

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

31 August 2016

Item: 3

<b>Application No.:</b>	16/01063/VAR
<b>Location:</b>	Nene Overland Stafferton Way Maidenhead SL6 1AY
<b>Proposal:</b>	Two-year extension of prior limited period permission [12/02226] for siting of temporary buildings (two workshops, office buildings and stores) with external display of cars for sale within the site boundary, and ancillary parking, for a motor vehicle dealership as approved under planning permission 14/00158 without complying with condition 1 (timescale) to extend timescale for a further 2 years.
<b>Applicant:</b>	Mr DeLeeuw
<b>Agent:</b>	Mr Brian Gatenby
<b>Parish/Ward:</b>	Oldfield Ward

**If you have a question about this report, please contact:** Nosheen Javed on 01628 796040 or at nosheen.javed@rbwm.gov.uk

**1. SUMMARY**

- 1.1 Renewal of planning permission ref: 14/00158/FULL is sought for the siting of 4 temporary buildings (two workshops, office and stores) for a further 2 years. This permission has already been renewed once before from the original application under ref: 12/02226/FULL.
- 1.2 In this instance, the justification put forward by the applicant is that a further two year period would allow the company to remain on site and prepare a proposal for permanent buildings for the submission of a new application. However officers do not consider that this outweighs the harm that a further renewal would cause given the temporary nature of the buildings. Furthermore the occupiers have been aware of the temporary nature of the permissions and have occupied the site for a sufficient period of time to evaluate their operation and submit an application for permanent buildings on the site as required for the business.

**It is recommended that the Panel refuses planning permission for the following reason and authorises enforcement action requiring the unauthorised buildings to be removed within 6 months (subject to the applicant having first been written to and given 28 days to remove the unauthorised structures prior to enforcement action being taken) :**

- |    |  |
|----|--|
| 1. | Given the temporary nature of the buildings, their materials and that they are not of sufficiently permanent and substantial construction their retention for a further 2 years would result in the development appearing discordant and visually obtrusive and would detract from the character and visual amenities of this prominent site. The development if retained would be detrimental to the local character and quality of the area is contrary to Paragraph 64 of the NPPF and Saved Policy DG1 of the adopted Local Plan as well as Policy OA6 of Maidenhead Town Centre Area Action Plan. |
|----|--|

**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; such decisions can only be made by the Panel.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The rectangular site lies to the south of Stafferton Way, on the corner of Stafferton Way with the access to the waste disposal and recycling centre. The site is located within the urban area of

Maidenhead. There is a grass verge to the front and west side of the site, although the site is set down slightly from this verge and maintains a relatively flat plot. The site is currently occupied by four temporary buildings, including a single storey demountable office building (D), located in the south eastern corner of the site. The remaining three buildings are also single storey and comprise a restoration workshop (building A) and service workshop (building B), together with specials and storage (building C), and are located within the footprint of the original building on the site.

- 3.2 The site faces Stafferton Way retail park to the north and is adjacent to the former Target Ford site to the east. Residential properties are located east of the site, although these are separated from the development by two grass verges and a vehicular access to the waste disposal and recycling centre. A number of trees are also located on the boundary of these residential properties.
- 3.3 Vehicular access is gained on to the site via the access to the waste and recycling site, off Stafferton Way. Steps for pedestrian access also serve the site and are located closer to Stafferton Way. The site is within close proximity of the A308 and strategic road network.

#### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
14/00158/FULL	Two-year extension of prior limited period permission [12/02226] for siting of temporary buildings (two workshops, office buildings and stores) with external display of cars for sale within the site boundary, and ancillary parking, for a motor vehicle dealership.	Temporary Planning permission granted until 31.03.16
12/02226/FULL	Siting of 4 temporary buildings (two workshops, office and stores) with sales display area and parking for a temporary period for a motor vehicle dealership	Temporary Planning permission granted until 31.03.14
92/00954/RLAX	Relaxation of condition 6 (relating to number of cars that can be on display at the site) of approval 89/01338/FULL	Approved 15.05.1992
89/01338/FULL	Change of use and alterations to form garage including workshops, part store, showroom and ancillary facilities.	Approved 12.05.1989

- 4.1 Renewal of planning permission is sought for the siting of temporary buildings (two workshops, office building and stores) with external display cars for sale within the site boundary and ancillary parking for a motor car dealership.
- 4.2 The original owners have changed and the new owner has advised that whilst the previous approvals under refs: 12/02226/FULL and its renewal 14/00158/FULL have been implemented in accordance with the approved plans, it is evident that certain minor inconsistencies have arisen. These include an area of land approx. 100sqm lying outside the boundary fence at the south east corner which was previously included as forming part of the application site. This area has been excluded from the submitted site area in this application but is not so fundamental that the proposal can no longer be considered as a renewal.
- 4.3 Other inconsistencies include a wash area which exists in the northern corner of the site which was not previously indicated on the approved layout. This facility is used for cleaning the vehicles on sale and customer's vehicles. It consists of a vehicle lift, a drainage pit and a lightweight and demountable canopy (7m x 4m). It also appears that small links have been created between buildings A and B and between buildings A and C. These links amount to a floor area of approx. 10 sqm and do not have planning permission. Under this application there is no mechanism to approve these structures as permission is only sought to extend the temporary

period of the previous permission 14/00158. Two free standing signs have been installed at the site which would require Advertisement Consent and the applicant is already aware of this. An informative could be attached to advise the applicant that the signs are unlawful and require Advertisement Consent.

4.4 At the site entrance there is a close boarded fence and security gates and within the site there is a 2m high fence around the yard used for storage of customer's vehicles.

## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, section 1 (building a strong, competitive economy), section 2 (ensuring the vitality of town centres), section 4 (promoting sustainable transport) and section 11 (conserving and enhancing the natural environment).

### Royal Borough Local Plan

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

	Within settlement area	Environment	Highways/ Parking issues	Maidenhead Town Centre
Local Plan	DG1	NAP3	T1, P4	
Maidenhead Area Action Plan				OA6

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](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 Strategic Flood Risk Assessment - view at: [http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Parking Strategy - view at: [http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- Impact on the character and appearance of the area;
- Sustainable Design and Drainage and;
- Highway Safety;

### Impact on the character and appearance of the area

- 6.2 Paragraph 014 of the NPPG advises that the LPA may grant planning permission for a specified temporary period only. Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances could change at the end of that period.
- 6.3 The reason for granting temporary planning permission in the first instance was to allow Berkshire Land Rover to continue to trade given that they were required to vacate their current premises in Silco Drive, Maidenhead due to the Cross Rail Project taking their premises for storage. This time would have given the tenant a sufficient period to decide how they wished to proceed and consider their options.
- 6.4 The site is owned by Royal Borough of Windsor and Maidenhead and was tenanted by Berkshire Land Rover. However, as stated in the accompanying Design and Access Statement, the business failed and was taken over by Nene Overland in October 2014 and worked as an independent Land Rover dealership. Whilst there was a change in the ownership, the use and operation of the site remained a car dealership and was therefore acceptable.
- 6.5 The buildings were originally granted planning permission for a temporary period of 18 months in order to protect the visual amenities of the area as the buildings were temporary in nature, and this period has already been extended once. Retaining these for a further 2 years would be harmful to the character and visual amenities of the street scene and surrounding area, particularly as this site is on a prominent location.
- 6.6 Furthermore, the guidance contained in the NPPG, advises that it would rarely be justifiable to grant a second temporary planning permission as further permissions should normally be granted permanently or refused if there is clear justification for doing so. In this instance, there is clear justification for refusal of the application given the temporary nature of the buildings and the application has been renewed once already. Additionally, the NPPG advises that just because temporary planning permission has been granted, it should not be presumed that planning permission should be granted permanently.
- 6.7 Saved policy OA6 allocates the application site and the adjacent site for 4,000 sq m of non-office floor space, defined as B1b, B1c, B2, B8 and car showroom uses. Whilst the use conforms with this policy, the buildings would have a harmful visual impact. If the site was vacated leaving an empty site, it would open up the opportunity for other businesses to occupy the site, which is sustainable and which could be part of the regeneration of Maidenhead Town Centre

### **Sustainable Design and Drainage**

- 6.8 In both application refs: 12/02226/FULL and 14/00158/FULL condition 6 required details of the disposal of surface water to be submitted to and approved by the LPA. This information was sought during the assessment of this application and a flood risk assessment and a drainage assessment have been submitted to mitigate the potential of contamination and surface water run-off. The Flood Risk Engineer has considered the information and raised no objections as the development is temporary and would not increase the impermeable area of the site. Therefore, the information submitted would deal with the requirements of condition 6 and it would not need to be attached in the event planning permission is recommended.
- 6.9 The majority of the site lies within Flood Zone 2 as designated by the EA which is classified as having a medium flood risk probability. In summary the Flood Risk Assessment concludes that as the proposal would not increase the built footprint there would be no increase in the hard-standing. There is no record of the site being subject to flooding from surface water or groundwater. Therefore, it is considered that the development would not have any impact on the current flood regime for the adjacent water course and thereby increase the risk of flooding on the site or elsewhere.

### **Highway Safety**

- 6.10 The continued use of the site would not require any additional off-street parking spaces to be provided. Furthermore, the existing egress and access arrangements would also be retained

which comply with visibility splay standards. Therefore, no objections would be raised with respect to the continuation of the use and the development on this site, subject to condition 2 requiring the parking and turning area to be maintained as previously approved to ensure that it would not prejudice the free flow of traffic and to highway safety.

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

14 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 25/04/16

No responses have been received as a result of the neighbour notification.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Flood Risk Engineer	As the development is temporary and does not increase the impermeable area of the site, the proposals submitted are adequate and the Lead Local Flood Authority would have no objections to the application on surface water grounds.  However the applicant should note that when it comes redeveloping the site rather than the current temporary arrangements they would need to undertake a detailed site investigation that includes permeability tests.	See paragraph 6.8.

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – indicative layout and elevation 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.

## 9. REASONS RECOMMENDED FOR REFUSAL AND TO SERVE AN ENFORCEMENT NOTICE.

- 1 Given the temporary nature of the buildings, their materials and that they are not of sufficiently permanent and substantial construction their retention for a further 2 years would result in the development appearing discordant and visually obtrusive and would detract from the character and visual amenities of this prominent site. The development if retained would be detrimental to the local character and quality of the area is contrary to Paragraph 64 of the NPPF and Saved Policy DG1 of the adopted Local Plan as well as Policy OA6 of Maidenhead Town Centre Area Action Plan.