

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

5 July 2017

Item: 2

<b>Application No.:</b>	16/03934/FULL
<b>Location:</b>	34 - 36 Laggan Road Maidenhead
<b>Proposal:</b>	Construction of 2x two storey semi-detached dwellings and 4x two storey three bed dwellings with associated access, landscaping and parking following demolition of 34 and 36 Laggan Road.
<b>Applicant:</b>	Mr Waraich
<b>Agent:</b>	Mr M Alam
<b>Parish/Ward:</b>	Maidenhead Unparished/Maidenhead Riverside 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 Due to the scale, form and positioning of the proposed replacement semi-detached dwellings as well as the introduction of a vast area of hard standing and in the absence of any meaningful planting to mitigate this impact, the proposals represent a form of development that is inconsistent with the prevailing character of Laggan Road, fails to contribute in a positive way and will be harmful to the character and appearance of the surrounding area. As such the proposals fail to accord with saved policies DG1, H10 & H11 of the Local Plan.
- 1.2 As a result of insufficient separation distances the proposed development introduces a grain and pattern of development that is out of character with the site's suburban context contrary to saved policies DG1, H10 & H11 of the Local Plan and Core Principle 4 of the NPPF.
- 1.3 The proposed development fails to provide acceptable amenity standards to the future occupiers of the development. The occupiers of plot 3 in particular will experience unacceptable levels of privacy in their garden and overbearing impacts. This is due to the proposed semi-detached houses being set on higher ground and the separation distance of just 10 metres between the rear elevation of the semis and the boundary with plot 3. The development proposals are subsequently contrary to saved policies H10 & H11 of the Local Plan and Core Principle 4 of the NPPF.
- 1.4 Due to insufficient back to back separation distance, the proposed development will have an unacceptable impact on both the existing occupiers of 8-12 Savoy Court when considering impacts on privacy and sense of enclosure contrary to saved policies H10 & H11 of the Local Plan and Core Principle 4 of the NPPF.
- 1.5 The site is located in Flood Zone 2 where a Sequential Test is required to demonstrate that there are no alternative suitable development sites available in areas at a lower risk of flooding. It is considered that the application does not pass the sequential test as it has not been adequately demonstrated that there are no preferable sites at a lower risk of flooding that are reasonably available and appropriate for the proposed development. The proposals are therefore contrary to paragraph 101 of the NPPF.
- 1.6 The application fails to demonstrate that the proposals would not have a negative impact upon trees within and adjoining the application site. As such the proposals represent a form of development that would be contrary to Policy N6 of the Local Plan.
- 1.7 The applicant has failed to demonstrate to the satisfaction of the Local Lead Flood Authority that the proposals will not increase the risk of surface water flooding either on the site or in its locality contrary to paragraph 103 of the NPPF.

<b>It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):</b>	
1.	The scale, form and positioning of the proposed replacement semi-detached dwellings along with a vast area of hard standing are harmful to the character and appearance of the area.
2.	Insufficient separation distances introduces a grain and pattern of development that is out of character with the site's suburban context
3.	The proposed development fails to provide acceptable amenity standards to existing occupiers of 8-12 Savoy Court
4.	The proposed development fails to provide acceptable amenity standards to the future occupiers of the proposed terrace
5.	It is considered that the application does not to pass the sequential test as it has not been adequately demonstrated that there are no preferable sites at a lower risk of flooding that are reasonably available and appropriate for the proposed development.
6.	The application fails to demonstrate that the proposals would not have a negative impact upon trees within and adjoining the application site.
7.	The applicant has failed to demonstrate to the satisfaction of the Local Lead Flood Authority that the proposals will not increase the risk of surface water flooding either on the site or in its locality.

## 2. REASON FOR PANEL DETERMINATION

- 2.1 This application is to be determined by the panel due to the request of Councillor Majeed.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is located to the north of Maidenhead and within a short walking distance of a number of local amenities. The application site consists of Nos. 34 – 36 Laggan Road, which are a pair of semi-detached dwellings on the eastern side of the highway. This particular part of Laggan Road loops off the main part of the highway, in the form of a cul-de-sac, and benefits from a distinct street scene character comprising semi-detached two storey dwellings fronting on to the highway. The cul-de-sac is opposite an area of public open space. Each of the dwellings benefits from off street parking and most of the front gardens have been hard-surfaced for that purpose. The existing dwellings on site benefit from substantial rear garden space which slopes downwards to the east. The rear half of these gardens are within Flood Zone 2. The existing dwellings address the street and form the centre piece of the street scene on entering the cul-de-sac. A landscaped central reservation highlights the symmetry of the cul-de-sac.

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

- 4.1 The relevant planning history is set out in the table below

Ref	Description	Decision
12/90235 /PREAP P	Demolition of 34 and 36 Laggan Road to provide 6 dwellings	Advice Given
15/03100 /FULL	Erection of 2no two storey semi-detached dwellings and a 2.5 storey block of 8no apartments with associated access, landscaping and parking following demolition of 34-36 Laggan Road	Refused

- 4.2 This application seeks permission for the construction 2x two storey semi-detached dwellings and 4x two storey three bed dwellings with associated access, landscaping and parking following demolition of 34 and 36 Laggan Road.

## MAIN POLICIES RELEVANT TO THE DECISION

### 5. National Planning Policy Framework

- 5.1 The National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied. It provides a framework within which local people and local planning authorities can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.
- 5.2 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development – Local Planning Authorities should approve proposals that accord with an up-to-date Development Plan.
- 5.3 Section 6 of the NPPF states that in order to significantly boost the supply of housing across the country, LPAs should identify a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of up to 20% where there is a persistent under delivery of new housing.
- 5.4 Section 7 of the NPPF establishes that LPAs, when determining planning applications, should ensure that development:
- Will function well and add to the overall quality of the area
  - Establish a strong sense of place
  - Optimise the potential of the site to accommodate development
  - Respond to local character
  - Reflect the identity of local surroundings and materials
  - Is visually attractive as a result of good architecture and appropriate landscaping.
- 5.5 The NPPF and NPPG make clear that good design is fundamental to planning. Paragraph 58 of the NPPF explains that in order to achieve the Government’s objective of securing good design, planning decisions should ensure that developments (inter alia) “function well and add to the overall quality of the area” and create “attractive and comfortable places to live”. The NPPF also, at paragraph 53, invites local authorities to consider setting policies to resist the inappropriate development of residential gardens where development would be harmful. There is therefore a presumption against the development of gardens where demonstrable harm can be identified. The NPPG explains that LPAs should take design into consideration and should refuse permission for development of poor design.

### Royal Borough Local Plan

- 5.6 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	DG1, H10, H11		No
Maintains acceptable level of privacy for nearby residents	H10, H11	Yes	
Maintains acceptable level of daylight and sunlight for nearby occupiers	H10, H11	Yes	
Acceptable impact on highway safety	T5	Yes	
Sufficient parking space available	P4	Yes	
Acceptable impact on highway safety	T5	Yes	
Trees and development	N6		No

Does not increase flood risk	F1		No
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### **Borough Local Plan 2013 – 2033, Submission Version (Regulation 19)**

Relevant policies: SP1, SP2, SP3, HO2 and HO3, NR1, NR2, EP3, EP4 and IF7. Given the status of the BLP these policies can only be given limited weight. This document can be found at: <http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

### **Other Local Strategies or Publications**

5.7 Other strategies or publications relevant to the proposal are:

- 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)
- 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 Highways Design Guide - view at: [http://www.rbwm.gov.uk/graphics/Highway\\_Design\\_Guide.pdf](http://www.rbwm.gov.uk/graphics/Highway_Design_Guide.pdf)

5.8 This recommendation is made following careful consideration of all the issues raised through the application process. 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.

5.9 In this case the issues have not been successfully resolved.

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i The Principle of Development
- ii Design and Character
- iii Residential Amenity
- iv Flood Risk
- v Design and Character
- vi Parking/Access
- vii Trees
- viii Other material planning considerations

### **The Principle of Development**

6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that local planning authorities (LPA) determine planning applications in accordance with an up to date Development Plan and in conjunction with the National Planning Policy Framework (NPPF) and Guidance (NPPG). There are no planning policies that restrict the type of development proposed from taking place per se, and as such it is considered that the proposals are acceptable in principle.

6.3 There are, however, a number of relevant policies (as identified in Section 5, above) which relate to the following key issues.

## **Design and Character**

- 6.4 The proposals would, in effect, punch a hole in the building line along the east of Laggan Road and replace the existing semi-detached dwellings. Two new properties would front Laggan Road - located towards the northern half of the site frontage with an access road leading to the rear towards the southern half of the site. A terrace containing 4 new dwellings is proposed to be located to the rear of the site. The replacement dwellings at the front of the site are not considered to be suitable in terms of their impact on the street scene due to their scale and positioning. Laggan Road benefits from a distinct character, and the proposals would adversely impact upon this. The existing dwellings in the cul-de-sac are uniform in their style, form and positioning and the spaces between them create a clear rhythm and symmetry. The new dwellings would interrupt the symmetry, rhythm and the uniformity in scale and separation that are currently positive attributes when considering the established character of the area. This is considered to be harmful.
- 6.5 Whilst it is acknowledged that the frontages of most of the properties in the cul-de-sac are hard surfaced, to provide off street parking, there is currently a glimpse down the side of 34 Laggan Road to the landscaped garden to the rear. The proposals, due to the formation of the new access and parking area, will lead to a vast new area of hard surfacing being clearly visible from the public realm. This coupled with a lack of space for compensatory planting is also considered to be harmful to the character and appearance of the area. New development would normally be expected to provide some form of betterment in this respect, the scheme fails to do this.
- 6.6 In addition, due to the separation distances described below the proposals are considered to represent over-development of the site that introduces a grain of development and separation that is out of character with its suburban context.
- 6.7 The Design and Access Statement refers to other examples of development within the wider area that they suggest have set a precedent for back land development. Firstly, each application needs to be taken on its merits – and while those developments were considered to represent a suitable form of development, this proposal does not. Secondly, and in relation to that point, those developments have not interrupted a clear building line within their respective street scenes through the removal of existing buildings.

## **Residential Amenity**

- 6.8 The proposed terrace has a rear to rear separation distance of between 17.5 and 19 metres with the terrace that forms 8-12 Savoy Court. This level of separation is considered to be unacceptable in a suburban context and will lead to a sense of increased enclosure and loss of privacy when considering the occupiers of 8-12 Savoy Court. This level of separation is synonymous with over-development and would lead to unacceptable amenity standards for existing and future occupiers in this instance. The occupiers of plots 3 and 4 of the proposed terrace and 12 and 10 Savoy Court will be particularly affected.
- 6.9 There is specific concern regarding the amenity of the future occupiers of the terraced property when considering levels of privacy and overbearing. Due to the proposed replacement pair of semi detached properties being set on higher ground and there being just 10 metres separation between the rear elevation of the semis and the boundary with plot 3, plot 3 will experience an unacceptable level of overlooking into their rear garden from the bedroom window of plot 2. This is considered to be harmful to their amenity.
- 6.10 Again due to the replacement semis being located on higher ground, and its ridge line being two metres higher than that of the terrace block and the separation distance of just ten metres, the semis will have an oppressive and overbearing impact when viewed from the garden of plot 2.
- 6.11 The relationship between the replacement semi-detached properties and the proposed new terrace is considered to be poor and will be harmful to the amenity of future occupiers. Planning permission should be refused on this basis.

## **Flood Risk**

- 6.12 The site is located partly in Flood Zone 2 which is an area at medium risk of flooding. The NPPF sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed. The NPPF seeks to direct development away from areas that are the most at risk of flooding. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Whilst a Sequential Test has been prepared by the applicant and submitted in support of this planning application the test is not considered to have been passed. In this instance the discounting of a number of the sites assessed are not considered to be justified.
- 6.13 Notwithstanding the limitations of the Sequential Test, given that the site is located in Flood Zone 2 and the proposals are for a “more vulnerable use” then an Exceptions Test is not required. A flood risk assessment has been submitted with the application which demonstrates that the development does not increase the risk of flooding for either properties or people.

## **Parking/Access**

- 6.14 The previous application for residential development on the site was refused partly due to the proposals having an unsuitable access width, parking and turning space. The applicant has submitted sufficient information to remove those concerns from these proposals, and the Highways Team have recommended that the application is acceptable in highways terms, subject to conditions (relating to access construction, a construction management plan, parking and turning, cycle parking and refuse bin provision).

## **Trees**

- 6.15 The site benefits from a number of trees both along its boundary. The Tree Team was consulted on the application and recommended refusal based on insufficient and inaccurate information having been submitted.
- 6.16 Though additional time was provided via an extension of time to enable the applicant to overcome these concerns, the applicant has not been able to do so. As other concerns exist with the proposals, it has not been possible to agree another extension of time, and as such it is considered to represent a reason for refusal of this application.

## **Other Material Considerations**

### **Surface Water Drainage**

- 6.17 The proposals would involve permeable pavements and soakways incorporating infiltration techniques. The Local Lead Flood Authority was consulted on the application and raised concerns about the effectiveness of what is proposed. They advised further assessments be undertaken and information submitted. Though the time limit for the application was extended to enable further work to be done, the applicant has not been able to overcome the concerns within this time. Given other concerns exist with the application, it is not considered prudent to further extend the time of the application, and as such the proposals are considered to be contrary to adopted policies that seek to protect the environment from negative impacts on surface water flooding as a result of new development.

### **Housing Land Supply**

- 6.18 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 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 5 year supply of deliverable housing sites.

6.19 It is acknowledge that this scheme would make a contribution to the Borough's housing stock. However, it is the view of the Local Planning Authority 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 consisted with the NPPF, and to the development plan as a whole.

6.20 Local Authorities are expected to work positively and pro-actively with applicants when determining planning applications. In this instance the site cannot be developed without replacing the existing semi-detached dwellings and installing an access road. It is unlikely that this could be achieved without harm to the character and appearance of the area and there are a number of other issues that would require addressing. Subsequently, amendments have not been pursued on this occasion.

## 7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

7.1 The application proposes new residential development and therefore would be liable for a Community Infrastructure Levy contribution. Based on the submitted information, the tariff payable for this development would be £27,020.

## 8. CONSULTATIONS CARRIED OUT

8.1 14 occupiers were notified directly of the application.

8.2 The planning officer posted a statutory notice advertising the application at the site and the application was advertised in the Maidenhead & Windsor Advertiser.

8.3 1 letter was received objecting to the application, summarised as:

Comments		Where in the report this is considered
1.	Detrimental impact on residential amenity	6.8 - 6.11
2.	Unsuitable Design/detrimental impact on character	6.4 - 6.7
3.	Detrimental impact on highway network	6.12

### *Consultee Responses*

Consultee	Comment	Where in the report this is considered
LLFA	Objection – insufficient information submitted re soakways and permeable pathways	6.17
Tree Team	Objection - Detrimental impact on existing trees within and adjoining the site	6.15 – 6.16
Maidenhead Civic Society	Objection - Design/Character	6.4 – 6.11
Environmental Protection	No objection	Noted

## 9. RECOMMENDATION

Refuse planning permission for the following reasons(s):

## 10. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site Layout
- Appendix C – Street Elevations & Sections

## 11. REASONS RECOMMENDED FOR REFUSAL

- 1 Due to the scale, form and positioning of the proposed replacement semi-detached dwellings as well as the introduction of a vast area of hard standing, in the absence of any meaningful planting, 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 fail to accord with saved policies DG1, H10 & H11 of the Royal Borough of Windsor & Maidenhead Local Plan (incorporating alterations) adopted June 2003.
- 2 As a result of insufficient separation distances the proposed development introduces a grain and pattern of development that is out of character with the site's suburban context contrary to saved policies DG1, H10 & H11 of the Royal Borough of Windsor & Maidenhead Local Plan (incorporating alterations) Adopted June 2003
- 3 Due to insufficient separation between the proposed terrace, 8-12 Savoy Court and the replacement semi-detached dwellings, and the replacement dwellings being set on higher ground; the proposed development fails to provide acceptable amenity standards to the future occupiers of the proposed terrace when considering privacy levels, sense of enclosure and overbearing impacts contrary to saved policies H10 & H11 of the Royal Borough of Windsor & Maidenhead Local Plan (incorporating alterations) Adopted June 2003 and NPPF Core Principle 4.
- 4 Due to insufficient back to back separation distance, the proposed development will have an unacceptable impact on both the existing occupiers of 8-12 Savoy Court when considering impacts on privacy and sense of enclosure contrary to saved policies H10 & H11 of the Royal Borough of Windsor & Maidenhead Local Plan (incorporating alterations) Adopted June 2003 and NPPF Core Principle 4 .
- 5 Part of the site is located in Flood Zone 2 where a Sequential Test is required to demonstrate that there are no alternative suitable development sites available in areas at a lower risk of flooding. It is considered that the application does not to pass the sequential test as it has not been adequately demonstrated that there are no preferable sites at a lower risk of flooding that are reasonably available and appropriate for the proposed development. The proposals are therefore contrary to saved policy F1 of the Royal Borough of Windsor & Maidenhead Local Plan (incorporating alterations) Adopted June 2003 and paragraph 101 of the NPPF.
- 6 The applicant has failed to demonstrate that the proposals would not have a negative impact upon trees within and adjoining the application site. As such the proposals are considered to represent a form of development that would be contrary to Policy N6 of the Royal Borough of Windsor & Maidenhead Local Plan (incorporating alterations) Adopted June 2003.
- 7 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.