

9. LOCAL DEVELOPMENT FRAMEWORK: PROPOSED PLANNING BRIEF:
BROADWAY/KING STREET/QUEEN STREET TRIANGLE DRAFT
SUPPLEMENTARY PLANNING DOCUMENT

CABINET: 24 JULY 2008

MEMBER REPORTING: COUNCILLOR MRS KNIGHT

1. **PURPOSE OF REPORT**

- 1.1 To seek approval of a draft planning brief which will become a supplementary planning document (SPD), relating to Broadway/King Street/Queen Street Triangle area of Maidenhead town centre for public consultation. Copies of the draft planning brief and associated documents including a Sustainability Appraisal are available for viewing in the Group Rooms, Members' Room and from Democratic Services.
- 1.2 The draft planning brief provides further interpretation and guidance on Saved Policy MTC7 (Major Development Sites) – site M1 (Broadway car park/King Street) of the RBWM Adopted Local Plan. It promotes a mix of uses on the site including retail, leisure, housing and employment uses. It also covers improvements to the public realm, illustrative guidance on building heights, together with principles relating to access and movement within the area. Cabinet approval is sought as, firstly, the brief includes land in Council ownership, and secondly, to endorse the possibility of land assembly using compulsory purchase order procedures.

MEMBER'S RECOMMENDATION:

i) **That the Broadway/King Street/Queen Street Triangle Draft Supplementary Planning Document and associated documentation including a Sustainability Appraisal be approved for public consultation.**

ii) **That authority is delegated to the Head of Planning, in consultation with the Lead Member for Planning and Housing, to approve final amendments to the Draft SPD and associated documents, prior to its publication following the outcome of visioning work from Partnership for the Rejuvenation of Maidenhead (PRoM) and any other relevant matters.**

3. **SUPPORTING INFORMATION**

3.1 Wards Affected

Oldfield.

3.2 Relevant Matters Upon Which Decision is Based & Reasons Supporting Recommendation Background

- 3.2.1 Over the past two years the Council has undertaken work aimed at the development, improvement and regeneration of Maidenhead town centre. Together with other partners and stakeholders, a variety of initiatives have been put in place to ensure the future vitality and sustainability of Maidenhead Town Centre. Most recently, through the establishment of the

Partnership for the Rejuvenation of Maidenhead Town Centre (PRoM), the Council is acting jointly to:

- Develop a Vision, Masterplan and strategy which will include planning briefs for key areas
- Seek to progress one or more of these areas as a priority; and
- Ensure that its work on a Vision for the town centre runs parallel to and informs the new Local Development Framework which will replace the Local Plan

A major land acquisition within the town by ING Real Estate has led to the proposal for a significant retail-led development linking the current town centre shopping area to the station.

3.2.2 In order to manage the process of development, officers have been in discussions with ING and their planning consultants regarding a mixed use scheme for land at Broadway/King Street and Queen Street. The site includes Broadway, Melton Court and Cullens Passage which crosses the site. Officers have indicated that any future proposals should be led by an agreed site planning brief, allowing public engagement and discussion prior to any planning application being submitted. In early June, several press releases announced the forthcoming draft planning brief.

3.2.3 The proposed planning brief is not currently included in the adopted 2007 Local Development Scheme (LDS – the project plan for delivering planning documents). However, the Government Office for the South East (GOSE) have previously confirmed that the progression of planning briefs would be acceptable provided that progress on the RBWM Core Strategy, and Delivery and Development Principles Development Plan Documents (DPDs) is not hindered. Accordingly, the Council’s LDS will need to be amended to take this draft planning brief into account.

3.2.4 On the basis of this agreed approach, the Council is proceeding with work on a draft planning brief. The draft brief will be overseen by the Partnership for the Rejuvenation of Maidenhead (PRoM) in order to coordinate with work currently being carried out on a Vision and Action Plan for the town centre. This will ensure that PRoM and Council reporting deadlines are met and that the document is progressed in an effective way.

Proposed Timeframe and Content of Draft Planning Brief

3.2.5 Given the complexity and sensitivity of the site, the following timetable is being followed so as to ensure that the draft planning brief can be adopted by the end of 2008, in advance of the submission of any planning application.

Table 1: Draft Planning Brief - Timetable for Production

	Date	Comments
Sustainability Appraisal Scoping Report consultation	Completed June 2007	As part of the former Maidenhead Town Centre DPD work
Agree draft planning brief and associated Sustainability Appraisal for Consultation	Cabinet - July 2008	Following PRoM and LDF Member Working Group approval

	Date	Comments
Consultation on the draft planning brief and Sustainability Appraisal	Mid August - end September 2008	-
Consider representations and finalise planning brief	October 2008	-
Adopt planning brief as SPD	Cabinet - November 2008	-

3.2.6 The draft planning brief is enclosed with the agenda. The draft planning brief:

- Provides an introduction and overview of the site;
- Sets out the national, regional, sub-regional and local planning policies that need to be taken into account as part of any future development proposal;
- Sets out key urban design principles and examines examples of best practice in other developments;
- Addresses movement and accessibility issues and will include a series of issues relating to preferred future land uses and development types.
- Addresses a number of other important issues relating to the delivery and the implementation of the scheme.
- Addresses the future implementation and monitoring of the brief's objectives.

3.2.7 In terms of consultation on the draft planning brief, it must be in accordance with the Council's Adopted Statement of Community Involvement. Thus at the time of publishing the draft planning brief for consultation, the Council should:

- make the draft planning brief available for inspection during normal office hours at its principal offices and in Borough libraries;
- send to specific and general consultation bodies;
- display documents on the internet;
- issue a press release; place a press notice and place site notices;
- send neighbour notification letters
- distribute a leaflet.

Key Supporting Evidence for the Draft Planning Brief

3.2.8 The draft planning brief is supported by a number of key documents which comprise the 'evidence base':

- **Sustainability Appraisal** - Legislation requires that any planning brief progressed as SPD be accompanied by a Sustainability Appraisal (SA), and be the subject of consultation alongside it. As such any changes made to the draft planning brief prior to consultation will need to be taken into account within the SA.
- **Appropriate Assessment (AA)** – To consider any potential impacts on sites of international nature conservation importance.
- **PRoM's visioning work for Maidenhead Town Centre** – The initial phase of the Vision work will be completed in July and will feed into the draft planning brief.

3.2.9 Other evidence includes: Maidenhead Town Centre: Towards 2026. A Plan for Partnership Action (January 2007); RBWM Retail and Leisure Assessment (April 2006); RBWM

Employment Land Review (April & October 2006); Housing Needs Survey 2005; Local Transport Plan 2006-2011; Community Strategy 2003-2013; RBWM Strategic Flood Risk Assessment (November 2007); and Urban Potential Review 2006; Strategic Housing Land Availability Assessment and the Air Quality Action Plan.

3.3 Options Available and Risk Assessment

3.3.1

	Option	Comments
1.	To approve the documents for public consultation subject to any changes arising from PRoM.	Recommended. The draft planning brief and associated draft SA will need to take into account the visioning work which is being prepared by PRoM which will be available after Cabinet have met.
2.	Defer approval of the documents for public consultation until such time as specified.	Not recommended. To delay making a decision on the draft planning brief will hinder the proper planning of the site.
3.	Do nothing	Not recommended.

3.3.2 Risk Assessment

The main risk identified through the risk assessment is to the effective realisation of a comprehensive development scheme for the area. Whilst there are significant land ownerships over much of the site, there are nevertheless areas of land in third party ownership which will be required to achieve a comprehensive scheme for a significant part of the town centre. The purpose of the planning brief is to provide a sound basis for coordinating the nature, layout and form of development, but it will also ensure that the necessary planning framework is in place to justify compulsory purchase orders using the Council's powers should these be required. If the draft brief is deferred or not proceeded with there could be adverse impacts on the timescale and ability to achieve a comprehensive development scheme for the area.

3.4 Relevant National/Regional Guidance

3.4.1 The requirements for Local Development Frameworks are set out in the Planning and Compulsory Purchase Act 2004 and in the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008. Other principal areas of national and regional guidance relevant to this report are:

- DCLG Planning Policy Statement 12: Local Development Frameworks (May 2008)
- RPG9 (Regional Planning Guidance for the South East)
- Draft South East Plan
- Planning Policy Statement 6 (PPS6) – Planning for Town Centres

3.5 Relevant Council Policies/Strategies

3.5.1 The RBWM Local Plan (Incorporating Alterations Adopted June 2003) is saved until such time as they are replaced by RBWM development plan documents. The draft planning brief provides further interpretation and guidance to Saved Policy MTC7 (Major Development Sites) – site M1 (Broadway carpark/King Street).

3.5.2 Other relevant Council strategies and policies are:

- The Berkshire Structure Plan 2001-2016
- The RBWM Local Transport Plan 2006 – 11
- The RBWM Statement of Community Involvement, Adopted June 2006
- The Community Strategy for the Royal Borough Partnership

The recommendations contained in this report also contribute to the Community Strategy in the following ways:

	Relevant? Yes/No
Key Themes	
Supporting Children & Younger People	No
Supporting Adults & Older People	No
A Thriving, Cleaner, Greener Borough	Yes
Safer & Stronger Communities	Yes

4. CONSULTATION CARRIED OUT

4.1 As required by the Planning and Compulsory Purchase Act and the Regulations, there is a requirement for consultation with statutory environmental bodies in relation to the scope of the Sustainability Appraisal which was undertaken in June 2007.

4.2 There has been on-going consultation regarding Maidenhead Town Centre as part of the emerging Local Development Framework which has fed into the draft planning brief. Consultation has also been carried out with the Local Development Framework Member Working Group and PRoM.

5. COMMENTS FROM OVERVIEW AND SCRUTINY PANEL

To be completed.

6. IMPLICATIONS

6.1 Financial

6.1.1 Costs of producing the planning brief and associated consultation will be contained within existing budgets.

6.2 Legal

6.2.1 The draft planning brief has been produced under powers within the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004 and related Regulations. When adopted, the document will become part of the Council's Local Development Framework and will be part of the statutory set of policies and guidance against which the Council must assess applications under the planning acts. Supplementary

planning documents are required to be in general conformity with local policies and national guidance.

6.3 Human Rights Act

6.3.1 The Articles affected by the recommendation in this report are:

Article 1: Protection of Property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions, except in the public interest and subject to the conditions provided for by the law and by the principles of international law. The preceding provisions shall not, however, in any way impair the right of state to enforce such laws, as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 6: The Right to a Fair Trial. This relates to civil rights and obligations as well as criminal charges.

5.3.2 Any interference of these rights must be permitted by law and be proportionate. Any person whose rights are affected by the recommendations in this report is capable of being considered a victim under the terms of the Human Rights Act.

6.4 Planning

6.4.1 The planning implications are as set out in the report.

6.5 Sustainable Development

6.5.1 The principles of sustainability are fundamental to the review of the development plan. Legislation requires that any development brief, progressed as SPD to be subject of Sustainability Appraisal (SA), which accompanies the SPD and will be the subject of consultation alongside it. The SA will identify positive effects on sustainable development and how these may be enhanced. It will also identify negative effects on sustainable development and suggest how these may be minimised. The SA will also propose a monitoring framework for the SPD.

6.6 Diversity and Equality

6.6.1 In terms of the Council's Equality Impact Assessment Policy, the recommendations of this report have no negative equality and diversity implications.

Background Papers:

Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008

Planning Policy Statement 12: Creating Strong Safe and Prosperous Communities through Local Spatial Planning (May 2008)