

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

6 July 2016

Item: 6

Application No.:	16/01292/FULL
Location:	Hedsor Cottage 11 Maidenhead Court Park Maidenhead SL6 8HN
Proposal:	Erection of detached dwelling following demolition of existing garage and annexe
Applicant:	Mrs Hock
Agent:	Not Applicable
Parish/Ward:	Maidenhead Riverside Ward

If you have a question about this report, please contact: Antonia Liu on 01628 796697 or at antonia.liu@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposal for a new detached dwelling following the subdivision of the existing plot and demolition of the existing garage and annex is the same as the previously refused scheme under 14/03999/FULL, which was refused on the grounds that it would lead to an unacceptable risk to people in the event of a flood. The proposal is considered to fail the Sequential Test as it fails to demonstrate that the development could not be located in areas with a lower probability of flooding. The submitted Flood Risk Assessment also contains no new information or evidence that demonstrates safe access and egress to an area wholly outside of the 1% Annual Exceedance Probability (AEP) plus 20% allowance for climate change flood extent. The proposal would therefore result in an unacceptable risk to the health and safety of the occupants during a flood event, and would place an increased burden on the emergency services during a time of flood, contrary to paragraph 103 of the NPPF and Local Plan policy F1. In terms of wider sustainability benefits to the community that outweigh flood risk, it is noted that the development would provide new housing which would be a clear benefit. Notwithstanding this it is not would not outweigh the risk to people due to the lack of a safe escape.
- 1.2 The proposal is considered acceptable in terms of impact on character and appearance, impact on neighbours, and highway safety and parking.
- 1.3 At the time of writing, comments from the Environment Agency are still pending. Further comments will be reported in an update.

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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| 1. | The application site lies within an area at high and medium risk from flooding and the proposal fails the Sequential Test and the Exceptions Test as it would not provide wider sustainability benefits to the community that outweigh flood risk and would not be safe for its lifetime taking account of the vulnerability of its users. The proposal is therefore contrary to saved Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and paragraph 103 of the NPPF. |
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2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Diment irrespective of the recommendation due to concerns over bulk, scale and positioning of the development.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 This application comprises of a large plot containing a large two-storey detached dwelling, which is set further back into the plot than the adjacent houses, with a single-storey triple garage and adjoining outbuilding sited to the front of the main house. The site is situated within a residential area which is located in Flood Zone 2 and 3a. The boundary of Maidenhead Settlement cuts across the rear garden of the site, with Green Belt to the west.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
14/00609/FULL	Part two part single storey rear extension with new front porch and associated alterations.	Approved – 07.04.2014
14/03999/FULL	Erection of detached dwelling following demolition of existing garage and annexe and creation of new vehicular access.	Refused – 11.03.2015
93/00857/FULL	Change of use of agricultural land to residential.	Approved – 31.03.1993
93/00854/FULL	Detached single storey building to house swimming pool.	Refused – 28.12.1993
92/00795/FULL	Single storey extension to garage to form garden and pool store.	Approved – 01.04.1992
91/00869/FULL	Pitched tiled roof to existing garage.	Approved – 31.03.1991
87/00874/FULL	Erection of two storey front extension.	Approved – 10.11.1987

- 4.1 The proposal for a new detached dwelling following the subdivision of the existing plot and demolition of the existing garage and annex is the same as the previously refused scheme under 14/03999/FULL, which was refused on the grounds that the proposal is unable to provide a safe escape route that can be used by all future occupiers of the dwelling during a severe flood event. It would therefore increase the number of people and properties at risk from flooding. No appeal was lodged.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 6, 7 and 10

Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Flood Risk	Trees
DG1, H10, H11	P4, T5	F1	N6

Supplementary planning documents

- 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

Other Local Strategies or Publications

- 5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of Development.
- ii Flood Risk.
- iii Character of the Area.
- iv Impact on Neighbours and Future Occupiers.
- v Highway Safety and Parking.
- vi Other Material Considerations.

Principle of Development

6.2 The site is situated within an established residential area within Maidenhead. Development in such areas is acceptable in principle provided that the provisions of the NPPF and Local Plan policies can be satisfied.

Flood Risk

Sequential Test

6.3 The application site is located within Flood Zone 2 (medium probability of flooding) and Flood Zone 3a (high probability of flooding), with the proposed dwelling sited in Flood Zone 2, surrounded by Flood Zone 3a. In accordance with paragraphs 101 to 102 of the NPPF the proposed residential development must successfully pass a flood risk sequential test in order to direct development to the lowest risk areas of flooding first, before land in the medium and high probability of flooding classifications. A sequential test has been submitted by the applicant which uses the most recent version of the Council's SHLAA (January 2014) to identify potential housing sites within the Borough. In relation to size, the assessment has been made on sites which are comparable in area and potential yield (sites listed in Appendix D – Small Sites Under 0.25ha), which is considered acceptable. However, the applicant has discounted a number of sites on the basis that they are unlikely to be available to the applicant. The issue is whether there are other housing sites within the Borough with a lower flood risk that could accommodate the proposed development. The Sequential Test does not specifically require sites to be available to a particular owner/applicant (in accordance with advice set out in the Environment Agency's advice note 'Demonstrating the flood risk Sequential Test for Planning Applications' April 2012) It is considered insufficient evidence has been provided by the applicant to demonstrate that alternative sites are not reasonably available to accommodate this new house in a lower flood risk area. The proposal therefore fails the Sequential Test in this respect.

Exceptions Test

6.4 As it is shown that it is not possible for development to be located in zones with a lower probability of flooding, an Exceptions Test must be applied to demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk and a site-specific Flood Risk Assessment (FRA) must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

- 6.5 The submitted FRA by AA Environmental Ltd dated December 2014 states that the existing ground floor levels of the annexe will be maintained for the new dwelling at 25.43m which is 0.58 metres above the 1 in 100 year (plus climate change) flood level which is acceptable. However, the FRA fails to demonstrate that the development can provide appropriate safe access and egress for future occupants with a 'very low' hazard rating in accordance with FD2320/TR2 and the National Planning Policy Guidance from the development to an area wholly outside of the 1% Annual Exceedance Probability (AEP) plus 20% allowance for climate change flood extent. While the occupants could reach a 'dry island', which comprises of a residential area known as Maidenhead Court located within Flood Zone 1, by following the road southwards for approximately 25m it is considered that given the size and residential nature of the 'dry island' it would be unable to adequately provide essential supplies and facilities i.e. food, drinking water, shelter and medical treatment throughout the duration of a flood event. Consequently it would be likely that emergency services would be called upon to move occupiers, especially those less able. The proposal would therefore increase the number of people at risk from flooding, would result in an unacceptable risk to the health and safety of the occupants during a flood event, and would place an increased burden on the emergency services during a time of flood, contrary to paragraph 103 of the NPPF and Local Plan policy F1.
- 6.6 The applicant considers that the flood risk can be satisfactorily mitigated by the submitted Flood Evacuation Plan and the proposal has been re-submitted on the basis of a number of recent cases where the Council has adopted Flood Evacuation Plans to overcome flood risk. The Council does not normally accept reliance on Flood Evacuation / Management Plans to demonstrate that the development would be safe over its lifetime in the event of the flood as there is no guarantee that people would / could heed warnings to vacate or be aware of the time duration of flooding at the time of any warning. Therefore, it is essential that a safe route of access and egress from the development to an area wholly outside the 1% Annual Exceedance Probability (AEP) plus 20% allowance for climate change flood extent can be provided and maintained during flood events. Each application is considered on its own merits and as with the previous refusal it is considered that there are no specific circumstances or material considerations that would support sole reliance on a Flood Evacuation Plan. No new information or evidence has been submitted with the current application to support a contrary position.
- 6.7 Paragraph 3.5 of the FRA states that any additional development has the capacity to displace flood water in the event of an increase in building footprint and the proposed development would result in an increase over and above the existing situation. In relation to flood compensation comments from the EA are still pending will be reported in an update.
- 6.8 In terms of wider sustainability benefits to the community that outweigh flood risk, it is noted that the development would provide new housing which would be a clear benefit. Notwithstanding this it would not outweigh the significant risk to people during a flood event due to the lack of a safe escape.
- 6.9 Planning history is a material consideration and it is noted that 14/03999/FULL was refused on the lack of a safe escape route, thereby increasing the number of people and properties at risk from flooding. However, based on its own merits for the aforementioned reasons the proposal is considered to fail the Sequential Test and the Exception Test in terms of wide sustainability benefits as well safe access and egress, and therefore contrary to the paragraph 102 of the NPPF and Local Plan policy F1.

Character of the Area

- 6.10 Maidenhead Court Park is an attractive residential area which is characterised by detached dwellings set within relatively modest to large plots with landscaped frontages which gives a spacious, verdant feel. In terms of the style of dwellings there is a mixture of bungalows, two storey dwellings to two and a half storey dwellings ranging from Edwardian style to later twentieth century suburban housing.

- 6.11 The left side of Maidenhead Court Park from No's 3 to 17 is sited approximately in line within one another with the exception of Hedsor Place and Redlands Cottage which are set significantly further back from the road. The new dwelling would be sited fronting Maidenhead Court Park to the front of Hedsor Place and in the gap between no. 9 and no. 13 Maidenhead Court Park, approximately in line with these two adjacent properties. While the proposal would result in a tandem development, due to its siting to the front it is considered that the new house would read as a continuation of the prevailing building line along this section of Maidenhead Court Park and therefore acceptable in this case. Following subdivision, the resultant plot for the existing house at Hedsor Place would still be large in size and comparable with plot within the locality. The plot for the proposed house would be smaller, but the house is not considered to be cramped being offset from the boundaries, with over 150sqm of amenity space to the rear and there would be sufficient space to accommodate soft landscaping along its frontage. If recommended for approval and a landscaping scheme could be secured by condition to mitigate the loss of existing greenery to the front of Hedsor Place and maintain the existing verdant character of the street. The space between the new house and shared flank boundary with no. 9 Maidenhead Court Park would be narrower than the prevailing gaps between buildings along this section of Maidenhead Court Park, but it is considered that the 1.5m gap and hipped roof would maintain the sense of space between buildings and present visual terracing. The scale of the proposal and the lower eaves design is considered to result in dwelling that sits comfortably between both the existing neighbours, which comprises of a two storey and two and half storey dwelling.
- 6.12 In terms of the design of the dwelling, it incorporates similar features to that of Hedsor Place with the roof design and double fronted gables.
- 6.13 For these reasons the proposed dwelling is considered to be of a high quality design that would be in keeping with the character and appearance of the area in accordance with Local Plan Policies DG1, H10 and H11 and the provisions of the NPPF in this respect.

Impact on Neighbouring Amenity and Future Occupiers

- 6.14 The proposed dwelling would be sited approximately in-line with no. 9 and 13 Maidenhead Court Park and would not extend significantly further forwards or rearwards of these adjoining houses. It is therefore not considered to result in a significant loss of light to or visual intrusion when viewed from their rear and front windows or neighbouring gardens. It is noted that no. 9 Maidenhead Court has a number of ground-floor and first-floor side windows on the northwest elevation. On the ground floor there is a window serving a kitchen, but as this kitchen window is north facing and not the only source of natural light or outlook with another kitchen window on the southwest elevation, this relationship is considered acceptable. The remaining ground floor windows serve non-habitable rooms. With regards to the first-floor, the proposal dwelling would not intrude through a 25 degree taken from the mid-point of these side-facing windows and therefore unlikely to result in an undue loss of light or visual overbearing to the detriment of neighbouring amenity. With regards to no. No. 13 Maidenhead Court Park there are no side windows to the main house on the southeast elevation, with only a high level, ground floor window serving the adjoining garage. As this is a non-habitable room, the proposal is not considered to result in undue harm to neighbouring amenity in this respect.
- 6.15 A first floor window is proposed on the southeast elevation of the proposed house which would face no. 9 Maidenhead Court Park. However, this would serve an en-suite and if it had been recommended for approval a condition could be attached to any permission granted to ensure that the window was obscurely glazed and non opening to a level of 1.7m above finished floor level. Windows to the front and rear elevation are not considered to result in an undue loss of privacy which materially differ or add to existing levels of overlooking. Concerns have been raised over loss of privacy from a proposed balcony, but no balcony is shown on the proposed floor plan or elevations (drawing ref: D1418/PL02 B and D1418/PL03 A). A distance of 24 metres would be maintained between Hedsor Place and the proposed dwelling from front to rear which would be considered sufficient to prevent any issues in respect to overlooking and loss of privacy.

- 6.16 The proposed dwelling would be of an appropriate size, there would be sufficient levels of natural light to serve the main living area and an appropriate level of private amenity size. It is considered that the proposed redevelopment would provide a good living environment for future occupiers.
- 6.17 Concerns were also raised over undue levels of smell from the proposal given its proximity to the neighbouring house at no. 9, but given that it is one unit and its residential nature it is not considered that the proposal would generate unreasonable levels of smell or other disturbances such as noise. Overall, the proposal is considered to meet the aims and objectives Core Planning Principle 4 of the NPPF.

Highway Safety and Parking

- 6.18 Maidenhead Court Park is an adopted residential street which is approximately 6.0m wide and subject to a local 30mph speed restriction. There is a 2.2m wide footway adjacent to the proposed access point and a 2.0m wide verge and 1.3m wide footway opposite. The existing dwelling (Hedsor Place) has an in-out drive arrangement. It is proposed to utilise the centrally located access point to serve the new development and construct a new access further to the north in order to serve Hedsor Place. The proposed access to the existing and proposed house would achieve stopping sight distances of 2.4 x 43 metres each way, in compliance with the principles as set out in Manual for Streets, and so there are no objections in terms of visibility. The redundant southernmost access point will need to be stopped up for use by vehicles and the adjoining footway/verge crossover reinstated, which could be secured by condition.
- 6.19 The proposed car parking layout for the proposed house would provide adequate parking and turning facilities for two cars which would meet the Council's adopted Parking Standards for a 3-bed house. In addition, while the proposal involves the loss of garages for Hedsor Place, sufficient parking and turning would be retained for the existing 4-bed dwelling to the front of the house.
- 6.20 The proposed development would result in an increase in 6-12 vehicle movements per day, but would not be substantial enough to have a negative impact on highway safety and the local road network.
- 6.21 Overall, the proposal is considered to meet the aims and objectives of Local Plan policy P4 and T5.

Other Material Considerations

Trees

- 6.22 The proposal would result in the loss of a tree, but it is not protected and is not considered to contribute significantly to visual amenity. As such there are no objections to its loss.

Contaminated Land

- 6.23 The site is located on an old gravel pit however there is no objection to the development subject to a condition if minded to approve in the event that unexpected soil contamination is found after development has begun.

Precedents

- 6.24 Concerns have been raised over the lawful status of the garage and annex and the precedence of build development in this location. Attention has also been drawn by local residents to planning applications within the locality to support their objection. The lawfulness of the garage and annex is a separate issue to this application, and the proposed house is assessed on its own merits against the policies in the Development Plan.

Housing Land Supply

6.25 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.

6.26 It is acknowledged that this scheme would make a contribution to the Borough's housing stock. However, it is the view of the Local Planning Authority that that the socio-economic benefits of the additional dwelling would not be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, in particular flood risk for the reasons in paragraph 6.4 – 6.9.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

7.1 The Council's Community Infrastructure Levy (CIL) document was subject to examination in March of this year. While this development is likely to place additional pressure on local services and infrastructure, the CIL has not yet been adopted, so the development would not be liable for any financial contributions at this time.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

4 occupiers were notified directly of the application. The planning officer posted a statutory notice advertising the application at the site on 2.06.2016.

15 letters were received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. Out of character within the streetscene and wider locality due to the smaller plot size following subdivision, siting inconsistent with the uniform building line / there is no consistent building line and therefore attempts to unify it would be harmful, excessive bulk and poor design of the house, incongruous spacing between building, and lack of front garden with little space for planting contrary to the existing verdant character.	Para. 6.11
2. Overdevelopment of the site resulting in a cramped development. Density is too high and out of keeping with low density locality.	Para. 6.11
3. Increase in flood risk, no safe access or egress.	Para. 6.3 – 6.9
4. Dominant and overbearing, second floor balcony would result in overlook to neighbouring property, smells from new residential property would result in harm to neighbouring amenity.	Para. 6.14 – 6.17
5. Loss of a tree, loss of existing greenery / vegetation to the front of Hedsor Place.	Para. 6.11 and 6.22
6. Sited on an old gravel pit, raising concerns over land contamination.	Para. 6.23
7. Additional drive and insufficient parking, resulting in on-street parking, would be detrimental to character and highway safety.	Para. 6.18 – 6.21
8. Need for housing - local policies should not be disregarded in light of NPPF. Development would not make a significant contribution to housing need. Maidenhead is already building housing to meet	Para. 6.25 – 6.26

	demand.	
9.	Loss of view of Hedsor Place which is an attractive building.	Not a material planning consideration
10.	Precedent for tandem development, planning applications for similar development has been refused.	Each application must be considered on its own merits
11.	Garages and annex are not authorised, and the garage and annex should not set a precedent for build development in this location.	Each application must be considered on its own merits
12	Issues relating to party wall, damage neighbouring properties / foundations.	Not a material planning consideration

Other Consultees

Consultee	Comment	Where in the report this is considered
Maidenhead Civic Society	Harm to streetscene, obscuring view of attractive existing house, break in building line, tandem development.	Para. 6.11 and loss of view to Hedsor Place is not a material planning consideration
Environmental Protection	No objection subject to condition related contaminated remediation in the event that unexpected soil contamination is found after development has begun, and informatives relating to dust and smoke control and hours of construction.	Para. 6.23
Local Highway Authority	<p>No objection subject to the following conditions:</p> <p>5 HA03A (new & altered access to be provided as per approved drawing numbered D1418/PL01)</p> <p>6 HA9A (parking/turning layout as per Drwg. No. D1418/PL01).</p> <p>7 The existing southernmost access point to the site shall be stopped up and abandoned for use by vehicles immediately the new access arrangements being first brought into use. The adjoining footway and verge shall be reinstated.</p> <p>In addition, it is recommended that the following highway informatives be attached to any planning consent:</p> <ul style="list-style-type: none"> <input type="checkbox"/> HI04 (highway licence for new northern access; central access alterations and stopping up of southern access works). <input type="checkbox"/> HI06 (recovery of costs re: any damage caused to footways/verges). <input type="checkbox"/> HI07 (recovery of costs re: any damage caused to the public highway). 	Para. 6.18 – 6.21

9. APPENDICES TO THIS REPORT

- Appendix A - Site Location Plan
- Appendix B - Site Layout
- Appendix C - Proposed Plans and Elevations

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.

10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

1. The application site lies within an area at high and medium risk from flooding and the proposal fails the Sequential Test due to the failure to demonstrate to the satisfaction of the Local Planning Authority that the development could not be located in areas with a lower probability of flooding. The proposal also fails the Exceptions Test as it would not provide wider sustainability benefits to the community that outweigh flood risk and would not be safe for its lifetime taking account of the vulnerability of its users. The proposal is therefore contrary to saved Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and paragraph 103 of the NPPF.