

## WINDSOR DEVELOPMENT CONTROL PANEL

13 May 2009

Item: 8

<b>Application No.:</b>	09/00543/FULL
<b>Location:</b>	82 Clarence Road And 149 Vansittart Road Windsor
<b>Proposal:</b>	Erection of a detached three storey block of 6 x 1 bedroom and 1 x 2 bedroom flats and 2 x 2 bedroom semi detached houses with access and car parking following demolition of existing
<b>Applicant:</b>	A2 Dominion Housing
<b>Agent:</b>	Miss S Newton - Carford Seaden LLP
<b>Parish/Ward:</b>	Castle Without Ward

**If you have a question about this report, please contact:** on 01628 796070 or at sarah.ellison@rbwm.gov.uk

### 1. SUMMARY

- 1.1 The application seeks planning permission to demolish the existing buildings on the site, which was last used as a young persons hostel, including the bungalows to the rear of the site. The site would be redeveloped to provide 7 flats at the front of the site and a pair of two-bedroom, semi-detached chalet bungalows to the rear of the site. All of the accommodation would be used as general needs affordable housing. The development would have a satisfactory appearance in the street scene and has been designed so that it does not adversely affect the living conditions of the occupiers of neighbours. The site is in an area liable to flood and the Environment Agency (EA) have been consulted on the development. The EA objects to the impact on the capacity of the floodplain and to placing additional residents at risk of flooding in the area. The development provides one car parking space per dwelling and the Highway Officer raises no objection to this level of parking provision. The applicant has been requested to enter into a legal agreement to secure the necessary developer contributions.

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

1	<b>The proposal reduces the capacity of the floodplain to store water and would place additional people at risk of flooding.</b>
2	<b>A legal agreement to secure the necessary developer contributions has not been entered into.</b>

### 2. REASON FOR PANEL DETERMINATION

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

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

- 3.1 The site comprises a detached, two-storey house located on the corner of Vansittart Road and Clarence Road with the pedestrian access from Clarence Road, and a single storey bungalow to the rear of the site accessed from Vansittart Road. Access to a sizeable hard surfaced car parking area is located off Vansittart Road. The application site is rectangular in shape and is about 0.097 hectares in area.
- 3.2 The surrounding area is predominantly residential in character comprising a mix of house types and designs. The application site was last in use as accommodation for young people requiring supervision and care. The buildings were used as 7 x 1-bedroom bed-sits. Currently the house at the front of the site is not in use, although the bungalow to the rear is still occupied.

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

471068	Change of use of existing dwelling to a residential hostel for young people leaving care, including a single storey rear and side extension	Granted 1993
08/01865	5 x 2 bed, 1 x 3 bed, 2 x 2 bed semi detached dwellings, following demolition of existing	Withdrawn

- 4.1 The application seeks permission to redevelop the whole site to provide a two and a half storey building, with rooms in the roof, providing 7 flats (6 x 1-bed and 1 x 2-bed) at the front of the site, together with a pair of semi-detached chalet bungalows to the rear.
- 4.2 The new pair of semi-detached chalet bungalows to the rear of the site would have first floor accommodation mainly in the roof and would comprise 2 x 2 bedrooms. All of the units would provide general needs affordable dwellings.
- 4.3 The two storey building on the corner of Clarence Road and Vansittart Road would be roughly 'L-shaped' and would span most of the width of the plot fronting onto Clarence Road (with a gap of 0.6m to the boundary with Vansittart Road and a gap of 1.4m to the boundary with 84 Clarence Road). The building would be set back 7.8m from the front boundary with Clarence Road and the existing trees at the front of the building are shown to be retained. The building would return along Vansittart Road in which the main entrance to the building would be located.
- 4.4 The building has been designed with two elements. The northern part facing onto Clarence Road has a hipped roof and dormer windows. In facing Vansittart Road the building has two elements, the northernmost part being a two-storey building with a hipped roof. The projecting elements to the rear (south) of this has a single-storey entrance porch and a slightly lower ridge line with has a half hipped roof end and dormer windows.
- 4.5 The semi-detached chalet bungalows at the rear of the site would face north towards the rear of the building at the front of the site, and a garden for each house is proposed further to the rear (south).

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

##### National Indicators

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

NI 154	Number of new homes delivered	✓
NI 155	Number of 'affordable' new homes delivered	✓

More information on these indicators can be found at:

<http://www.communities.gov.uk/publications/localgovernment/finalnationalindicators>

##### Local Area Agreement

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

Increasing the supply of affordable housing delivered	✓
---	---

More information on these priorities can be found at:

[http://www.rbwm.gov.uk/web/partnerships\\_laa.htm](http://www.rbwm.gov.uk/web/partnerships_laa.htm)

## Berkshire Structure Plan and Royal Borough Local Plan

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

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

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

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

More information on these documents can be found at:

[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

### Other Local Strategies or Publications

5.5 Other Strategies or publications relevant to the proposal are:

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

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i the impact of the redevelopment of the site on the character and appearance of the area;
- ii the impact on the area liable to flood;
- iii the impact on the amenities of occupiers of nearby properties and future occupiers; and
- iv the adequacy of the car parking provision and the impact on highway safety in the area.

### Impact of the redevelopment of the site on the character and appearance of the area

6.2 The site is located within the Excluded Settlement of Windsor where the principle of redeveloping a site is acceptable subject to compliance with the relevant policies in the adopted Local Plan.

6.3 The present lawful use of the site is as a residential hostel for young people leaving care. The existing buildings on the site are vacant. The applicant has advised that the accommodation that was provided was of a low standard. The former residents of the hotel have been relocated to new accommodation in Windsor, close to the application site. Under the circumstances, on the basis that the hostel accommodation is being provided elsewhere, no objection is raised to the loss of the type of existing accommodation on the site.

6.4 The proposal would continue the pattern of development in the area by retaining a building at the front of the site facing onto Clarence Road and providing a replacement building to the rear of the site.

- 6.5 Housing in Clarence Road and Vansittart Road is varied in its design and appearance with housing of a mix of ages and designs, although predominantly two-storey in construction with hipped roofs. The proposed building on the front of the site would be located on the corner of the two roads, it is a two and a half storey building with accommodation provided in the roof. The provision of dormer windows in the roof slope would be a new feature in the immediate area. There is a range of house designs in the area and it is considered that the proposed building has been designed so that it does have a domestic scale and appearance, and the two small dormer windows in the front roof slope do integrate well with the design of the building. The dormers would not 'jut out' or be so prominent or out of character with development in the area that they would be significantly harmful to the appearance of the area. The building would appear larger than the existing building on the site, although the design of the building, with separate elements to the front and rear, successfully breaks up the otherwise large bulk of the building and enables it to integrate well in the street scene.
- 6.6 The existing bungalow at the rear of the site is a 'true' bungalow without rooms in the roof and orientated in a north/south direction. The proposed semi-detached, chalet bungalows would be orientated in an east/west direction, with the front of the buildings facing north towards the rear of the new building at the front of the site. This results in the side gable wall of one of the new chalet bungalows facing onto Vansittart Road. Currently the hipped roof of the bungalow faces this road. Whilst the gable wall will be closer to the road, and more visible, in view of the short width of the gable wall, at only 8m and reaching a height of around 7.8m, it is considered that the building would have an acceptable impact on the appearance of the area.
- 6.7 The car parking for the whole scheme would be located in the area between the two new buildings. This will be visible from Vansittart Road. The existing car parking area is also currently visible from the road and the proposed parking is not considered to be harmful to the street scene.
- 6.8 There are two trees along the frontage of the site with Clarence Road that are shown to be retained on the submitted plan. These trees have a pleasant appearance in the street scene and their retention is welcomed. Two trees are on the western boundary of the site with the neighbour at 84 Clarence Road and are also shown for retention on the submitted plan. These trees are visible from Vansittart Road and again their retention is welcomed. A Silver Birch tree on the boundary with Vansittart Road is shown for removal. The Tree Officer has been consulted on the proposal and any comments will be reported in the Update report.
- 6.9 It is considered that the redevelopment of the site would provide much needed general needs affordable housing accommodation which is to be welcomed. The design of the redevelopment is considered to integrate well with the character and appearance of the wider area.

**Impact upon area liable to flood:**

- 6.10 The site is located within Flood Zones 2 and 3 and in an area that is at a high risk of flooding. The applicants have submitted a flood risk assessment (FRA) with the application on which the Environment Agency have been consulted.
- 6.11 Policy F1 of the Local Plan sets out the Council's policy for development within areas liable to flood and advises that development which reduces the capacity of the flood plain to store water, impedes the flow of flood water, or increases the number of people or properties at risk of flooding will not be acceptable. Government advice on development within areas liable to flood is contained within Planning Policy Statement 25 *Development and Flood Risk* (PPS25). PPS25 is a material consideration of significant weight as it is up to date and represents national planning guidance that is designed to reduce flood risk.

*Flood risk vulnerability classification:*

- 6.12 PPS25 lists development that is acceptable in each flood zone. Within Flood Zone 3 'water compatible' uses and 'less vulnerable' uses of land are appropriate, whereas 'highly vulnerable' uses should not be permitted and '*more vulnerable*' and 'essential infrastructure' should only be permitted if the exception test is passed.

- 6.13 The proposed development is classed as a 'more vulnerable' use that is not considered appropriate in Flood Zone 3. *Such a use is only acceptable if the sequential and exceptions tests are passed.*

*Sequential test:*

- 6.14 PPS25 advises that a sequential approach should be applied to new residential development and that it should only occur in flood risk zones if it cannot be located elsewhere. It is for the applicant to demonstrate that there are no reasonably available sites in areas at a lower probability of flooding and that would be appropriate to the type of development proposed, with such development first being provided in Flood Zone 1, and if there is no reasonably available sites in Flood Zone 1, then the flood vulnerability of the proposed development should be taken into account in locating development in Flood Zone 2 and then Flood Zone 3, and within each zone new development should be directed towards the sites that have the lowest probability of flooding.
- 6.15 The applicant has submitted a sequential assessment of alternative sites for the development. The applicant has advised that *the development will predominantly meet a local need and will draw from a 2 – 5 mile radius of Windsor*. They state that if the affordable units were to be provided elsewhere, for example in Maidenhead, then the development would generate its own localised catchment area. In view of the nature of the use proposed this is considered to be acceptable.
- 6.16 The applicant has considered sites identified for residential development as part of the assessment. The applicant has reviewed the current Local Plan and recent Housing and Employment and Major Site Allocations DPD and the and the Urban Potential Review, with a view to establishing whether there are any alternative sites.
- 6.17 They conclude that the overview of the Housing and Employment DPD and Urban Potential Reviews indicates that with possibly one or two exceptions there are no suitably alternative sites capable of supporting the proposed development within a lower flood zone than the site at Admel House. Where potentially suitable sites are identified those are not reasonably available and so there is no prospect of delivery within a reasonably defined timescale. The sites identified in the Urban Potential Review are either of insufficient size, protected by Local Plan policies for other uses, fall within the same flood zone as the site, or have physical constraints that would prevent a development of affordable housing. They also advise that a particular constraint to development of other sites is that the availability of funds for land purchase is restricted where existing buildings / dwellings are being replaced. Therefore a key driver is financial viability. Given that at the site is already within the ownership of the application, it is viable. Where land would need to be purchased funds would not be available for the redevelopment and the affordable housing could not be provided.
- 6.18 Having examined the information submitted it is considered that the information submitted demonstrates that this is the most sequentially preferable site for the proposed development. However, once the sequential test is passed it is also necessary to consider the exceptions test.

*Exceptions test:*

- 6.19 PPS25 advises that for the exceptions test to be passed:
- a) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk;
  - b) the development should be on developable previously developed land; and
  - c) an FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

*6 It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk*

- 6.20 There is an identified need for this type of accommodation in the Council's Housing Needs Survey and it is considered that the community benefits ought to be afforded considerable weight. It is nevertheless considered that the development would provide wider community benefits that outweigh the flood risk.

*7 The development should be on developable previously developed land*

- 6.21 The site is currently developed and as such the proposal is considered to be on 'developable previously developed land'.

*c) An FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall*

- 6.22 The existing buildings have a ground covered area of 209 sqm whereas the proposed buildings have a ground covered area of 299 sqm, an increase of 90 sqm of ground covered area on the site. Each building on the site could be extended by up to 30sqm under Policy F1 and no. 82 Clarence Road was extended in 1993 by 27sqm and 149 Vansittart Road has never been extended. As such the proposed redevelopment of the site could have a footprint 33sqm greater than the existing and no objections would be raised in his respect under Policy F1. However, the proposed redevelopment has a footprint 90sqm greater than existing and as such does not comply with Policy F1 by an additional 57 sqm. The applicant has advised that there would be a net increase in the displacement of flood water by 43 cubic metres and that when this is considered in context with the size and capacity of the 'flood cell' in which the development is sited this would not result in a measurable increase in the level of flood water. The applicant considers that under the circumstances compensatory flood plain storage is not required.

- 6.23 The Environment Agency have commented that built development within the floodplain can sometimes be compensated for on a level for level basis, although this process requires an available area of land on the edge of the floodplain to be viable. As this site lies wholly within the area liable to flood this cannot be achieved. The proposal does not therefore comply with Policy F1.

- 6.24 The application would increase the number of residents on the site placing additional people at risk of flooding. A safe means of escape to an area wholly outside of the area liable to flood needs to be provided and the applicants have advised that such an area is 40m distant from the site, and that in their opinion passing through flood water for this distance would present a low hazard. The Environment Agency advise that any development that increases the number of residents within flooded areas will place an additional burden on the emergency services due to the requirement to rescue people from flooded houses. The FRA includes a calculation to show the development has a low hazard rating, although the route of access has not been shown and the detailed figures showing the depth of flooding along the route has not been included to support the calculation. In view of this it is considered that it has not been demonstrated that the development would have a safe means of escape in times of flooding.

- 6.25 Whilst Officers would support increasing the range and availability of affordable housing in Windsor, the development would reduce the flood storage capacity in the area liable to flood and would place future occupiers at risk of harm. The provision of additional affordable housing is not considered to override this harm in this instance.

**Impact upon amenities of occupiers of nearby properties:**

- 6.26 The closest property to the development is no. 84 Clarence Road, a two storey detached house to the west of the site. The proposed building has been sited so that it would not have a harmful impact upon the occupiers of this property by reason of the buildings bulk and mass. A dormer window is proposed in the side elevation of the building facing this house, this window serves a stairwell and as such would not result in overlooking of this house.

- 6.27 The chalet bungalows at the rear of the site would have first floor dormer windows serving bedrooms, and bathroom roof lights facing towards the new building at the front, with views at an angle towards the rear gardens of houses in Clarence Road. There is a separation distance of at around 33m between these windows and the rear wall of no. 84 Clarence Road. Additionally there are trees on the boundary. This distance is considered satisfactory to ensure adequate privacy for the existing occupiers of nearby houses and future occupiers of the bungalows.
- 6.28 The building at the front of the site has been designed with windows in the side elevations facing out towards Vansittart Road. These windows would serve kitchens / lounge at first floor level and above. These windows overlook the highway and space at the front of buildings visible from the public domain. It is considered that there would not be an unacceptable loss of privacy to properties opposite the site in Vansittart Road.
- 6.29 The flats at the front of the site would have the benefit of a garden area to the rear of the building. Each of the chalet bungalows has a private rear garden area. This is considered to provide satisfactory amenity space for future occupiers of the development.
- 6.30 The proposed development is considered to have a satisfactory impact upon the living conditions of existing residents and would provide satisfactory amenity space for future residents.

#### **Car parking and highway safety:**

- 6.31 The development would have 8 car parking spaces, one space per dwelling. The access to the site has been relocated to the west of the existing access. The Highway Officer has been consulted on the scheme. The access to the site is considered acceptable subject to a lamp column and utility equipment being relocated which can be secured by condition and under a S278 agreement.
- 6.32 The application proposes 8 car parking spaces. The site is 0.6km from King Edwards shopping centre and 0.88km to the railway station. These distances are on the edge of the distance considered to classify a site as accessible, which is 0.8km. However, given the very close proximity of the site to 0.8km, the accessible parking standards as set out in the Parking Strategy have been applied to the redevelopment of the site. Using these standards the development generates a requirement for six parking spaces. As eight spaces are proposed the level of parking is considered to be acceptable and will provide some visitor parking. In view of this, and subject to conditions to include providing cycle parking, the proposal is considered acceptable in terms of its impact on car parking, highway safety and sustainable transport.

#### **Other Material Considerations**

- 6.33 Comments regarding previous anti-social issues are noted. It should also be noted that the application then proposal is to redevelop the site from a young persons hostel to affordable housing which is the same use class as private dwellings. As such this should remove the concerns that were previously raised in this respect.

### **7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS**

- 7.1 This development would place additional pressure on local services and infrastructure. The Council requires local services and infrastructure to be improved alongside development and to be funded by the developer in accordance with its Supplementary Planning Documents setting out the relevant costs (see paragraph 5.4). In this case these improvements can be secured through an undertaking under S106 of the 1990 Planning Act completed before planning permission is granted. Details of the funding and projects are shown below. The applicant has not entered into an agreement as such it is appropriate to refuse the application for this reason.

Allotments	Windsor allotment site improvements	£120
Biodiversity	Related bio diversity projects, including but not limited to local bio diversity issues.	£TBA

Community Facilities	Related community and youth projects including but not limited to Windsor Youth and Community Centre	£1,160
Education	Appropriate, related projects taken from the asset management plans current at the time that monies are spent for the following schools: St Edwards Royal Free Ecumenical Middle School; The Windsor Boys School; Windsor Girls School and Holyport manor School and other SEN provision	£6,796.34
Waste	Provision of refuse bins and recycling boxes	£70
Indoor Sport	Windsor leisure centre pool and hall improvements	£4,048
Libraries	Some or all of the following appropriate, related projects at Windsor Library: Extension of building or new site; additional stock; new furniture and equipment; RFID	£1,190
Public Art and Heritage	Appropriate, related public art and heritage projects including but not limited to Windsor and area projects: Windsor museum Improvements to Windsor Arts Center Studios and Alexandra gardens gates.	£ 3,184
Public Open Space	Home Park, improvements to sports facilities and Vansittart Recreation Ground, play and landscape improvements	£20,834
Public transport and Highways	Related highways and public transport projects including but not limited to improvements of Green Lane cycle route and extension to Clarence Road / Hatch Lane and Clarence Road / Alma Road	£2,820
Archives	Extension of Berkshire Record Office to provide increased/improved storage for historical records relating to the Borough	£44.50
<b>Total</b>		<b>£40,342.84</b>

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

80 occupiers were notified directly of the application.

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

Comment		Where in the report this is considered
1.	Over development of the site [13]	Paragraphs 6.3 – 6.7
2.	Loss of privacy to adjacent houses [6]	Paragraphs 6.25 – 6.29
3.	Likelihood of previous anti social issues reoccurring [3]	Paragraph 6.31
4.	Creation of parking issues / congestion [13]	
5.	Building is out of character with the area [165]	Paragraphs 6.3 – 6.7
6.	Building is too tall [7]	Paragraphs 6.3 – 6.7
7.	Loss of daylight [2]	Paragraphs 6.25 – 6.29
8.	Noise pollution [2]	Paragraphs 6.25 – 6.29
9	Not enough consultation [1]	Noted
10.	Existing drainage is inadequate [2]	Noted
11.	Concerns building could be used as a hostel in the future [3]	Paragraph 6.32
12.	Will cause flooding problems [2]	Paragraphs 6.9 – 6.24
13.	No lift is shown [1]	Noted

## Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Objections.	Paragraphs 6.9 – 6.24

## Other consultees and organisations

Consultee	Comment	Where in the report this is considered
RBWM Highway Officer	No objections	Paragraphs 6.30 – 6.31
RBWM Tree Officer	Any comments will be reported in the Update report	
Environmental Protection Officer	Recommend conditions relating to aircraft noise and car park screening	Noted
Police Crime Prevention Design Adviser	No objections, but comments that the access doors should have access control on them.	Noted

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan

## 10. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal would reduce the capacity of the floodplain to store flood water and place additional people at risk of flooding and the submitted Flood Risk Assessment does not satisfactorily demonstrate that these objections to the development can be overcome. As such the proposal would be contrary to saved Policy F1 of Royal Borough of Windsor and Maidenhead Local Plan, 1999 (Incorporating Alterations Adopted June 2003) and PPS25: Development and Flood Risk.
- 2 The proposed development fails to make a financial contribution in lieu of the provision of off site public open space, indoor sport, education facilities, community facilities, transport, waste disposal, allotments, biodiversity, public art and heritage, archives or library services to meet the additional demands for such facilities that would be created by the proposed development. As such, the proposals would be contrary to Policy DP4 of the Berkshire Structure Plan 2001 -2016, and Policies R3 and IMP1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003), and to the Council's adopted Supplementary Planning Guidance on Public Open Space Provision (February 2003) and Supplementary Planning Document on Planning Obligations and Developer Contributions September 2008).