

MAIDENHEAD DEVELOPMENT CONTROL PANEL

19 July 2023

Item: 4

Application No.:	22/03162/FULL
Location:	The Arcade High Street Cookham Maidenhead SL6 9TA
Proposal:	Change of use of the existing building from ancillary commercial use to office space (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 change of use of the existing building from a commercial storage use, ancillary to the premises within The Arcade, to use as a separate office space. 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 Cookham 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 building, which is the subject of this application, is located to the rear of The Arcade and was previously used as a storage shed, ancillary to the commercial tenants of The Arcade. The building has a gross floor area of just under 12 sqm.

3.2 The area surrounding the application site comprises a mixed 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 change of use of the existing building from a commercial storage use, ancillary to the premises within The Arcade, to use as a separate office space. In order to facilitate the change of use, the asbestos roof of the building has been replaced with a flat rubberised roof and double-glazed doors have been fitted, together with new flooring, electrics and plumbing.

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:

- i. RBWM Townscape Assessment
- ii. RBWM Parking Strategy
- iii. Cookham Village Design Statement

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

24 occupiers were notified directly of the application.

The Council received a signed petition with 38 signatures objecting to the ‘commercial development within Roseleigh Garden and the Arcade’ (the development within Roseleigh Garden is the subject of a separate application ref. 22/03161/FULL, reported elsewhere on this agenda).

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

Comment		Where in the report this is considered
1.	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.
2.	Insufficient parking.	See section 10.
3.	Noise impact.	See section 10.
4.	Overdevelopment of the site.	See section 10.
5.	Impact on the garden and biodiversity of the site.	See section 10.
6.	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.
7.	Potential alcohol licensing issues.	The application relates to the change of use of the existing building from a commercial storage use, ancillary to the premises within The Arcade, to use as a separate office space.
8.	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.
9.	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.
10.	Reduction in green space in conservation area.	See section 10.

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 Highways	No objection.	See section 10.
RBWM Conservation Officer	No objection.	See section 10.

Others

Group	Comment	Where in the report this is considered
Cookham Parish Council	<p>Not satisfied there is existing valid permission for this building in which case one needs to be sought; unless there is one, we object to this application.</p> <p>If a permitted application exists, we would also object unless the normal requirements for parking, noise, 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. This 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 change of use from a commercial storage use, ancillary to the premises within The Arcade to a separate office continues this mix of use and the principle of the use is acceptable.

10.4 The proposal relates to the change of use of an existing single storey outbuilding which it is stated was previously used as ancillary storage to the existing units in the Arcade. The outbuilding has been refurbished and is currently used as an independent office unit with a gross internal area of approximately 12 sqm. Given the modest scale of the outbuilding and the context of the mix of uses within The Arcade (the application site) this office use would have little to no impact on the function of The Arcade and the wider local centre. Furthermore, given that the office use would fall within the same use class (Class E) as a café, clinic, tailor, toy shop or hairdresser, it is an appropriate use within The Arcade's 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 external alterations associated with the change of use of the building to a separate office space comprise a replacement roof and double glazed doors. 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 outbuilding is located approximately 7.5m 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 ancillary building could have been utilised for office purposes in connection with an existing commercial occupant of The Arcade without requiring planning permission. As such, in this context, its independent use would not have any unacceptable impact on amenities of surrounding properties over and above an ancillary use.

10.8 The proposed development, when considered in the context of The Arcade as a whole which has a mix of commercial uses, does not result in any unacceptable impact in terms of noise due to its low-key use, small scale, and maintenance of sufficient separation distances from its neighbouring properties.

Parking and highway safety

10.9 The proposals have no harmful impact on parking or highway safety. The office space measures approximately 12sqm. In line with the RBWM Parking Strategy, an office use of this size attracts a maximum parking demand for 0.34 parking spaces (1 space

per 35m²). Given that the office unit would be located within The Arcade site, where Class E premises already exist and due to its small scale, the highways impact is considered de-minimus and acceptable in this instance.

Landscaping and biodiversity

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

Flooding

- 10.11 The application relates to the change of use of an existing building and does not result in any increase in built form or numbers of occupants in terms of flood risk. 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 existing building as separate commercial office space 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. The proposals preserve the character and appearance of the conservation area and given the modest area, there is no unacceptable noise disturbance or 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 condition listed below.

13. APPENDICES TO THIS REPORT

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

14. CONDITION RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 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

01