

MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 April 2022

Item: 4

Application No.:	21/03582/FULL
Location:	The Arcade High Street Cookham Maidenhead SL6 9TA
Proposal:	Demolition of an existing shed used for ancillary commercial storage and the formation of a patio for use by coffee shop for ancillary outdoor seating area - retrospective.
Applicant:	Mr Burgess
Agent:	Not Applicable
Parish/Ward:	Cookham Parish/Bisham And Cookham

If you have a question about this report, please contact: Dariusz Kusyk on 01628796812 or at dariusz.kusyk@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposed development by virtue of its design, scale and activity level would respect the character and appearance of the area and it would not have any material impact on the amenities of the occupants of any neighbouring properties or have any highway implications.

It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.

2. REASON FOR PANEL DETERMINATION

- At the request of Cllr Brar due to the proposal's location within Cookham Conservation area this will increase noise and disturbance for the residential properties, lack of parking in the centre of the village and does not comply with The Cookham Village Plan. This is Contrary to Policy NAP3 of the Borough Local Plan. This is also contrary to policy CKM3 which says that The Council will not permit the change of use, or development for, additional commercial floorspace within Cookham Village Centre

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the northern side of the High Street in Cookham. It forms an adjunct to an important non-listed building within Cookham High Street Conservation Area. The site is in flood zones 2 and 3 and forms part of the Cookham Arcade commercial premises. The Arcade includes numerous commercial units on the ground floor (tailor, café, beauty clinic, hairdresser, toy shop) and a residential unit on the first floor.
- 3.2 The area the subject of this application is sited to the rear of The Arcade and abuts up to existing buildings to the south and west. It covers an area of approximately 22 sq.m. and incorporates a small number of tables and chairs on a tiled floor, part covered by a temporary gazebo and surrounded on its remaining two sides with 1.8m panel fencing.
- 3.2 The area surrounding the site is considered distinctive and of a mixed design in terms of character and use with mainly commercial premises on the ground floor and residential on the upper-levels.

4. KEY CONSTRAINTS

- 4.1 Cookham High Street Conservation Area, Important non-listed building; Flood Zone 2 and 3; Cookham Village Centre

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 This application seeks retrospective permission for the demolition of an existing shed used for ancillary commercial storage and the formation of a patio for use by an existing coffee shop located within The Arcade for ancillary outdoor seating area.

- 5.2 Relevant planning history:

Reference	Description	Decision
18/01291/TCA	(T1) Yew – fell.	Permitted - 05.06.2018
21/01427/TCA	(T1) Maple tree - fell.	Permitted - 16.06.2021.

6. DEVELOPMENT PLAN

Adopted Borough Local Plan

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy	Compliance	
Sustainability and Character of the New Development	QP1, QP3	Yes	
Highways	IF2	Yes	
Economic Development	ED1	Yes	
Historic Environment	HE1	Yes	
Local Centres	TR5	Yes	
Noise	EP4	Yes	

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

- 7.1 **National Planning Policy Framework Sections (NPPF) (2021)**

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 6 – Building a strong, competitive economy

Section 7 – Ensuring the vitality of town centres

Section 9 – Promoting Sustainable Transport

Section 12 – Achieving well-designed places

7.2 Other Local Strategies or Publications

- RBWM Townscape Assessment
- RBWM Parking Strategy
- RBWM Design Guide
- Cookham Village Design Statement

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

10no. occupiers were notified directly of the application. The case officer posted a site notice on 07.01.2022 and the application was advertised in the local press on 23.12.2021.

The Council received 2 petitions relating to this development:

- One supporting the development with 130 signatures and.
- One objecting to the 'commercial development within Roseleigh garden and the Arcade' with 38 signatures.

Also, 20no. letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Insufficient parking	See section 9 of the report.
2.	Noise impact	
3.	Overdevelopment of the site	
4.	Conservation Area impact	
5.	Impact upon the garden and biodiversity within the site	

6.	Retrospective nature of the development – disregard to planning process; Applications is different locations; Potential future risk of hypothetical unauthorised development on the application site and adjacent properties; potential alcohol licensing.	These are not material to the consideration of the application. Retrospective planning applications can be made and must be assessed in the same way against relevant policies. Future applications will need to be treated on their own merits at that time.
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Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	No issues with removal of existing shed and creation of external patio/outdoor seating, however we would have concerns with appearance of new fencing and canopy currently in the space. They are considered to enclose the land and reduce open green space to rear of High Street, thus affecting overall character of the CA. We would recommend alternate open fencing in a dark colour and a traditional appearing canopy, if desired.	See section 9 of the report.
Local Lead Flooding Authority	No objections.	
Environment Agency	No comments.	
Environmental Protection	No objections.	

Others

Group	Comment	Where in the report is this considered.
Parish Council:	Objection in principle to development of the site on basis of: I. noise; II. over-development in a conservation area; III. insufficient parking; requirement in terms of toilet facilities and fire precautions are met.	9.6, 9.9 9.10

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i. Impact on the character and appearance of the area including Conservation Area;
- ii. Impact on amenity of surrounding residential occupiers;
- iii. Impact on highways conditions and parking;
- iv. Impact on landscaping and biodiversity;
- v. Flooding.

Issue I. Impact on the character and appearance of the area including Conservation Area

9.2 The NPPF section 7 and the BLP Policy TR5 refer to development within Local Centres. Policy TR5 states that *“Development proposals for retail use within local centres (as defined on the Policies Map and in the proposed new Maidenhead Golf Course Local Centre) will be supported. Non-retail uses and services will also be supported provided the overall function of the centre and opportunities for customer choice are maintained.”*

9.3 The NPPF section 6 and the Councils adopted policy ED1 seek to promote local economic development and policy ED1 states that *“A range of different types and sizes of employment land and premises will be encouraged to maintain a portfolio of sites to meet the diverse needs of the local economy. Appropriate intensification, redevelopment and upgrading of existing sites and premises will be encouraged and supported to make their use more efficient and to help meet the forecast demand over the plan period and to respond to modern business needs.”* Furthermore, it highlights that *“It will do this by ensuring a flexible supply of high-quality employment floorspace making some new allocations, utilising existing employment areas and promoting a more intensive use of these sites through the recycling, refurbishment and regeneration of existing older or vacant stock and promotion of flexible working practices.”* This proposal is considered to be in accord with these general principles.

9.4 This retrospective proposal includes the formation of a patio for use by an existing coffee shop for an ancillary outdoor seating area (preceded by the demolition of an existing shed which was used for ancillary commercial storage). The small extent of the seating area and the consequent low-key use, together with the location of the area to the rear of the premises ensures that the proposal is in accord with BLP Policies QP1 and QP3.

9.5 Given that this proposed ancillary café use would fall within the same class of use (Class E) as a café, clinic, tailor, toy shop or hairdresser, it is considered that it would be an appropriate type of use within the application site as a whole.

9.6 The Council has had regard to Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990. The fencing surrounding the seating area has replaced the dilapidated storeroom which previously existed on this site, and it serves to contain the use and screen it visually and acoustically from its surrounds. In the context of the overall Arcade development and taking account of its siting to the rear of the premises, overall, any limited harm resulting from the fencing to the significance of the existing building or Conservation Area is outweighed by the public benefits of visual and acoustic containment. The existing gazebo is a temporary structure that does not

comprise operational development. The proposal would therefore comply with Adopted BLP policy HE1, as it preserves the character of this designated heritage asset, as set out in Section 69 of the TCPA (LB AND CA) 1990, and it is in compliance with para 199 of the NPPF, which states “*great weight should be given the asset’s conservation (and the more important the asset, the greater the weight should be)*”.

Issue II. Impact on the amenities of the surrounding occupiers

- 9.7 The proposed development would be sited a sufficient distance from the boundaries shared with the properties to the west of around 7.0m, which in combination with retention of the screening of circa 2.5m-3.0m high landscaping and a boundary fence, is considered appropriate. The proposal would not result in any unacceptable overlooking of the habitable spaces of the adjacent properties.
- 9.8 The proposed development does not entail any detrimental impact upon the amenity of the neighbouring occupiers in terms of appearing overbearing or resulting in a loss of light.
- 9.9 It is considered that the proposed development does not result in any unacceptable impact in terms of noise, due to its use, scale and sufficient separation distances from neighbouring properties. The outdoor area measures circa 22.0m² and due to this limited space and the barriers in the form of the immediate fencing surrounding the area and subsequent boundary landscaping, it is not considered to result in any detrimental noise impact within the locality. Furthermore, the application form states that the opening hours for the outdoor seating area would be limited to Monday-Friday 9am – 4pm and Sunday 10am – 4pm, which will form the subject of a condition should permission be forthcoming. This would accord with the commercial activity already taking place within The Arcade.

Issue III. Impact on highways conditions and parking

- 9.10 With regards to any highways impact the proposed development raises no concerns. The additional outdoor cafe space would be located within the Arcade site and utilised by existing visitors to The Arcade and existing café. Other Class E premises already exist within the premises as a whole, and due to its small scale, when considered in this context the highways impact is considered de-minimus and acceptable in this instance.

Issue IV. Impact on landscaping and biodiversity

- 9.11 The proposed development does not involve any operational development outside the envelope of the previously existing building on the site and therefore would not result in any unacceptable harm upon the landscaping on site and it is considered acceptable in terms of biodiversity impact.

Issue V. Flooding

- 9.12 This proposal is for the change of use of an existing building and does not result in any unacceptable increase in terms of flood risk.

Other Considerations

- 9.13 As a result of the diminutive scale and nature of this use it is not considered to be contrary to any of the guidance contained in Section 6 of the Cookham Village Design Statement (Cookham’s Built Areas).

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is not CIL liable.

11. PLANNING BALANCE AND CONCLUSION

11.1 The extent of the use of this area as commercial space linked with an existing café is limited by its diminutive size such that, when considered in the context of the other uses within The Arcade as a whole, its overall impact would be acceptable. When considered in the context of the previously existing dilapidated building which has been demolished to make way for the proposed development, the construction of the fencing and laying of the tiled floor are considered acceptable in light of policy HE1 of the adopted BLP. It is therefore recommended that planning permission is granted subject to the conditions listed below.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Existing floorplan

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The use hereby permitted shall only operate between the hours 9:00am to 4:00pm, Monday to Saturday and 10:00am to 4:00pm on Sundays and Bank Holidays.
Reason: To protect the amenities of adjoining occupiers. Relevant Policies - Borough Local Plan QP3, EP1, EP4.
- 2 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.