

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

DEVELOPMENT CONTROL PANEL

21 July 2021

Item: 2

Application No.:	21/00686/FULL
Location:	Land North Of Camperdown House Alma Road Windsor
Proposal:	Erection of 4 semi detached dwellings with associated parking, landscaping and vehicular access.
Applicant:	Hallmanor Limited
Agent:	Mr Mark Carter
Parish/Ward:	Windsor Unparished/Eton And Castle
If you have a question about this report, please contact: Harmeet Minhas on or at harmmeet.minhas@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application relates to a car park located to the west of and accessed via Alma Road. The site is laid to hard-surfacing and sits adjacent to Trinity Place and Clarence Crescent Conservation Area.
- 1.2 This is a full planning application for the erection of 2 x 2 bedroom dwellings and 2 x 3 bedrooms dwellings with 8 associated parking spaces. Plans have been revised since the initial submission to reduce the scale of the development and have been the subject to a full consultation exercise.
- 1.3 The report sets out the relevant Development Plan and other policy considerations. The report also sets out the main material planning considerations and assessment in relation to this planning application, which includes reference to the refused planning applications on this site.
- 1.4 The proposed development looks to make use of previously developed land in a highly sustainable location in Windsor. The submitted information and comments from Conservation Area officers are that the proposed development would not prejudice the setting of the adjacent heritage assets.
- 1.5 The proposal by virtue of its improved design and reduced scale would overcome the objections raised within application 18/01323/FULL and subsequent pre-application discussions between officers and the applicant.
- 1.6 Concerns were raised by tree officers during the course of the application with regard to tree impact and landscaping capacity at the site. The applicant has provided additional arboricultural information to justify the location of the proposed development in relation to existing trees and which demonstrates the capacity of the site to successfully integrate new trees/planting.
- 1.7 The proposed development is not considered to raise any issues in terms of highway safety or capacity, nor raises any issues in terms of ecological or environmental matters.
- 1.8 The proposal is considered to comply with the relevant development plan policies and the NPPF, and would result in the supply of 4 new homes within a sustainable location.

<p style="text-align:center">It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.</p>

2. REASON FOR PANEL DETERMINATION

- The application has been called in to panel by Cllr Bowden for the following reasons:
 - Inappropriate development of land in use as a car park

- Insufficient safe access to site from a private road across a legal footway and dedicated cycle path, splay lines not available. Vehicle, refuse lorry delivery danger

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises an existing car park of 50 spaces and access road off Alma Road. The site lies to the north-west of Camperdown House and west of 63 Alma Road, Windsor. The car park is roughly rectangular and is currently accessed via the site to the south across an existing public footpath.
- 3.2 The character of the area is mixed. Immediately to the north is Viscount Court, a two-storey residential care home and Clarence Medical Centre. To the east are residential properties, predominantly three-storey Victorian houses. The former Imperial House site is to the south. A public footpath runs along the south of the car park connecting Alma Road to Vansittart Road.
- 3.3 The land to the east of the site (including Camperdown House and 63 Alma Road) is within the Trinity Place and Clarence Crescent Conservation Area. The majority of the site is within Flood Zone 2 and the eastern part of the site is in Flood Zone 1.

4. KEY CONSTRAINTS

- 4.1 Setting of designated Heritage assets (Conservation Area and Listed Buildings).
Flood Zone 2

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The scheme is for the construction of four dwellings (2 x pair of semi-detached dwellings) with associated parking, landscaping and vehicular access. The dwellings to the east of the site comprise 2-bedrooms with the pair of dwellings to the west comprising 3 bedrooms.
- 5.2 The proposed 3-bedroom dwellings would have a ridge height of 9m with the 2-bedroom dwellings having a height of 9.5m. The materials for both pairings include facing brickwork, slate tiles with stone surrounds. With regard to materials for the elevations including windows and doors, the application form states that the applicant would provide further information on the exact material type as part of a condition.
- 5.3 8 parking spaces are shown within the development, with provision made for electric charging points within the site. This would amount to on average two spaces per unit, with further provision for cycle stores within the private gardens of each unit.
- 5.4 A planting plan was submitted to the LPA during the course of the application which demonstrates the planting of new trees and landscaping features within the site. In addition, a tree survey and supporting report was submitted to address the implications of the proposal on adjacent trees located outside the application site.

Reference	Description	Decision
18/01323/FULL	5 x 2 bedroom houses with access, parking and landscaping	Refused- Reasons for refusal are highlighted in Section 9 of the report

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10, H11
Highways	P4 and T5
Trees	N6
Heritage	CA2

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

Windsor Neighbourhood Plan (2011-2026)

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	DES.01
Heritage	HER.01
Highways/Parking	PAR.01
Residential Amenity	RES.01

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 11- Making effective use of land

Section 12- Achieving well-designed places

Section 15- Conserving and enhancing the natural environment

Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Housing mix and type	HO2
Housing Density	HO5
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Sustainable Transport	IF2
Nature, Conservation and Biodiversity	NR2
Heritage Assets	HE1
Trees	NR3
Climate Change	SP2

7.1 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

*b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

7.2 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector’s post hearings advice letter was received in March 2021. The next stage will be for main modifications to be carried out and consulted upon.

7.3 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

7.4 These documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

7.5 **Supplementary Planning Documents**

- Borough Wide Design Guide

7.6 **Other Local Strategies or Publications**

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Landscape Assessment
- Interim Sustainability Position Statement
- RBWM Parking Strategy

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. **CONSULTATIONS CARRIED OUT**

Comments from interested parties

31 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 13th March 2021. The application was publicised in the local paper.

8 letters were received objecting to the application. A number of the objections raise similar concerns and they have all been summarised as:

Comment		Where in the report this is considered
1.	Over-crowded with no street parking and large buildings. Would cause overlooking and congestion	Section 9.15-9.19
2.	Cramped form of development. Likely to cause increase in noise. Existing landscaping would be at threat from the development.	Section 9.4-9.19 and 9.25-9.31
3.	Would not conform to building regulations with parking spaces restricting better access arrangements. Design does not follow the grain of the area with limited detailing.	Section 9.4-9.14
4.	Not in keeping with the character of the area. Would increase traffic and noise.	Section 9.4-9.14

Consultees

Consultee	Comment	Where in the report this is considered
Trees	Concerns raised relating to incursion in RPAs from development and utilities. The proposal may lead to post development pruning pressures. There is little space along the southern boundary of the site to implement any structural planting and therefore the scheme cannot be adequately softened from this aspect.	Additional Arboricultural Information received to address Tree Officer's initial comments. Section 9.25-9.31
Highways	The Highway Authority offers no objection to the proposal. If the planning authority is minded to approve the application then the conditions should be included.	Section 9.15-9.19 (A condition relating to a CMP is not considered reasonably necessary for a development of this scale)
Conservation	Whilst there is no longer an objection to the scheme, Conservation must stress the importance of the material selection and detailing. The specification of sympathetic materials (such as handmade bricks laid in a Flemish Bond with coarse mortar pointing) and detail design of elements such as the windows should be given great care as to ensure the character of the appearance of the area be maintained/enhanced. Conditions recommended.	Section 9.4-9.19

Other local groups/Interested parties

Consultee	Comment	Where in the report this is considered
Windsor and Eton Society	Insensitive design when compared to neighbouring dwellings. Loss of parking spaces is of concern. Concerns raised over the impact on All Saints Church.	Section 9.4-9.19
Windsor Neighbourhood Plan Group	Houses will appear cramped and do not integrate with the existing grain of the surrounding area. Impact the character of the area and detrimental to the Conservation Area.	Section 9.4-9.19

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Design considerations including the impact on heritage assets
- iii Highway Considerations and Parking Provision
- iv Impact on neighbouring amenity
- v Trees and Ecology
- vi Flooding
- vii Sustainability and Climate Change

Issue I - Principle of Development

9.1 The application site comprises a carpark located on land between Camperdown House and 63 Amla Road, Windsor. To the east of the site is Trinity Place and Clarence Crescent Conservation Area.

9.2 Paragraph 118 (d) of the NPPF (2019) states that planning policies and decisions should:

'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and raiing infrastructure)'

9.3 The site and its current use is considered to have limited value and its re-development would not be contrary to the NPPF (2019) or the development plan. No objection was raised to the principle of the re-development of the site under the previous refused application (18/01323/FULL), and it would now be unreasonable to raise any concern in this regard given there have been no material changes to planning policy or to the site itself since that decision.

Issue ii- Design considerations including the impact on Heritage assets

9.4 Refusal reason 1 of the previous planning application 18/01323/FULL states:

- *'By reason of its cramped layout, failure to integrate with the existing grain of the area, and unsympathetic design when compared with neighbouring properties, the proposed development is considered to form an uncharacteristic and incongruous development which would be harmful to the area as well as views from Trinity Place and Clarence Crescent Conservation Area. As such, the proposal is contrary to polices DG1, H10 and H11 of the Local Plan , policies SP3 and HE1 of the Borough Local Plan Submission Version as well as design guidance contained within the NPPF which seeks to sympathetically integrate new development into existing environments and Section 12 of the NPPF which seeks to preserve or enhance the setting of heritage assets.'*

9.5 Policies DG1 and H10 of the adopted Local Plan seek to ensure that residential development will be of a high standard of design and landscaping, compatible with the area and street scene. 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.

- 9.6 The application site is located within a developed part of Alma Road. To the north of the site is Viscount Court which is a two-storey building with significant ridge height owing to its architectural design and dominant gable features. The prevailing design of the building enhances its vertical emphasis and standing within the setting.
- 9.7 To the east of the site, within Alma Road, are a grouping of three-storey traditional town houses. Their architectural composition also maintains a similar vertical emphasis within the setting due to their elevated eaves height and ridge heights.
- 9.8 It is considered the appeal site is set within an envelope of buildings which have high ridge heights with dominant gable features and high-level dormer windows.
- 9.9 The scale and footprint of the dwellinghouses has been reduced such that the development now sits more comfortably within the site, with adequate space around the proposed buildings. Furthermore, the proposed design of the dwellings has been revised as part of the current proposal and overcomes the concerns raised by officers under the 2018 scheme. The elevations propose a more traditional appearance through the use of sash windows, stonework and architectural detailing which harmonises with the vernacular of the area, and adjacent Conservation Area. The proposal has made every effort to integrate the properties with the traditional Edwardian and Victorian buildings surrounding the site.
- 9.10 Under previously refused application 18/01323/FULL concern was raised that the proposed development, by virtue of its attributes would create a development that would, in itself, appear cramped, but would also appear cramped when viewed from the pedestrian footpath that connects the site to the Trinity Place and Clarence Crescent Conservation Area.
- 9.11 Conservation have withdrawn their objection to the proposal following the receipt of amended plans. They have recommended the use of specific materials to maintain/enhance the character and appearance of the area. This would be the subject to a planning condition to achieve a satisfactory development in relation to Policy DG1 and CA2 of the Local Plan (2003).
- 9.12 The reduction of the number of units within the site reduces the density and cramped appearance of the scheme when compared to the previously refused application. The proposal, by virtue of its reduced density and massing, would now satisfactorily sit within the setting of the adjoining dwellings and the established character of Alma Road.
- 9.13 It is noted that residents have raised objections to the design of the dwellings, notably the specific concern they appear out of keeping with other dwellings within the vicinity. Notwithstanding the clarity on officers position with relation to design above, it is important to note that replication is not within itself good design. Policy DG1 specifically **'seeks development to be compatible with the established street facades having regard to the scale, height and building lines of adjacent properties...'**. The proposed design, after careful consideration and engagement with officers, would appear compatible within the setting.
- 9.14 To conclude, it is considered that the revised proposal has overcome reason for refusal 1 of application 18/01323/FULL by virtue of its reduced scale and massing and improvements to the design.

Issue iii- Highway considerations and parking provision

- 9.15 Council's adopted parking standards in Appendix 7 of the Local Plan (as amended) seeks dwellings of this size to provide 2 off-street parking spaces. The proposed site plans indicate that each dwelling would benefit from 2 off-street parking spaces, with highways commenting that safe turning circles can be achieved within the site.
- 9.16 Concern has been raised by residents as to the impact the proposal may have on the highway network, and surrounding parking provision. The proposal would see the loss of 50 car parking spaces. Section 1.2 of the supporting planning statement states the car park was used in association with the Windsor College Campus but is no longer required for that purpose, and subsequently from April 2018 it has been used informally for public parking. The application site is

in a sustainable location owing to its accessibility to local transport choices including bus and rail links. Notwithstanding this, students/employees, visitors and tourists to the local area benefit from a number of public car parks and controlled on-street parking provision. Given the car park is no longer required in connection with Windsor College Campus and has only been available to the public since 2018, the loss of the car park is not objected to. Indeed no objection was raised to the loss of the car park under previous application ref: 18/01323/FULL.

- 9.17 As part of the assessment of this application, the Council's highways team were consulted. They raised no concerns to the proposal or the use of the existing access into the site, subject to appropriate conditions.
- 9.18 Concern has been raised relating to danger for pedestrians and cyclists using the public footpath. Given the former use of the site as a car park for 50 vehicles, the use of the site for 4 residential dwellings would significantly reduce vehicular movements over the public footpath such that no objection could be raised on this ground. Furthermore, the access into the site is acceptable with regard to visibility.
- 9.19 Therefore, it is considered that the loss of parking provision within the site would not likely impact the safety of highway users or pedestrians through further pressure for on-street parking provision within the area. The proposed development is acceptable with regard to parking provision and impact on the highway.

Issue iv- Impact on neighbouring amenity

- 9.20 There is no specific policy in the Development Plan regarding impact on neighbouring amenity, in relation to new development. However, Para 127 (f) of the NPPF (2019) is explicit that developments should seek to create places that are safe with a high standard of amenity for existing and future users.
- 9.21 Policy QP3 of the BLPSV (2019) states that development will be expected to have an acceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.
- 9.22 During the assessment of application 18/01323/FULL no concerns were raised by officers with relation to the impact the proposal could have on adjoining properties. It was assessed that the proposed development would be sited a considerable distance from neighbouring properties, and there would be no significant harm to the properties on Alma Road or Vansittart Road.
- 9.23 The scheme before us would maintain similar separation distances to the nearest neighbouring properties, and it is considered there would not be any significant harm to the nearest dwellings. Given the previous position of the Council in the assessment of the 2018 application, and the fact the scheme has been reduced in number of units, footprint and mass, it would be challenging for the Council to sustain or defend any refusal on these grounds at appeal.
- 9.24 Notwithstanding the above, the dwellings have been designed so that each pairing faces one another. Whilst this would give rise to some degree of oblique overlooking between the dwellings, it would not be to a degree which is uncommon within the immediate area.

Issue v- Trees and Ecology

- 9.25 Local Plan Policy N6 suggests that new developments should protect and conserve trees important to the amenity of the area; ample space should also be provided for the future growth of these trees. Any loss or harm to such trees can in some circumstances be mitigated by replanting but should always be justified by the applicant. The policy also states that where the contribution of the trees to local amenity outweighs the justification for development, planning permission may be refused. The site contains one protected tree on the boundary with 63 Alma Road. There are also mature off-site trees along the south boundary.

- 9.26 The applicant submitted as part of the application a detailed arboricultural method statement. This followed the refusal of planning permission in 2018 for 5 dwellings at the site, owing to concerns of the loss of trees as a result of root incursion by the development.
- 9.27 In addition to the tree survey and tree protection plan, the applicant submitted a shadow diagram at the request of tree officers to support the proposal.
- 9.28 Tree officers have raised concerns specifically in relation to the incursion into the RPA of a non-protected off-site tree, placement of underground utilities, future post-development pressures that may arise, as well as concerns over the capacity of the site to introduce soft landscaping along the southern boundary of the site.
- 9.29 In response to these concerns the applicant provided an Arboricultural Impact Assessment which justifies the siting of the proposed development in relation to trees; and planting and landscaping plans which demonstrate the capacity of the site to facilitate further soft landscaping, not only along the southern boundary but within key parts of the site. It is considered that this additional information serves to overcome the tree officers' initial concerns but in addition a condition could form part of any subsequent approval, which requests a detailed and comprehensive landscaping scheme for the consideration of officers (condition 9). Details of utilities can also be requested via condition (condition 15).
- 9.30 In the event that post-development pressure results in the need to remove trees within the site, it would not be unreasonable for the authority to seek their replacement to ensure the development maintains its design with the character of the area, where landscaping features play a key role to the attractiveness of the setting. It is recommended that this is maintained through appropriate use of conditions that would seek appropriate replacements for trees which are to be removed. Therefore, on balance, it is considered that the development can achieve compliance with Policy DG1 of the Local Plan by ensuring appropriate landscaping features are introduced and existing landscaping features retained which collectively and cumulatively contribute to the setting.
- 9.31 The site has limited ecological value given it comprises a hard-surfaced car park. The new development however has potential to provide ecological enhancements. This can be covered by condition (condition 16).

Issue vii- Flooding

- 9.32 The proposal is sited in within Flood Zone 2, which has a medium probability of flooding. The land specifically is identified as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding.
- 9.33 Local Plan Policy F1 suggests that development will not be permitted for new residential and non-residential development, unless it can be demonstrated to the councils satisfaction that the proposal would not of itself, or cumulatively in conjunction with other development; impede the flow of flood water, reduce the capacity of the flood plain to store flood water or increase the number of people are risk from flooding. The NPPF requires the following tests be applied for new development in high risk flood areas.

Sequential Test

- 9.34 As part of the 2018 application for 5 residential units, the applicants carried out a sequential test which included a borough wide search of alternative sites which could accommodate 3-7 houses, under 0.25h in size and are located in Flood Zone 1.
- 9.35 22 sites of comparable size, for residential use were identified when utilising the councils HELAA (2016) as a source for sites. 7 are at greater risk of flooding. 5 are in the green belt and would constitute inappropriate development contrary to planning policy. 4 of the remaining 10 sites have planning permission and the 6 remaining sites are accepted as inappropriate for their differing reasons (set out in paragraph 7.5.4 of the Lanmor Consulting FRA dated May 2018).

9.36 Since this assessment was carried out in 2018, the HELAA was updated (2019) and the proposed sequential test re-established against the updated document as part of the updated FRA submitted with the current application. No other sites have been identified by the applicant through land searches. As such, the proposal would still pass the sequential test.

Exceptions Test

9.37 Paragraph 159 of the NPPF states that if it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should be applied if appropriate. Table 2 of the NPPG classifies new dwelling houses as 'More vulnerable development'. Table 3 of the NPPG indicates that more vulnerable development in Flood Zone 2 is appropriate development and the exceptions test is not required.

9.38 Paragraph 163 requires that 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

9.39 The bedrooms of each property would be located at first floor, ensuring that sleeping occupiers would be less likely to be harmed by flooding during the night. The siting of the rooms would also give occupiers more time, which could allow for emergency services to be alerted and for the property to be evacuated. Furthermore the property is in Flood Zone 2, to the west of the site is flood zone 3 and immediately to the east is Flood Zone 1. This being the case the applicants have identified a very low hazard egress and access route utilising the Claremont road footpath on to Alma Road. The route is shown between Drawing 181025/FRA/03 – Flood Hazard Rating for 1% AEP + 35% CC and section 5.4 of the of the Lanmor Consulting FRA dated May 2018. It is therefore considered that safe access can be provided at all times to and from the site,

9.40 It has not been demonstrated that the finished floor levels of the properties would be 300mm above the 1 in 100 year flood level plus a 25% allowance for climate change (20.93). However the north western boundary of the site is the lowest part of the site at 20.91 AOD. Taking into consideration that most of the site is already above 1 in 100 + CC, that the proposed properties include a 250mm step up on entry, it is likely that the finished floor levels would be above this figure. Further to this, it is likely that a 300mm internal floor level could be accommodated within the existing envelope and scale of development without compromising its design. As such the floor levels could be conditioned and are not considered to form a reason for the refusal of this application.

9.41 New drainage networks will be provided for both surface water and foul water. Micro Drainage calculations have been provided to determine an approximate size for an attenuation tank, which would be needed to attenuate the rate of runoff from the proposed development before discharging to the public sewer. The attenuation facility has been designed to cater for a 1 in 100 year +40% CC to prevent flooding on and around the site.

9.42 For the reasons mentioned above the proposal is considered to be flood resilient, resistant and in compliance with the flooding guidance set out within the NPPF and Local Plan Policy F1.

Issue vii – Climate Change and Sustainability

9.43 The Climate Change Act 2008 (CCA2008) imposes a duty to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. Paragraphs 148 and 150 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate by contributing to a radical reduction in greenhouse gas emissions, minimise

vulnerability and improve resistance, and support renewable and low carbon energy and associated infrastructure. In June 2019 RBWM declared an environment and climate emergency with aims to ensure the Borough will achieve net zero carbon emissions by 2050. In December 2020 the Council approved the Borough's Environment and Climate Strategy. These are material considerations in determining this application.

- 9.44 The *Council's Interim Sustainability Position Statement* applies to developments of this scale and the applicant has submitted an Energy and Sustainability statement in support of the application. The buildings will achieve at least a 20% reduction of the dwelling emission rate against the target emission rate based on Part L of the Buildings Regulations 2016. To achieve this the Energy Statement sets out various design measures. In terms of renewables, the development will incorporate Air Source Heat Pumps. Additionally 20% of parking spaces will be provided with active EV charging facilities and detailed design will incorporate mains water saving measures and equipment to keep water usage below 180L per day. It is considered that the sustainability measures incorporated within the development meet the Council's aims and objectives in delivering sustainable development and reducing the impact on the climate.

Issue viii – Other Material Considerations

Housing Land Supply

- 9.45 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 housing applications 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 5 year supply of deliverable housing sites.

- 9.46 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.47 Footnote 7 of the NPPF (2019) clarifies that:

'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).'

- 9.48 At the time of writing, the Council cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

- 9.49 Footnote 6 of the NPPF (2019) clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where *'policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'*. This includes **sites within an area at risk of flooding**. For the reasons set out in paragraphs 9.32-9.42 the proposed development is considered to be acceptable in terms of flood risk. As such, and whilst the proposed development falls within a *'protect area(s) or assets of particular importance'* there is no clear reason for refusing the proposed development on this basis. Accordingly, the so-called 'tilted balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

9.50 The Council has paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is CIL liable. The proposed floorspace of the dwellings is 490 sq.m.

11. PLANNING BALANCE AND CONCLUSION

11.1 The proposed development is consistent with the NPPF (2019) in so far as it would make efficient use of previously development land in a highly sustainable location, achieving well-designed, quality housing. The proposed development would also contribute to the Council's five year housing land supply at a time when the Council cannot demonstrate a 5 year housing land supply.

11.2 The proposed development has sought to address a number of design comments made in relation to the previously refused scheme (18/01323/FUL) and subsequent pre-application discussions. The reduction in the density of the scheme as well as its general design, appearance and layout would ensure the proposal respects its immediate setting, as well as that of the adjoining Heritage asset.

11.3 Sufficient information has been provided as part of this application to demonstrate how the proposed scheme would satisfactorily integrate with existing landscape features, as well as enhancing the setting with further soft landscaping provision. The proposed development is not considered to raise any further environmental issues.

11.4 It is considered that this proposal would not raise any significant issues in terms of highway safety or capacity.

11.5 It is considered that this proposed development is an improvement on the previous refused application on this site. The proposals make efficient use of the previously developed land, in a sustainable location and the additional information submitted during the course of the application are considered to weigh in favour of this scheme. For the reasons set out above, Officers are of the view that if this application is determined in accordance with the normal test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

12. APPENDICES TO THIS REPORT

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

13. 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 (as amended).

2 Prior to the commencement of works, further details as to include sample brick panels (for each of the different brick types) of approx. 1m x 1m showing brick, bond, mortar mix and jointing as well as samples of the proposed roofing and cladding materials and finishes, shall be prepared on site and approved in writing by the Local Planning Authority. The external surface of the building shall thereafter be finished in accordance with these approved details.

Reason: To preserve or enhance the setting of the Conservation Area. Relevant Policy CA2.

3 Prior to their installation, horizontal and vertical sections and elevations of all proposed external windows and doors including surrounding frames, as well as full specifications shall be provided to the Local Planning Authority at a minimum scale of 1:10 with typical moulding details at a scale of 1:1. The works shall thereafter be carried out in accordance with the approved details.

Reason: To preserve or enhance the setting of the Conservation Area. Relevant Policy CA2.

4 No part of the development shall be occupied until vehicle parking and turning space has been

provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.

- 5 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.

- 6 No part of the development shall be occupied until a refuse/recycling bin storage area and collection area with sufficient turning facilities for the refuse vehicle have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic, highway and pedestrian safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

- 7 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any tree work be undertaken other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any tree work approved shall be carried out in accordance with British Standard 3998 Tree Work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species, and shall be planted at such time, as specified by the Local Planning Authority.

Reason: Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.

- 8 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees growing within and adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing and ground protection in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant policies- Local Plan DG1, N6.

- 9 No development shall take place until full details of both hard and soft landscaping works, 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 substantial completion of the development and retained thereafter in accordance with the approved details. If within a period of five years from the date of planting 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 or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.

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.

- 10 No further window(s) shall be inserted at first floor level in the flank elevation(s) of the dwellings approved.

Reason: To prevent overlooking and loss of privacy to occupiers of the development and neighbouring occupiers. Relevant Policies - Local Plan H11.

- 11 The first floor window(s) in the northern and southern elevation(s) of the dwellings shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall

not be altered.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.

12 Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (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 dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.

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

13 The proposed development shall be carried out in strict accordance with the information laid out in the supporting Flood Risk Assessment (Report 201317/FRA/JR/RS/01).

Reason: To prevent an increased risk of flooding elsewhere due to impendance of flood flows and reduction of floodwater storage capacity. Relevant Policy - Local Plan F1.

14 There shall be no raising of existing ground levels on the site.

Reason: o prevent the increased risk of flooding elsewhere due to impendance of flood flows and reduction of floodwater storage capacity. Relevant Policies - Local Plan F1.

15 No development shall take place until full details of all underground services and utilities have been submitted and approved in writing by the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

16 No development hereby permitted shall commence until details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings and native and wildlife friendly landscaping has been submitted and approved in writing by the LPA.

Reason: To incorporate biodiversity in and around developments in accordance with paragraph 175 of the NPPF.

17 The development shall be carried out in accordance with the submitted Energy and Sustainability Statement

Reason: To ensure an energy efficient and sustainably development in line with the Council's Interim Sustainability Position Statement and the NPPF.

18 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.