

MAIDENHEAD DEVELOPMENT CONTROL PANEL

30 August 2017

Item: 5

Application No.:	17/01885/FULL
Location:	157 - 159 Boyn Valley Road Maidenhead
Proposal:	Construction of 40 apartments, comprising of 1 and 2 bedrooms with ground level car parking following demolition of the existing building
Applicant:	
Agent:	Mr Paul Butt
Parish/Ward:	Maidenhead Unparished/Boyn Hill Ward

If you have a question about this report, please contact: Laura Ashton on 01628 685693 or at laura.ashton@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposed development due to its height and scale would have an unacceptable detrimental impact upon the established character of the area contrary to saved Local Plan policy H10, H11 and DG1. Furthermore due to the scale of the building along with insufficient separation distances the proposed development would have a negative impact upon the amenity of neighbouring occupiers in the form of loss of privacy, increased sense of enclosure and overbearing impacts. The applicant has also failed to demonstrate that there would be no loss of daylight/sunlight to neighbouring properties as a result of the proposed scheme. Neighbouring occupiers to the rear would also experience noise and disturbance due to the close proximity of the proposed rear car parking area to their properties. Due to its harm to the amenity of neighbouring occupiers the proposed development is contrary to Saved Local Plan policies H10 & H11 and NPPF Core Principle 4. The proposed development makes insufficient provision for car parking which will likely be harmful to highway safety and convenience contrary to saved Local Plan policy P4 and the Council's Parking Strategy. The applicant has failed to make a contribution to the boroughs affordable housing need and in this respect the development is contrary to Saved Local Plan policy H3. For these reasons it is recommended that the panel refuses to grant planning permission for the proposed development.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

1.	The proposed development due to its height and scale will be harmful to the character and appearance of the area
2.	The proposed development due to its height, insufficient separation distances and close proximity of the rear car parking area to neighbouring properties will be harmful to the amenities of neighbouring occupiers
3.	The proposed development fails to provide an appropriate level of car parking in line with the Council's car parking strategy and will subsequently lead to a threat to highway safety and convenience
4.	The applicant has failed to make a contribution to the borough's affordable housing need

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Stretton in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is currently occupied by a two storey flat roof light/office industrial unit, which takes up the majority of the site. A parking forecourt is located at the front of the building. The floor area of the existing building is estimated to be in the region of 1600sqm. Surrounding the site are residential dwellings with terraced housing to the rear, semi-detached properties to the west and detached houses to the east. The dwellings in the site's surroundings are characterised by buildings of mostly uniform height that are of an appearance typical of the 1930s. The houses to the rear along Clare Road are set on higher ground than the proposal site and comprise a mix of 1930s semi-detached dwellings and Victorian terraced dwelling houses. An industrial estate is located on the south side of Boyn Valley Road. The site is located within a developed area of Maidenhead and is one of three examples of a commercial use being sandwiched between the residential land uses on the north side of Boyn Valley Road. The north side of Boyn Valley Road predominantly comprises residential land uses whereas commercial uses are located on the south side adjacent to the railway line.
- 3.2 It is acknowledged that there is extant permission under planning application reference 16/01630/FULL relating to 99-103 Boyn Valley Road. Planning permission was granted on the 25th January 2017 for the erection of 45 x 1 and 2 bed apartments with basement and ground level car parking, following demolition of the existing commercial buildings on the site. These development proposals could soon form part of the established character of the area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application proposes the demolition of the existing two storey industrial buildings on site and erection of 40 apartments comprising 14 x 2 bedroom units and 26 x 1 bed units. 27 off-street parking spaces are shown to be located across the frontage and to the rear of the building which will be accessed through a central access, in the form of an archway, leading to a rear car park. Bin and cycles store would be positioned in the north-west corner of the site.
- 4.2 There is no relevant planning history for the site.

5. MAIN POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

Issue	Local Plan Policy	Compliance	
Design in keeping with character of area	DG1		No
Acceptable impact on appearance of area	H14		No
Acceptable impact when viewed from nearby occupiers	H14		No
Maintains acceptable level of privacy for nearby residents	H14		No
Maintains acceptable level of daylight and sunlight for nearby occupiers	H14	Yes	
Sufficient parking space available	P4		No
Acceptable impact on trees important to the area	N6	Yes	

The Council's planning policies in the Local Plan can be viewed at:

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Makes suitable provision for infrastructure	IF1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation runs from 30 June to 26 August 2017 with the intention to submit the Plan to the Planning Inspectorate in October 2017. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- Principle of Development
- Impact on Character of the Area
- Impact on Amenity of Neighbouring Occupiers
- Amenity of Future occupiers
- Highways Considerations
- Impact on Trees
- Drainage
- Affordable Housing Provision
- Environmental Health.

Principle of Development

6.2 The site lies within the developed area of Maidenhead and there is no policy that would preclude the loss of employment land/floorspace in this location. There is therefore no in principle objection to the redevelopment of this site to a residential land use. This is provided that there would be no adverse impacts associated with the redevelopment with particular emphasis on the character of the area, the amenities of neighbouring occupiers and on the highways network, which includes the consideration of car parking.

Impact on Character of the Area

6.3 Whilst there is no objection to the general appearance of the building, particularly as the materials could be controlled by condition. There is however objection to the scale of the building proposed. The uniform roofline on Boyn Valley Road is, at present, a positive attribute when considering the established character of the area. The proposed development is considered to have a negative impact in this sense. The proposed building would dwarf the adjacent houses to the east and be taller than the dwellings to the rear on Clare Road even though they are set on higher land. Whilst the applicant has taken measures to reduce the bulk of the proposed building, it will still appear much larger than anything in its surroundings. The proposed building would appear cramped in its plot and over dominant within the streetscene. The scale of the proposed building is considered harmful in an area which is characterised by low rise commercial buildings and two storey dwelling houses. When considering the impact of the proposed development on the established character of the area it is recommended that this planning application is refused.

6.4 The applicant makes reference to the approved development at 99-103 Boyn Valley Road. This is however 130 metres from the application site and, due to the curve of the road, does not form part of the streetscene in which the application site is located. Whilst each planning application should be clearly considered on its own merits, in any event the difference in height between the approved building and the adjacent dwellings is less pronounced than as proposed in the current

planning application. The current application building, is 5.5 metres taller than the neighbouring dwelling to the east, whereas the approved scheme is 4.2 metres taller than the dwelling to the east.

Impact on Amenity of Neighbouring Occupiers

- 6.5 Whilst it is acknowledge that the applicant has attempted to reduce the bulk of the building by breaking up its massing and attempting to keep the main bulk of the building away from neighbouring properties; the bulk of the proposed building along with its height is considered to result in an unacceptable increase in the sense of enclosure when experienced from 155 and 161 Boyn Valley Road and 89-107 Clare Road.
- 6.6 Whilst the relationship between the proposed building and it's surroundings might be appropriate in a town centre environment, the proposed arrangement is not considered acceptable in the site's suburban surroundings.
- 6.7 The proposed development will have an overbearing impact on the occupiers of 155 Boyn Valley Road, this is on the basis that a 9 metre tall elevation will be located between only 1.25 and 1.75 metres from their shared boundary enclosing approximately 7.5 metres – half the length - of their garden. Whilst it is acknowledged that the existing building's side elevation runs the full length of the shared boundary, at present this is mitigated by the existing building's diminutive height. The proposed development is considered to represent an unacceptable increase in harm to the amenity of the occupiers of 155 Boyn Valley Road when compared to the current arrangement.
- 6.8 The occupiers of 161 Boyn Valley Road will also experience harmful overbearing impacts as a result of the proposed development. Whilst the boundary separation alone is not unreasonable, the height and bulk of the proposed building adjacent to the much smaller neighbour will be oppressive.
- 6.9 The rear elevation of the proposed building is between only 8.1 and 13 metres from the shared boundary with 89-107 Clare Road. Given that the rear elevation is 12 metres in height this is considered to be an unacceptable relationship. Whilst it is acknowledged that the houses on Clare Road to the rear are set on higher ground, the building will still extend 10 metres above the ground level of their gardens and two additional floors compared to the existing building on site. This will result in an overbearing impact and increased sense of enclosure which is harmful to the amenities of the occupiers of the existing dwellings.
- 6.10 The proposed building will have an unacceptable impact upon the privacy of the occupiers of 89-107 Clare Road. Their enjoyment of their gardens will be severely impacted by the proposed development and this will be exacerbated by the fact that balconies are included on the rear elevation of the proposed building and all of the windows/patio doors within the rear elevation serve habitable rooms. All the proposed windows are large and will lead to both actual and perceived overlooking to a harmful extent. It is accepted good practise to allow 30 metres back to back separation between the rear elevations of flats that are 2+ storeys and houses – in this instance there is between only 22 and 27 metres and as previously mentioned some rear gardens are as little as 8 metres away. Consideration should also be taken of the sites suburban surroundings where separation is typically more generous. The balconies at 1.4 metres in depth reduce this separation even further. The proposed building is of a height whereby the bedrooms and living rooms of houses to the rear will be easy to look into – this is not considered to be an acceptable arrangement. Whilst it is acknowledged that the building on site at present sits much closer to the rear boundary, again its impact is mitigated by its height, the second floor windows on the rear elevation mostly serve a staff kitchen and the building is much less intensively used than 40 flats would be.
- 6.11 No windows are proposed in the side elevations and so there will be no harmful overlooking/loss of privacy in this respect. Balconies will however be located just 1.5 metres from the shared boundary with 155 Boyn Valley Road. This is likely to result in harmful overlooking which will reduce the occupier's enjoyment of their garden.

- 6.12 Having 12 car parking spaces located so close to the shared rear boundary would also give rise to noise and disturbance that would be harmful to the amenity of neighbouring occupiers. The noise and disturbance, from cars manoeuvring in and out of quite tight spaces, doors slamming and general comings and goings, represents an increase in activity that will be harmful to neighbouring occupiers and this application should be refused on this basis.
- 6.13 A number of neighbours have raised concern regarding overshadowing or loss of light. Whilst the proposed development may lead to some overshadowing to the rear it would not be to the extent that it would warrant the refusal of this planning application compared to the current arrangement. The proposed development would not lead to a harmful reduction in the daylight/sunlight that can reach the habitable rooms of the houses on Clare Road to the rear. Again the building will cast some shadow over the properties to the east and west; but not to the extent, compared to the current arrangement, that would warrant the refusal of this application. The applicant however has not satisfactorily demonstrated that the development will not lead to a harmful loss of day light/sunlight that could reach the habitable rooms of 161 Boyn Valley Road. 161 Boyn Valley Road has a number of windows in its side elevation where the applicant has not assessed the development's impact.
- 6.14 The applicant makes much of the "precedent" set by the approval of 16/01630/FULL at 99-103 Boyn Valley Road which in places has less rear to rear separation than proposed in the current application and is set on higher ground than the houses to the rear. Each application should be considered on its own merits and it should be noted that the approved scheme is predominantly three storeys in height and does not include balconies on the rear elevation. Furthermore, in the approved scheme the closest projection to the houses to the rear, only has windows in the side elevations except on the top floor where the windows are set back. The approved scheme also replaces a taller building than the existing building in the current application. For the most part the neighbours to the rear of the approved scheme would experience one extra storey compared to the existing arrangement, whereas in the current application the neighbours to the rear will be impacted by an additional two storeys overlooking their properties. The approved scheme also has greater side to boundary and side to side elevation separation. It is clear when comparing the existing situation in the current application with the proposed arrangement there is more harm than when comparing the existing versus proposed in the approved application. Again this highlights why the current application should be considered on its own merits.

Amenity of Future occupiers

- 6.15 All of the proposed flats are of a size and layout that would provide an acceptable standard of living to future occupiers. The proposed balconies offer private outdoor amenity space to the occupants and Desborough Park is a short ten minute walk from the site. Whilst the separation distances between the houses on Clare Road and the proposed building are insufficient, if planning permission were to be granted and the scheme built out – unlike the existing occupiers – prospective occupiers would be able to weigh up the situation and make a decision as to whether the development meets their expectation in terms of acceptable levels of privacy. There is therefore no objection to the proposed development when considering the amenity of future occupiers.

Highways Considerations

- 6.16 This section of Boyn Valley Road has a carriageway width of about 8.0m flanked by 2 x 2.0m wide footways, is subject to a local 30mph speed restriction enforced by a series of road humps and is lit. The site currently benefits from access directly onto Boyn Valley Road, which offer clear visibility in both directions.

Development Proposal:

- 6.17 It is proposed to provide 14 car parking spaces along the street frontage accessed by a series of footway crossovers. However, this would effectively reduce the amount of on-street parking space currently available along the northern-side of Boyn Valley Road over the site frontage. The centrally positioned access point appears to be retained where access to 12 car parking spaces is via an archway to the rear of the building. It's unclear from the submission whether there is

sufficient headroom clearance for service vehicles to access the rear of the site. In total the development proposes 27 parking spaces.

Traffic Generation:

- 6.18 The submitted Transport Statement includes a TRICS analysis in Section 4 (Traffic Generation) for both existing and proposed traffic flows and includes a range of sites in England in suburban or edge of town centres, but excluding Greater London. The TS concludes that, 'The development will therefore give rise to no greater traffic impact than the existing use rights, and to the extent that the residential use will generate fewer commercial vehicles than the industrial uses, there will be some benefit in terms of amenity. The Highways Officer concurs that the traffic likely to be generated by the proposed development can be accommodated on the local highway network.

Car Parking Provision:

- 6.19 The development proposes 27 spaces at a parking ratio of 1 space per 2 bed apartment and 0.50 spaces per 1 bedroom. RBWM's parking standard for development in 'Areas of Good Accessibility' sets a requirement of 0.5 spaces per 1 bed and 1 space per 2 bed unit. It is unclear as to how these spaces (less than 1 space per unit) would be allocated and managed. Nevertheless, this site is located on the periphery of the two parking zones being located just within the 'Areas of Poor Accessibility' zone, according to definitions in the current parking standards. Accordingly, there would be a shortfall in on-site parking provision.
- 6.20 It is worth noting that in a Planning Update to the House of Commons on 25 March 2015, the then secretary of state at the Department for Communities The Rt. Hon. Sir Eric Pickles MP, said that the government was keen to ensure that there is adequate parking provision both in new residential developments and around our town centres and high streets. He went on to say that the government abolished maximum parking standards in 2011 under the National Planning Policy Framework (NPPF) with parking standards being covered in paragraph 39 of the NPPF. The Design & Access Statement makes reference to paragraph 39 of the NPPF with the inclusion of the following extract:

If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- *the accessibility of the development;*
- *the type, mix and use of development;*
- *the availability of and opportunities for public transport;*
- *local car ownership levels; and*
- *an overall need to reduce the use of high-emission vehicles.*

- 6.21 The Borough will revise its local parking standards for residential and non-residential development in light of this current national advice. Meanwhile, in order to continue to manage the local highway network allowing traffic to continue to pass and re-pass (i.e. the primary function of a public highway), consideration needs to be given to the level of on-site parking provision for each development proposal so as to ensure that adjacent or nearby streets and pavements are not blocked or become more congested.
- 6.22 Reference is also made in the D & A to the 2011 Census Data on car ownership which states that the figure for the Boyn Hill Ward is 1.42 cars/household. The NPPF reports that local car ownership levels' should also be a consideration when setting parking standards. Using this ratio of 1.42 spaces per 2 bed unit and 1 space for a 1 bed unit, the development would attract a demand for 47 parking spaces. If the Borough's full parking standards for this level of development (in Areas of Poor Accessibility) is applied then a total of 54 on-site parking spaces would be required. However, for 2-bed residential developments on the periphery of 'Areas of

Good Accessibility' the Borough has recommended a parking ratio of 1.5 spaces per unit be sought. Using this approach would generate a total parking provision of 47 spaces (14 x 1.5 spaces per 2-bed unit, plus 26 x 1 space per unit). Such provision would address concerns raised regarding the shortfall in on-site parking facilities as currently proposed and reduce the reliance on-street parking.

- 6.23 The result of a 'snap shot' Parking Survey undertaken on the 9th May 2017 reported that during the peak period between 0730 and 0830 there were 41 available parking spaces along Boyn Valley Road. Whilst it is accepted there is (physically) space to park on-street at this moment in time, further residential redevelopment of other commercial premises (such as the Travis Perkins site opposite) in this area would soon result in any spare on-street capacity along Boyn Valley Road being eroded, particularly if other developers adopt the same approach as for this site (with associated parking being proposed to overspill onto the street rather than be provided on-site). As an aside reference is made to the approved residential development at 93-103 Boyn Valley Road (Application number 16/01630/FULL), a similar parking beat exercise was undertaken with the applicant's highway consultant stating that:

'The existing highway has capacity to accommodate any on street overflow parking arising from the proposed development.'

- 6.24 At present, there is no residential parking permit scheme in operation along roads adjacent to or in the vicinity of the site. Should such restrictions or scheme be introduced in the future then the owners and/or occupiers living within development sites having a shortfall in on-site parking provision would not normally be entitled to residential parking permits. The concern remains about the potential shortfall in off-street parking provision for this development given its reliance on the present availability of on street parking along Boyn Valley Road. As mentioned this application is among several redevelopment proposals, one of which has already been permitted which also remarks on the immediate highway network to support an overspill associated with the development.

Refuse Provision:

- 6.25 The plans indicate that a refuse facility would be provided on the ground floor of the building and suggest that the refuse vehicle would be stationed on the public highway, whilst the bins are collected by the operatives. The Highways Officer has raised no objection to this arrangement.

Cycle Provision:

- 6.26 Similarly, an enclosed cycle store within the building is also provided on the ground floor. Further details are required to determine whether the parking design is fit for purpose. This could be secured by condition if this planning application were to be approved.

Impact on Trees

- 6.27 The Trees & Landscape Officer has raised no objection to the proposed development provided that conditions are applied to any consent to secure a scheme of hard and soft landscaping; the protection of existing trees on site; and the replacement of any trees or shrubs that might become damaged or diseased.

Drainage

- 6.28 A Drainage Strategy was requested by the LLFA and the applicant has obliged in providing this document. At the time of writing this report the LLFA haven't completed their review of this document. This will be dealt with in an update to the Panel in advance of the Panel meeting.

Affordable Housing Provision

- 6.29 The application exceeds both the 0.5 hectare and 15 dwelling unit threshold at which an affordable housing requirement is triggered as set by saved Local Plan policy H3. This policy has been replaced by paragraph 031 of the NPPG which requires contributions to be sought from

developments not less than 10 units, and which has a greater combined gross floorspace of 1000 sq m. It is therefore expected that an onside provision of affordable housing should be made. This would normally be expected to be 30% over and above ten units. The planning application under consideration makes no provision for affordable housing. Whilst the applicant would normally be approached to negotiate provision, as this application is recommended for refusal on other grounds this has not been progressed in this instance. It is therefore recommended that a reason for refusal is included on the decision notice due to the lack of mechanism to contribute to the borough's affordable housing need. The applicant has suggested that this could be dealt with by a condition. This would not be appropriate in this instance.

Environmental Health

- 6.30 The Environmental Health Officer has raised no objection to the development proposals subject to the inclusion of a condition to control contamination and informative relating to dust, smoke, noise and working hours if this application were to be approved.

Other Material Considerations

6.31 Housing Land Supply

Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

It is acknowledged that this scheme would make a contribution to the Borough's housing stock albeit it doesn't represent the mix of housing need indicated in the latest SHMA. It is the view of the Local Planning Authority that that the socio-economic benefits of the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, contrary to the adopted local and neighbourhood plan policies, all of which are essentially consistent with the NPPF, and to the development plan as a whole.

Community Infrastructure Levy

- 6.32 The application proposes new residential development and therefore would be liable for a Community Infrastructure Levy contribution. The applicant has failed to submit a CIL information form. An estimate based upon the submitted information suggests that the tariff payable for this development would be in the region of £78,500.

7. CONSULTATIONS CARRIED OUT

7.1 Comments from Interested Parties

Nine letters were received from the 16 neighbouring properties directly notified or as a result of a site notice that was posted on 23rd June

9 were received objecting to the application summarised as:

Comment	Officer Response
Concern regarding loss of privacy/over looking	2 spaces are retained, meeting the Council's requirements
Concern regarding loss of light/over shadowing	See para 6.14
Concern regarding height of building/proposed building being out of character	See paras 6.4-6.5
Concern regarding drains becoming blocked/drain capacity	Will be dealt with in panel update see para 6.29
Concern regarding pollution from additional cars	Vehicle emissions would

	not warrant the refusal of this planning application
Concern regarding gardens close proximity to proposed parking area	See para 6.13
Proposed building too close to neighbours	See paras 6.6-6.15
Not enough car parking	See paras 6.20-6.25
Concern regarding noise associated with intensified use	See para 6.13
Concern regarding increase in traffic	See para 6.19

7.2 Statutory Consultees

Comment	Officer Response
Highways Officer – Objects on grounds of insufficient parking	See paras 6.17-6.27
Trees & Landscape – No objection subject to conditions	See para 6.28
Environmental Health – No objection subject to condition and informatives	Noted
LLFA – Awaiting comments	See para 6.29

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Streetscene & Section Along Boyn Valley Road 2380-PL-106
- Appendix C – Front & Rear Elevations 2380-PL-104
- Appendix D – Side Elevations 2380-PL-105
- Appendix E – Comparative Section 2380-PL-109

9. RECOMMENDED FOR REFUSAL FOR THE FOLLOWING REASONS

- 1 Due to the scale and height of the proposed building, the proposals represent a form of development that fails to contribute in a positive way and will be harmful to the character and appearance of the surrounding area. As such the proposals are contrary to saved policies DG1, H10 & H11 of the Royal Borough of Windsor & Maidenhead Local Plan (incorporating alterations) adopted June 2003.
- 2 Due to the height of the proposed building combined with insufficient separation distances the proposed development will be harmful to the amenities of the occupiers of 161 and 155 Boyn Valley Road and 89-107 Clare Road contrary to Saved policies H10 and H11 of the Royal Borough of Windsor & Maidenhead Local Plan (Incorporating Alterations) adopted June 2003.
- 3 The proposed development does not comply with the RBWM's current parking standard and would further lead to a demand for increased parking in the immediate and the surrounding highway network. This is contrary to Policy P4 of the Royal Borough of Windsor & Maidenhead Adopted Local Plan (incorporating alterations adopted) June 2003 and the Parking Strategy May 2004.
- 4 The proposed development fails to make provision to contribute to the Borough's affordable housing need contrary to saved policy H3 Royal Borough of Windsor & Maidenhead Adopted Local Plan (incorporating alterations) adopted June 2003
- 5 The applicant has failed to demonstrate to the satisfaction of Local Lead Flood Authority that the proposals would not increase the risk of surface water flooding on site or in the local area and subsequently fails to accord with paragraph 103 of the NPPF and the Non-Statutory Technical Standards for Surface Water Drainage (2015).