

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

11 May 2016

Item: 5

Application No.:	16/00853/VAR
Location:	International Graphics Sourcing Unit 3 The Quadrant Howarth Road Maidenhead SL6 1AP
Proposal:	Change of use to tyre supplier and fitting service (B2) as approved under planning permission 05/00090 without complying with condition 2 (hours of operation) to remove all time constraints on the proposed use.
Applicant:	Timpson Limited
Agent:	Mr Robert Taylor
Parish/Ward:	Oldfield Ward
If you have a question about this report, please contact: Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application site currently has a lawful use within Class B2 (general industrial) of the Use Classes Order. The applicants wish to operate this Council owned unit on an industrial estate for the processing of dry cleaning on site and associated processes. The use of a dry cleaning works is a B2 Use. They wish to be able to operate it on Sundays and for 24 hours a day if necessary. A condition on permission 05/00090 was that it could only operate from 8am to 6pm Mondays to Saturdays and at no time on Sundays, Bank or Public Holidays. That condition was imposed to protect the amenities of adjoining occupiers and quoted Local Plan Policy NAP3. It is considered that as all the adjoining occupiers are industrial units and the nearest residences are either across a railway line and 55m away or 70 and 74m away across a road and a watercourse, then there will be no harm to residential amenities if the condition is removed. The application is therefore recommended for approval.

It is recommended the Panel grants planning permission with no conditions.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Borough Planning Manager delegated powers to determine the application in the way recommended because the land is owned by the Council; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is an industrial unit of some 140 sqm, situated on an industrial estate belonging to the Council. It is in a group of 4 identical units which back onto the railway line and front onto a car parking area. It is reached via Stafferton Way.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
05/00090/COU	Change of use to tyre supplier and fitting service (B2).	Approved 3.3.2005

- 4.1 The proposal is for the site to be used for B2 use without complying with Condition 2 of planning permission 05/00090 which limited the hours of operation, to remove all time constraints on the proposed use.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework (NPPF), Sections 17, 19.

Royal Borough Local Plan

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

	Development in Industrial Areas
Local Plan	E10, NAP3

6. EXPLANATION OF RECOMMENDATION

6.1 The key issue for consideration is whether the time constraint remains necessary for the proposed use, or whether its removal would harm any residential amenities.

Residential amenity

6.2 All the adjoining occupiers of the industrial units are businesses and a go-carting business. The nearest residences are either across a railway line and 55m away or 70 and 74m away across a road and a watercourse. The distances to the nearest residences are sufficient to ensure that there will be no harm to residential amenities if the condition is removed. Furthermore, vehicles servicing the site would be unlikely to pass by those houses. The Environmental Protection Officer has assessed the proposal and has no objections to the removal of the time constraint condition. The Highways Officer also has no objection to the proposal.

6.3 Paragraph 17 of the NPPF sets out core planning principles, which include the requirement to proactively drive and support sustainable economic development, and to identify and then meet the business needs of an area, and respond positively to wider opportunities for growth. It also includes that the planning system should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 19 states that the planning system should support sustainable economic growth, and not act as an impediment to sustainable growth, and that sufficient weight should be placed on the need to support economic growth through the planning system. It is considered that the proposal complies with the NPPF.

Other Material Considerations

6.4 The Town and Country Planning (Use classes) Order 1987 (as amended) puts uses of land and buildings into various categories. The original permission was for a tyre supplier and fitting service which fell within B2 use (general industrial). The proposed use, that of a dry cleaning works, is also a B2 use.

6.5 The original permission has two conditions, the first that the development shall be commenced within 5 years of the date of the permission. The second was that the use permitted shall operate between the hours of 08.00 – 18.00 on Mondays to Saturdays and at no time on Sundays, Bank or Public Holidays. Reason: To protect the amenities of adjoining occupiers. Relevant Policies Local Plan NAP3 – Structure Plan EN2 and LD3. It is now recommended to grant permission without either of the conditions.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

3 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 22.3.2016.

No representations were received.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objection.	6.2
Highways Officer	No objection.	6.2
Environment Agency	No comment.	-

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan

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.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1. None.

