

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

27 September 2017

Item: 3

Application No.:	17/02159/FULL
Location:	15 Ray Drive Maidenhead SL6 8NG
Proposal:	Change of use from C1 (Guesthouse) to C2 (Residential Institutions) - Retrospective
Applicant:	Coghlan Lodges Limited
Agent:	Mr Kaleem Janjua
Parish/Ward:	Maidenhead Unparished/Maidenhead Riverside Ward

If you have a question about this report, please contact: Alys Hughes on 01628 796040 or at alys.hughes@rbwm.gov.uk

1. SUMMARY

- 1.1 **The propose change of use of the property from a guest house (C1) to a residential institution (C2) is considered acceptable in principle. The property was previously occupied as a 10 bed guest house and the current proposal is for a 10 bed residential home providing supported living accommodation. No external changes to the building are proposed.**
- 1.2 **A flood risk assessment has been submitted with this application which overcomes the previous reason for refusal and demonstrates that the proposed development would not increase flood risk.**
- 1.3 **Additional information has also been submitted regarding how the facility is run and confirmed staffing levels, based on this further information officers consider that the proposal would not result in a significant increase in noise and disturbance.**
- 1.4 **No objections are raised on highway grounds.**

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

- At the request of Councillor Adam Smith in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The proposal site is situated within the Developed Area of Maidenhead and on land designated as Flood Zone 2. The site is located on the northern side of Ray Drive. The Conservation Area is situated directly to the north of the site.
- 3.2 In the most recent application for the site, it was established that the last lawful use of the building was as a guesthouse.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 Planning permission is sought for the change of use from C1 (guesthouse) to C2 (Residential Institution). The proposal is the same as that refused under planning reference 17/00328/FULL. The two reasons for refusal were as follows:
1. In the absence of the site-specific Flood Risk Assessment the proposal fails to demonstrate that development is appropriately flood resilient and resistant including access to a safe access and escape route and any residual risk can be safely managed, therefore increasing the number of people at risk from flooding. The proposal is therefore contrary to paragraph 103 of the NPPF and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003)
 2. Due to the increase in activity and movement of people and vehicles to and from the site the proposal would result in an increase in noise and disturbance to the detriment of neighbouring amenity, contrary to Core Principle 4 of the National Planning Policy Framework (2012).
- 4.2 The principle of the change of use from C1 to C2 was considered acceptable however insufficient information had been submitted to determine the impact of the proposal on flood risk and on the noise and disturbance to surrounding neighbouring amenity. To support this current application, further information has been submitted which includes a Flood Risk Assessment (FRA) and additional statement regarding the business.

4.3

Ref.	Description	Decision and Date
17/00328/FULL	Change of use from C1 (Guesthouse) to C2 (Residential Institutions) - Retrospective	Refused. 03.05.17

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections

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	Flooding
DG1	P4	F1

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1
Makes suitable provision for infrastructure	IF1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation runs from 30 June to 26 August 2017 with the intention to submit the Plan to the Planning Inspectorate in October 2017. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Supplementary planning documents

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

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy – view at:

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 The key issues for consideration are:

- i whether the proposed change of use is acceptable in principle;
- ii impact on the risk of flooding;
- iii impact on residential amenity;
- iv other issues.

Whether the proposed change of use is acceptable in principle

6.2 The aim to boost significantly the supply of housing represents a key element of national planning policy as set out in paragraph 47 of the NPPF. Local Plan policy H8 states that the Borough will expect residential development to contribute towards improving the range of housing accommodation in the Borough, including providing for those with special needs.

6.3 Given that the proposal would provide residential use and would contribute to the range of housing, there is no conflict with the above mentioned policies. It would also provide accommodation for those with special needs which is encouraged. There is no objection to the loss of visitor accommodation.

6.4 The principle of the change of use was considered acceptable under planning application 17/00328/FULL and this still stands.

Impact on the risk of flooding

6.5 The site is located in Flood Zone 2. Both the guesthouse and the residential institution are classified in the NPPF as 'more vulnerable' and this classification is considered appropriate development in Flood Zone 2. As the proposal is for a change of use, a sequential test is not required however the proposal should be accompanied by a flood risk assessment (FRA). This

should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed so that development remains safe throughout its lifetime.

- 6.6 Local Plan policy F1 states that new residential development will not be permitted unless it can be demonstrated that the proposal would not impede the flow of flood water, reduce the capacity of the flood plain to store flood water or increase the number of people at risk from flooding. Whilst there would be no increase in ground cover, there will still be a need to determine whether or not the change of use would result in an increased number of people being at risk from flooding.
- 6.7 An FRA has been submitted to support the application. The risk of flooding has been addressed and a list of flood resilient measures is provided. Some of the measures include the relocation of electrical sockets and the sealing of all service entries. These measures are considered acceptable and with these in place it is not considered that an increased number of people would be at risk from flooding. A condition will be included on any permission to ensure that these measures are implemented in accordance with the FRA. A condition will also be included to ensure that the SuDS measure which included rainwater harvesting are implemented. An informative will also be included to advise the applicants to sign up to the Environment Agency's Flood Warnings Direct as suggested in the FRA.
- 6.8 It is considered that the level of detail submitted and the mitigation measures put forward within the FRA are, subject to conditions relating to implementation, sufficient to overcome the concerns raised in the first reason of refusal of application 17/00328/FULL.

Impact on residential amenity

- 6.9 Core Principle 4 of the NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. In terms of intensity of use and impact on living conditions of nearby residents, the guesthouse was originally converted with 10 bedrooms. Supporting information provided by Coghlan Lodges Limited has been submitted to provide details on the daily running of the Residential Institution. This document confirms that the property provides for 10 bedrooms with two rooms being used as an office and a staff room. It also confirms that 3 staff members work during the day (9am to 6pm) and two during the night (8pm to 8am) and professional visits during the day are limited to between 10am and 3.30pm. When assessing the impact of the level of activity, it would be reasonable to compare this to the level of activity that occurred by the use as a guesthouse.
- 6.10 Concerns were raised in the previous application, 17/00328 that the proposed use would result in an increase of activity leading to noise and disturbance. However as mentioned in the previous case officer report, inconsistent information was submitted regarding the level of staffing which has now been clarified under this application. Whilst there is still some concern that the level of coming and goings from the site would result in a certain level of noise and disturbance, it is not considered that this is significantly greater or different from that resulting from the previous use of the site as a guesthouse. Therefore a refusal on this basis cannot be justified.
- 6.11 As there is no proposed increase in floorspace, the proposal would not either result in any detrimental impact on the outlook, overlooking or loss of light to the amenity areas of neighbouring dwellings. Concerns have been raised regarding the light pollution from the site as a result of lights being on at the property 24h a day. It is not considered that this level of light would which is related to residential use would have any direct impact on the living conditions of neighbouring dwellings to justify a refusal on this basis. Furthermore, Environment Protection has confirmed they have no objection to the proposed change of use.

Other issues

- 6.12 The proposal site is located 1.7km from Maidenhead Railway Station and 1.4km from Maidenhead Town Centre therefore the site is considered to be in an area of poor accessibility. In this context, the parking standards would be a maximum of 1 space per 3 residents (including allowance for visitors) and 1 space per full time member of staff. Whilst the parking spaces shown on the submitted block plan are not highly practical in terms of one car parking behind another, it

is considered that there is sufficient amount of space to the front/side of the property to accommodate for the required parking spaces.

6.13 Permission has recently been granted retrospectively, reference 17/00888/FULL, for the front boundary wall and a condition under this permission deals with the visibility splays. Based on this, there is no concern in terms of the proposed access to the site. Furthermore, it is not considered that the number of vehicle movements would be at a level to warrant refusal in terms of impact on highway safety or impact on local highway infrastructure.

6.14 No external changes have been proposed as part of this application. In terms of impact on character from the change of use it is considered that residential institution would be more in keeping with the prevailing character of the area, which mainly comprises of single family dwellings, than a guesthouse.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

7.1 The proposal does not propose any additional floorspace and therefore is not CIL liable in line with the Council's Charging Schedule.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

2 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 08.07.17.

12 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Disruption to neighbours from residents	Not a material planning consideration
2.	Anti-social behaviour from residents	Not a material planning consideration
3.	Application is similar to that recently refused	See 4.2
4.	No detailed flood risk assessment submitted	See Issue 2
5.	Increase in activity from staff, visitors, deliveries etc.	See Issue 3
6.	Unsuitable highway for disabled residents	See 6.12
7.	Light pollution as light is on at property 24h	See 6.11

Other consultees

Consultee	Comment	Where in the report this is considered
Environment Protection	No objection	Noted

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Block plan

- Appendix C - Existing and proposed floor plans

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development shall be carried out in accordance with the approved Flood Risk Assessment Document produced by Uk Flood Risk and within 6 months of the date of the decision notice the building shall be modified in accordance with the recommendations included within the FRA.
Reason: To prevent the increased risk of flooding elsewhere due to impedance of flood flows and reduction of floodwater storage capacity. Relevant Policies - Local Plan F1.
- 2 Within 6 months of the date of the decision notice a water butt of at least 120L internal capacity shall be installed to intercept rainwater draining from the roof of the building. It shall subsequently be retained.
Reason: To reduce the risk of flooding and demand for water, increase the level of sustainability of the development in accordance with local plan policy F1.
- 3 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.