

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

15 February 2017

Item: 1

Application No.:	16/02025/FULL
Location:	Cliveden View Shopping Centre Shifford Crescent Maidenhead
Proposal:	Erection of a nursery with associated parking and improvements to existing parking layout and landscaping, together with fascia improvements to existing parade building and relocation of mobile library facility.
Applicant:	Mr Howells
Agent:	Not Applicable
Parish/Ward:	/Furze Platt Ward

If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk

1. SUMMARY

- 1.1 The principle of allowing the proposal is acceptable in this location, although it would involve the loss of the current parking provision for a Council mobile library which uses the site once a week. The loss of the mobile library to a day nursery is in-principle acceptable as a community use of the site is being retained. The application does, however, propose an alternative location for the library on land adjacent to the site in the Council's ownership. This would involve the loss of some open space. It is therefore a matter for the Council to determine whether it wishes to retain the open space as it is or lose part of it to facilitate the mobile library.
- 1.2 The proposed day nursery building would be of a scale and design in keeping with the existing shopping parade against which it would be seen, and will not harm the character and appearance of the area. The building would also be at least 50m away from the closest house and as such will not harm the living conditions of any neighbours.
- 1.3 The proposal complies with the Council's parking standards and would not lead to a level of traffic movements that could not be accommodated by the existing highway network. Adequate turning space would be provided within the rear service area to allow all delivery vehicles to exit the site in a forward gear onto Switchback Road North. Notwithstanding this, the application has attracted some interest for local residents who are concerned about lorries reversing onto Switchback Road North, which is an existing problem that could potentially get worse as a result of the application. As the applicant is also the owner of the shopping parade, it is recommended that any permission granted is subject to a condition requiring a management plan for delivery vehicles using the Switchback Road North access to minimise the risk to other road users and pedestrians.
- 1.4 A proposed day nursery would add to the mix of uses in this locality and help meet a local demand. The Planning Department often receives inquiries about possible sites for this type of use, but in many cases the locations are not appropriate. The application site is a suitable, sustainable location for a day nursery.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor. D.Wilson in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located at the eastern end of a two-storey parade of shops with flats above, known as Cliveden View Shopping Parade, facing Shifford Crescent, Maidenhead. The site is located in a predominantly residential area. A car park is located to the front of the shops and along the eastern side, where the development is proposed to be sited. The parade is bounded by Switchback Road to the west, housing to the north and east and Shifford Crescent to the south. The site itself lies adjacent to an important area of open space between Whitchurch Close and Shifford Crescent (as identified on the proposals map of the local plan).
- 3.2 The site currently comprises 15 parking spaces and provides access to the rear of the parade. An RBWM container library is sited on some of the parking spaces once a week. Rear access is also provided off Switchback North Road.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1

Application	Description	Decision
06/01312/Full	To site a containerised library in the car park one day per week.	Approved 03.08.06. Temporary permission until 03.08.11.
13/02231/Full	To site a containerised library in the car park one day per week.	Approved 27.09.13.

- 4.2 The application seeks planning permission for the erection of a new building to accommodate a day nursery with associated parking, together with changes to the existing parking layout, landscaping and fascia on the parade building at Cliveden View.
- 4.3 The proposed nursery will be a two storey building (9.8m high), with a single storey outshot (10m deep), comprising of 450sqm of floor area. To the rear of the building is the external amenity area for the nursery. It is estimated that the nursery will provide facilities and day care for up to 75 children.
- 4.4 An additional 10 car parking spaces are proposed, as well as a re-configuration of the car park layout and the repositioning of the mobile library area. In addition to this, two new motorcycle spaces and two cycle stands are proposed.
- 4.5 The main access into the site off of Shifford Crescent will be maintained, however, the access route around the rear of the shopping parade will be stopped up due to the proposed nursery.
- 4.6 Switchback Road North will become an in and out access, to allow access to the parking spaces to the rear of the shops and the proposed nursery, and also allowing delivery lorries to access and egress safely. Recycle bins will be sited on the southern boundary of the site.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 1 (Building a strong and competitive economy) and 8 (Promoting healthy communities).

Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Community Facilities
DG1	P4, T5	CF1, CF2

These policies can be found at

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

Relevant Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy

Information on these document can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The principle of development, including the loss of open space;
- ii The impact on the character and appearance of the area;
- iii Highway safety and convenience and parking provision; and
- iv The impact on the amenities of neighbouring residential properties.

The principle of development

- 6.2 Policy E6 of the Local Plan states that proposals for development for business outside of the Green Belt will be acceptable on sites already in such use subject to normal development control criteria and provided that proposals would not lead to an undesirable intensification of activity to the detriment of the local environment, or to the amenities of neighbouring properties. Proposals involving the provision of small business/industrial units or the provision of mix of uses appropriate to the character of the area will generally be encouraged.
- 6.3 Policy E10 states that when considering planning applications for business development, the Council will: Have regard to the layout of activities within the site and the design and scale of the buildings and the materials used; Ensure that the development would not result in an unneighbourly development or undesirable intensification of an existing use and, where appropriate; provide on site environmental or townscape improvements, provide a mix of use appropriate to the character of the area and have regard to the availability and capability of adequate local services (water, sewerage, drainage, public transport etc).
- 6.4 Policy R1 of the Local Plan states that the Council will not approve proposals that would result in the loss of existing areas of important urban open land identified on the Proposals Map unless they are replaced by new provision which is at least comparable in terms of facilities, amenity and location; or they can best be retained and enhanced through the redevelopment of a small part of the site.
- 6.5 In terms of national planning policy, section 1 of the NPPF advises that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and planning should operate to encourage and not act as an impediment to sustainable growth. Significant weight should be placed on the need to support economic growth through the planning system. Section 8 advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities and that, planning decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments which bring together those who works, live and play in the vicinity. Planning decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments and should guard against the unnecessary loss of valued facilities and services. Access to high quality open spaces can make an important contribution to the health and well-being of communities and, as such, existing open space should not be built on unless it is surplus to requirements; or would be replaced by the equivalent or better provision in

terms of quantity and quality in a suitable location; or the development if for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 6.6 Given the national and local plan policies, the principle of a day nursery in the proposed location is acceptable. While a day nursery is formally classed as a D1 non-residential institution, (in the same way as libraries), they also fall under the description of community facilities. As such, while the proposal involves the loss of a community facility (the library once a week) within the site, it is being replaced by another community facility (the day nursery). The proposal should not therefore be refused on the grounds of a loss of a community facility. It is also important to remember that the Council's mobile library has only been allowed to park within the Cliveden View Shopping Parade with the agreement of the landowner, who is also the applicant in this case.
- 6.7 No evidence of need for a day nursery has been submitted with the application. However, officers are aware that there have been a number of pre-application inquiries about possible sites for this use advising that there is a high demand for day nurseries in the area. These pre-application inquiries do not often lead to planning applications as there are frequently a number of issues that need to be overcome. The application site in this case is a suitable, sustainable location for a day nursery.
- 6.8 Notwithstanding that there will be no net loss of community facilities, the application proposes a new location for the mobile library to the side of the day nursery on open space owned by the Council. The open space is identified on the Local Plan Proposals Map as being Important Urban Open Land. The issue therefore is whether the loss of part of this open space for the library is acceptable in planning terms. On the one hand, the new library parking place would allow for the retention of this existing facility and would only involve the loss of a relatively small area of the open space. On the other hand, the mobile library is only available in this location once a week and any loss of open space in a densely populated area should arguably be resisted. National and local planning policies support either approach.
- 6.9 The RBWM Head of Libraries has advised of the importance of retaining a library facility in this location and the absence of alternative sites in the locality. The Head of Communities and Economic Development has advised that this is a very small park with high levels of demand. In the round, as the Council owns the open space in question and is responsible for the mobile library, it is recommended that the Panel accepts the principle of the new parking place for the mobile library to provide the option of an alternative location for it, but only on the basis of it being used no more than weekly to park the mobile library.

The impact on the character and appearance of the area

- 6.10 The Cliveden View Shopping Centre is located in a prominent position off Shifford Crescent and Switchback Road North. It is a clearly visible development in a residential area, but is modest in scale and design and bounded by landscaping and open space to the east. The proposed development is not an extension of the existing parade, but a separate building. However, given its close proximity to the parade (approximately 1.4 metres) it will be viewed in this context.
- 6.11 The existing shopping parade is not architecturally striking, but an attempt has been made to break-up the bulk and appearance of the building at the front by setting back the row of individual shops from the main Co-op section. The rear of the building, which is clearly visible from the surrounding roads and park is not particularly attractive.
- 6.12 The proposed nursery would be positioned in an existing parking area that currently provides an open buffer between the shopping parade and park. Although it would be sited close to the edge of the open space (the building would be 1m from the east side boundary), it will be set back from the main parade frontage by 3m. In addition, the building will have a fully hipped roof and be of a similar height to the neighbouring building. Contrasting materials in keeping with the shopping parade (the fascia for which is to be updated) are proposed with the insertion of windows on the side elevations to help break-up the appearance of the building. Although the rear single storey section is deep at 10m this would be largely screened by the 1.8m boundary fencing. Overall, it

is not considered that the proposed nursery building will appear dominating in the street scene so as to harm the character and appearance of the area.

- 6.13 The parking place for the mobile library would be an area of hardstanding measuring 4m by 12m. The provision of this would result in the loss of part of the grassed area of the park. With appropriate surfacing and additional landscaping, the library parking place will not harm the visual amenities of the area.

Highway safety and convenience and parking provision

- 6.14 Cliveden View Shopping Centre is located on the eastern side of the B4447 Switchback Road North and north and west of Shifford Crescent. The B4447 is essentially a district distributor road linking Cookham Rise with Maidenhead Town Centre. Switchback Road North has a carriageway width of 7.3m flanked by 2 x 2.0m wide footways, plus a 2.0m wide grass verge south of the service yard access. Shifford Crescent is a residential street and cul-de-sac, having a carriageway width of 6.3m with 2 x 1.8m wide footways. Both roads are subject to a local 30mph speed restriction and are lit.
- 6.15 The main access to the site and car parking area is off Shifford Crescent. At present delivery vehicles also enter the site from the Shifford Crescent access point and then leave the service area located behind the shops from the exit onto Switchback Road North. The proposal involves retaining the access off Shifford Crescent for use by private vehicles, but stopping up the access route to the rear of the shopping parade in order to allow the nursery to be built.
- 6.16 Provided any planting and vegetation either side of the Shifford Crescent access is kept below a height of 0.6m the required visibility splays of 2.4m by 43m in both directions can be achieved.
- 6.17 It is proposed that the access off Switchback Road North will become an in and out access for the delivery vehicles, together with access to parking for the flats. This access will be widened to allow two-way vehicle movements and two turning areas (one of which is of a sufficient size for large lorries delivering to the supermarket) are provided within the site enabling delivery vehicles to exit in a forward gear. The submitted site layout plan shows that this can be achieved so there should be no need for any vehicles to reverse onto Switchback Road North. Visibility at this access is unrestricted and in excess of the required 2.4m by 43m splays.
- 6.18 The parking provision is to be redistributed so that the day nursery staff will be provided with 9 spaces, 10 retained for the flats and 58 for the shops. Parents / carers of children attending the day nursery will be able to park in the main car park. The proposal also provides for new parking areas for motorbikes and cycle stands. Overall, the parking provision complies with the Council's adopted standards.
- 6.19 The submitted Transport Statement utilising TRICS (Trip rate Information Computer System) for similar uses at peak traffic periods predicts that there would be 31 two-way vehicle trips in the weekday morning peak hour (0800-0900 hours) and 27 two-way trips in the evening peak period (1700-1800 hours). The Highway Authority has advised that this level of vehicular activity could be accommodated on the highway network and that a Travel Plan encouraging the use of sustainable modes of travel would be of assistance.
- 6.20 Overall, there are no objections to the proposal in terms of parking provision and highway safety and convenience.

The impact on the amenities of neighbouring residential properties

- 6.21 The closest house to the proposed nursery would be at least 50m away across Shifford Crescent. Given this minimum separation distance and subject to a condition restricting the hours of operation the proposal will not harm the living conditions of any neighbours in terms of loss of privacy, loss of light or by appearing overbearing.

Other material considerations

6.22 Currently footpaths cross the park from Whitchurch Close and from Shifford Crescent up to the shopping parade and these will remain largely unaffected by the proposal. These footpaths are not Public Rights of Way but as they cross the park are maintained by the Council. Subject to a minor re-configuration around the recycling bins and mobile library space, these paths will still provide a short-cut to the shops for residents walking from surrounding homes.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

7.1 The proposal is not CIL liable.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

17 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site on 14th July 2016.

6 letters and 1 petition with 15 signatures were received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. This is an inappropriate location for a day nursery as there is already lots of traffic in the area. The increase in traffic associated with the day nursery will severely impact the flow of traffic on the estate – more traffic will lead to more accidents and this is particularly dangerous for children.	6.14 – 6.20
2. The proposal involves the loss of one of the footpaths to make way for the mobile library.	6.22
3. The car park is not large enough. No additional parking will be provided for the parents using the nursery.	6.18
4. It appears that the nursery will be erected on the grass play area.	No it will not – see 3.1
5. Will the footpath from Whitchurch Close across the play area to the shops remain in place?	6.22
6. The new nursery will put the future of Poundfield Pre-School (Community Hall, Radcot Close) in jeopardy.	Not a planning issue.
7. Delivery lorries will not reverse within the site but will end up reversing into Switchback Road	6.17
8. Noise from the nursery school will affect the adjoining properties.	6.21
9. Summary of comments raised in the submitted petition: Concerned about the adverse effects to road safety of closing off the road that runs around the back of the site, which is used for delivery vehicles for the shops. The proposed changes to cater for these deliveries are inadequate and impractical – These vehicles will have to reverse onto Switchback Road which will lead to accidents. Lorries swinging across the road forces other drivers to stop. Lorries cause damage to footpaths which is a hazard to pedestrians and wheelchair users. There is insufficient parking on the site. Loss of open space to accommodate the mobile library. Concerns about congestion of delivery vehicles arrive at the same time.	6.14 – 6.20

Consultee responses

Consultee	Comment	Where in the report this is considered
Highway Authority	No objections subject to planning conditions.	6.14 – 6.20
Environmental Protection	No objections. Recommends informatives in relation to noise, dust and smoke controls and hours of construction.	Noted.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site layout
- Appendix C – Proposed elevations
- Appendix D – Proposed floor plans

10. CONDITIONS RECOMMENDED FOR INCLUSION IF 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 (as amended).
- 2 No development shall take place until details 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 DG1.
- 3 No development shall take place a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 4 The use hereby permitted shall only operate between the hours of 0700hours and 1900 hours on Mondays to Fridays and at no time on weekends, Bank or Public Holidays.
Reason: To protect the amenities of adjoining occupiers. Relevant Policies - Local Plan NAP3.
- 5 No other part of the development shall commence until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1
- 6 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.
- 7 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning 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, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.

- 8 No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.
- 9 No development shall take place until full details of both hard and soft landscape works, 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.
- 10 No part of the development shall be commenced until a management plan for delivery vehicles using the Switchback Road North access has been submitted to and approved in writing by the Local Planning Authority. The management plan shall be implemented as approved.
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.
- 11 Prior to the occupation of the day nursery, a plan showing the re-routing of the existing footpaths that cross the park from Whitchurch Close and Shifford Crescent up to the shopping parade has been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved.
Reason: To ensure the pedestrian access to the park and shopping park is sufficiently retained. Relevant Policy - Local Plan DG1.
- 12 A Travel Plan shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development hereby permitted. The approved Travel Plan shall be implemented on first occupation of the development and thereafter for the duration of the development. Reason: To minimise vehicular movements to and from the site and encourage the use of public transport, walking and cycling as means of accessing the site.
- 13 The mobile library space shall only be used once a week and not permanently.
Reason: To accord with the terms of the application and to protect the amenities of the area, Relevant policy: Local Plan DG1.
- 14 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.

Informatives

- 1 The applicant is requested to carry out a noise impact assessment for the proposed development to be submitted to the Environmental Health Unit, Environmental Protection Team Leader before the development commences. The assessment shall include details of principal noise sources, hours of operation, attenuation equipment and predicted noise levels at the development site boundaries and residential site boundaries.
- 2 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the

applicant's behalf.

- 3 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 4 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.