

Please reply to: Carol Ann O'Kane  
Direct line: 01628 685695  
Email: \* carol-ann.o'kane@rbwm.gov.uk  
Our ref.: 13/02228

**Planning & Property Services**

The Royal Borough



**Windsor &  
Maidenhead**

RECEIVED 04 NOV 2013

Mr Andy Ryley - PRC Group  
5 St Mary's Road  
Surbiton  
Surrey  
KT6 4JG

1 November 2013

Dear Mr Ryley - PRC Group

**Town and Country Planning Act 1990 (as amended)**

**Re: 2 To 6 Martin Road And Units 31 And 32 Clivemont Road Maidenhead**

Please find enclosed the Decision Notice issued by the Royal Borough of Windsor and Maidenhead in relation to the recent application for the Construction of 7 commercial units in 2 blocks with associated parking and landscaping, following demolition of existing buildings..

Should you have any queries regarding the conditions or informatives that may be attached to this decision or should you wish to discuss the decision itself, please do not hesitate to contact me on 01628 685695

Yours faithfully

*Carol Ann O'Kane*

Carol Ann O'Kane  
**Planning Officer**

enc.





**Planning & Property Services**

Town Hall  
St Ives Road  
Maidenhead  
Berkshire  
SL6 1RF

Mr Andy Ryley - PRC Group  
5 St Mary's Road  
Surbiton  
Surrey  
KT6 4JG

**Town and Country Planning Act 1990 (as amended)**

**Notice of Decision**

**Appn. Date:** 7th August 2013 **Appn. No.:** 13/02228  
**Type:** Full  
**Proposal:** **Construction of 7 commercial units in 2 blocks with associated parking and landscaping, following demolition of existing buildings.**  
**Location:** 2 To 6 Martin Road And Units 31 And 32 Clivemont Road Maidenhead  
**Parish/Ward** Belmont Ward

The Council of the Royal Borough of Windsor and Maidenhead GRANTS PERMISSION for the above development to be carried out in accordance with the application submitted by you on the above date, subject to the following conditions:

- 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 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policy - Local Plan DG1.
- 3 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space 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.
- 4 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.  
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1

- 5 Prior to the commencement of the development hereby permitted, details of refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority and no part of the development shall be occupied until refuse and recycling storage has been provided in accordance with the approved details. The storage facilities shall thereafter be retained in accordance with the approved details.  
Reason: In the interests of visual amenity and of road safety and vehicle movement. Relevant Policies - Local Plan DG1, T5.
- 6 No development shall take place until full details of both hard and soft landscape works (including tree pit design), have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior 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.
- 7 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 8 Details of finished slab levels in relation to existing and proposed ground levels (against OD Newlyn) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any part of the development. The development shall be carried and maintained in accordance with the approved details.  
Reason: In the interest of the amenities of neighbouring properties.
- 9 Details of all external lighting including floodlighting shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development hereby permitted. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (specifying luminaire type, mounting height, aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details and no further lighting, other than those lights approved under this condition, shall be placed on the external facades of units 3 and 7 as shown on the approved plans without prior written approved of the Local Planning Authority.  
Reason: In the interests of visual amenity of the area and the amenity of surrounding residential occupiers. Relevant Policy - Local Plan Policy DG1.
- 10 Any vehicle used for commercial purposes including fork lift trucks, shall only be started up, manoeuvred, operated, loaded or unloaded between 0800 and 1800 hours Monday to Fridays and between 0830 and 1300 hours on Saturday and at no time on Sundays, or Bank or Public Holidays.  
Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.
- 11 Deliveries by any vehicle used for commercial purposes shall only be made to or from the site between the hours of 0800 and 1800 hours Monday to Fridays and between 0830 and 1300 hours Saturdays and at no time on Sundays or Bank or Public Holidays.  
Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.

- 12 No development shall commence until details of measures to contain internally generated noise in units 3 and 7 as shown on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development before the use commences, shall be retained thereafter and shall be maintained in good working order at all times.

Reason: To protect the amenities of the neighbourhood and to accord with the Local Plan Policy NAP3.

- 13 The development shall achieve a minimum post construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'Very Good' (or any such similar scheme and rating as may supersede BREEAM). Within 3 months of completion of the final commercial unit in each relevant part of the development a BRE issued Post Construction Review Certificate confirming that the development built has achieved a BREEAM rating of at least Very Good shall be submitted to the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Requirement 1 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009). Relevant Policy - AAP MTC4.

- 14 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 parts 1 to 4 (below) 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.

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.

- 15 The submitted Staff Framework Travel Plan received 1st August 2013 shall be implemented for each unit before first occupation of the development hereby permitted, or as otherwise agreed in the plan, and subsequently adhered to. Reason: In the interests of encouraging sustainable modes of travel to the site. Relevant policies: Local Plan T7, T11.
- 16 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking and re-enacting those Orders with or without modification, the units hereby permitted in Use Classes B1c, B2 and B8 shall not be used for any other purpose. Reason: To ensure a diverse range of light industrial, general industrial and storage and distribution uses in line with Policy E2 of the Local Plan.
- 17 Where ancillary trade counter provision is to be made within any part of the development hereby permitted, the total amount shall not exceed 372 square metres ground floor area across the whole site at any one time, furthermore the extent of this shall be limited as follows: up to 20% of the ground floor area of units with a ground floor extent of up to 250 square metres; 17.5 % for units between 251 and 300 square metres; and 15% for units between 301 and 450 square metres. Reason: To ensure that the trade counter provision does remain ancillary to the primary uses of the site and sufficient car parking provision is provided. Relevant Policies: Local Plan - E2, E10, P4 and T5.
- 18 The total floor space in association with approved uses of the units shall not exceed 1990.7 sq m. Reason: To prevent the creation of additional floorspace that may generate a level of traffic and parking that cannot be accommodated on the site and surrounding road network. Relevant Policies - Local Plan - E2, E10, DG1, P4 and T5.
- 19 No development shall commence until details of surface water control measures, including details of soakaways, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained. Reason: To minimise the risks of contamination of groundwater Relevant Policies - Local Plan NAP3 and to reduce the rate of surface water run-off in order to minimise the risk from flooding to



accord with Requirement 5 of the Council's Sustainable Design and Construction SPD, adopted June 2009.

- 20 No development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls and means of enclosure between the flank walls of units 3 and 7 and the adjoining boundary) have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.  
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area, and in the interests of security within the site. Relevant Policy - Local Plan DG1.
- 21 The windows in the east facing elevations (adjacent to Clivemont Road) of units 1 and 4 as shown on the approved plans shall be glazed with clear glass for the fascia and there shall be no obstruction associated with the commercial unit that restricts views into the premises.  
Reason: In the interests of the visual amenities of the area and to give an appropriate relationship of the building to the street. Relevant Policies - Local Plan DG1
- 22 The development shall be carried out in accordance with the energy and carbon savings strategy as referred to in the 'Energy Statement' (ref. LN/4173/17) by Cudd Bentley Consulting Ltd and retained as such thereafter.  
Reason: To ensure that the development is sustainable and makes efficient use of energy and to comply with Requirement 3 of the Royal Borough of Windsor and Maidenhead 'Sustainable Design and Construction Supplementary Planning Document' (June 2009).
- 23 Notwithstanding the provision of Classes A and C of part 8 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no improvement, enlargement or other alteration to the building, or laying of any hardstanding shall be undertaken without planning permission having been first obtained from the Local Planning Authority. Reason: Any addition to the building has the potential to lead to unacceptable increases in traffic. Relevant Policies - Local Plan Saved Policy DG1.
- 24 No development shall commence until a scheme setting out security measures to protect the site and the building itself has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the agreed details.  
Reason: To ensure a safe and secure environment. Relevant Policies - Local Plan DG1
- 25 Prior to first occupation of any unit a scheme detailing noise and vibration mitigation measures for any new plant, including details of the plant and associated equipment itself, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to occupation of the building and retained thereafter in accordance with the approved details.  
Reason: In the interests of the amenities of the amenities of neighbours. Relevant Policy - Local Plan NAP3.
- 26 No windows shall be inserted at first floor level in the eastern elevation of Unit 7 as shown on the approved plans without the prior written approval of the Local Planning Authority.  
Reason: To seek to secure a good standard of amenity for all existing and future occupants of land and buildings. National Planning Policy Framework (NPPF) Core Planning Principles.

#### Approved Plan Reference Number(s):

- 01, version no.: N/A, received on 1 August 2013  
02, version no.: Rev D, received on 1 August 2013  
07, version no.: N/A, received on 1 August 2013  
06, version no.: Rev A, received on 1 August 2013  
05, version no.: Rev A, received on 1 August 2013

## **Informatives**

1. This decision has been made in accordance with the requirements of the National Planning Policy Framework. The Local Planning Authority has sought all reasonable measures to resolve issues and found solutions when coming to its decision. For further details please see the Officer's report and the Council's decision by following this link [R.B.W.M. | Planning - Public Access Module](#) and entering the application number, or contact the Council's Customer Service Centre on 01628 683800 and quoting the application number.
2. This permission should be read in conjunction with the legal agreement entered into by the applicant with the Local Planning Authority and dated 31st October 2013 concerning developer contributions.
3. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.

## **Justifications**

1. The reason planning permission has been granted is that the development complies with the relevant provisions of the development plan. The relevant policies/proposals of the development plan are Local Plan DG1, E1, E2, E5, R10, P4, T5, NAP3 and NAP4.

**This permission does not relieve the applicant from responsibility for obtaining any necessary approval which may be required under building control legislation or Section 32 Berkshire Act 1986 (access for fire appliances). For advice on building control regulations, please contact the Authority's Building Control Service on 01628 796870.**

**The applicant is advised that all works to which this permission relates must be carried out strictly in accordance with the plans, drawing and other relevant supporting material submitted as part of this application and hereby approved as such and in full compliance with all conditions set out above. The Development Control Group must be immediately advised of any proposed variation from the approved documents and the prior approval of the Council obtained before any such works are carried out on site. Failure to comply with this advice may render the person carrying out and/or authorising the works liable to enforcement proceedings, which may involve alterations and/or demolition of any unauthorised building or structures and may also lead to the possibility of prosecution.**

**The applicant's attention is also drawn to the requirements of the Party Wall Act 1996, which may affect your submitted proposals. The applicant must notify all affected neighbours if work, which you are intending to carry out, falls within the Act. This may include work on an existing wall shared with another property, building on the boundary or excavating near a neighbouring property. However, the applicant is advised that this is not a matter dealt with by this Authority and it is recommended that you seek suitable professional advice.**

Signed                      Dated: 1st November 2013

*Simon Hurrell*

Simon Hurrell  
Head of Planning & Property Services



## NOTES

1. The application number shown on the attached should be quoted in all correspondence.
2. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development or to grant permission subject to conditions, the applicant may appeal to the Office of the Deputy Prime Minister in accordance with Section 78 of the Town and Country Planning Act 1990 (as amended) within six months of receipt of this notice for applications for full, outline or reserved matters planning applications, listed building or conservation area consents, or within six months for all other applications. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Room 306(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. The telephone number is 0117 372 6027/6212. The Deputy Prime Minister has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Deputy Prime Minister is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990 (as amended), to the provisions of the Development Order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him.
3. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Deputy Prime Minister, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).
4. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Deputy Prime Minister on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 199 of the Town and Country Planning Act 1990 (as amended).
5. This permission covers only consent under the Town and Country Planning Act 1990 (as amended) and does not give permission to demolish a listed building, for which separate consent is required. Amongst other things the consent of the Council of the district in which land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the developments.

### SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED; ACCESS AND PROVISION FOR THE DISABLED PERSONS.

1. The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons Act 1981, Building Regulations 1991 "Access and Facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for the disabled persons within the building. Your attention is also drawn to the Code of Practice BS 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, BS5810: 1979, "Access for the Disabled to Buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings".
2. The buildings to which these requirements apply are:-
  - a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies; b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the act; c) Factories as defined by Section 175 of the Factories Act 1961; d) Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

### BERKSHIRE ACT 1986 ACCESS FOR THE FIRE BRIGADE

S.32

- (1) Except as provided in subsection (2) below, where the plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show:
  - (a) that there will be adequate means of access for the fire brigade to the building or as the case may be, to the building as extended; and
  - (b) that the building, or as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.
- (2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1990, unless notice of provisions of this section is endorsed on or accompanies the planning permission.
- (3) Section 16 (7) and (8) and section 36 (2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1984.
- (4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.
- (5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be constructed as reference to a means of access adequate or, as the case may be, inadequate for use of fire fighting purposes by members of one or more fire brigades and their appliances.

