

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

10 May 2017

Item: 2

Application No.:	17/00717/VAR
Location:	John West House Unit 5 The Quadrant Howarth Road Maidenhead SL6 1AP
Proposal:	Variation of Condition 2 (Seasonal Restriction) of planning permission 16/02659/FULL to allow year-round opening.
Applicant:	Royal Borough of Windsor And Maidenhead
Agent:	Not Applicable
Parish/Ward:	Maidenhead Unparished/Oldfield Ward
If you have a question about this report, please contact: Victoria Gibson on 01628 685693 or at victoria.gibson@rbwm.gov.uk	

1. SUMMARY

1.1 In September 2016 planning permission for a temporary period of 5 years was granted under application 16/02659 for the change of use of a vacant industrial building to an emergency homeless shelter and training centre. This provided a much needed local facility with a range of social and economic benefits. These considerations all weighed in favour of the development and overcame the policy objection to the change of use of the site to a non office/industrial/warehousing use.

1.2 This application now seeks to vary conditions 2 of the previous permission which read as follows:

*“The seasonal emergency night shelter element of the proposal shall provide accommodation for no more than 9 individuals at any time and shall operate only from 7.30pm until 8am, Monday to Sunday during the months of October, November, December, January, February and March only.
Reason: To ensure that the development is carried out in accordance with the proposed details.*

1.3 The applicant now wishes to provide a response to meet the needs of those throughout the year who are street homeless. The proposed condition would therefore read as follows:

*“The emergency night shelter element of the proposal shall provide accommodation for no more than 9 individuals at any time and shall operate only from 7.30pm until 8am, Monday to Sunday only.
Reason: To ensure that the development is carried out in accordance with the proposed details.*

1.4 There are no other changes proposed.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.
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2. REASON FOR PANEL DETERMINATION

- The Council’s Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The building is located in a group of light industrial units on the edge of an industrial/retail area and residential area approximately 1 mile south of Maidenhead town centre. It benefits from close proximity to main roads and public transport links, retail and leisure facilities. The unit has allocated parking spaces within a larger car parking facility for the area known as The Quadrant.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 There is no relevant history for this site other than application 16/02659 which granted permission for the change of the use of the building to a mixed use of C2, D1 and B8 (emergency shelter, furniture repair workshop and food bank storage)
- 4.2 The facility was originally set up to help address a clear and present issue in the borough and to provide practical help and training to homeless people in the borough.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 8 (Promoting Healthy Communities.)

Development Plan

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

	Within settlement area	Highways and Parking	Employment
Borough Local Plan	DG1	P4, T5	E5
Maidenhead Area Action Plan	MTC4	MTC14	-

Other Local Strategies or Publications

- 5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

- 6.1 There has been no material change in policy or on site which would prevent the reissuing of this decision. The main considerations are therefore whether the use of the shelter all year round would cause harm in relation to the following:

- i Impact on the character and appearance of the area;
- ii Impact on the amenities of neighbouring occupiers and future residents;
- iii Highway Considerations; and

Impact on the character and appearance of the area

- 6.2 The use of the shelter all year round does not necessitate any external changes and as such the proposal would not harm the character and appearance of the area. As such there is no policy objection on this account.

Impact on the amenities of neighbouring occupiers and future residents

- 6.3 The proposed use of the facility all year round would not result in a use which would cause an unacceptable level of noise or disturbance that would harm the amenities of the neighbouring occupiers. Whilst an industrial estate is not normally appropriate for residential development, given the temporary nature of people staying here no objection is raised. The Environmental Protection Officer had previously requested several conditions regarding deliveries and noise levels however given the industrial nature of the area and the temporary nature of the proposals

these conditions were not considered reasonable, and would not meet the requested tests set out in Planning Practice Guidance.

Highway Considerations

- 6.4 Given that the number of residents at any one time would not change as a result of the shelter being used all year round no highway objections are raised.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposal is CIL liable but the site proposal is in Maidenhead Town Centre where there is zero charging.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

5 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 31st March 2017.

No letters of support or objection have been received.

Other Consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection.	6.3.
Environmental Protection	Comments awaited.	6.4.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and previously approved site layout.
- Appendix B - Previously approved Plan and elevation drawings.

Documents associated with the application can be viewed at:

<http://www.rbwm.gov.uk/pam/search.jsp>

by entering the application number shown at the top of this report without the suffix letters.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have been successfully resolved.

10. CONDITIONS IF PERMISSION IS GRANTED

1. The use shall be discontinued, and building restored to its former condition on or before 28th September 2021.

Reason: As it has not been adequately demonstrated that there is no longer a requirement for this industrial unit. Relevant Policies - Local Plan EN5.

2. The seasonal emergency night shelter element of the proposal shall provide accommodation for no more than 9 individuals at any time and shall operate only from 7.30pm until 8am, Monday to Sunday only.
Reason: To ensure that the development is carried out in accordance with the proposed details.
3. The site shall at no time be used as an open kitchen or food bank available to the general public. The kitchen facilities shall only be used in connection with the people residing at the shelter, by staff or those taking part in a training session.
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. There shall be no more than 8 people attending any training session at one time and the training facilities shall only operate between the hours of 8.00 hrs to 18.00 hrs Monday to Sunday.
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.
5. The flood evacuation plan detailed in the flood risk assessment and its requirements shall be fully implemented and subsequently maintained for the lifetime of the development.
Reason: To ensure that additional people within the floodplain are not affected by the risks and hazards of flooding. Relevant Policies - Local Plan F1, AAP MTC4
6. 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.