

## MAIDENHEAD DEVELOPMENT CONTROL PANEL

19 August 2009

Item: 10

<b>Application No.:</b>	09/01437/FULL
<b>Location:</b>	Land Rear Of 69 To 79 Alwyn Road Alwyn Road Maidenhead
<b>Proposal:</b>	Erection of 6 x 3 bed houses and 1 x 4 bed house
<b>Applicant:</b>	Michael Shanly Homes Limited
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Pinkneys Green Ward

**If you have a question about this report, please contact:** Alistair De Joux on 01628 685694 or at [alistair.dejoux@rbwm.gov.uk](mailto:alistair.dejoux@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 This application is a resubmission of an application that was considered at Panel on April 1<sup>st</sup> this year. The application was refused for reasons of increased traffic problems and failure to provide for infrastructure and amenities that would be required as a result of the development. The refused application is now subject to an appeal, and following advice from the Council's Highways DC Officer, the Panel resolved to withdraw the first reason for refusal. The appeal is therefore being contested solely on the basis of the second reason for refusal only.
- 1.2 Eight separate unilateral undertakings have been submitted, seven covering individual service areas and the eighth covering four service areas for which relatively small financial contributions have been requested. The applicant states that "Their general form and approach is based on the Council's template and is identical to those tabled in a recent hearing...They were acceptable to the Council then".
- 1.3 The proposal is for seven new dwellings consisting of one terrace of three houses and two semi-detached pairs on an extension to St Paul's Gardens, utilising back garden land at the rear of properties on Alwyn Road. Subject to appropriate conditions, the proposal is considered to result in an acceptable layout and design of individual buildings and acceptable impacts on neighbouring occupiers.

**It is recommended the Panel authorises the Head of Planning & Development:**

**To grant planning permission on the satisfactory completion of an undertaking to secure the infrastructure in Section 7 of this report and with the conditions listed in Section 10 of this report.**

**To refuse planning permission if an undertaking to secure the infrastructure in Section 7 of this report has not been satisfactorily completed by 28 August 2009 for the reason that the proposed development would not be accompanied by associated infrastructure improvements.**

### 2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is formed from parts of the rear gardens of 69-79 Alwyn Road (odd numbers), which ranged from 50 to 70 metres in length prior to their being assembled for the purposes of the proposed development. In addition to numbers 69-79, the side boundaries are

shared with 65 and 67 Alwyn Road, with 7-23 Highfield Road (odd number range) and with two of the recently built houses in St Paul's Gardens.

- 3.2 The site is accessed from St Marks Crescent via St Paul's Gardens, which was developed by the current applicant. The planning history for that development is included in the next section of this report.

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

09/00136/FULL Construction of 7 dwellings (6 x 3-bed and 1 x 4- bed) with access from St Paul's Gardens Refused, 9 April 2009.  
 09/60064/REF Appeal against the Council's refusal of This is a current appeal.  
 09/00136/FULL A hearing is scheduled for 9 September 2009.

- 4.1 In addition to the above planning activity at this application site, the history of the adjoining land to the south, which now forms St Pauls Gardens, is also relevant. This development consists of 10 x 3 bed and 2 x 4 bed houses. They were developed following an outline planning application that was refused by the Council but allowed on appeal (ref: 05/02328/OUT), and the subsequent reserved matters application that was permitted on 10 July 2007 (ref: 07/00804/REM). The resulting development has now been completed, and the houses are occupied.
- 4.2 The current proposal would be accessed from St. Mark's Crescent via St Paul's Gardens. The northern end of this road branches to the left and right, with houses arranged along its eastern and northern sides. Those on the north side of the 'hammerhead' cul-de-sac are roughly parallel to the existing houses on Alwyn Road, and it is intended to continue this row of houses with the additional seven subject to this application. Six of the seven would provide three-bedroom accommodation, while the easternmost of the group would have four bedrooms.
- 4.3 The proposed houses would be similar in many respects to those already built in St Paul's Gardens, although as they would lack the first floor bay windows that constitute a prominent and attractive feature of those properties the proposed houses would be rather plainer in style.

#### 5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

##### National Indicators

- 5.1 The recommendation would contribute to the achievement of these relevant national indicators:

NI 154	Number of new homes delivered	✓
NI 175	Access to services and facilities by public transport, walking and cycling	✓

##### South East Plan

- 5.2 The main strategic planning considerations applying to the site and the associated policies are contained in the Housing Chapter. SEP policy H5 seeks to promote high quality design, efficient use of land, and more sustainable patterns of development and services. The policy also gives an overall regional density target of 40 dwellings per hectare over the whole Plan period (2006-2026).

##### Royal Borough Local Plan

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

	Within settlement area
	✓
Local Plan	DG1, H10, H11

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

- Planning Obligations and Developer Contributions
- Interpretation of Policies R2 to R6 - Public Open Space provision

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

5.5 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy
- Sustainable Design and Construction SPD

### **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i appropriateness of the density and sustainability of the development proposed in this location;
- ii layout and siting;
- iii possible effects on the living conditions of neighbouring and future occupiers of the development;
- iv detailed design of proposed dwellings and landscaping; and
- v adequacy of the access and parking arrangements proposed.

#### **Density and sustainability of the location**

6.2 The application would result in a density of approximately 35 dwellings to the hectare (d.p.h) as compared to 31 d.p.h for the area already developed as St Paul's Gardens and 17 d.p.h for 69-79 Alwyn Road including the land that would be included in this development. This is within the range of 30 to 50 d.p.h suggested as appropriate by PPS3, although a little lower than the South East Plan target. Given that the proposal does not include flats, this is in principle considered to be an acceptable density in this location that would result in the efficient use of the available land.

6.3 The site is in a reasonably accessible and sustainable location. Maidenhead Station is a little over 2 km. away, with the full range of town centre facilities similarly distant. There are a number of local shops on Farm Road and closer at hand on St. Mark's Crescent with some potential for convenience shopping. This is therefore a sustainable location for additional residential development.

#### **Layout and siting**

6.4 The configuration of the development derives directly from the shape of the assembled site and the means of access that is provided by St Paul's Gardens. Within the site, the arrangement of houses continues this pattern of development to the east of the existing hammerhead cul-de-sac. Overall, this is a logical arrangement. However, its acceptability must be determined also in respect to the relationships that would result with surrounding development, which should be assessed with particular regard to separation distances from the existing nearby houses.

#### **Impact on living conditions**

6.5 Rear-to-rear distances from the adjacent houses on Alwyn Road would be a minimum of 23 metres, which would provide an acceptable standard of privacy. The subdivided properties on

Alwyn Road that have contributed land to the proposed development would retain rear gardens ranging from 11.5 to 16.5 metres in length, while for the new properties the corresponding lengths would be 11 to 13.5 metres. These garden lengths and distances to rear boundaries are considered sufficient to provide a reasonable standard of privacy for both existing and future occupiers within their rear gardens.

- 6.6 Distances to the rear of adjacent properties on Highfield Road are much longer, being a minimum of 40 metres between facing rear windows and with any views being oblique, and a minimum distance 15 metres from front windows in the closest of the proposed dwellings to rear boundaries of the adjacent Highfield Road properties. This would provide an acceptable standard of privacy that could be further reinforced by appropriate tree planting. The Council's Tree Officer has recommended incorporation of some larger growing species within the development, and this is discussed further below in relation to landscaping (paragraphs 6.13 - 6.14).
- 6.7 Within St Paul's Gardens, the property immediately adjacent to Plot 1 would be located in close proximity to the new end-of-terrace dwelling, where at present it is located adjacent to rear garden land. The two dwellings would be separated by about 2.0 metres towards their front building lines, widening a little to the rear. This is similar to the separation between other properties in St Paul's Gardens that have adjacent two-storey flank walls. No habitable room windows are located within the flank wall, and it is considered therefore that no unacceptable impacts would result for the occupiers of this property.
- 6.8 Overall, it is considered that the scale of any impacts on surrounding or future occupiers would be limited to levels that are acceptable in and appropriate to a developed suburban location.

#### **Detailed design of proposed dwellings and landscaping**

- 6.9 The proposed houses are of a generally similar style to those in St Paul's Gardens, with features that would be repeated across the line of houses. Plot 7 would incorporate the additional feature of an integral garage with a bedroom above it, which being set back from the main front building line would provide an effective 'conclusion' to this end of the row of houses. The proposed dwellings differ however from those already built in St Paul's Gardens in two respects: First, the proposal includes a terrace of three dwellings whereas the existing development is a mix of detached and semi-detached dwellings; secondly, the style would be somewhat less ornate, omitting the first floor bay windows that are an attractive feature of the existing houses. This development would be very much plainer as a result.
- 6.10 Plots 1-3 would be a short terrace of three dwellings, the two end houses incorporating hung tiles on the front gables and small gables over their front entry doors, while the centre-terrace house (Plot 2) would include a first floor front gable set forward of the adjoining houses on either side. Access to the rear of Plot 2 would be provided by a shared path alongside Plot 1.
- 6.11 Plots 4 / 5 and 6 / 7 would be symmetrical semi-detached pairs of dwellings, differing in their design detailing and in the case of Plot 7 by the inclusion of an integral garage with a fourth bedroom above it. This would be set back from the main front building line and feature a front dormer windows, which along with its lowered roofline would effectively conclude the "street". Car parking would be provided externally at the front of each house for Plats 1-6, with external as well as garage parking for Plot 7. Rear garden sizes would vary from about 70 to 110 sq. m. All plots would share common features of wide glazed rear-facing patio doors, with side doors at ground level and first-floor bathroom windows for Plots 1 and 3 - 6.
- 6.12 Overall, the design of the overall development is somewhat plainer than the existing houses in St Paul's Gardens, and while the size of the gardens is acceptable, it is considered that landscaping, curtilage buildings and some other potential external changes would need to be carefully controlled in order to ensure that the development would be of acceptable quality. Front porches could also result in detrimental impacts on the character of the buildings and the development as a whole. It is therefore recommended that Class A, B and E permitted development rights should be removed. Due to the relative prominence of the flank wall of Plot

7, it is also considered that no additional openings should be inserted there without written approval of the LPA.

- 6.13 Appropriate treatment of the space at the front of the houses will contribute to the quality of the development including low vegetation between the paved car parking spaces and trees as indicated on the submitted layout plan. On the south side of the access road, adjacent to the rear boundaries of properties on Highfield Road, soft ground would be available for additional planting of trees that would reach a substantial stature, as recommended by the Council's Tree Officer in comments on the previous application. Given the potentially plain appearance of the proposed development, tree planting in the rear gardens is also recommended. Hedges would also be preferable as boundary treatment to the more common close-boarded fences. Details would need to be provided by way of standard condition. A condition requiring submission / approval of details of external materials that should draw from the pallet of materials used in the houses already built in St Paul's Gardens would greatly assist in integrating the new houses into the street.
- 6.14 While it is noted that some of the recently built houses in St Paul's Gardens are separated by single storey garages, as noted above others are visually less widely spaced being where two-storey flank walls are located closer to their side boundaries. Overall the scale and massing of the buildings would be similar to the adjacent dwellings in St Paul's Gardens. Subject to the imposition of the conditions recommended above, it is considered therefore that the appearance and design of the proposed development is of an acceptable standard.

### **Car parking and access**

- 6.15 Access and car parking arrangements are considered to be acceptable. Provision of cycle stores in the rear garden areas would encourage the use of this more sustainable transport mode, and this could be controlled by way of an appropriate condition.
- 6.16 The Council's Highways Officer has recommended appropriate conditions in the event that the proposal is approved.
- 6.17 One submission requests a contribution for cycle facilities be provided through a planning obligation. The allocation of such funds would be in line with the projects set out in the Planning Obligations SPD.

## **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 are shown below. The applicant has submitted eight draft unilateral undertakings. One of these covers the service areas of Allotments, Archives, Biodiversity and Waste Disposal and Recycling, while the other seven provide individually for the other service areas listed here.

<b>Highways / Public Transport</b>	Related highways and public transport projects including but not limited to Traffic and highway improvements on St Marks Road/All Saints Avenue (p. 34/348)	<b>£27,025</b>
<b>Education</b>	Appropriate, related projects taken from the asset management plans current at the time that monies are spent for the following schools: 1. Alwyn Infant and Junior School 2. St Mary's Catholic Primary School 3. Newlands Girls School 4. Holyport Manor School / other Special Needs projects	<b>£30,850</b>

	(p 53-54)	
<b>Community and Youth facilities</b>	Related community and youth projects including but not limited to Pinkneys Green Youth Centre (p. 67)	<b>£4,060</b>
<b>Library services</b>	Some or all of the following appropriate, related projects: Mobile and Home Library Services. Public Mobile service Route F, Hampden Road, Maidenhead stop; and one of the following projects: 1. Two replacement Mobile libraries 2. Link Mobiles to library management system 3. Provide Mobile ICT training on new vehicle 4. Additional stock contribution 5. RFID (p. 77)	<b>£4,165</b>
<b>Public open space</b>	Appropriate, related public open space projects including but not limited to: 1. Maidenhead area / northern parishes - land purchase or lease for formal use 2. Maidenhead area / northern parishes - improvements to formal sports provision 3. Oaken Grove - play / landscape improvements	<b>£46,797</b>
<b>Biodiversity</b>	Appropriate, related biodiversity projects including but not limited to Local biodiversity initiatives	<b>£266</b>
<b>Indoor Sport and Leisure</b>	Related indoor sport and leisure projects including but not limited to Magnet Leisure Centre pool and hall improvements	<b>£8,293</b>
<b>Allotments</b>	Appropriate, related allotments projects including but not limited to Maidenhead area - allotment provision	<b>£420</b>
<b>Public Art and Heritage</b>	Appropriate, related Maidenhead and area public art and heritage projects including but not limited to: 1. Maidenhead Heritage Centre 2. Improvements to Norden Farm Arts Centre studios 3. York Stream Environmental enhancement (p. 92/94)	<b>£ 5,616</b>
<b>Archives</b>	Extension of Berkshire Record Office to provide increased/improved storage for historical records relating to the Borough (p. 99/104)	<b>£156</b>
<b>Waste Disposal / Recycling</b>	Provision of refuse bins and recycling boxes	<b>£595</b>
<b>Total</b>		<b><u>£128,243</u></b>

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

46 occupiers and people living further from the application site who had commented on the previous application were notified directly of the application, and a statutory notice was posted at the site. The consultation period had not ended at the time that this report was written, and any additional responses will be reported in an update.

At the time of writing, one letter had been received that is essentially neutral, and can be summarised as:

Comment		Where in the report this is considered
1.	Provision needs to be made for cycle use through allocation of section 106 contributions to cycle projects.	6.17

At the time of writing, one letter had been received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Additional development is not considered necessary here. Local services are already stretched to their limit, and this will place additional demand on them.	5.2, 6.2, 6.3

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Highways	No objection, subject to appropriate conditions.	6.15 - 6.16

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Proposed layout plan and elevation drawings

## 10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 The development hereby permitted shall be commenced within three years from the date of this permission.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 No development shall take place until details of the materials to be used on external surfaces of the development hereby permitted, which shall be selected from the pallet of approved materials used for the existing houses at St Paul's Gardens, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained thereafter in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.

3 No development shall take place until full details of both hard and soft landscape works, including tree planting where appropriate, have been submitted to, and approved in writing by, the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained thereafter in accordance with the approved details.

Reason: To ensure a form of development that maintains, and contributes positively to the character and appearance of the area. Relevant Policies - Local Plan DG1.

4 Prior to the commencement of development details of the locations and size of any area to be used for the storage of site materials, construction operative parking and any ancillary temporary building(s) shall be submitted to and approved in writing by the Local Planning Authority. There shall be no storage outside the agreed area(s).

Reason: In the interests of the amenity of the area.

5 Prior to the commencement of development, a plan (which should be the same plan drawing submitted to show full landscaping details) and elevation drawings shall be submitted and

approved, which shall show lockable stores suitable for bicycles and bin stores to be located in the rear garden of each of the dwellings hereby approved and temporary location(s) / store(s) adjacent to the access road for bins on collection days.

Reason: In the interests of providing appropriate facilities for the use of future occupiers that will contribute to the sustainability of the development. Relevant Policies - Local Plan DG1.

6 No part of the development hereby permitted shall be occupied until the access has been constructed in accordance with the approved drawing and in compliance with the requirements of the Highway Authority for work carried out within the public highway.

Reason: In the interests of road safety. Relevant Policies - Local Plan T5.

7 No part of the development hereby permitted shall be occupied until the access has been surfaced with a bonded material across the entire width of the access for a distance of 4m; metres measured back from the highway boundary.

Reason: To avoid spillage of loose material onto the carriageway and in the interests of road safety. Relevant Policies - Local Plan T5.

8 No part of the development hereby permitted shall be occupied until vehicle parking and turning space has been provided in accordance with a layout which has been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would be a danger to other road users; also to ensure vehicles enter and leave the highway in forward gear. Relevant Policies - Local Plan P4.

9 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority and retained thereafter in accordance with the approved details.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. Relevant Policies - Local Plan DG1.

10 If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development. Relevant Policies - Local Plan DG1, N6.

11 The first floor window(s) in the flank wall elevation(s) of the houses at Plots 1, 3, 4, 5 and 6 hereby permitted shall be of a permanently fixed, non-opening design with the exception of an opening toplight, that is a minimum of 1.6 m above the finished internal floor level and fitted with obscure glass which shall thereafter be permanently maintained as such.

Reason: To prevent overlooking and loss of privacy in the interests of the residential amenities of the neighbouring properties. Relevant Policies - Local Plan H14

12 No further window(s) shall be inserted at first floor level in the flank wall elevation(s) of the house at Plot 7 hereby permitted without first obtaining the prior approval in writing of the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy in the interests of the residential amenities of the neighbouring properties. Relevant Policies - Local Plan H14. - flank wall -

13 Notwithstanding the provisions of Classes, A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwellinghouse the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: The nature and density of the layout requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1.