

21 February 2024

Item: 3.

Application No.:	23/01558/FULL
Location:	Elmgrove House 48 Castle Hill Maidenhead SL6 4JW
Proposal:	2no. detached dwellings with parking and amenity space following demolition of existing dwelling and garage.
Applicant:	Mr Bertram
Agent:	Not Applicable
Parish/Ward:	Maidenhead Unparished/St Marys
If you have a question about this report, please contact: David Johnson on 01628 685692 or at david.johnson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks planning permission for the construction of two detached dwellings with parking and amenity space following the demolition of the existing dwelling and garage.
- 1.2 The proposed works comprise relevant demolition within the conservation area, resulting in total loss of the existing building on the site. It has been identified that the proposal would cause less than substantial harm to the character and appearance of the Castle Hill Conservation Area, at a moderate level. In accordance with paragraph 208 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is considered that the public benefit, in this case the provision of an additional family sized residential dwelling (2 x 4 bed units are proposed) which would contribute towards the Council's targets, would be sufficient to outweigh the limited heritage harm in this particular instance. Furthermore, the proposed development has been designed to be of a high quality and given the context of the application site as detailed in section 10, the subdivision would be in keeping with the established form of development in the surrounding area. Conditions are recommended to secure the use of appropriate, contextual and high quality materials.
- 1.3 It has been demonstrated that the proposed dwellings would represent an acceptable standard of residential accommodation and would not result in unacceptable harm to amenities of neighbouring properties given the scale, siting and separation distances, subject to recommended conditions. Furthermore, the proposal would not result in unacceptable harm to trees, surface water drainage, parking and highway safety, again subject to recommended condition.
- 1.4. The application has been submitted alongside an ecology report which demonstrates that subject to recommended condition, there would be no unacceptable harm to protected species on the site and surrounding area, and subject to completion of the legal agreement to secure an appropriate financial contribution, the proposal would offset any losses in biodiversity net gain. The application has also been submitted alongside an Energy Statement which demonstrates that the development has the potential to introduce sustainability measures to reduce the carbon footprint of the development, subject to the use of condition and securing a carbon off set contribution through the legal agreement.

It is recommended the Committee authorises the Assistant Director of Planning:

1.	To grant planning permission on the satisfactory completion of a unilateral undertaking to secure the Carbon Off-set and Biodiversity Net Gain contributions as detailed in Section 10 of this report and with the conditions listed in Section 14 of this report.
2.	To refuse planning permission if an undertaking to secure the Carbon Off-set and Biodiversity Net Gain contributions as detailed in Section 10 of this report has not been satisfactorily completed.

2. REASON FOR COMMITTEE DETERMINATION

- The Council's Constitution does not give the Assistant Director of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Committee as the application has been called in by Cllr Douglas if the recommendation is for approval. The reason for the call in is stated that *'as it stands, the application does not address concerns about drainage, and it may be appropriate to attach a condition that the driveway is to be permeable to minimise storm run-off into Elm Grove. I've discussed this concern with the planning case officer but a resolution is not going to be possible before the deadline so need to call in now.'*

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the north side of Castle Hill, Maidenhead. On the site currently is Elmgrove House, a two-storey detached building with a double fronted (south facing) elevation constructed of red brick, with a gabled roof, finished in plain tiles. The double fronted south elevation features two, double height bay windows with tile hanging detail between the ground and first floor. The entrance door is centrally positioned under a recess. The rear and flank elevations are simple in appearance, with a projecting two-storey gable element dominating the rear elevation and forming the L-shaped plan form of the dwelling.
- 3.2 Whilst facing onto Castle Hill, the main vehicular access to the property is from the rear, off Elm Grove, alongside other properties along this section of Castle Hill. Historically, a larger property named 'Elmgrove House' existed on the land. The former house was demolished in the 1920s and the larger plot subsequently subdivided for residential units.
- 3.3 Castle Hill relates to the old Bath Road, leading from London to Bath, which historically connected directly to Maidenhead High Street prior to the later 20th century highway alterations taking vehicles around the centre of the town. The application site is located within the Castle Hill Conservation Area.

4. KEY CONSTRAINTS

- 4.1 The site is located within the Castle Hill Conservation Area. There are no other constraints associated with the site.

5. THE PROPOSAL

- 5.1 The application seeks planning permission for the construction of two detached dwellings with parking and amenity space, following the demolition of the existing dwelling and garage on the site.

- 5.2 The submitted plans show that the proposed dwellings would be two storeys brick built properties, accessed from Elm Grove to the north. Two parking spaces would be provided for each property.

6. RELEVANT PLANNING HISTORY

Reference	Description	Decision
22/02463/FULL	1no. detached dwelling, associated parking, refuse and cycle storage and widening of the existing access to create a shared access following the demolition of the existing outbuilding.	Refused 16.03.2023
21/02259/FULL	Replacement detached dwelling with cycle store and associated parking.	Withdrawn 16.08.2022

- 6.1 Application ref. 22/02463/FULL (see above), which sought to retain the existing property and construct one additional dwelling on the site, was refused for the following reasons:

1. The new dwelling by reason of its layout and siting between the existing dwelling and western boundary of the site, would result in a cramped and contrived form of development, which would neither preserve nor enhance the character or appearance of the site and wider conservation area. Therefore, the proposal is contrary to Section 12 and 16 of the NPPF (2021) and Borough Local Plan (2022) Policies QP1, QP3 and HE1.
2. By reason of the depth, height, width, proximity of the new dwelling to the existing dwelling on the site, Elmgrove House, and April Cottage immediately to the rear of the application site, and the land levels, the proposal would appear obtrusive and overbearing when viewed from the rear gardens of the neighbouring properties Elmgrove House and April Cottage. The proposals would result in a material loss of light and overshadowing to these neighbouring dwellings which would cause detrimental harm to the users amenities at these properties. Therefore, the proposal is contrary to Paragraph 130(f) of the NPPF (2021) and Policy QP3 of the Borough Local Plan (2022).
3. The application fails to demonstrate that the proposal would not have an adverse ecological impact on protected species and local biodiversity and would secure the provision of biodiversity enhancements. The proposal, therefore, fails to comply with Policy NR2 of the Borough Local Plan and section 15 of the National Planning Policy Framework.
4. The proposed parking arrangements would fail to demonstrate that vehicles would be able to safely manoeuvre within the site and that the safe entry/exit to and from the site can be achieved. It is therefore considered that the proposal as submitted does not fully satisfy the requirement to show that development of the site would not cause material harm to the safe and efficient operation of the surrounding highway network. The proposal is therefore contrary to Policy IF2 of the Borough Local Plan (2022) and the guidance contained in the RBWM Highway Design Guide and Parking Strategy (2004).
5. In the absence of a completed legal agreement to secure any potential carbon off-set financial contribution for the development, the proposal is contrary to policy

SP2 of the Borough Local Plan and the guidance contained in the Interim Sustainability Position Statement.

7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

Borough Local Plan (BLP)

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Housing Development Sites	HO1
Housing Mix and Type	HO2
Historic Environment	HE1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Contaminated Land and Water	EP5
Sustainable Transport	IF2

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF 2023)

Section 2 – Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a supply of homes
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

Supplementary Planning Documents

- Borough Wide Design Guide (BWDG)

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Landscape Assessment
- RBWM Parking Strategy

- Interim Sustainability Position Statement
- Environment and Climate Strategy
- Corporate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

9.1 Eight neighbouring properties were directly notified of the application.

A site notice advertising the application was posted at the site on the 24th August 2023 and the application was advertised in the Local Press on the 7th July 2023.

One letter has been received commenting on the application, summarised as:

Comment	Where in the report this is considered
<p>1. No objections to the building application but consideration should be given to:</p> <ol style="list-style-type: none"> 1. Damage by the builders' vehicles to the unadopted Elm Grove by which we gain access to our property and which is maintained by the residents; 2. Access past our garage to the site which has a very tight corner; and, 3. Electricity and water supplies to No. 48 which run through our garden. 	<p>Noted. However, these are private legal matters and would not preclude the determination of the application in accordance with relevant development plan policies.</p>

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

Comment	Where in the report this is considered
<p>1. The increased density places increased pressure on services and utilities to Elm Grove. There are existing problems with sewage capacity flow and storm water run-off. Adding more hardstanding, losing invaluable soak away garden surface area will exacerbate the flash-flooding and inundation problems.</p>	<p>See section 10</p>
<p>2. There is not enough parking in the proposal.</p>	<p>See section 10.</p>
<p>3. Significant and serious loss of privacy to the residents of April Cottage and March Lodge.</p>	<p>See section 10.</p>
<p>4. Increased construction traffic will further damage the privately maintained road, while the dirt and dust from the site and materials coming in or going out risk damaging cars parked in the surrounding houses. Additionally, since the No. 48 property was built in the 1930s, we need to ensure that the demolition will be safe and that there will be no hazardous materials. Furthermore, during the planning phase, it is crucial to consider whether the Railway Authorities have reviewed and agreed to these applications, given that the proposal is building closer to the railway line.</p>	<p>Noted. However, this would be considered under other legislation.</p>

5.	The development represents an overdevelopment of the site and considerable increase in density to that which presently exists.	See section 10.
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Statutory consultees

Consultee	Comment	Where in the report this is considered
Historic England	No comment.	Noted.

Consultees

Consultee	Comment	Where in the report this is considered
RBWM Conservation	Objection. The proposed development would amount to less than substantial harm to the character and appearance of the conservation area at a moderate level	See section 10
RBWM Environmental Protection	No objection, subject to suggested conditions.	See section 10
RBWM Ecology	No objection, subject to suggested conditions.	See section 10

Others (e.g. Parish and Amenity Groups)

Group	Comment	Where in the report this is considered
Maidenhead Civic Society	<p>Classic example where the desire to add one property to the housing stock has to be set against the ecological footprint caused by demolishing a perfectly sound family home and replacing it with two new dwellings, albeit constructed to modern energy efficient standards.</p> <p>Earlier proposal (ref. 22/02463) to retain the existing house and build a new dwelling alongside was refused last year. This scheme would have avoided the impact of demolition, but the configuration and access to the site was not suitable for two dwellings. Although the address is 48 Castle Hill the property is accessed from the north via Elm Grove. It is situated at the end of Elm Grove and the submitted vehicle tracker document illustrates the confined access, limited parking and vehicle movement space associated with the proposed two detached dwellings. Garden amenity space appears adequate.</p> <p>The site also lies within Castle Hill Conservation Area, although the loss of the existing house would have marginal visual impact. The replacement</p>	See section 10

	<p> dwellings appear to be in an acceptable architectural style and traditional materials.</p> <p>The key issue is whether the site is suitable for subdivision given its size, location and limited access. On balance, we believe that the proposed two detached dwellings will constitute overdevelopment and the application should be refused.</p>	
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10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i. Principle of Development;
- ii. Whether the proposals preserve or enhance the character or appearance of the Castle Hill Conservation Area;
- iii. Impact on amenity;
- iv. Ecology and biodiversity;
- v. Access, Parking and Highways;
- vi. Sustainability; and,
- vii. Other material considerations.

Principle of development

10.2 The application site is located within an established residential area, within the settlement limits of Maidenhead. The principle of a continued residential use here in the form of two dwelling is acceptable in housing terms, subject to compliance with relevant development plan policies which will be addressed in detail below.

Character and appearance

10.3 NPPF Section 12 (Achieving well-designed places) advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. BLP Policies QP1 and QP3 set out that new development will be expected to contribute towards achieving sustainable high-quality design that enhances the wider area and Policy HE1 sets out the requirement for development to conserve and enhance the historic environment in a manner appropriate to its significance. The Borough Wide Design Guide (BWDG) supports BLP policies by setting out in detail what the Council considers to be design excellence.

10.4 The appearance of a development is a material planning consideration. The design and scale of a proposal should not adversely impact the character and appearance of the wider street scene. The assessment is whether a proposal preserves or enhances the character or appearance of the conservation area.

10.5 The existing building appears to date from the early 20th century, most likely during the mid-1920's. Historic maps show that the existing dwelling and those in the immediate area surrounding the site, are located on land which previously housed a single larger property. This building was demolished in the 1920's and the original larger plot was subsequently subdivided for the application site and others. The proposed development seeks planning permission for the demolition of the existing dwelling and garage and the redevelopment of the site to provide two residential dwellings. The proposed works would comprise relevant demolition within the conservation area,

resulting in total loss of the existing building on the site. The existing property appears to be in a sound condition, functioning as a family home and the proposed demolition and associated development would amount to less than substantial harm to the character and appearance of the Castle Hill Conservation Area, at a moderate level.

- 10.6 In accordance with paragraph 208 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Within the scope of 'less than substantial harm', there is a range from the lowest level of harm to the higher level. In this case, as set out above, it has been identified at a moderate level. In terms of benefits, the existing building on the site comprises a single four bedroom dwelling. The proposed development would provide for two four bedroom dwellings, an uplift of one unit on the site which would contribute towards the Council's housing targets. Both dwellings would represent an acceptable standard of residential accommodation as set out below, and this additional residential accommodation would constitute a benefit of moderate weight.
- 10.7 Notwithstanding the above, consideration is also given below as to whether the proposed development would be appropriate for its setting and thereby preserve the character and appearance of the conservation area.
- 10.8 The existing dwelling has an overall height when measuring the front elevation, of approximately 8.52m, with a height of approximately 9.2m when taken from the rear elevation given the difference in ground levels across the site. The proposed dwellings would each have an overall height when measured from the front and rear elevations of approximately 8.6m and would therefore generally accord with the height of the existing dwelling. Furthermore, given the variety of housing types and scales in the immediate vicinity of the application site, taken together with the side-to-side gap from the adjacent houses and generally well-proportionate buildings, they would not be unduly prominent or incongruous in the street scene or wider locality.
- 10.9 The form and design of the proposed houses adopts building and material finishes that would reflect the character and appearance of the existing dwelling on the site, whilst reflecting the historic values of the wider area, whilst incorporating differing design features between the two properties to retain interest and character in the street scene. The result is a development that ensures the proposals harmonise with the surrounding area and its character and appearance. Further details of the materials would be secured by recommended condition.
- 10.10 In terms of the siting of the buildings within the plot and further subdivision of the land to provide the proposed two units, as set out above, historic maps show that the existing dwelling and those in the immediate area surrounding the application site, are located on land which previously housed a single larger property which was demolished in the 1920's and the original larger plot, subsequently subdivided for the application site and others over the passage of time. As such, whilst it is acknowledged that the wider site previously formed one larger plot, this has been eroded over the passage of time to provide eight plots (between approximately 1925 and 1988) and the continuation of this here would not harm the overall character of the conservation area, with the retention of the more traditional and historic development to the west. Furthermore, this was the character of the site and the time of the designation of the Castle Hill Conservation Area in 1981. In this context, the further subdivision of this particular site would not be out of character with the established form of development in this particular part of the conservation area.

- 10.11 The existing dwelling is setback from the shared boundary with 46 Castle Hill by between 4.1m and 3.2m at its closest point, with the proposed replacement dwellings setback from the same boundary by between approximately 4.4m and 2.9m. The siting of the proposed dwellings would not be in line with adjacent houses when viewed from the Castle Hill side of the site to the south; however, the set back is not uniform and given the differing layouts of neighbouring dwellings, the layout of the proposed dwellings are not considered to be out of keeping with the form of development in the area. The siting within the newly formed plots is acceptable and the resultant development would not appear as cramped or overdevelopment, as the siting of the dwellings would be offset from the side boundaries, and the proposed footprint, bulk and mass of the proposed dwellings would be proportionate to the plot. Furthermore, April Cottage to the north is sited within close proximity of the railway line and a buffer to the railway line to the west would be retained.
- 10.12 In this context, whilst the loss of the existing building on the site would result in less than substantial harm to the character and appearance of the Castle Hill Conservation Area, this has been identified at a moderate level and it is considered that the public benefit, in this case the provision of an additional family sized residential dwelling, would be sufficient to outweigh the limited heritage harm in this particular instance. Furthermore, the proposed development has been designed to be of a high quality and given the context of the application site identified above, the subdivision would be in keeping with the established form of development in the surrounding area. Conditions are recommended to secure the use of appropriate, contextual and high quality materials.

Amenity

- 10.13 Paragraph 135(f) of The NPPF (states that planning decisions should ensure that developments create places that have a high standard of amenity for existing and future users. BLP Policy QP3(m) sets out that developments should have no unacceptable 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.
- 10.14 The existing dwelling is two storeys and is located between 14.65m and 15.52m to the shared boundary with April Cottage and between 22.9m and 23.6m rear wall to rear wall. The proposed dwellings would be two storeys, with a gable roof to the rear and side roofscapes and a hipped roof to the front. The overall height to the ridge would be 8.6m and to the eaves would be approximately 5.35m. The proposed plans show that the new dwellings would be located between approximately 13.9m and 15.4m from the shared boundary and between approximately 22.1m and 23.4m from the rear walls of the new dwellings and rear wall of the detached bungalow April Cottage (to the north).
- 10.15 The siting of the proposed dwellings are such that there would be a similar relationship as existing, albeit with two dwellings rather than one single. Table 8.1 of the BWDG provides separation distances for two storey buildings such as this, requiring a minimum 20m separation distance between rear walls of dwellings, in this case April Cottage. The proposed dwellings based on the figures above are compliant with this guidance and there would be no unacceptable loss of privacy. Whilst it is noted that there is a difference in ground levels between the application site and April Cottage, this is an existing context within an established residential area and the separation distances would ensure that the proposals would not result in unacceptable loss of privacy, light or increased sense of enclosure. The proposed dwellings would not have an unacceptable impact on the amenities of the neighbouring property No. 46, given the separation distance between the dwellings and there are no properties immediately

to the west of the site. Furthermore, there would be no first floor habitable rooms facing east and this would be secured by recommended condition.

- 10.16 With regard to amenity of future occupiers, Policy QP3 of the BLP seeks to ensure that all new residential units provide for a satisfactory standard of accommodation, including adequate living space and both a quality internal and external environment. The Borough Wide Design Guide SPD sets out a number of criteria in order to secure this.
- 10.17 The proposed units would all meet the required internal space standards with natural light and ventilation provided for all habitable rooms and amenity space would also be provided in line with the requirements set out in the BWDG. The proposals would therefore represent an appropriate standard of residential accommodation.
- 10.18 The properties have been designed to ensure that there would be no unacceptable mutual overlooking between the two properties, with no openings to habitable rooms facing between the two properties. A condition is recommended to ensure that the first floor openings to the east facing elevations are obscurely glazed, and with no further first floor openings. The railway line is located to the west of the site. In this context, whilst the provision of an additional residential unit is acceptable, in this location, a condition is recommended to secure further details of noise insulation. A condition is also recommended to secure further detail if any unexpected contamination is found during the course of the development.

Ecology and biodiversity

- 10.19 The application site comprises a single detached building and garage which would be demolished and replaced with two dwellings. The site is located in a residential area and is bordered by a treelined railway corridor to the west of the site.
- 10.20 The application has been submitted alongside an Ecology Report (LUS Ecology, June 2023) which concludes that the main building has a number of features potentially suitable for use by roosting bats. Details of two bat emergence and one dawn re-entry surveys have also been supplied which were carried out in 2023. A common pipistrelle bat was seen to emerge from under a gap in the roof tile on the front elevation of the main house and the report concludes that the building hosts a day/summer roost of low conservation significance for a low number of common pipistrelle bats.
- 10.21 The proposed works would lead to the destruction of a bat roost and as such, a licence for development works affecting bats will need to be obtained from Natural England, for derogation from the provisions of the Habitat Regulations, before works which could impact upon the roost can commence. Section 5 of the report provides a mitigation plan to ensure that bats are not harmed and that replacement roosting sites are provided and if it is implemented the favourable conservation status of bats would be maintained.
- 10.22 Planning Authorities have statutory duties under The Habitat Regulations. It needs to be satisfied that a licence for development works affecting bats is likely to be granted by Natural England. [The courts have considered the application of a planning authority's duty under the Habitat Regulations e.g. Morge vs Hampshire County Council (2010). In the Morge case the supreme court has ruled that it cannot see why planning permission should not be granted unless the proposed development would be unlikely to be licensed as a derogation from those provisions.] In this case, as long as a mitigation plan such as that given in the bat survey report is provided, the

proposed works would pass the three tests of The Habitat Regulations, and as such receive from Natural England a licence, because:

1. The development is for an imperative reason of overriding public interest of an economic nature as the development will contribute to a social and economic need of the local community for better housing (this is assuming that it is in compliance with other planning policy) - therefore Regulation 55(2)(e) can be met
2. There is no satisfactory alternative to the development as without carrying out the works the aforementioned need would not be met - therefore Regulation 55(9)(a) can be met
3. Appropriate mitigation can be provided which will ensure that there will not be a detrimental impact to the favourable conservation status of the bat species concerned - therefore Regulation 55(9)(b) can be met

Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System (NB this document has not been revoked by the National Planning Policy Framework) states that:

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations before the permission is granted. In appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a licence under the procedure set out in section C below. “

As such, a condition is recommended to ensure that a bat licence is obtained prior to commencement of development.

- 10.23 Paragraph 180 (d) of the NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Policy NR2 of the BLP states that development proposals need to demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric.
- 10.24 The application has been submitted alongside a biodiversity net gain calculation (using the DEFRA 4 metric and the accompanying report concludes that the development would lead to a net gain of 0.01 habitats units (+2.09%). However, it is very unlikely that the development would lead to a net gain in biodiversity as two urban trees have been included in the post development and the guidance discounts these as the Local Planning Authority cannot reasonably exercise a control over the management of private gardens for the minimum 30 years period to contribute towards biodiversity net gain as trees provided within private gardens would be within the power of a future occupier to remove.

10.25 When taking the above into account, there would be a loss of 0.02 habitat units. In this context, where it is not possible to achieve biodiversity net gain within the site, in order to demonstrate compliance with BLP Policy NR2, this loss should be offset. In cases where net gain cannot be met through an on-site provision, there are three options available to make-up this deficit by way of an off-site provision:

- 1) Purchase of biodiversity credits from the Council;
- 2) Offset the deficit on land either owned by the applicant or a third-party. If owned by a third party, this would be subject to an agreement with the landowner; or,
- 3) Purchase of biodiversity credits from a broker or Habitat Bank

10.26 The Council does not currently have any biodiversity land banks which can accommodate an off-site provision and the applicant does not have any alternative sites in their ownership which can also accommodate an off-site provision. Therefore, in this instance it is deemed necessary and appropriate for the net loss to be compensated with a financial contribution. This is at a rate of £40,000 per unit (1.0). The biodiversity units to be offset amount to 0.02, which in this instance requires a financial contribution of £800.00 towards the Council's Biodiversity Offsetting Scheme. Therefore, subject to securing this through the legal agreement, it is considered that adequate compensatory measures would be secured to offset the net loss in habitat units as a result of the development.

Access, Parking and Highways

10.27 The NPPF 2023 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. BLP policy IF2 sets out that development proposals should support the policies and objectives of the Transport Strategy as set out in the Local Transport Plan and provide car and cycle parking in accordance with the current Parking Strategy.

10.28 The proposed development would result in one additional dwelling on the site and would utilise the existing access. This is acceptable in principle from a highway safety perspective and the application demonstrates that sufficient turning space would be accommodated within the site. Parking for two vehicles is shown for each property, alongside cycle parking and refuse storage, all of which would be secured by recommended condition.

Sustainability

10.29 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. Paragraph 152 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, minimising vulnerability and improving resistance, and supporting renewable and low carbon energy and associated infrastructure. The Council declared a climate emergency in June 2019 and intends to implement a national policy to ensure net-zero carbon emissions can be achieved by no later than 2050.

10.30 In December 2020, the Environment and Climate Strategy was adopted to set out how the Borough will address the climate emergency. These are material considerations in determining this application. The strategy sets a trajectory which seeks a 50% reduction in emissions by 2025. While a Sustainability Supplementary Planning Document will be produced in due course, the changes to national and local climate

policy are material considerations that should be considered in the handling of planning applications and achievement of the trajectory in the Environment and Climate Strategy will require a swift response. An Interim Sustainability Position Statement (ISPS) has therefore been adopted to clarify the Council's approach to these matters.

- 10.31 This application is accompanied by an Energy Statement. This sets out a number of sustainability measures to maximise energy efficiency. The proposed sustainability measures show that through the use of Air Source Heat Pumps, the proposals would achieve a 52% reduction in CO2 emissions. Whilst the proposals would represent a reduction in the potential CO2 emitted from the site, the proposal would not achieve net zero. As such, it is reasonable for the Local Planning Authority to achieve the remainder by a Building Emission contribution. This building emission contribution has been calculated and would be secured through the legal agreement. Lifestyle contributions would also be sought in line with the ISPS. Subject to completion of the legal agreement and recommended condition to secure further details of the energy efficiency measures set out in the report, the proposal would accord with Policy SP2 of the BLP.

Other material considerations

- 10.32 The site does not lie within Flood Zone 2 or 3 and as such a flood risk assessment is not required. However, it is acknowledged that there would be additional hardstanding resulting from the proposal and concerns have been raised regarding the impact of surface water runoff on neighbouring properties. The existing dwelling on the site is served by a driveway off Elm Grove. However, given the additional hardstanding resulting from this development, a condition is recommended which would ensure that all hard surfaces associated with the development would be constructed to be permeable or be designed to allow surface water to run off the hard surface into soft landscaping.
- 10.33 Objections have been raised to the proposed development on the grounds that the additional dwelling would add further pressures on the sewage system and surface water flooding from the additional hardstanding proposed. In considering the concerns raised regarding the impact on the sewage system from the proposed development, this is a mains connection and Thames Water as the statutory body were notified of the application. No comments have been received from Thames Water on this consultation.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 The development is CIL liable. The proposed floorspace of the two dwellings is 320.82 square metres.

12. CONCLUSION

- 12.1 For the reasons set out in this report the proposals are deemed to comply with relevant development plan policies. It is therefore recommended that planning permission is granted subject to the conditions listed below.

13. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Existing floor plans and elevations
- Appendix C – Proposed site plan

- Appendix D – Proposed floor plans and elevations

14. 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 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy - Borough Local Plan QP3 and HE1.
- 3 No works hereby permitted shall commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy has been submitted to and approved in writing by the Local Planning Authority. Thereafter mitigations measures approved in the licence shall be maintained in accordance with the approved details. Should conditions at the site for bats change and/or the applicant conclude that a licence for development works affecting bats is not required the applicant is to submit a report to the Local Planning Authority detailing the reasons for this assessment and this report is to be approved in writing by the council prior to commencement of works.
Reason: The house hosts a bat roost which will be affected by the proposals. This condition will ensure that bats, a material consideration, are not adversely impacted upon by the proposed development, and that the Council demonstrates that the council has fulfilled its duties under the 2017 Habitat Regulations - Relevant Policy - Borough Local Plan NR2.
- 4 Prior to commencement of the development above slab level, details of the measures to be taken to acoustically insulate all habitable rooms of the development hereby permitted against railway noise, together with details of the methods of providing ventilation to habitable rooms shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintain thereafter.
Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan EP1.
- 5 New hard surfaces at the site shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To increase the level of sustainability of the development. Relevant policy - Borough Local Plan Policy NR1.
- 6 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 drawings. The spaces shall thereafter 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 - Borough Local Plan QP3 and IF2.

- 7 No part of the development shall be occupied until cycle parking/storage facilities have been provided in accordance with the details as shown on the approved plans. These facilities shall thereafter be kept available for the parking/storage of cycles in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities to encourage the use of alternative modes of transport. Relevant Policy - Borough Local Plan IF2.
- 8 No part of the development shall be occupied until refuse bin storage areas and recycling facilities have been provided in accordance with the details shown on the approved plans. These facilities shall always be kept available for use in association with the development.
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 and highway safety and to ensure the sustainability of the development. Relevant Policy - Borough Local Plan IF2.
- 9 The erection of fencing for the protection of any trees to be retained on the site and any other protection measures, shall be undertaken prior to any equipment, machinery or materials being brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. 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 approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Borough Local Plan NR3 and QP2.
- 10 Prior to occupation of the development, details of the air source heat pumps shall be 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 and in accordance with the details set out in the Energy Statement dated September 2023.
Reason: To help mitigate climate change in accordance with the Interim Sustainability Position Statement. Relevant Policy - Local Plan SP2.
- 11 In the event that unexpected soil contamination is found after development has begun, development must be halted. The contamination must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority.
Reason: To ensure that any unexpected contamination is appropriately addressed as the site is adjacent to a contaminative land use. Relevant policy - Borough Local Plan EP5.
- 12 The first floor windows in the east facing elevations of the buildings 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 QP3.
- 13 No further windows shall be inserted at first floor level in the first floor side facing elevations of the buildings.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.

Relevant Policies - Local Plan QP3.

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

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

