

MAIDENHEAD DEVELOPMENT CONTROL PANEL

19 July 2023

Item: 3

Application No.:	22/03161/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 Retrospective planning permission is sought for the demolition of an existing shed used for commercial storage, ancillary to the premises within The Arcade and the formation of a patio area for use by an existing coffee shop located within The Arcade for an ancillary outdoor seating area. The application site (The Arcade) comprises a mix of uses and the proposed change of use would continue this mix of use and the principle of the use is therefore acceptable and would have no unacceptable impact on the function of The Arcade and the wider local centre.
- 1.2 The proposed development, by reason of its design, scale and activity level, preserves the character and appearance of the building and wider conservation area, does not harm the amenities of neighbouring properties and has no material harm on highway safety or flood risk in the surrounding area.

It is recommended the Committee grants planning permission with the conditions listed in Section 14 of this report.

2. REASON FOR COMMITTEE DETERMINATION

- At the request of Cllr Brar if the recommendation is to approve due to the location within Cookham High Street Conservation Area and the increase in noise and disturbance for the residential properties with the additional commercial use, the lack of parking in the centre of the village and lack of compliance with The Cookham Village Plan.

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 and adjoins an important non-listed building within Cookham High Street Conservation Area. The site lies within Flood Zone 2 and 3 and forms part of The Arcade commercial premises. The Arcade includes a mix of commercial units on the ground floor which includes a tailor, café, beauty clinic, hairdresser and toy shop, with a residential unit on the first floor.
- 3.2 The area which is the subject of this application, is located to the rear of The Arcade and abuts existing buildings to the south and west. It covers an area of approximately 22 sqm and incorporates a small number of tables and chairs on a tiled floor, part

covered by a temporary gazebo and is surrounded on its remaining two sides with 1.8m panel fencing.

- 3.2 The area surrounding the application site comprises a mix of design in terms of character and use, with buildings containing mainly commercial premises on the ground floor and residential on the upper levels.

4. KEY CONSTRAINTS

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

5. DESCRIPTION OF THE PROPOSAL

- 5.1 Retrospective planning permission is sought for the demolition of an existing shed used for commercial storage, ancillary to the premises within The Arcade and the formation of a patio area for use by an existing coffee shop located within The Arcade for an ancillary outdoor seating area.

6. RELEVANT PLANNING HISTORY

- 6.1 Relevant planning history is provided below:

Reference	Description	Decision
18/01291/TCA	(T1) Yew – fell.	Permitted 5 th June 2018
21/01427/TCA	(T1) Maple tree - fell.	Permitted 16 th June 2021
21/03512/FULL	Change of use of the existing building from ancillary commercial use to office space – retrospective	Withdrawn 25 th July 2022
21/03582/FULL	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	Withdrawn 25 th July 2022

- 6.2 Application ref. 21/03512/FULL and 21/03582 were both on the agenda for the Maidenhead Development Management Committee on the 20th April 2022 with a recommendation for approval, subject to recommended conditions. The applications were deferred, with instructions for the applications to be reported to a future Committee meeting having established the lawful use of the site/planning unit. However, both applications were subsequently withdrawn.

7. DEVELOPMENT PLAN

- 7.1 The main relevant policies are:

Adopted Borough Local Plan (BLP)

Issue	Policy
Spatial Strategy for the Borough	SP1
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Sustainable Transport	IF2
Economic Development	ED1
Historic Environment	HE1
Local Centres	TR5
Noise	EP4

8. MATERIAL PLANNING CONSIDERATIONS

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

Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Documents

- Borough Wide Design Guide

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

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

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

24 occupiers were notified directly of the application.

Two petitions were received relating to this development:

- a. One supporting the development with 267 signatures; and;
- b. One objecting to the 'commercial development within Roseleigh Garden and The Arcade with 38 signatures.

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

Comment		Where in the report this is considered
1.	Impact upon the garden and biodiversity within the site.	See section 10.
2.	Conservation area impact.	See section 10.
3.	Overdevelopment of the site.	See section 10.
4.	Noise impact.	See section 10.
5.	Insufficient parking.	See section 10.
6.	Retrospective nature of the development – disregard to planning process.	Retrospective planning applications can be made and must be assessed in the same way against relevant development plan policies.
7.	Applications is different locations.	Noted. Two separate applications have been submitted and an assessment made. Application ref. 22/03162 is also on this agenda for consideration.
8.	Potential future risk of unauthorised development on the application site and adjacent properties.	Any future application would be considered on their merits at the time of submission, in accordance with relevant development plan policies. This would not preclude the determination of the current application.
9.	Potential alcohol licensing.	Noted. However, this process is separate from the planning application. This would not preclude the determination of the current application.
10.	Never witnessed the sheds being used commercially. The submitted information does not confirm use and there is no evidence of the garden being used for commercial use.	See section 10.
11.	Duplication of previous applications.	Noted. However, each application is considered on its merits at the time of submission, in accordance with relevant development plan policies.
12.	Other premises have had refusals for use of gardens.	Noted. However, each application is considered on its merits at the time of submission, in accordance with relevant development plan policies.

13.	Reduction in green space in conservation area.	See section 10.
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Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No comment. Reference to standing advice.	See section 10.

Consultees

Consultee	Comment	Where in the report this is considered
RBWM Conservation Officer	No objection.	See section 10.
RBWM Environmental Protection	No objection.	See section 10.
RBWM Highways	No objection.	See section 10.

Others

Group	Comment	Where in the report this is considered
Cookham Parish Council	<p>Objection in principle to development of the site on basis of:</p> <ol style="list-style-type: none"> 1 noise; 2 overdevelopment in a conservation area; and, 3 insufficient parking. <p>Requirement in terms of toilet facilities and fire precautions are met.</p>	See section 10.

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i. Principle of the proposed use;
- ii. Whether the proposals preserve or enhance the character or appearance of the building and wider conservation area;
- iii. Impact on amenity of surrounding residential occupiers;
- iv. Impact on parking and highway safety;
- v. Impact on landscaping and biodiversity; and,
- vi. Flooding.

Principle

10.2 As set out above, application ref. 21/03512/FULL was deferred following a Maidenhead Development Management Committee in April 2022 in order to establish the lawful use of the site/planning unit. The application was subsequently withdrawn.

In support of this current planning application, the applicant has provided the following additional information:

- Signed affidavit by the applicant who purchased the property in May 2018 confirming that the commercial storage was converted to an office in June/July 2020 with a second dilapidated shed demolished and replaced with a patio area, with associated photographs;
- Two letters from Mr Michael Savage (one of the Cookham Arcade tenants) who rented a unit between 1987 and 1990, returning in 2010 and purchased the shed from an occupant of The Arcade, noting use of the garden area and shed;
- Letter from Mr Norman Kent (Kent's Tailoring owner) stating that the rear shed and surrounding garden was used for commercial purposes; and,
- Historical lease agreement for unit 6 at the Cookham Arcade showing a map of The Arcade unit.

- 10.3 It is clear that the application site (The Arcade) comprises a mix of uses. Considering the totality of the information before the Local Planning Authority, it is considered that the proposed formation of a patio area for use by an existing coffee shop located within The Arcade for an ancillary outdoor seating area continues this mix of use within the application site and the principle of the use is acceptable.
- 10.4 The proposal relates to 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 it is stated was used for ancillary commercial storage). At approximately 22sqm, given the small area of the seating area and the consequent low-key use, together with the location of the area to the rear of the premises and the context of the mix of uses within The Arcade (the application site), this use would have little to no impact on the function of The Arcade and the wider local centre. Furthermore, given that the 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 an appropriate use within The Arcades mix of uses as a whole.

Conservation area

- 10.5 The Council has had regard to Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990. The timber shed which was demolished appeared to be a temporary structure in poor condition, and therefore no harm to the conservation area has been identified following this loss. 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 from its surrounds. In the context of the mix of uses within The Arcade and taking account of its siting to the rear of the premises, overall, any limited impact resulting from the fencing to the character and appearance of the 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. Overall the proposals are modest and preserve the character and appearance of the building and wider conservation area, in accordance with BLP policies HE1 and QP3. Furthermore, 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).

Amenities

- 10.6 The patio seating area is sited approximately 2.4m from the boundaries shared with the properties to the west. This separation distance, together with the retention of the approximately 2.5-3.0m high screening in the form of landscaping and a boundary fence, is sufficient to ensure that there is no unacceptable harm to the amenities of neighbouring properties. The proposal does not result in any unacceptable overlooking of the habitable spaces of the adjacent properties.
- 10.7 For the reasons detailed above, this existing area could have been utilised for commercial purposes in connection with an existing commercial occupant of The Arcade without requiring planning permission. As such, in this context, its use would not have any unacceptable impact on amenities of surrounding properties over and above an ancillary use.
- 10.8 The proposed development does not result in any unacceptable impact in terms of noise, due to its location within a mix of uses context, scale and sufficient separation distances from neighbouring properties. The outdoor area measures approximately 22 sqm. Given this modest size and the barriers in the form of the immediate fencing surrounding the area and subsequent boundary landscaping, the proposals do not result in any unacceptable noise impact within the locality. Furthermore, the application form states that the opening hours for the outdoor seating area would be limited to the hours of 09:00 and 16:00 Monday to Saturday and 10:00 and 16:00 on Sunday/Bank holidays. This is acceptable in the context of the mixed use site that currently existing with The Arcade and would be secured by recommended condition.

Parking and highway safety

- 10.9 The proposals have no harmful impact on parking or highway safety. The additional outdoor cafe space is located within The Arcade site and is used by existing visitors to The Arcade and the 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.

Landscaping and biodiversity

- 10.10 The nature and form of the proposed development is such that it does not result in any unacceptable harm upon the landscaping on site and it is considered acceptable in terms of biodiversity impact.

Flooding

- 10.11 The application relates to the formation of a patio area for use by an existing coffee shop located within The Arcade for an ancillary outdoor seating area only. Notwithstanding this, a Flood Risk Assessment has been submitted with the application. The proposal does not increase flood risk in the surrounding area.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 The development is not CIL liable.

12. PLANNING BALANCE AND CONCLUSION

- 12.1 The use of this area as a patio linked with an existing café is limited by its diminutive size such that, when considered in the context of the other mix of uses within The Arcade as a whole, its overall impact is considered to 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 to preserve the character and appearance of the conservation area. A condition on hours of use of the patio, together with the modest area, would ensure that there would be no unacceptable noise disturbance and there is no material harm to parking and highway safety in the surrounding area over and above that of the existing situation. It is therefore recommended that planning permission is granted subject to the conditions listed below.

13. APPENDICES TO THIS REPORT

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

14. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The patio for use by the coffee shop for ancillary outdoor seating area hereby permitted shall only operate between 09:00 and 16:00 hours Monday to Saturday and 10:00 and 16:00 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.

Site location plan

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