

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

24 June 2009

Item: 1

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| Application No.: | 08/02775/FULL |
| Location: | Former Site Of Target Ford Stafferton Way Maidenhead |
| Proposal: | Change of use of existing building to a mix of community and religious facilities plus alterations to the external appearance of the building plus partial demolition. |
| Applicant: | Riverchurch (Maidenhead) |
| Agent: | Mr Sital Dhillon |
| Parish/Ward: | Oldfield Ward |

If you have a question about this report, please contact: Daniel Gigg on 01628 796044 or at daniel.gigg@rbwm.gov.uk

1. SUMMARY

- 1.1 Planning permission is sought to change the use of the building to a mix of community, religious and conferencing facilities plus alterations to the external appearance of the building at the former 'Target Ford' site, Stafferton Way, Maidenhead. The application was deferred by Councillors at the Development Control Panel meeting of 4th February 2009 to enable the applicant to address the concerns raised by Officers in respect to the character of the area, highway safety and convenience, impact on air quality and whether financial contributions are required to off-set the impacts arising from the development. All these matters have been addressed except for securing more planting at the front of the site and the highway issue; but it is believed that the layout issues, clarification that the scheme will not prejudice the delivery of the Stafferton Way link road and off-site works can be addressed through further negotiations which need to take place prior to planning permission being granted.
- 1.2 In addition, as advised previously in terms of the principle of the proposal, this is acceptable as the development would further add to the mix of uses in the area and the Local Plan advises that proposals incorporating community facilities will be looked upon favourably. Furthermore, the proposals will not result in any significant flood risk and there will not be a significant impact upon the living conditions of occupiers of neighbouring properties.

To authorise the Head of Planning and Development to grant planning permission subject to satisfactory receipt of a revised car parking layout, clarification that the proposals will not prejudice the delivery of the Stafferton Way link road and off-site works, and the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site lies to the South of Stafferton Way within the urban area of Maidenhead. There is a grass embankment at the front of the site, with the remainder of the site along the toe of the embankment having a gentle slope in a West to East direction. The existing building on the site is currently vacant but it was formerly a car dealership/repair facility; it is predominantly of 2-storey height with a double pitched roof that has an 'industrial' appearance. The existing building is centrally positioned within the site with hardstanding surrounding it. The site has been

enclosed by temporary fencing for security purposes following vandalism and graffiti being sprayed on the building. The site has a poor and unkempt appearance.

3.2 Just beyond the Western boundary of the site is a car dealership, and further is residential development. To the North of the site is the Maidenhead Retail Park where there are a number of units that sell bulky, non-food goods. Just beyond the East of the site are a number of trees and the York Stream. To the South of the site are hedges and trees and then a car park.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The majority of the history on the site is for developments relating to the car dealership/repair facility. The only other relevant history is:

| | | |
|----------|---|------------------------|
| 09/00722 | Redevelopment of site to provide self-storage warehouse (B8 use) and access | Pending consideration. |
| 08/02141 | Redevelopment of site to provide self-storage warehouse (B8 use) and access | Withdrawn 17.11.08 |
| 05/00796 | Redevelopment of site to provide non-food retail warehousing with ancillary parking and servicing plus additional access on to Stafferton Way | Refused 24.06.05 |
| 41724 | Redevelopment of site to provide warehouse (B8 use) and access | Withdrawn 27.05.04 |

4.2 Planning permission is sought to change the use of the building to a mix of community and religious facilities. The statement submitted with the application provides more detail about these uses and for ease of reference the following is an extract from this document:

“Community activities...will include the following:

- *Counselling and support for pregnant women*
- *Drop in centre for local mothers and toddlers*
- *After school meeting venue: Youth clubs, Clubs/Scouts/Guides, etc*
- *Teenage drug counselling*
- *Meeting points and events for the elderly*

The Centre will be the central meeting place for River Church congregations and other faith-based groups and events.

The Centre will accommodate offices for River Church.

Auditorium and meeting facilities will be available to the community and local businesses for conferences and events.”

4.3 The proposal also includes refurbishment and alterations to the existing external appearance of the existing building.

4.4 The application is submitted by River Church which is a Christian fellowship that has over 600 members in 4 congregations (Maidenhead, Slough, Marlow and Englefield Green).

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Local Area Agreement

5.1 The recommendation would contribute to the achievement of these selected priorities of the Council and its partners:

| | |
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| Improve life chances for all children and young people | ✓ |
| Tackling inequalities and exclusion | ✓ |

More information on these priorities can be found at:

Royal Borough Local Plan

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

| | Within settlement area | Impact on The Green Way | Impact on a Major Highway Improvement Scheme |
|------------|------------------------|-------------------------|--|
| | ✓ | ✓ | ✓ |
| Local Plan | DG1, MTC7 | R14 | T1 |

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Interpretation of Policy F1 – Areas liable to flooding

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy – view using link at paragraph 5.4
- RBWM Strategic Flood Risk Assessment – view using link at paragraph 5.4

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of the development
- ii Impact on the character and appearance of the area
- iii A safe and secure environment
- iv Flood risk
- v Highway safety and convenience
- vii Impact on the living conditions of occupiers of neighbouring properties
- viii Air quality management area
- ix Contaminated land

Principle of the development

6.2 There are a total of 13 'Major Development Sites' identified on the Proposals Map to the Local Plan. The application site forms part of the 'Major Development Site' (MDS) M12 which extends both North and South of Stafferton Way. Policy MTC7 of the Local Plan states that a MDS should be developed having regard to the guidelines for each site. In this case, the development guidelines are for a mixed use scheme comprising: industry, car services/sales and warehousing.

- 6.3** The proposed development does not fit in to any of the categories of the development guidelines envisaged for this MDS. However, these are only guidelines and flexibility can be applied. In applying this flexibility, it should be noted that the majority of MDS M12 has already been developed as retail warehousing and the site to the West of the application site is a car sales operation; it is considered that the addition of this proposed development would further contribute towards this mixed use area. Accordingly, the proposal accords with Policy MTC7. In addition, there are other material considerations which weigh in favour of the proposals and are identified below:
- 6.4** Policy CF2 of the Local Plan supports proposals for new community facilities and it should be noted that the supporting text to the policy specifically states “The Council wish to see community facilities improved and enhanced and will therefore look favourably on any applications for such developments...”. Given that the proposal will provide community facilities, and, subject to receipt of a satisfactory revised plan, can provide adequate access, parking and facilities for people with disabilities, it accords with Policy CF2.

Impact on the character and appearance of area

- 6.5** The area within the vicinity of the site has an industrial/commercial appearance; the majority of the buildings are relatively modern and are of a functional design. The application site itself has a poor and unkempt appearance within this part of Stafferton Way because of the vandalism to the building and the vegetation on the site has become overgrown.
- 6.6** The area attracts a significant number of people primarily due to the retail park being located to the North of the application site. The application site is highly visible, with one of the significant views of it on the exit from the retail park. In addition, Stafferton Way has been identified in the Local Plan as a possible link road to other parts of the town and weight needs to be given to the potential in the future for this area to be an important through route in the town.
- 6.7** All levels of planning policy recognise the importance of achieving developments that are of a high quality design. Furthermore, National Planning Policy contained in PPS1 states that where an opportunity arises it will be necessary for a development to improve the character and quality of an area, and the way it functions. The following is an assessment as to whether the proposals are of a high quality design and make the most of the opportunity available through redevelopment of this site.
- 6.8** It is unfortunate that the applicant has not submitted details of the proposed elevations of the intended external alterations. In terms of the external alterations, according to the application forms glazing will be re-instated and brickwork and sheet cladding will be used. There is an opportunity here to create visual interest to the building through variation in the form and detail of the elevations which is something that is encouraged in the supporting text to Local Plan Policy DG1. Furthermore, the existing blank façade of the building to Stafferton Way could be replaced with clear glazing to give an appropriate relationship to the street and surveillance of the public realm – this is part of the guidelines of Local Plan Policy DG1. It is considered that details of the elevations and materials could be secured by a pre-commencement of development condition.
- 6.9** A layout plan has now been submitted with the application which shows car parking to the front of the site and to the west of the building. There will be sufficient space for planting in the western section of the site to break up the expanse of hardstanding for car parking. However, it is considered that the area for planting needs to be increased at the front of the site because should the Stafferton Way road link be built then it is likely to place pressure on the trees, and the number of car parking bays needs to be reduced. It is recommended that further negotiations take place with the applicant prior to planning permission being granted.
- 6.10** In summary, bringing the site back in to use is welcome and subject to a condition securing submission of details of the external alterations of the building and further negotiations to increase the area for planting to the front of the site it is considered that the proposals are acceptable and accords with Local Plan Policy DG1 and national planning policy contained in PPS1.

A safe and secure environment

- 6.11** National Planning Policy contained in PPS1 states that one of the key objectives is that developments create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or social cohesion. Saved Policy DG1 of the Local Plan echoes this objective specifically stating that in new development schemes public spaces should be overlooked and public and private areas should be clearly defined. Further guidance on appraising schemes is contained within National Planning Guidance in 'By Design' and 'Safer Places'.
- 6.12** The Crime Prevention Design Adviser has raised a number of omissions in the submission relating to: whether windows will be locked; how will casual intrusion around the building be restricted; whether CCTV and lighting will be used; and how the actual uses will operate, for example, controlling the entrance given the number of people that are proposed to use the facilities and whether outside tables and chairs will be removed at night time.
- 6.13** The matters raised by the Adviser can be addressed by way of a condition. The proposal accords with Policy DG1 of the Local Plan and National Planning Policy contained in PPS1.

Flood risk

- 6.14** The application site lies within flood zone 2 which is a medium risk flood area. National Planning Policy contained in PPS25 'Development and Flood Risk' states that the overall aim of decision-makers should be to steer developments to areas at the lowest probability of flooding. However, PPS25 makes it clear that the sequential approach to site selection does not apply to applications seeking a change of use and therefore it is not relevant in this case. There are no actual increases in the amount of built footprint at the site and therefore the flood storage capacity is not altered in any way by this proposal. In terms of putting more people at risk from flooding and placing more pressure on the emergency services, the impact will not be significant because users of the facility will not be there on a permanent basis through the day as the opening hours are proposed to be between the hours of 8am to 10pm. Furthermore, the site lies at the edge of the floodplain and as such in the event of a flood there should be sufficient time to evacuate the site or users of the facilities will know in advance that the site is flooded and it is likely they would avoid it. This argument supports the view in PPS25 that the use would be a 'less vulnerable' one and as such is an acceptable form of development in Flood Zone 2.
- 6.15** The proposal will not result in any significant flood risk. This is also the view of the Environment Agency. As such, the proposal accords with National Planning Policy contained in PPS25.

Highway safety and convenience

- 6.16** A breakdown of the floor space of the various uses has not been submitted with the planning application. However, the applicant has confirmed now that the proposed development will not be used as a conference facility and only for Church congregations/events (such as weddings) and for community uses as specified in paragraph 4.2 above.

Impact on the surrounding roads

- 6.17** A Transport Statement has been produced which demonstrates that the vehicle movements would be no greater than that accepted for the B8 warehousing/distribution use (application 09/00752/FULL). Therefore compared to the fall back position of the existing albeit vacant use, the impact on the highway network will be no worse.

Layout

- 6.18** The existing vehicular junction is to be used but the radii will need to be increased on land within Council ownership. In addition, the proposed footpath link into the site across Stafferton Way will be partially located on land within highway and this will need to be re-positioned so that it is moved eastwards away from the junction to the retail park; this is in the interests of highway safety. It is recommended that a revised plan be sought before planning permission is granted.

- 6.19** The dimensions of the car parking spaces are acceptable. The applicant states that there is not a requirement for a parking space for a coach but in the interests of highway safety it is recommended one be incorporated into the layout and that appropriate manoeuvring can be achieved to allow the vehicle to enter and exit in forward gear. In addition, it is not known where the refuse and cycle facilities will be provided in the site and to ensure a satisfactory layout it is recommended that details are sought prior to granting planning permission.
- 6.20** Just beyond the North of the application site is an area of land reserved for the Stafferton Way link road. Further clarification of the plan is required to ensure this scheme does not prejudice the delivery of the link road.

Summary

- 6.21** The proposal will not have a detrimental impact on highway safety and convenience. As such, the proposed development accords with Policies T1, T5 and P4 of the RBWMLP.

Impact on living conditions of occupiers of neighbouring properties

- 6.22** The nearest residential properties are located about 70m to the West of the site; these properties are at Greenfields and Alpine Close. The activities associated with the use are likely to generate noise levels and the amount of car parking that is proposed is an indication of the likely number of people that would use the facility. Conditions can be used to control: the opening hours and a restriction on the activities associated with the use taking place within the building. Overall, given the separation distances to the nearest neighbouring properties, the ambient noise levels and through the use of conditions there need not be a significant harmful impact on the living conditions of occupiers of nearby neighbouring properties.
- 6.23** The reasonable protection of the amenities of neighbours is a matter of acknowledged planning importance and the proposed development complies with the principles of good planning practices and the aims and objectives of National Planning Policy as expressed in PPS1 and PPS3, which seek to provide a high quality residential environment where people would wish to live.

Air Quality Management Area (AQMA)

- 6.24** Approximately 60m to the West of the application site is an AQMA. The AQMA was designated due to the level of nitrogen oxide in the air, which is primarily from emissions from vehicular traffic. Saved Policy NAP3 of the Local Plan states that planning permission will not be granted for proposals likely to emit unacceptable levels of fumes beyond the site boundaries.
- 6.25** Any traffic related to the development will pass through the AQMA. As the traffic movements will be no worse than the existing situation the air quality will not be any worse.

Contaminated Land

- 6.26** As car repairs had previously taken place at the site, there is potential for the ground to be contaminated. However, as no works are proposed that will disturb the land, the proposal is acceptable and complies with Policy NAP4 of the Local Plan and National Planning Policy contained in PPS23 'Planning and Pollution Control'.

Other material considerations

- 6.27** In the Planning Statement, it is advised that there will be scope to open up the 'frontage' of the stream to allow access to it for leisure activities such as canoeing and give general public access to it. As this does not constitute development, it is not considered as part of the assessment of the proposals.
- 6.28** The comments of the Maidenhead Civic Society should be noted. However, Councillors should be advised that preference for one scheme over another is not a material consideration in the determination of a planning application.

6.29 In terms of the points raised by Lok 'n' Store, in respect to serving notice on the owners of the site the applicant declared that it undertook this – whilst there is a question about whether these were actually undertaken none of the ownership parties were prejudiced as they subsequently became aware of the proposals. As for whether the principle of the proposal is acceptable this is addressed in paragraphs 6.2 to 6.4. In respect to whether the scheme will comply with other legislation, this is not a planning matter. In terms of the last point, this statement is correct: any decision maker must in arriving at a decision base this on policies of the development plan unless there are material considerations that indicate otherwise.

6.30 The applicant advises that it believes the proposals are in line with the 'Vision and Action Plan for Maidenhead (the VAP)'. The proposals are broadly in line with the VAP and this document can be afforded some limited weight.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

7.1 This development would not place any additional pressure on local services and infrastructure compared to the fall-back position of the existing development. Accordingly, it would not be reasonable to seek financial contributions. The proposal accords with Saved Policy IMP1 of the RBWMLP and the Council's Supplementary Planning Guidance on Developer Contributions.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

29 occupiers were notified directly of the application.

The application was advertised in the Maidenhead Advertiser on 15th January 2009 and the deadline for comments was 4th February 2008.

Statutory consultees

| Consultee | Comment | Where in the report this is considered |
|--------------------|--------------|--|
| RBWM Highways | No objection | 6.16 to 6.20 |
| Environment Agency | No objection | 6.14 to 6.15 |

Other consultees and organisations

| Consultee | Comment | Where in the report this is considered |
|---------------------------------|---|--|
| Crime Prevention Design Adviser | Comments that there are a number of omissions in the submission relating to designing out crime matters. | 6.11 to 6.13 |
| Maidenhead Civic Society | Endorse the proposals; the introduction of a more mixed use on Stafferton Way is welcome and preferred to the pending Lok 'n' Store facility and is a good alternative use to the existing eyesore with varied facilities and plentiful parking offering an additional amenity for the community. | 6.24 |
| Lok 'n' Store | Comment that: | |

| | | |
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| | <p>1) the appropriate notice was not served on the freehold and leasehold owners</p> <p>2) the self-storage warehouse scheme satisfies the policy MTC7 but state that there is limited flexibility to allow this community facility proposal</p> <p>3) the scheme is unlikely to be implemented because firstly it is Lok n' Stores' understanding that it will not comply with Building Regulations or other statutory controls and secondly the applicants do not have any legal or contractual control over the site.</p> <p>4) any decision should be made on the planning merits of a proposal and it is not a matter as to whether the decision maker favours one proposal or another.</p> | |
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9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan

10. CONDITIONS IF PLANNING PERMISSION IS GRANTED

- 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.
- 2 No development shall take place until detailed drawings of the external elevations and roofplan of the building and samples of the materials to be used on external surfaces of the development(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development(s) shall be carried out and maintained thereafter in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Saved Policy - Local Plan DG1.
- 3 No development shall take place until full details of soft landscape works, including tree planting where appropriate, 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 thereafter in accordance with the approved details.
Reason: To ensure a form of development that maintains, and contributes positively to the character and appearance of the area. Relevant Saved Policies - Local Plan DG1.
- 4 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 of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development. Relevant Saved Policies - Local Plan DG1, N6.
- 5 No development shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the site have been submitted to and approved in writing by the Local Planning Authority including details of a permeable surface to car parking spaces 1 to 12 and 32 as shown on the approved drawing no. XXXX. The development shall thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area and to ensure new planting can become established. Relevant Saved Policy - Local Plan Saved Policy DG1

- 6 Prior to commencement of development, details of surface water control measures 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.
Reason: To reduce the rate of surface water runoff from the site in order to minimise the risk from flooding. Relevant Policies - National Planning Policy Statement 25: 'Development and Flood Risk'
- 7 The development hereby approved shall not be used until the footpath outside of the application site and access within and outside of the application site as shown on drawing no. XXXXX have been completed in accordance with a scheme which has first been submitted to, and agreed in writing by, the Local Planning Authority
Reason: In the interests of road safety and convenience. Relevant Saved Policies - Local Plan DG1 and T5.
- 8 No part of the development hereby permitted shall be commenced until visibility splay(s) of 2 metres by 90 metres have been provided at the vehicular access to the development hereby approved. The visibility splay(s) shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.
Reason: In the interests of road safety. Relevant Saved Policies - Local Plan DG1 and T5.
- 9 No part of the development hereby permitted shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. This space shall thereafter be kept available for parking at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would be a danger to other road users. Relevant Saved Policy - Local Plan P4.
- 10 No part of the development hereby permitted shall be occupied until a refuse bin storage area has been provided in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. This collection facility shall thereafter be kept available for the storage of refuse bins at all times.
Reason: In the interests of road safety and vehicle movement. Relevant Saved Policy - Local Plan T5.
- 11 No part of the development hereby permitted shall be occupied until the cycle parking area has been provided in accordance with the approved drawing. This cycle facility shall thereafter be kept available for the parking of cycles at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Saved Policy - Local Plan T7.
- 12 Prior to the first use of the building hereby permitted an interim travel plan shall be submitted to and approved by the Local Planning Authority. A full travel plan shall then be submitted to and approved in writing by the Local Planning Authority within three months of the first occupation of the building. Both the Interim and Full Travel Plans shall be implemented as approved and continue in operation thereafter unless the Local Planning Authority gives its written consent to any variation.
Reason: To encourage alternative modes of travel to the private car. Relevant Policies - National Planning Policy PPS1 'Delivering Sustainable Development', PPS6 'Planning for Town Centres' and PPG13 'Transport'.
- 13 The building shall only be used during the following times: 0730 to 2300 hours Mondays to Fridays; 0800 to 2300 hours on Saturdays; and 1000 to 1700 hours on Sundays, Bank Holidays and other public holidays.
Reason: To protect the residential amenity of the area. Relevant Saved Policy – Local Plan NAP3.
- 14 The use of any form of amplified announcement, commentary or sound or the use of any form of Public Address shall be prohibited at any time within the outdoor areas of the site.
Reason: To protect the residential amenity of the area. Relevant Saved Policy - Local Plan NAP3.

- 15 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees adjoining the application site, shall be submitted to and approved in writing by the Local Planning Authority and implemented as approved. Thereafter the protection measures shall be retained and maintained until the completion of all construction work.
Reason: To protect the off-site trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Saved Plan DG1, N6.
- 16 The building shall not be used at any time as a facility for conferences.
Reason: In the interests of the free flow of traffic and highway safety on the surrounding road network and the air quality management area. Relevant Saved Policies - Local Plan P4 and NAP3.
- 17 Prior to commencement of development, a scheme setting out security measures to protect the vehicular access, car park, building itself and any means of enclosure to the front and west boundaries of the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
Reason: To ensure a safe and secure environment and in the visual interests of the area. Relevant Saved Policy - Local Plan DG1