

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

31 August 2016

Item: 2

Application No.:	16/00811/FULL
Location:	Green Trees Widbrook Road Maidenhead SL6 8HS
Proposal:	Erection of 10 x 2 bed and 2 x 1 bed flats with associated vehicular access, car parking, refuse and cycle storage following demolition of existing buildings
Applicant:	Kingsway Homes (Berkshire) Ltd
Agent:	Mr David Howells - DMH Planning
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 site is located within the built up area of Maidenhead wherein the principle of development is acceptable. However, the siting, design, height, scale and bulk of the proposed building would result in the proposal appearing out of scale and as a flatted development which is contrary and harmful to the character and appearance of the streetscene and wider area which comprises of more modest scaled, single-family dwellings.
- 1.2 The proposal also fails the Exception Test as it has not been demonstrated to the satisfaction of the Local Planning Authority that it will lead to wider sustainability benefits to the community that outweigh flood risk nor has it been demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users.
- 1.3 The proposal is not considered unduly harmful to neighbouring amenity or existing trees, and would meet Council standards in relation to highway safety and parking.

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 proposal does not pass the Exception Test as it has not been demonstrated to the satisfaction of the Local Planning Authority that it will lead to wider sustainability benefits to the community that outweigh flood risk nor has it been demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere. The proposal is therefore contrary to the National Planning Policy Framework and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations June 2003). |
| 2. | By reason of its siting, design, height, scale and bulk of the proposed building the proposal would appear out of scale and as a flatted development which is contrary and harmful to the character and appearance of the streetscene and wider area which comprises of more modest scaled, single-family dwellings. The proposal is therefore contrary with the National Planning Policy Framework and policy DG1, H10, H11 of the Adopted Royal Borough of Windsor and Maidenhead Local Plan (Incorporating alterations adopted June 2003). |

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Wilson to review flood issues.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The site comprises of a plot measuring approximately 0.19 hectares on the southern side of Widbrook Road at the junction with Sheephouse Road. Located within the plot is a large detached house, fronting onto Widbrook Road with parking to the front. A wall and railings forms the front (north) boundary with Widbrook Road. A substantial hedge forms the side (east) boundary with Sheephouse Road and the rear (south) boundary with no.70 Sheephouse Road. A wooden fence and vegetation forms the western boundary with Riverdale. The surrounding area is residential in character, mainly comprising of large detached houses. The application site is located approximately 600 metres from the River Thames and located on a dry island surrounded by flood zone 3.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
413782	The erection of a canopy over the front garden path, triple garage with games room over, extension and alteration to the existing garage building to contain indoor swimming pool and the erection of a 6ft high wall on the Widbrook Road frontage.	Approved – 28.04.1982
08/02894/FULL	Trellis type side structure (retrospective)	Approved – 14.01.2009
12/00239/CPD	Certificate of lawfulness to determine whether the development permitted under 413782 has commenced and is lawful	Approved – 15.03.2012

4.1 The proposal is for the erection of 10x2 bed and 2x1 bed flats with associated vehicular access, car parking, refuse and cycling storage following demolition of existing buildings.

4.2 The proposed building is two-storey with accommodation within the roofspace, but varies in height with the main height of the crown roof measuring approximately 9.8m. The building would front onto Widbrook Road with a frontage measuring approximately 24m in width, extending rearwards in steps measuring approximately 10m, 21m and 26m. More than half of the flats will benefit from a balcony, while an area of communal amenity space is proposed around the main building. 22 parking spaces are proposed along the eastern boundary. The cycle and refuse stores are sited within the parking area. The existing vehicular access is proposed to be stopped up with a new access created closer to the eastern boundary with Riversdale, Widbrook Road.

4.3 Amended plans have been received in order to try and overcome concerns on the design and appearance of the proposal. These plans altered the form and design of the proposed building, including the removal of the corner feature. Neighbours have been consulted on these changes and any further comments received will be reported in the panel update.

4.4 It should be noted that the elevations on drawing no. WID/1311_103 A that the 'rear elevation' is the east elevation and the 'side elevation' is the south elevation.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 6, 7, 10 and 11.

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	Trees	Flood Risk
DG1, H10, H11	P4, T5	N6	F1

Supplementary planning documents

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Interpretation of Policy F1

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of Development
- ii Flood Risk
- iii Design and Appearance
- iv Trees
- v Highway Safety and Parking
- vi Residential Amenity
- vii Other material Considerations

Principle of Development

6.2 There is no objection to the loss of the existing dwelling and redevelopment for housing. Concerns have been raised over the density which would be significantly higher than the low density of the surrounding area, but in the context of the stated aim to boost the supply of housing, a key element of national planning policy as set out in paragraph 47 of the NPPF, the proposed density would be a clear benefit of the scheme and may be acceptable provided that there is no undue harm to the character and amenity of the area. Concerns have also been raised over the type of housing with local residents stating that flats are not required to meet housing need; however the most recent Strategic Housing Market Assessment identified that the highest need is for 2 to 3 bed units, which the proposal would meet.

Flood Risk

6.3 It is accepted that the development cannot be located in an area with a lower probability of flooding as the site is located on a 'dry island', thereby passing the Sequential Test which aims to ensure new development is steered to areas with the lowest probability of flooding.

6.4 However, while the site lies within a 'dry island' the 'dry island' is surrounded by flood zone 3. Paragraph 148 of the Council's Strategic Flood Risk Assessment (SFRA) states that 'dry islands' may be surrounded by flood water for a considerable period of time and to ensure that future development within these areas consider the potential risk and danger to residents the SFRA recommends that all 'dry islands' are categorised as falling within the flood zone that encircles it.

This recommendation should be attributed significant weight as the SFRA lies at the core of NPPF decision-making in relation to flood issues (paragraph 100). Therefore the application is treated as being within Flood Zone 3 for planning purposes. As the site is considered to be in Flood Zone 3 for planning purposes, and the proposal is for residential use (more vulnerable), it should only be permitted if the Exception Test is passed.

- 6.5 For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, and a site specific flood risk assessment 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, reduce flood risk overall. Both elements of the test have to be passed for the development to be permitted.
- 6.6 Since the applicant does not consider the Exception Test needs to be passed it has not been demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk nor is it immediately evident what the possible wider sustainability benefits to the community that outweigh flood risk may be arising from the proposed development. In the absence of such evidence the proposal fails the Exception Test in this respect. Furthermore, no flood risk assessment has been submitted to demonstrate that the development will be safe for its lifetime, in particular there is no demonstration that safe access could be provided for the proposed development. Given its location on a 'dry island' the proposal is not considered to unduly compromise flood capacity and there is no direct risk to life or property as a result of water ingress. However, 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 prolonged flood event. Consequently it would be likely that emergency services would be called upon to move occupiers, especially those less able. With the demolition of an existing house and erection of 12 flats the proposal would increase the number of people at risk from flooding and would result in an unacceptable risk to the health and safety of the occupants during a flood event. The NPPG states that the emergency services are unlikely to regard developments that increase the scale of any rescue that might be required as being safe.
- 6.7 The proposal does not pass the Exception Test as it has not been demonstrated that it will lead to wider sustainability benefits to the community that outweighs flood risk. Nor has it been demonstrated that the development would be safe for its lifetime taking account the vulnerability of its users. The proposal would increase the number of people and properties at risk as a safe access and escape route cannot be achieved. The proposal is therefore contrary to paragraph 103 of the NPPF and Local Plan policy F1.

Design and Appearance

- 6.8 The NPPF attaches great importance to the design and states it is proper to promote or reinforce local distinctiveness. Local Plan policy DG1 sets out design guidelines to which the Council will have regard in assessing development proposals. Policy H10 requires new residential development to display high standards of design and landscaping. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area. Widbrook Road is characterised by detached single-family houses with a variation of scale, form and design set in large gardens which results in a spacious, low-density character. The presence of trees and other vegetation in front gardens give the area a verdant and leafy appearance. Sheepphouse Road to the immediate south of Widbrook Road comprises of bungalows. To the north of Widbrook Road, Sheepphouse Road comprises of larger single-family dwellings.
- 6.9 While the existing building is not unattractive, it is not considered to be any particularly architectural merit and unworthy of listing. The building also lies outside a conservation area. As such there is no objection to its demolition. The proposed building would be set further forward than the existing building and the adjacent neighbour at Riverdale, and would be larger and taller than the surrounding houses. Although the building has been designed to break up mass and bulk with stepped heights and elevations, it is considered that the proposal would still appear out of scale in the locality which is characterised by a feeling of spaciousness and more modest

scaled buildings. The incongruity is reinforced by its design. The building would contain dwellings on 3 levels with accommodation in the roof space. The amount and placement of fenestration, the front and rear dormers, the crown roofs and the front and rear balconies are considered to result in the appearance of a flatted development rather than a single-family dwelling house which forms the prevailing character of the wider area. This would be compounded by the extensive car parking area to the east of the site.

- 6.10 Located on a corner plot, the proposal is also considered to be visually prominent being visible from both Widbrook Road and Sheepphouse Road, which is considered to exacerbate the visual harm. It is noted that the existing conifers on the western boundary with Sheepphouse Road, which currently provides extensive screening of the existing property from Sheepphouse Road will be reduced in height by 4m to a height of no less than 4m and there are also concerns over the long-term retention of the hedge (see paragraph 6.13 of this report). In relation to Widbrook Road, the proposal would be visible along the main frontage in addition to views from the east, Due to a gap measuring some 18m wide between the east elevation of the proposed building and the side boundary of Riverdale, this opens up views of the 21m rearward projection of the east elevation. The submitted Arboricultural Implications Assessment (AIA) and Method Statement (AMS) indicate that the existing trees on the eastern boundary with Riverdale will be removed; removing a significant amount of what existing screening there is on the eastern boundary of the site. As such it is considered that screening from boundary treatment, which is argued to mitigate the visual impact of the proposal, is uncertain to remain while the building will be more permanent. Paragraphs 5.17 of the Design and Access Statement states that this area would be planted however no details of the proposed new planting have been provided.
- 6.11 It is accepted that the proposed development would be a more efficient use of previously developed land, but for the above reasons would unduly compromise the visual quality of the streetscene and wider area. For these reasons it is considered that the proposal would conflict with the NPPF and Local Plan policies DG1, H10 and H11.

Trees

- 6.12 A new bin store, driveway and car barn are shown to be constructed within the root protection area of the 'A' category Scots Pine (T8), which is of high quality and value located within the neighbouring site at Riverdale. The applicant proposes a "no dig" method for construction and has provided an indicative design. This is considered satisfactory and if recommended for approval could be secured by condition.
- 6.13 The conifer hedge on the western boundary with Sheepphouse Road and southern boundary with no. 70 Sheepphouse Road would be reduced in height by approximately half. While a hardy species it is considered that the proposed reduction to approximately 4m would reduce its visual amenity and compromise its health. It is also noted that the British Research Establishment (BRE) Guide for Hedge Height and Light Loss advises that the hedge on the southern boundary would need to be reduced to a height of between 2-3m to avoid causing significant loss of daylight and sunlight to units 3 and 8 in the new development. It is therefore likely that the hedge may be reduced in height even further in the interest of residential amenity. The conifer hedges on the southern and western boundaries extend into the garden of Green Trees by up to 5m and there are concerns that given the limited space between the hedge and proposed building there would be additional pressure to reduce the width in addition to the height to accommodate construction and improve amenity space. This would further reduce its visual amenity and health. While the loss of the hedge would not warrant refusal in itself it is considered that the longevity of the hedge along the western and southern boundary cannot be guaranteed as part of the proposed development and therefore cannot be taken as a mitigating factor in relation to visual amenity or neighbouring amenity.

Highway Safety and Parking

- 6.14 Local Plan policy T5 requires all development proposals to comply with the Council's adopted highway design standards. Widbrook Road is subject to a 30mph speed limit which requires visibility splays of 2.4m x 43m to the left and right, which is considered to be achievable from the proposed access. If recommended for approval a plan should be submitted illustrating the required visibility splays at the proposed vehicular access, and retention of such splays. Due to

the increase in vehicular activity a visibility splay survey was also carried out by the Local Highway Authority on the junction with Sheephouse Road and A4094 (Lower Cookham Road). The junction with Sheephouse Road can provide splays of 2.4m x 38m to the right (first line of approach) by 2.4m x 43m to the left. The junction with the A4094 can provide visibility splays of 2.4m x 95m to the left by 2.4m x 74m to the right with some slight obstruction from the row of trees on entry. These splays are acceptable in relation to highway safety and it should be noted that within the last 10 years there have been no reported injury accidents at either junction with Sheephouse Road and A4094.

- 6.15 A new set of gates are proposed, which should be set back a distance of 7.0m from the edge of the carriageway or 5.0m from the back edge of the verge to allow for a vehicle to safely stop off the highway before these gates are opened and closed. It is recommended for approval this can be secured by condition.
- 6.16 Local Plan policy P4 requires parking provision to accord with Council adopted parking standards. Concerns have been raised by local residents over insufficient parking provision. Drawing number WID/1311 101 illustrates 22 proposed car parking spaces which complies with the requirement for 2 designated car parking spaces for each 2-bed unit and 1 designated car parking space for each 1-bed unit. 3 parking spaces along the western side of the parking area do not meet adopted standards in terms of dimensions and would need to be increased in width as they are bounded by hedging, but it is considered that there is sufficient space for the required increase and if recommended for approval an acceptable parking layout can be secured by condition. No visitor parking spaces have been provided, but the provision of dedicated visitor parking is not normally required for residential developments such as this. The turning and manoeuvrability has been provided in front of each car parking space which will allow a vehicle to enter and exit the site in forward gear. As such, the proposal is not considered to warrant refusal on parking grounds.
- 6.17 It is estimated the development as a whole has the potential to generate 44 to 88 vehicle movements per day. While this is an increase, the resultant traffic is not considered to be unduly detrimental to the local highway infrastructure, traffic flow or highway safety.

Residential Amenity

- 6.18 Core Principle 4 requires new development to secure good amenity for all, Local Plan policy H11 states that planning permission will not be granted for schemes which would cause damage to the amenity of the area. The road separates the site from properties to the north of Widbrook Road and to the west of Sheephouse Road, with a separation distance of over 35m and 25m between the buildings respectively. At this distance the proposal is not considered to result in any undue visual intrusion, loss of light or privacy to these properties. It is considered that the most affected properties would be Riverdale to the east and no. 70 Sheephouse Road to the south.
- 6.19 The proposal would be sited approximately 18m from the side boundary with Riverdale, the adjacent property to the east. This separation distance is considered to be sufficient to mitigate any unreasonable visual intrusion, loss of light and loss of privacy to this neighbouring property. It is noted that an area of parking is proposed along the shared boundary, but the resultant vehicle movements is not considered to result in a materially harmful level of noise and disturbance to justify refusal.
- 6.20 First floor windows are proposed on the south elevation at a distance of approximately 5-6m, which would be closer to the shared boundary with no.70 Sheephouse Road than the existing house which is sited approximately 15-19m away. However, these windows face the side elevation/roof slope no. 70 Sheephouse rather than private amenity space and so it is not considered that there would be a significant loss of perceived or actual privacy in this respect. A first floor balcony is also proposed on the east elevation, close to the shared boundary with no. 70 Sheephouse Road. However, it is accepted that a privacy screen would screen any oblique views into this neighbouring site and if recommended for approval, this could be secured by condition. Given the stepped elevation, which reduces mass and bulk along the boundary with no. 70 Sheephouse Road the proposal is not considered to result in undue visual intrusion or loss of light to this neighbouring house.

- 6.21 While there would be an increase in intensity and therefore activity of the site, due to the residential use proposed it is not considered to result in an unreasonable increase in noise and disturbance that would be materially harmful to neighbouring amenity.
- 6.22 All future residents will have good sized accommodation and will receive adequate levels of light to, and an acceptable outlook from, habitable rooms. It is considered that amenity space is somewhat limited in size, but given its proximity to Widbrook Common and 7 of the flats would have access to private balconies, this is considered acceptable.

Other Material Considerations

Housing Land Supply

- 6.23 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. However, 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.

Sustainable Drainage

- 6.24 A surface water strategy has been submitted which indicates that surface water drainage would be effective subject to infiltration tests that confirm similar results to the surrounding area. Details and implementation of an acceptable scheme as well as maintenance can be conditioned.

7. Community Infrastructure Levy (CIL)

- 7.1 From the 1st September 2016 RBWM will be implementing CIL. As this decision will be issued on or after the 1st September 2016 and proposes a new residential development, it would be liable for a CIL contribution should the application be approved.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

7 occupiers were notified directly of the application. The planning officer posted a statutory notice advertising the application at the site on 30 March 2016.

32 letters including 1 letter on behalf of 5 properties and Maidenhead Civic Society were received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. A 3-storey flatted development is out of keeping with two-storey houses which characterised the locality.	Para. 6.2, 6.9
2. The siting closer to the road, excessive scale, form and massing, and increase density results in a visually intrusive and cramped development which is and out-of-keeping with the area	Para. 6.2, 6.9
3. Loss of existing house which is of architectural merit which should be retained	Para. 6.9
4. Increase in flooding with increase in footprint, hardstanding and pressure on local drain capacity	Para. 6.6, 6.24

3.	Loss and/or harm to the existing trees/hedge within the site and/or along the boundary	Para. 6.12, 6.13
4.	Insufficient parking leading to on-street parking to the detriment of traffic flow and highway safety	Para. 6.16
5	Insufficient visibility from access and increase in traffic as a result of the proposal, which would be harmful to highway safety	Para. 6.14, 6.17
6	Loss of privacy to neighbouring sites, in particular from first floor windows and balconies. Trees and fencing do not provide permanent screening	Para. 6.19, 6.20
7	Noise and disturbance from increase in density / intensity of use	Para. 6.19, 6.21
8	Communal amenity space is of poor quality given its lack of privacy and overshadowing from hedge/trees and buildings	Para. 6.22
9	Does not contribute to the type of housing the Borough needs i.e. family houses	Para. 6.2

Other Consultees

Consultee	Comment	Where in the report this is considered
Local Lead Flood Authority	The submitted surface water strategy is considered acceptable subject to clarification on who will be undertaking the maintenance of the surface water drainage features.	Para. 6.24
Environmental Protection	No objection subject to informatives relating to dust control, smoke control and hours of construction.	Noted and agreed.
Local Highway Authority	No objection subject to conditions on provision of an acceptable parking layout, provision of cycle store, visibility splays, setback of any gates and construction management plan.	Para. 6.14 - 6.17
Trees	<p>Comments are provided on the Arboriculture Implications Assessment (AIA) and Method Statement (AMS) dated 28/04/2016, ref: SH20371aia-ams and the Tree Protection Plan (TPP) SH20371-03 dated April 2016.</p> <p>No dig method to construct the bin stores, driveway and car barn within the root protection area of T8 at Riverdale is appropriate and could be secured by condition.</p> <p>Reduction in height of the G2 and G4 to less than 4m is likely to have a significant detrimental impact on the health and appearance of these conifer hedges. The conifer hedges also extend into the garden of Green Trees by up to 5m. Due to the extensive proposed works, possible pressure for future works and impact on amenity it may be necessary for these hedges to be removed or significantly cut back. The retention may not be possible and cannot be guaranteed as part of the proposed development.</p> <p>Information provided suggest that existing trees on the eastern boundary G5 will be removed with new planting proposed. No details of new planting have been</p>	Para. 6.12 – 6.13

	<p>provided. If new trees and hedges are proposed then the planting area would need to be extended to enable the maintenance of any planting and prevent damage being caused to adjacent structures.</p> <p>If approved, recommends conditions on details and implementation of tree protection, tree retention and replacement and landscaping scheme.</p>	
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9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B - Plan and elevation drawings

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

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 NPFF.

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

10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal does not pass the Exception Test as it has not been demonstrated to the satisfaction of the Local Planning Authority that it will lead to wider sustainability benefits to the community that outweigh flood risk nor has it been demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere. The proposal is therefore contrary to the National Planning Policy Framework and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations June 2003).
- 2 By reason of its siting, design, height, scale and bulk of the proposed building the proposal would appear out of scale and as a flatted development which is contrary and harmful to the character and appearance of the streetscene and wider area which comprises of more modest scaled, single-family dwellings. The proposal is therefore contrary with the National Planning Policy Framework and policy DG1, H10, H11 of the Adopted Royal Borough of Windsor and Maidenhead Local Plan (Incorporating alterations adopted June 2003).