

WINDSOR DEVELOPMENT CONTROL PANEL

15 April 2009

Item: 7

Application No.:	09/00510/FULL
Location:	The Green Man 28 Station Road Wraysbury Staines TW19 5NE
Proposal:	Construction of two 5-bedroom detached dwellings with single integral garages, following demolition of existing
Applicant:	Mr Williams
Agent:	4th Dimension Architectural Design (FAO: Mr R Hart)
Parish/Ward:	Wraysbury Parish
If you have a question about this report, please contact: on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk	

1 SUMMARY

- 1.1** Planning permission is sought for two detached, 5-bedroom houses with single integral garages following the demolition of The Green Man, at 28 Station Road Wraysbury. The site is on a dry island in the flood plain. This application has been submitted following the refusal of the previous application ref. 08/01480 which related to 1) the introduction of an additional dwelling in the flood plain and the lack of a safe means of escape to an area completely outside of the flood plain; 2) the width of the houses and the lack of space between the rear corners of the new houses and the side boundaries giving rise to a cramped appearance in the street scene; and 3) the absence of a Unilateral Undertaking to secure the necessary developer contributions.
- 1.2** The only difference between the current application and the previous refusal is the alignment of the proposed houses to achieve a slightly larger gap between the houses and the side boundaries. The design of the houses and the access arrangements remain substantially the same. The applicant has resubmitted the same Flood Risk Assessment as for the previous application. It is considered that this current application does not overcome the previous reasons for refusal (no.s 1 and 2). A satisfactory Unilateral Undertaking to secure the necessary developer contributions has also yet to be completed.

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

1	Flooding: the submitted FRA does not demonstrate that there is a safe means of escape to an area completely outside of the floodplain. Sequential test has not been followed.
2	The proposed development by reason of a lack of space between the new houses and the side boundaries would appear cramped in the street scene.
3	The absence of a satisfactory Unilateral Undertaking to secure the necessary developer contributions (should that not have been completed at the time of the Panel meeting).

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Lenton if the recommendation is for refusal as The Green Man is possibly the ugliest building in Wraysbury and its replacement is long overdue. Previous objections from the Environment Agency, that the occupants of the new houses would be at risk of not being flooded, lack credibility. The pavement in front of the present building is too narrow at present. The proposal would improve road safety.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1** The site lies on the south side of Station Road, Wraysbury and the former pub is now occupied as a single dwelling. The pub building itself is 2 storey and to the side are outbuildings and a garage. On either side of the application site are two storey houses consisting of a terrace of 3 houses (nos. 34, 32 and 30) and large a detached house (no. 28). Immediately to the rear of the application site is no. 9 Bowry Drive (a detached 2 storey house).
- 3.2** The site is excluded from the Green Belt, although land on the opposite side of Station Road does lie within the Green Belt. The application site lies on a dry island that is surrounded by Flood Zone 3 (High Risk).

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

98/77337	Erection of 2 detached houses and garages following demolition of existing.	Allowed on appeal 15 th December 1999
04/85113/ OUT	Outline application for 2 detached houses following demolition of the existing.	Granted permission 7 th May 2004
07/00791	Construction of 2 detached 5-bedroom dwellings with habitable accommodation in the roofspace, following demolition of existing.	Refused 17 th May 2007
08/01480	Construction of 2 detached 5-bedroom dwellings with single garages, following demolition of existing.	Refused 7 th August 2008 (see para. 6.2 below)

- 4.1** This application is a full application for 2 x 5-bedroom houses with integral single garages and with the fifth bedroom, bathroom and separate dressing room in the roof space. The front elevation of each house would have two roof lights and rear elevation 3 roof lights. Both houses are the same design and layout, albeit handed.
- 4.2** The overall height of each house would be 10 metres to the ridge and approximately 5.5 metres to the eaves. In terms of overall width and depth the houses measure approximately 10m.
- 4.3** The separation gap between the new houses at the front corners would be 2 metres, and 1 metre at the rear corners. The proposed house on Plot 1 (nearest to neighbouring no. 30) would be approximately 2.8 metres from the side boundary at the front corner and approximately 0.7 metre from the side boundary at the rear corner. The proposed house on Plot 2 (nearest to neighbouring no. 26) would be approximately 0.6 metres from the side boundary at the rear corner, and approximately 1.6 metres from the side boundary at the front corner. Each of the new houses would have an external chimney on the outer side wall, which would come approximately 0.8 metres from the side boundary with no. 30 and 0.4 metres from the side boundary with no. 26.
- 4.4** The current application is very similar to the previous application 08/01480, the only significant difference being the alignment of the two new houses. The previous application showed the two new houses parallel with each other and in this current application the two houses are angled slightly away from each other and provides a larger gap between the new houses at the front corners than at the rear corners.

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Local Area Agreement

- 5.1** The recommendation would contribute to the achievement of these selected priorities of the Council and its partners:

More information on these priorities can be found at:
http://www.rbwm.gov.uk/web/partnerships_laa.htm

Berkshire Structure Plan and Royal Borough Local Plan

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

	Within settlement area	High risk of flooding
	✓	✓
Structure Plan	DP5	-
Local Plan	DG1, H10, H11, H14	F1

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

- Planning Obligations and Developer Contributions
- Interpretation of Policy F1 – Areas liable to flooding
- Interpretation of Policies R2 to R6 – Public Open Space provision

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 using link at paragraph 5.4
- RBWM Strategic Flood Risk Assessment – view using link at paragraph 5.4

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i the impact on the flooding interests in the area;
- ii the impact on the character and appearance of the street scene; and
- iii the impact on the amenities of neighbours.

Impact on the flood plain

6.2 The most recent previous application ref. 08/01480 was refused for the following reasons:

'The proposed development would introduce additional residents into an area at risk of flooding. The site lies on a dry island within the modelled 1 in 100 year floodplain and although the site itself would not be inundated during such a flooding event, the area around this site would be flooded. During a flood, residents trying to leave the site would be at considerable danger from the floodwater, and the journey to a safe, dry area completely outside the floodplain would involve crossing area of potentially fast flowing floodwater. The Flood Risk Assessment does not demonstrate that a safe route of access and egress can be achieved up to and including the 1 in 100 year plus 20% climate change flood event. The application therefore fails the sequential test and has not passed the exception test as set out at Annex D of Planning Policy Statement 25: Development and Flood Risk (2006) and is contrary to Policy EN6 of the Berkshire Structure Plan 2001-2016 (Adopted in July 2005) and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003).'

'The proposed development, by reason of the width of the buildings and their very close proximity of the rear corners of the two new houses to the side boundaries of the application site, would appear unduly cramped on the site and would be detrimental to the visual amenities of the street scene. As such the proposal is contrary to Policies DG1, H10 and H11 of the Local Plan.'

'The proposal fails to make provision for off-site infrastructure and amenity improvements directly related to the development in accordance with the Council's adopted Supplementary Planning Documents on Infrastructure and Amenity Requirements and Public Open Space. Accordingly, the proposal fails to comply with Policies IMP1, T6 and R3 of the Local Plan and Policies H3 and DP4 of the Structure Plan.'

- 6.3** The applicants submitted a Flood Risk Assessment (FRA) with 08/01480 and it is noted that they have resubmitted the same FRA (with an updated block plan and floor plans to correspond with the slightly revised layout) with this current application. The application site lies on a dry island that is completely surrounded by land liable to flooding (Flood Zone 3 – High Risk). On the previous application the Environment Agency raised an objection to the proposal on the basis that the applicant had not demonstrated that there is a dry means of escape to an area totally outside of the area liable to flood. The Environment Agency also commented on the previous application that, in line with advice given in PPS25 Development and Flood Risk, a sequential test and exception test should be applied as new residential development is classed as 'more vulnerable' development. Therefore, although the houses may not be at risk of being directly inundated by floodwater, the applicants have not demonstrated that the future occupants of the houses could safely evacuate the houses and get to an area that is totally outside of Flood Zone 3.
- 6.4** The Design and Access Statement submitted with the current application advises that the gross floor area of the existing public house is 153.82 square metres and the outbuildings, which include a garage, storeroom and old gents WC are 39.62 sq metres. The applicant also advises that the total area of the existing foot print amounts to 193.44 sq metres. The ground floor area of one of the new dwellings would be approximately 96.3 sq metres each (a total of 192.6 for the 2 properties). The FRA submitted with the previous application and the current application advises that main part of the development is located outside of Flood Zone 3. The applicant's consultant advises that the footprint of the existing building located within Flood Zone 3 is approximately 90 sq metres with that of the proposed being 23 sq metres. The consultant puts forward that the proposed development would therefore increase the storage capacity of the flood plain. The drawings on the current application show that the ground floor level of the building would be set at or above the 1:100 flood levels and with a 300mm freeboard (i.e. at 17.79m AOD) in line with the EA advice.
- 6.5** In determining the application 98/77337, the appeal Inspector imposed a condition to limit the foot prints of the dwellings and garages to 132 sq metres total (i.e. 66 sq metres each). When determining that appeal it was accepted that the existing structures/buildings at the site covered over 210 sq metres. It is considered that on the basis of a reduction in the overall building foot print at the site, and the resultant benefits in terms of flood storage capacity, the Inspector considered that the additional burden on emergency services as a result of the additional proposed dwelling would be minimal.
- 6.6** Outline application ref. 04/85113 proposed 2 dwellings each with a footprint of 78.12 sq metres. In the Officer report on this application it advises that the existing property and garages covers an area of just over 156 sq metres and it is was considered that the total footprint of the two houses should not exceed 157 sq metres. Condition 5 of 04/85113 states that the gross foot prints of the proposed dwellings and garages measured to the external walls shall not exceed 157 sq metres. The reason for imposing this condition was in the interests of the amenities of the neighbouring properties and the character of the surrounding area.
- 6.7** Application ref. 07/00791 proposed two houses of the same footprint as currently proposed, although the application site area had been increased slightly from the previous applications. One of the reasons for refusal was on the basis that the applicant had not submitted an FRA with the application and as the site lies within an area at high risk of flooding, such that an assessment

was considered essential to the proper consideration of the application and its risks and impacts in relation to the flood plain. The 2007 application was assessed in terms of PPS 25 Development and Flood Risk that was published in 2006 and when the 2007 application was submitted the previous Outline permission ref. 04/85113 had lapsed.

- 6.8** Notwithstanding the previous approvals on this site in 1999 and 2005, it is considered that in the absence of a FRA that demonstrates that there is a safe means of escape to an area completely outside of the flood plain and in the absence of the sequential test having been passed, an objection on flooding grounds ought still to remain in determining the current application.

Impact on the street scene

- 6.9** It is considered that by siting the houses as is now proposed, so as to increase the gap between the houses and side boundaries, would not overcome the reason for refusal of application ref. 08/01480. On the application drawings submitted with 07/00791 the width of the site is wider than the actual width of the site shown on 08/01480 and in the current application. It is considered that with a separation gap of 1 metre between the flank walls of the new houses (at the rear corners) and separation gaps of less than a metre between the rear corners of the new houses and the side boundaries, the development would look cramped on the site and detrimental to the visual amenities of the street scene. The reason for refusal (Reason 2) on 08/01480 states: *'The proposed development, by reason of the width of the buildings and their very close proximity of the rear corners of the two new houses to the side boundaries of the application site, would appear unduly cramped on the site and would be detrimental to the visual amenities of the street scene. As such the proposal is contrary to Policies DG1, H10 and H11 of the Local Plan.'*
- 6.10** It is considered that with this application the lack of separation between the 2 new houses as well as the lack of separation from the side boundaries is problematic. In order to overcome the reason for refusal on 08/01480 and the objection to the current application the overall width of the houses would need to be reduced. The proposed houses are wide (at 10 metres) and tall (at 10 metres to the ridge) and it is therefore important that adequate space is afforded between the new houses themselves and between the houses and the side boundaries.

Impact on neighbours

- 6.11** The windows in the loft area space appear to high level and should therefore not give rise to direct overlooking. The relationship between the new houses and the houses on either side is considered acceptable. No. 26 is at least 4 metres from the side boundary and there are no habitable rooms windows in the side elevation facing the application site. The side wall of no. 30 is also blank.
- 6.12** The relative positions of the new houses to the rear boundaries and the houses to the rear (no.s 9 and 7 Bowry Drive) are the same as that previously proposed under 07/00791 and 08/01480. It should be noted that although these applications were refused they were not refused on the basis of the relationship with the properties to the rear. At the closest points the houses on Plots 1 and 2 would be approximately 8 metres to the rear boundary of no. 9 Bowry Drive. In terms of back-to-back distances the separation between the rear elevations of the new houses and the first floor rear elevations of no. 9 is approximately 27.5 metres, which is a similar distance as the existing house at no. 26 and no. 7 Bowry Drive. It is considered that the proposed new houses would not adversely affect the amenities of neighbouring properties.

Other Material Considerations

- 6.13** The Highway Officer has been consulted on the application and any response will be reported as an Update to the Panel. It is however noted in the meantime that no objection was raised to the previous scheme which is similar to the current scheme.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

7.1 This development would place additional pressure on local services and infrastructure. The Council requires local services and infrastructure to be improved alongside development and to be funded by the developer in accordance with its Supplementary Planning Documents setting out the relevant costs (see paragraph 5.4). In this case these improvements can be secured through an undertaking under S106 of the 1990 Planning Act completed before planning permission is granted. Details of the funding and projects will be provided in the Update to the Panel.

Allotments	TBA	£60
Biodiversity	TBA	£38
Community Facilities	TBA	£580
Education	TBA	£11,571.70
Indoor Sport	TBA	£1,429
Libraries	TBA	£595
Public Art and Heritage	TBA	£1,170
Public Open Space	TBA	£7,441
Public transport and Highways	TBA	£4,465
Total		£25,920.70 (max)

No receipt of a satisfactory Unilateral to secure these developer contributions would constitute a further reason for refusal.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

6 occupiers were notified directly of the application.

The application was advertised in the Maidenhead Advertiser/Windsor, Slough and Eton Express.

No letters were received supporting the application, summarised as:

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

Comment		Where in the report this is considered
1.	Loss of privacy to no. 9	Para. 6.12
2.	Increased noise to no. 9	Para. 6.12
3.	Lack of parking	Para. 6.13
4.	Dangerous highway situation	Para. 6.13

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Officer	Any comments will be report in the update to the panel	

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Wraysbury Parish Council	Any comments will be reported in the Update to the Panel.	

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Site layout plan ref. 5492/07B

10. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal would introduce additional residents into an area that is at risk of flooding in which the site lies on a dry island within the modelled 1 in 100 year flood plain and, although the site itself would not be inundated during such a flooding event, the area around this site would be flooded. During a flood event residents trying to leave the site would be at considerable danger from the flood water with the journey to a safe, dry area completely outside of the floodplain would involve crossing an area of potentially fast flowing flood water. The application fails the sequential test and has not passed the exception test as set out at Annex D of Planning Policy Statement 25: Development and Flood Risk (2006) and is contrary to Policy EN6 of the Berkshire Structure Plan 2001-2016 (Adopted in July 2005) and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003). The submitted Flood Risk Assessment does not demonstrate that a safe route of can be achieved up to and including the 1 in 100 year plus 20% climate change flood event.
- 2 The proposed development, by reason of the width of the buildings, the very close siting of the new houses to each other, and the very close proximity of the rear corners of the two new houses to the side boundaries of the application site, would result in a development that would appear unduly cramped on the site that would be detrimental to the visual amenities of the street scene. As such the proposal is contrary to Policies DG1, H10 and H11 of the Local Plan.