

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

17 February 2016

Item: 2

Application No.:	15/03707/FULL
Location:	Gordons Supermarket 17 - 19 Gordon Road Maidenhead SL6 6BS
Proposal:	Alterations to ground floor retail unit and the conversion of upper floors to provide 2 x residential units with associated parking.
Applicant:	Mr Akhtar
Agent:	Dezine 4U Ltd
Parish/Ward:	Belmont Ward

If you have a question about this report, please contact: Diane Charlton on 01628 685699 or at diane.charlton@rbwm.gov.uk

1. SUMMARY

- 1.1 This is predominantly a residential area and the proposed change of use would be an acceptable use in this area.
- 1.2 Subject to the provision of one parking space for each unit being provide, there are no highway objections.

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

2. REASON FOR PANEL DETERMINATION

- The Borough Planning Manager and Lead Member for Planning considers it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 This site is located in a predominantly residential area. It is located on the north side of Gordon Road and comprises a ground floor retail unit with associated storage at first floor level. The property is semi-detached with No 15 Gordon Road, a residential property.
- 3.2 Whilst a number of the residential houses do benefit from at least 1 off street parking space, a few especially to the east of the application site and a number of properties along Wellington Road rely on parking on the public highway.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
07/02539	First floor extension and 2 new windows to 19	Approved 16.11.2007
08/01754	Raising of roof to 15, amendments to 07/02539	Approved 19.09.2008

- 4.1 The proposal is for a change of use of the first floor above the retail unit to 2 self contained residential units comprising of a 1 bedroomed unit and 1 bedsit. It is also proposed to make an alteration to the front of the shop by moving it back by 1.2 metre, to provide 2 formal parking spaces and to provide an entrance staircase to the upstairs. A refuse storage area in front of the new entrance will be provided.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Section 6 – High Quality homes and Section 7 – Good design and Paragraph 17 – core principles.

Royal Borough Local Plan

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

	Within settlement area	Highways /Parking issues
Local Plan	DG1, H10 , H11	T5, P4

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

- Sustainable Design and Construction
- Planning for an Ageing Population

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 at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Shopfronts and Advertisements - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of the change of use and;
- ii Impact on car parking and highway safety;

Principle of the change of use

6.2 As this is predominantly a residential area the proposed change of use would be an acceptable use. There is no objection to the loss of storage for the shop unit as although it will result in the reduction in the shop floorspace this will not effect the overall retail function.

6.3 Schedule 2 Part 3 Class G of the Town and Country (General Permitted Development)(England) Order 2015, allows for a change of use of part of a shop to up to 2 flats. This would mean that planning permission would not be required for the change of use in itself, however the proposal relies on providing a new access staircase to the front and this would require permission.

6.4 Whilst the storage area is conditioned to be for storage in association with retail use, this was to prevent retail sales from that part of the site, the planning unit as a whole is still a retail A 1 use and benefits from the above provision.

6.5 Furthermore the NPPF encourages sustainable development and the re use of buildings for residential uses.

Parking and Highway safety

- 6.6 From the objections received from local residents the main concern is with regards to parking. Presently, the hard standing area fronting number 15 Gordon Road is being used as a loading area and benefits from a single parking space. The applicant proposes retaining this area for deliveries. However, the Highway Authority questions how a delivery vehicle could access the loading area if the proposed 2 car parking spaces are occupied and, more importantly the proximity of the bin store.
- 6.7 With regard to the retention of the loading area the applicant reports in the Design & Access Statement that;
The timing and frequency of deliveries could furthermore be controlled by a suitably worded planning condition to ensure they occur outside of peak traffic movements.
- This is an unworkable solution for the reasons given above. The presumption is there will be some loading and unloading from the public highway. In highway terms this is unlikely to cause harm to road users owing to the current size of the delivery vehicles and the reduction in the retail floor area.
- 6.8 The plan as amended now complies with adopted standards. The amended parking layout plan has increases the size of one of the parking bays to 4.7 by 5m and 4.8m by 5m , increases the path size to the shop to 1.23m and further sets back the shop front to 1.2m.
- 6.9 There is a high demand for on street parking in Gordon Road and many of the roads in the surrounding area. It is the Highway Officers view that the proposal will not add to this demand since it satisfies the Authority's current parking standard. Whilst it is acknowledge that this would leave the retail unit without its own off street parking, manoeuvring in and out of the hard standing area outside number 15 would be difficult, if not awkward and, would lead to delivery vehicles loading from the highway. This is unlikely to cause harm to road users in the area sufficient to warrant refusal.

Other Material Considerations

Sustainable Design and Construction

- 6.10 The Council has an adopted 'Sustainable Design and Construction' Supplementary Planning Document was formally adopted in June 2009. It is a material consideration in the assessment and the purpose of this SPD is to help improve the sustainability performance of buildings and spaces through their construction and subsequent use. It covers a range of areas including energy efficiency, renewable energy, water and waste management, materials, biodiversity and pollution and indicates the requirements expected of development and provides guidance on how this could be achieved. The SPD makes clear that applications submitted without any evidence of how issues of sustainability have been considered and appropriate actions taken risk being refused.
- 6.11 For new dwelling units, the SPD refers to a range of measures such as reduction of energy demand (through efficient insulation and the use of A-rated domestic appliances, for example); possible use of renewable source provision to meet usual energy demand; rainwater harvesting and/or surface water run-off control through the use of permeable hard surfacing; and improved management of waste through recycling and composting, and cycle storage. (condition 4)

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 The CIL Regulations came into affect from 6th April 2015 and imposes a restriction on the pooling of Section 106 contributions by LPAs for use towards an infrastructure type or project. It is also important to note that a planning obligation s106 can only be taken into account when determining a planning application for a development, or any part of a development, if the obligation meets all of the following tests:
- 1) necessary to make the development acceptable in planning terms;
 - 2) directly related to the development; and

3) fairly and reasonably related in scale and kind to the development.

7.2 Furthermore, national planning policy advice contained within the NPPG makes it very clear that site specific contributions should only be sought where this can be justified with reference to underpinning evidence on infrastructure planning. In this case, given the limited impact a development of this scale and that there are no projects that would meet the above tests, financial contributions are not required.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

14 occupiers were notified directly of the application.

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

Comment	Where in the report this is considered
1. Main concern is parking and safety – increased density of parking is contrary to Policy H11 of the Local Plan and will lead to further parking problems in the street.	6.6-6.9
2. The provision of 2 parking spaces with bollards for the proposed flats will create problems with the constant flow of customers and deliveries.	6.6-6.9
3. The vehicles parked in the spaces will get blocked in by customers which will lead to additional conflict.	This will be an issue for applicant and future occupiers to address.
4. There are problems with pedestrian safety at present and this will get worse with proposal.	6.6-6.9
5. The applicant may not rent or sell the flats but use them for his own family.	Noted.

Consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection subject to conditions.(2 and 3)	6.6-6.9
EPO	No objection subject to conditions.	The conditions do not meet the tests as set out in the NPPF and are covered by environmental protection legislation.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – indicative layout drawings

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 NPPF.

In this case the issues have not been successfully resolved.

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 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.
- 3 No part of the development shall be occupied until the access has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. 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.
- 4 No development shall take place until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 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.