

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

25 October 2017

**Item: 2**

<b>Application No.:</b>	17/01885/FULL
<b>Location:</b>	157 - 159 Boyn Valley Road Maidenhead
<b>Proposal:</b>	Construction of 35 apartments, comprising of 1 and 2 bedrooms with ground level car parking following demolition of the existing building
<b>Applicant:</b>	
<b>Agent:</b>	Mr Paul Butt
<b>Parish/Ward:</b>	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](mailto:laura.ashton@rbwm.gov.uk)

## **1. SUMMARY**

1.1 Planning application reference 17/01885/FULL was presented to the panel on the 30<sup>th</sup> August with an officer recommendation to refuse to grant planning permission. The panel decided to defer decision making for two panel cycles to allow the following to happen:

- i) carry out a Panel Site visit
- ii) to allow the applicant the opportunity to make some minor amendments to alleviate concerns and to reduce the profile and impact on neighbours and for a better parking arrangement to be achieved.
- iii) for further information to be submitted regarding overlooking and loss of light to habitable rooms and the difference between this scheme and the previously approved scheme at 99-103 Boyn Valley Road.

1.2 A panel site visit is being arranged and will take place before the panel meeting. The applicant has made amendments to the scheme and although these changes represent an improvement Officers however are concerned that the impacts remain harmful and so the recommendation to refuse planning permission remains. The suggested reasons for refusal relate to the impact of the proposed development on the streetscene and the impact upon the amenities of neighbouring occupiers considering loss of privacy, increased sense of enclosure and overbearing impacts, as well as the potential for harmful noise and disturbance. The additional information requested by the panel in point 3 above is explored later in this report.

1.3 In summary 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. The scale of the building along with insufficient separation distances mean that 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. 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 applicant has failed to make a contribution to the borough's 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):**

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|-----------|---|
| <b>1.</b> | <b>The proposed development due to its height and scale will be harmful to the character and appearance of the area</b> |
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<b>2.</b>	<b>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</b>
<b>3.</b>	<b>The applicant has failed to make a contribution to the borough's affordable housing need</b>

## **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 part single storey part 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 35 apartments comprising 16 x 2 bedroom units and 19 x 1 bed units. 29 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. The key differences between the original scheme that went to panel and the current submission are that the overall height of the building has been reduced by 0.5m; the depth of the building has been reduced so that rear separation has been increased by a minimum of 1 metre and the third floor/fourth storey has been set back /in by 1.4 metres at the rear (a 2.4 metre increase in separation compared to the earlier scheme) and the rear corners have been reduced and set in by 9.1 metres from the west side elevation (a 5.3 metre increase compared to the earlier scheme) and 6.9 metres from the east side elevation (a 6.9 metre increase). The scheme has also been rearranged around a single access (rather than the three previously dropped kerbs) to minimise the loss of on-street parking and the balconies on the rear elevation have been removed.

## **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	Compliance
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	Policy		
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	TBC	TBC
Sufficient parking space available	P4	TBC	TBC
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](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:

- i) Principle of Development
- ii) Impact on Character of the Area
- iii) Impact on Amenity of Neighbouring Occupiers
- iv) Amenity of Future occupiers
- v) Highways Considerations
- vi) Impact on Trees
- vii) Drainage
- viii) Affordable Housing Provision
- ix) 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 As with the previous iteration of the scheme, there is no objection to the general appearance of the building, particularly as the materials could be controlled by condition. objection however remains in connection with 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. Whilst the applicant has reduced the overall height of the building by 0.5 metres, it still dwarfs the adjacent houses to the east in particular and the proposed building would be taller than the dwellings to the rear on Clare Road even though they are set on higher land. The drawing showing the front and rear elevations is misleading because it shows the houses on Clare Road to the rear. They aren't as apparent within the streetscene as the drawing would suggest. The relationship with 161 Boyn Valley Road to the east demonstrates the stark contrast in height. Number 161 which is a two storey dwelling has an eaves height of 4.6 metres whilst the two storey element of the proposed building is 5.8 metres high (with 3.4 metres flank to flank separation); the three storey element of the proposed building is 8.8 metres high (6 metres separation); and the four storey element is 14.4 metres high. The building will be viewed as a whole in the streetscene and the bulk of the building is four storeys/14.4 metres high and so a large part of the proposed building will be 6.8 metres taller measured to the eaves height of the neighbour to the east.
- 6.4 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.
- 6.5 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.

## Impact on Amenity of Neighbouring Occupiers

- 6.6 The revised scheme has attempted to move the massing of the proposed building away from the neighbouring properties to the rear and sides. The result is an improvement compared to the earlier proposals, the separation however remains insufficient for a building of this scale. The bulk of the proposed building combined with its height is considered to result in an unacceptable increased sense of enclosure and loss of privacy to the occupiers of 89-109 Clare Road. The tables below set out the key separation distances to note.

### Rear to rear elevation Separation

House	Distance to One-Three Storey Element	Distance to Four Storey Element
91/89 Clare Road	23 metres	29.6 metres
95/93 Clare Road	19.4 metres	20 metres
99/97 Clare Road	22 metres	23.6 metres
103/101 Clare Road	24 metres	25.5 metres
107/105 Clare Road	23.6 metres	30.6 metres

**Rear elevation (as proposed) separation to boundary:**

House	Distance to One - Three storey Element	Distance to Four Storey Element
91/89 Clare Road	10.4 metres	16.2 metres
95/93 Clare Road	11.4 metres	11.4 metres
99/97 Clare Road	11.2 metres	12.4 metres
103/101 Clare Road	13 metres	14 metres
107/105 Clare Road	13.6 metres	21.6 metres

- 6.7 Whilst the relationship between the proposed building and its surroundings might be appropriate in a town centre environment, the proposed arrangement is not considered acceptable in the site's suburban surroundings.
- 6.8 Whilst it is acknowledged that most of the houses on Clare Road to the rear are set on higher ground, the building will still extend 9.6 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, loss of privacy and increased sense of enclosure which will be harmful to the amenities of the occupiers of the existing dwellings. The occupiers' enjoyment of their gardens will be particularly impacted by the proposed development and this will be exacerbated by the fact that all of the windows within the rear elevation serve habitable rooms. 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. Consideration should also be taken of the site's suburban surroundings where separation is typically more generous. The proposed building is of a height whereby the bedrooms, living rooms and gardens 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 lesser height, the second floor windows on the rear elevation mostly serve a staff kitchen and the building is much less intensively used than 35 flats would be. Notably the section of the existing building that sits closest to the boundary is single storey and as such the two storey element sits between 6 and 4 metres from the boundary.
- 6.9 It should be noted that the occupiers of 109-111 Clare Road will be particularly impacted by the proposed scheme due to the fact that they are set on lower ground compared to 91-107 Clare Road. 109 will particularly experience harmful overlooking as well as an increased sense of enclosure.
- 6.10 The proposed development will also have an overbearing impact on the occupiers of 155 Boyn Valley Road to the west. This is on the basis that a 8.6 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.
- 6.11 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 (see paragraph 6.3).
- 6.12 Having 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 will likely lead to some overshadowing to the rear it would not be to the extent that 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. Officers are awaiting receipt of information to determine whether or not the development will not lead to a harmful loss of day light/sunlight that could reach the habitable rooms of 161 Boyn Valley Road. This assessment will be dealt with in an update to the panel.

#### **Amenity of Future occupiers**

- 6.14 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**

- 6.15 At the time of writing, Officers are awaiting receipt of a consultation response from Highways. This will be dealt with in an update to the Panel.

#### **Environmental Health**

- 6.16 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.

#### **Affordable Housing**

- 6.17 The application exceeds the 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 on-site 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. If however the panel are minded to approve this application then a legal agreement can be progressed.

#### **Surface Water Drainage**

- 6.18 No consultation response has been received from the LLFA at present. This will be dealt with in an update to the panel.

## Other Material Considerations

### Housing Land Supply

- 6.19 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

- 6.20 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. If the panel is minded to approve this planning application a CIL liability notice would be issued to the applicant.

### Key Difference Between the Approved & Proposed Scheme

- 6.21 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. 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 considerably allowing 34 metres separation. The approved scheme also replaces a taller building than the existing building subject to 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 with less separation than the approved scheme. The increased height was also mitigated in the context of the approved scheme by the presence of outbuildings on the boundary that served to provide more separation between the development and the existing gardens. The approved scheme had 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.

## 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 23<sup>rd</sup> June

9 were received objecting to the original application proposals and are summarised as:

Comment	Officer Response
Concern regarding loss of privacy/over looking	See paras 6.6-6.13
Concern regarding loss of light/over shadowing	See para 6.13
Concern regarding height of building/proposed building being out of character	See paras 6.3-6.5

Concern regarding drains becoming blocked/drain capacity	Will be dealt with in update
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 6.12
Proposed building too close to neighbours	See paras 6.6-6.13
Not enough car parking	Will be dealt with in update
Concern regarding noise associated with intensified use	See para 6.12
Concern regarding increase in traffic	Will be dealt with in update

7.2 In response to the revised scheme 18 letters were sent to neighbouring occupiers and earlier participants. At the time of writing the public consultation has not yet closed. Neighbour comments in respect of the current proposals will be dealt with in the panel update.

### Statutory Consultees

Comment	Officer Response
Highways Officer – TBC – Will be dealt with in panel update	TBC
Trees & Landscape – No objection subject to conditions	See para 6.28
Environmental Health – No objection subject to condition and informatives	Noted
LLFA – TBC – Will be dealt with in panel update	TBC

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Front & Rear Elevations
- Appendix C – Side Elevations
- Appendix D – Ground & First Floor Plan
- Appendix E – Second & Third Floor Plan

## 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 89-109 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 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