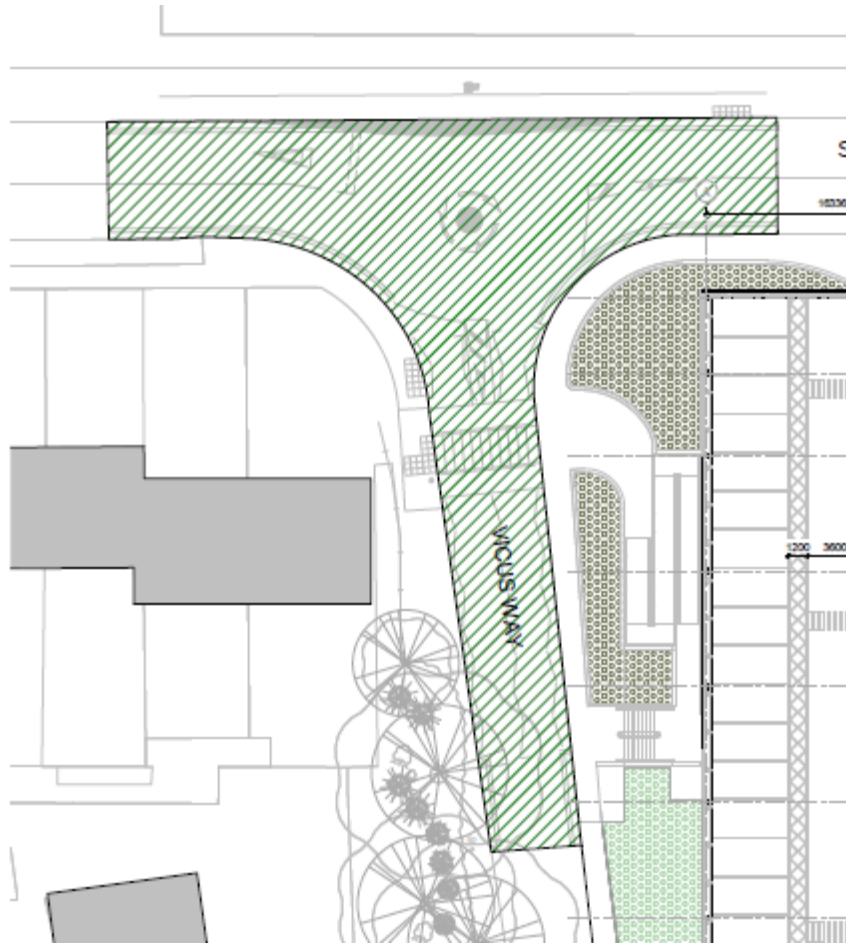
Proposed third floor

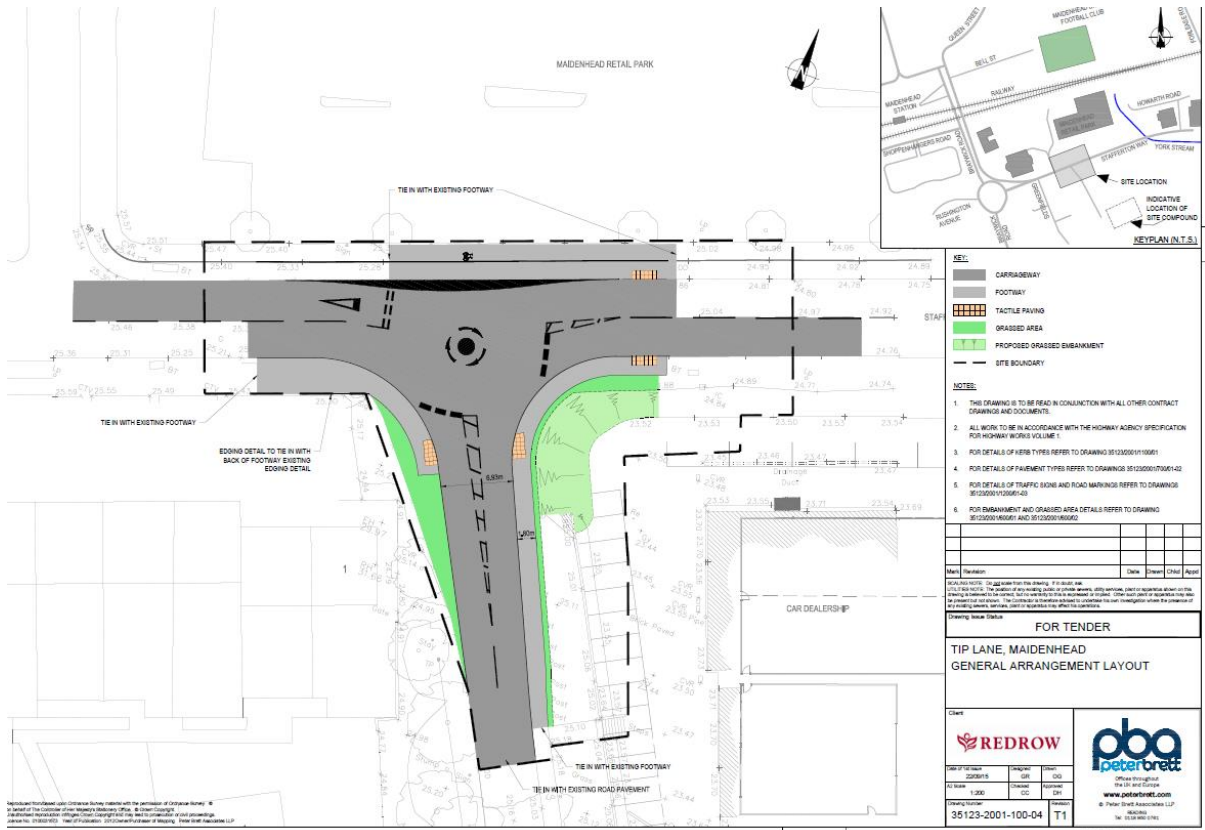


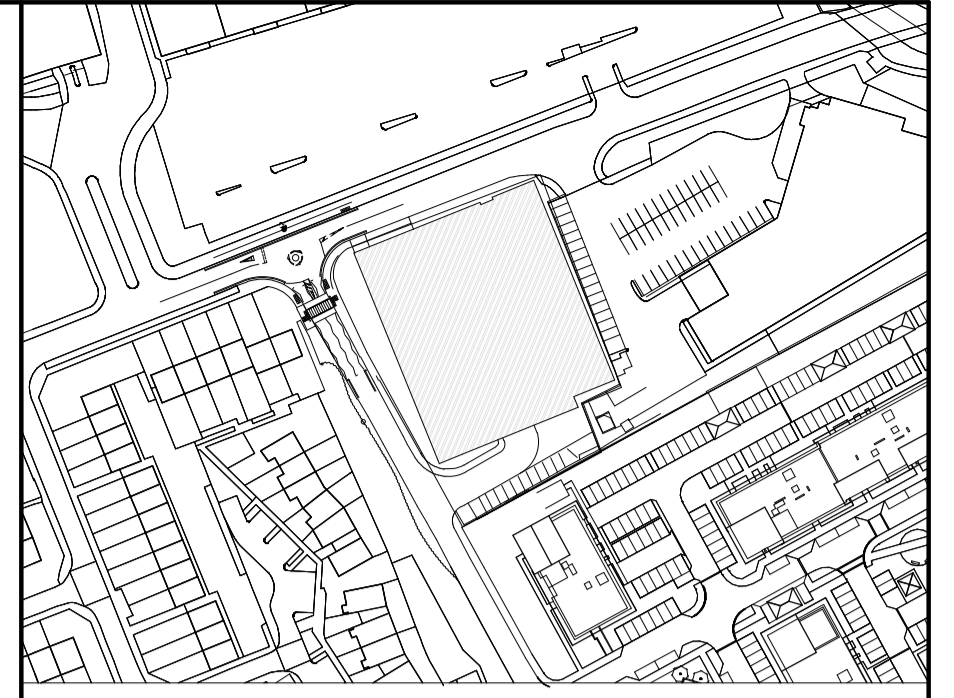
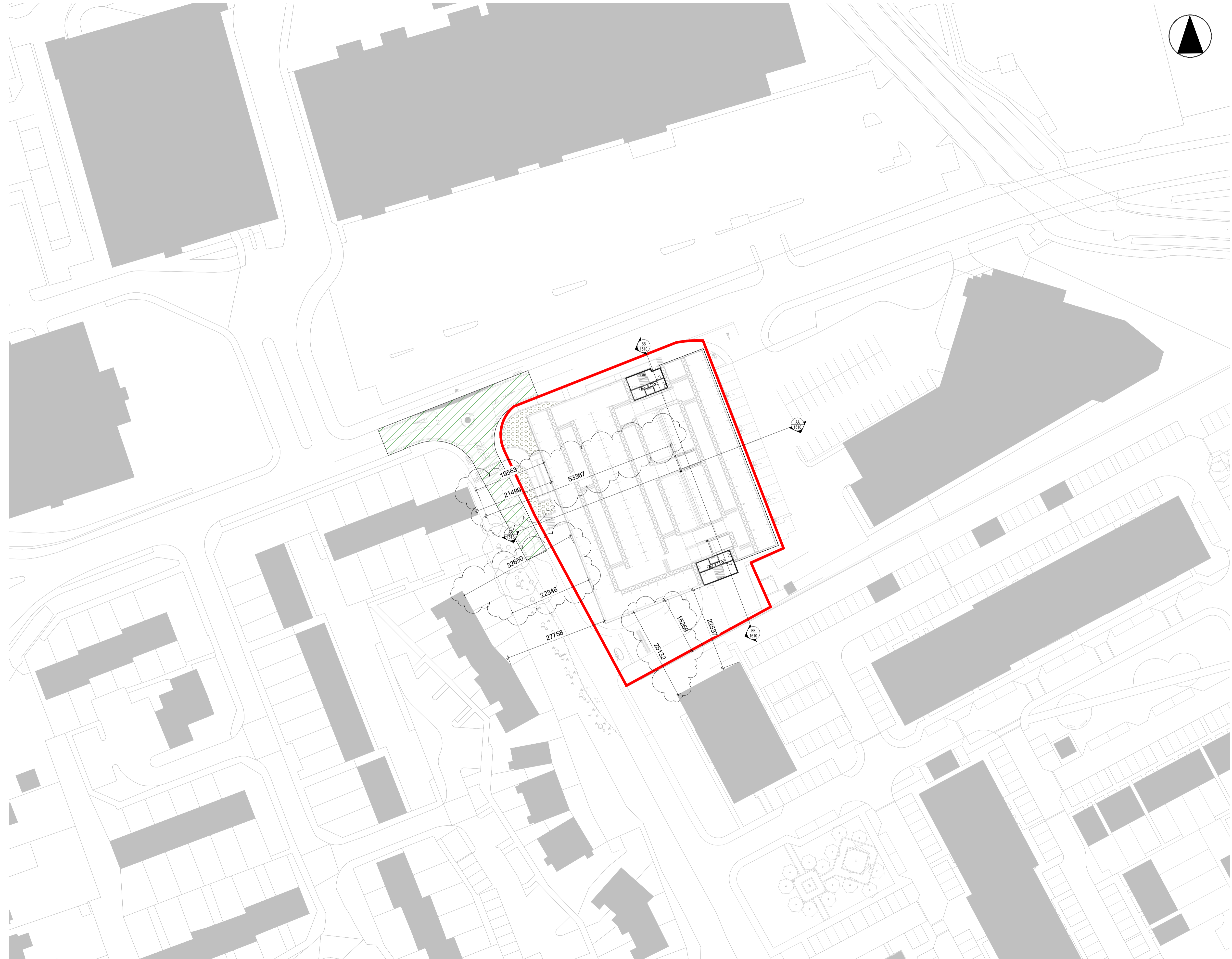
Proposed fourth floor



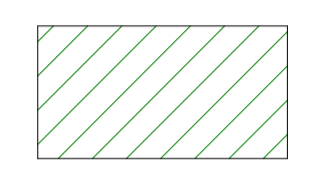
Appendix E- Proposed off site works to Vicus Way, from the Redrow/Loftings scheme








KEY PLAN

 Highway modifications undertaken by Redrow under their Planning Permission.

3	14/12/18	Further Dimensions to Residential Properties	PB	PP
2	04/10/18	Dimensions to Residential Properties added	PB	PP
1	13/07/18	PLANNING REVISION	PB	PP

Rev Date Description Chk'd Auth
FOR PLANNING **P**

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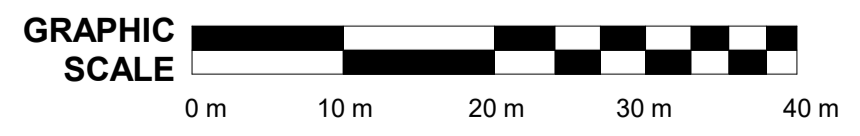
Project
VICUS WAY
Town Hall, St Ives Road
Maidenhead, SL6 1RF

Drawing Title
Proposed Site Plan

Original Scale	Designed	Drawn	Checked	Authorised
As indicated	PB	PP	KH	KH
Original Size	Date	Date	Date	Date
A1	13/07/18	13/07/18	13/07/18	13/07/18

Drawing Number
5167192-ATK -V0 -GF -DR -A -1055 **P3**

Proposed Site Plan
 1 : 500



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