

## MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

22 November 2017

Item: 4

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| <b>Application No.:</b> | 17/02124/FULL                            |
| <b>Location:</b>        | Colonnade High Street Maidenhead SL6 1QL |
| <b>Proposal:</b>        | Demolition of The Colonnade              |
| <b>Applicant:</b>       | Shanly Homes Limited                     |
| <b>Agent:</b>           | Mrs Rosalind Gall                        |
| <b>Parish/Ward:</b>     | Maidenhead Unparished/Oldfield Ward      |

**If you have a question about this report, please contact:** Christine Ellera on 01628 795963 or at [chrissie.ellera@rbwm.gov.uk](mailto:chrissie.ellera@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 There is an extensive planning permission to this site which establishes the principle for the loss of The Colonnade due to the substantial public benefits associated with the redevelopment of the wider site. The applicants have sought this separate application for the demolition, independent from any planning permission for redevelopment in order to assist in commencing the preparatory works to facilitate in the redevelopment.
- 1.2 Officers have reviewed the application and consider that the proposed works are acceptable in planning terms subject to the conditions recommended below and comply with the National Planning Policy Framework (2012), The Borough Local Plan (2003) and the Maidenhead Area Action Plan (2011) and other material planning considerations.

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| <b>It is recommended the Panel grants planning permission with the conditions listed in Section 9 of this report.</b> |
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### 2. REASON FOR PANEL DETERMINATION

- The Head of Planning considers it appropriate that the Panel determines the application.

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site contains a number of commercial premises including shops, beauticians and takeaways within the building known as The Colonnade which faces out onto High Street and forms part of the designated Conservation Area. These buildings are adjacent to a number of statutory listed buildings including The Bear Hotel (Public House).
- 3.2 In addition, to the north (rear) of The Colonnade is a wing of the Hines Meadow Public Car Park. This wing projects out from the main fabric of the public multi-storey carpark and provides 2 levels of parking and one of the accesses to the carpark via Crown Lane. These buildings are not within the Conservation Area
- 3.3 Running vertically through the middle of the site are the York Stream and The Green Way.
- 3.4 As a whole this area forms the site known as 'phase 3' of the Chapel Arches redevelopment currently being undertaken by the applicants. The scheme is immediately adjacent to, but does not include the Chapel Arches Bridge. Phase 1 and 2 are located to the south of the bridge. This site also forms the north eastern part the High Street/ York Stream Opportunity Area as identified in the Maidenhead Town Centre Area Action Plan (2011).
- 3.5 The site is within flood zone 2 with the majority of this part of the multi-storey carpark within flood zone 3.

#### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 This is a new full planning application for the demolition of the buildings known as 'The Colonnade' independent of any associated planning application.
- 4.2 There is extensive planning history to the wider 'chapel arches' redevelopment site, of direct relevance:

| Ref.            | Description   | Decision and Date   |
|-----------------|---|---|
| 12/02762/OUT    | Outline application with landscaping reserved for redevelopment following demolition of part of Hines Meadow car park, La Roche and The Colonnade to include 162 apartments, 363m <sup>2</sup> of Class B1 office space, 1045sqm of retail space (Class A1) and 987sqm of restaurant/cafe space (Class A3), creation of basement car parking, a new footbridge over York Stream and the replacement of the existing vehicle bridge to the existing car park, new pedestrian links, landscaping and alterations to the waterway to create a new public realm.  | Permitted:<br>21.05.2014  |
| 15/03582/REM    | Reserved matters (Landscaping) application pursuant to outline planning permission 12/02762 - for redevelopment following demolition of part of Hines Meadow car park, La Roche and The Colonnade to include 162 apartments, 363m <sup>2</sup> of Class B1 office space, 1045sqm of retail space (Class A1) and 987sqm of restaurant/cafe space (Class A3), creation of basement car parking, a new footbridge over York Stream and the replacement of the existing vehicle bridge to the existing car park, new pedestrian links, landscaping and alterations to the waterway to create a new public realm   | Permitted:<br>26.07.2016  |
| 15/04219/CONDIT | Details required by condition 9 (remediation scheme for contamination), 12 (green roofs), 13 (biodiversity), 16 (Japanese knotweed), 22 (waste/recycling storage), 28 (external lighting), 36 (acoustic design), 37 (sound insulation), 38 (noise impact), 47 (cycle parking), 48 (highway works), 54 (archaeological work) and 62 (banks to York stream) of planning permission 12/02762 for an outline application with landscaping reserved for redevelopment following demolition of part of Hines Meadow car park, La Roche and The Colonnade to include 162 apartments, 363m <sup>2</sup> of Class B1 office space, 1045sqm of retail space (Class A1) and 987sqm of restaurant/cafe space (Class A3), creation of basement car parking, a new footbridge over York Stream and the replacement of the existing vehicle bridge to the existing car park, new pedestrian links, landscaping and alterations to the waterway to create a new public realm. | Split decision issued on 10.03.2016. It was determined that insufficient information was submitted to agree the following conditions:<br><br>9 (contamination)<br>12 (green roofs)<br>13 (biodiversity)<br>22 (waste/recycling storage)<br>28 (external lighting)<br>36 (acoustic design),<br>37 (sound insulation)<br>38 (noise impact)<br>48 (highway works)<br>62 (banks to York |

|               |   |   |
|---------------|---|---|
|               |   | stream)   |
| 15/04274/VAR  | Outline application with landscaping reserved for redevelopment following demolition of part of Hines Meadow car park, La Roche and The Colonnade to include 162 apartments, 363m2 of Class B1 office space, 1045sqm of retail space (Class A1) and 987sqm of restaurant/cafe space (Class A3), creation of basement car parking, a new footbridge over York Stream and the replacement of the existing vehicle bridge to the existing car park, new pedestrian links, landscaping and alterations to the waterway to create a new public realm as approved under planning permission 12/02762 without complying with condition 1 (approved plans) to replace two plans and 65 (completion of waterways) to vary to the following, No dwelling within Block A (as identified on plan 747-2000E) shall be occupied until the works to the York Stream shown on plans 747-2000E and 747-3000B have been completed.                                      | Permitted:<br>31.08.2016  |
| 17/00680/REM  | Reserved matters (Landscaping) for redevelopment following demolition of part of Hines Meadow car park, La Roche and The Colonnade to include 162 apartments, 363m2 of Class B1 office space, 1045sqm of retail space (Class A1) and 987sqm of restaurant/cafe space (Class A3), creation of basement car parking, a new footbridge over York Stream and the replacement of the existing vehicle bridge to the existing car park, new pedestrian links, landscaping and alterations to the waterway to create a new public realm as approved under planning permission 12/02762/OUT and varied by 15/04274/VAR [varied as follows: without complying with condition 1 (approved plans) to replace two plans and 65 (completion of waterways) to vary to the following, No dwelling within Block A (as identified on plan 747-2000E) shall be occupied until the works to the York Stream shown on plans 747-2000E and 747-3000B have been completed]. | Permitted:<br>07.06.2017  |
| 17/01227/FULL | Demolition of part of Hines Meadow car park.  | Valid on the 10.04.2017 and permitted at the Maidenhead Panel on 27.09.2017 |
| 17/01726/FULL | Demolition of the Colonnade and redevelopment of land to the north of Chapel Arches to provide a mixed use scheme comprising 182 apartments, 605qm commercial space, 1030sqm retail and restaurant use (classes A1 and A3), the creation of basement car parking; the erection of a new footbridge over the York Stream and   | Valid on the 25.05.2017 and currently pending consideration                 |

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|  | the replacement of the existing vehicular bridge to the existing car park: the creation of new pedestrian links, landscaping and alterations to waterways to create new public realm. |  |
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## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

National Planning Policy Framework (NPPF) (2012) 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.

This is emphasised in paragraph 14 which states that Local Planning Authorities (LPAs) should approve development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

Chapter 12 on Conserving and enhancing the historic environment is also relevant to this application.

### Royal Borough Local Plan

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

- DG1 Design guidelines
- CA1 Development in Conservation Areas
- CA2 Guidelines on Development affecting Conservation Areas
- LB2 Proposals affecting Listed Buildings or their settings
- NAP4 Pollution of groundwater and surface water
- R14 Rights of Way and Countryside Recreation
- E1 Location of Development
- T5 New Developments and Highway Design
- P4 Parking within Development
- MTC5 Townscape and redevelopment
- MTC7 Major Development sites
- MTC11 Traffic management and highway improvements
- IMP1 Associated infrastructure, facilities, amenities

### Maidenhead Town Centre Area Action Plan (AAP) (2011)

The above document forms part of the adopted Development Plan and provides a mechanism for rejuvenating 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 3 Waterways
- Policy MTC 4 Quality Design
- Policy MTC 8 Food & Drink
- Policy MTC 13 Community, Culture & Leisure
- Policy MTC 14 Accessibility
- Policy MTC 15 Transport Infrastructure
- Policy OA5 High Street/ York Stream Opportunity Area
- Policy IMP2 Infrastructure & Planning Obligations

These policies can be found at [https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### **Borough Local Plan: Submission Version**

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 Proposed Submission Document was published in June 2017. Public consultation ran from June to September 2017 with the intention to submit the Plan to the Planning Inspectorate late 2017. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

### **Other Local Strategies or Publications**

Other Strategies or publications relevant to the proposal are:

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

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

### **Positive and Proactive Engagement**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of 186-187 of the NPPF by making available pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

The wider Chapel Arches redevelopment has been subject to extensive discussion between the applicants and the Council (as a whole) and benefits from an extant planning permission.

During the course of the application additional information to overcome the concerns expressed by the respective consultees were accepted.

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

1. Principle of the demolition and the impact on Conservation Area and wider character and appearance of the area
2. Highway considerations and Parking Provision
3. Environmental Considerations
4. Impact on Neighbouring Amenity
5. Other considerations

### **Principle of the demolition and the impact on Conservation Area and wider character and appearance of the area**

6.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of the Conservation Areas.

- 6.3 The NPPF (2012) states that there is a desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
- 6.4 In determining planning applications, local planning authorities should take account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- 6.5 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 6.6 The NPPF further states that:

*'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...*

*...Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'*

- 6.7 Furthermore in the Maidenhead Town Centre Conservation Statement the Colonnade is confirmed as a 'significant non-listed building'. It should be noted that Historic England were consulted on application 17/01726/FULL for the redevelopment of this site (which was submitted in advance of this application) and in their response dated 06.07.2017 they stated that they did not wish to offer any comments on the application and it was not necessary for them to be consulted on this application again. In view of this Historic England were not consulted on this application.
- 6.8 The principle of the loss of the Colonnade was established through the above planning history of this site. In permitting application 12/02762/OUT the consultation response from English Heritage noted that the Colonnade had limited positive contribution as a result of changes to the building that have taken place over a number of years. Moreover there was no particular objection to the loss of the Colonnade building because the proposals overall would deliver 'substantial public benefits' as required by the NPPF.
- 6.9 Under application 12/02762/OUT the justification for the loss of the Colonnade, which was necessary to achieve substantial public benefits was as follows:
1. The greater prominence to be given to the waterways through the demolition of the Colonnade and other buildings to the north of the High Street
  2. That the largely hidden area will be opened up to a mix of uses that will improve the vibrancy of this part of the town.
  3. The applicant will restore the historic Chapel Arches Bridge and construct a new balustrade and light the arches to give this heritage asset greater prominence.
  4. Improvements to the appearance of the Conservation Area through the public realm enhancements.
- 6.10 It is not considered that there has been any material change in planning policy since this decision which would affect the conclusions previously reached. Nor have conditions on site significantly changed that would affect the decision previously reached. Accordingly the main consideration is if there remains a substantial public benefit to justify the demotion of The Colonnade.
- 6.11 The application is linked to full planning application 17/01726/FULL which is being considered alongside this application and looks to improve the prominence of the waterway and redevelop and improve the vibrancy of this area.

- 6.12 The restoration of Chapel Arches Bridge is secured through the legal agreement and linked to the wider redevelopment of Chapel Arches area. At the time of writing the report the applicant was about to commence final restoration works to the southern elevation of this bridge. The works undertaken to the southern side will inform the northern faced works which will be undertaken as part of the full planning application considered alongside this application (and secured in the form of a legal agreement).
- 6.13 The land within the confines of 'phase 3' is now wholly within the ownership of the applicants and is part of the full planning application shows a number of public realm improvements. Improvements to the public areas are largely similar to that previously agreed under planning permissions for this site.
- 6.14 In view of the above and subject to conditions securing the delivery of the redevelopment of this site, it is considered that there remain substantial public benefits to justify the loss of the Colonnade. The comments from the local resident are noted but it is the view of Officers that the principle of the demolition of the Colonnade (subject to conditions) remains one which is acceptable.

### **Impact on flooding**

- 6.15 The site of the proposed demolition lies within flood zone 2. This application relates to the removal of the existing Colonnade buildings and a licensed waste remover deployed to remove from site all the demolition debris. No dumping of site materials into the watercourse will take place. The structural integrity of the existing banks of the York Stream including the bank levels will be maintained and no infilling of the York Stream will be undertaken.
- 6.16 The flood risk assessment has been submitted in connection with this application and concludes that all site levels will be set to the existing levels with no loss of floodplain storage volume envisaged. No infilling of the York Stream will take up and the existing river banks/walls will be maintained.
- 6.17 As such Officers do not consider that the proposal would increase flooding.

### **Highway considerations**

- 6.18 A Construction Management Statement has been submitted in support of this application. The purpose of the reports are to ensure that the works associated with the development does not impact on the surrounding area and do not rise any issues in terms of highway safety (including pedestrian safety). The Highway Authority has raised no objection subject to confirmation from the applicant that loading and unloading will take place from within the site. It is considered that this should be secured via condition.
- 6.19 The redline for the application site does not include the on street parking to the frontage. Subject to compliance with the construction management plan (and the above) this parking provision (including the disabled parking) should during demolition still be available.

### **Environmental Considerations**

#### *Impact on adjacent trees*

- 6.20 There are no trees within or adjacent to the application site which would be affected by the proposed demolition works.

#### *Pollution considerations: including noise and dust*

- 6.21 A Method Statement has been submitted which sets out how the demolition will take place and how this will look to prevent and mitigate against pollution including noise and dust. In line with the consultation response from the Environmental Protection Team, this is considered acceptable and conditions to secure compliance with this statement are therefore recommended.

## Archaeological matters

- 6.22 Berkshire Archaeology Officer was consulted on the full planning application and has confirmed that as established under the previous applications for the wider sites redevelopment. A written scheme of investigation document was submitted as part of this co-current application.
- 6.23 The exploratory archaeological investigation cannot be undertaken until after demolition to ground level of existing structures but should be undertaken prior to the commencement of development in order to enable mitigation measures to be agreed if there are any areas of archaeological interest.
- 6.24 Accordingly there are no archaeological implications from this particular application.

### Impact on Neighbouring Amenity

- 6.25 Any potential impact on neighbouring amenity relating to this application is in terms of noise and disturbance associated with the demolition process. Such matters are controlled under the environmental pollution acts which are dealt with under Environmental Protection Act(s) and sit outside of the remit of the Local Planning Authority.

### Other Considerations

- 6.26 It is considered that the above has considered all relevant matters.
- 6.27 The public footpath to the rear of the site is subject to 'Stopping up of the Highway Order' made to the SOS on the 30.06.2017 and as such the proposed development would not impact on any existing rights of way.

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

- 7.1 86x occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 14.06.2017 and the application was advertised in the Maidenhead & Windsor Advertiser on 20.07.17
- 7.2 1x letters was received supporting the application, summarised as:

| Comment |   | Where in the report this is considered |
|---------|---|--|
| 1.      | Support the demolition and overall regeneration of Maidenhead Town Centre | Noted                                  |

3x letters were received objecting to the application, summarised as:

| Comment |   | Where in the report this is considered         |
|---------|---|--|
| 1.      | Queries about the retention of the disable on street parking provision adjacent to the site | Para 0   |
| 2.      | Wish to see the retention of the Colonnade  | Para 0   |
| 3.      | Concerns about the hours of construction  | Para <b>Error! Reference source not found.</b> |



## Consultees

| Consultee                   | Comment   | Where in the report this is considered         |
|-----------------------------|---|--|
| Historic Buildings Officers | No objections.  | Para 7.2- 7.14                                 |
| Environmental Protection    | No objections subject to the demolition being completed inline with the method statement.   | Para 0   |
| Berkshire Archaeology       | With reference to their consultation response to application 17/01726/FULL for the redevelopment of this site no object to the development, and any conditions are further to the demolition/ construction below ground level | Para 7.23                                      |
| Highway Authority           | No object subject to confirmation that unloading and loading will be undertaken within the construction site.   | Para 0   |
| Rights of Way Officer       | No objection on public rights of way grounds  | Para <b>Error! Reference source not found.</b> |
| Historic England            | Letter dated 06.07.17 in relation to application 17/01726/FULL HE stated that 'It is not necessary for us to be consulted on this application again.'   | Para 0   |

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan

## 9. 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 Notwithstanding the approved plans or any indication given otherwise, the loading and unloading of material during the demolition of the building hereby permitted shall be undertaken within the Demolition Plan (as set out in the approved plans) boundaries. Reason: In the interest of Highway Safety as required by the Borough Local Plan (2003)
- 3 In addition to the approved plan listed below, the proposed development should be built in accordance with the details set out in the following documents: Construction Method Statement (and associated appendices) received by the Local Planning Authority on the 04.07.2017 Amended Noise, Vibration and Dust Management Plan received by the Local Planning Authority on the 25.09.2017 Flood Risk Assessment prepared by Odyssey received by the Local Planning Authority on the 16.08.2017 Reason: to ensure the development takes place in an acceptable manner which does not impact on the environment and highway safety as required by the National Planning Policy Statement (2012) and the Borough Local Plan (2003).
- 4 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.

