

MAIDENHEAD AREA DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 20TH NOVEMBER, 2019

At 7.00 pm

in the

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD

SUPPLEMENTARY AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
4.	<p><u>17/03903/OUT - BELLMAN HANGER, SHURLOCK ROW, READING, RG10 0PL – THIS ITEM HAS BEEN WITHDRAWN</u></p> <p><i>Proposal: Outline application (access and layout) for the construction of x18 dwellings with associated access, parking, turning and landscaping following demolition of the existing buildings and hardstanding.</i></p> <p>Recommendation: REF</p> <p>Applicant: Mr Howells</p> <p>Member Call-in: N/A</p> <p>Expiry Date: 31 July 2019</p>	3 - 22

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Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 November 2019

Item: 1

Application No.:	17/03903/OUT
Location:	Bellman Hanger Shurlock Row Reading RG10 0PL
Proposal:	Outline application (access and layout) for the construction of x18 dwellings with associated access, parking, turning and landscaping following demolition of the existing buildings and hardstanding
Applicant:	Mr Howells
Agent:	Not Applicable
Parish/Ward:	Waltham St Lawrence Parish/Hurley And Walthams Ward

If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk

1. SUMMARY

- 1.1 While the proposal would make effective use of a previously developed site, by providing housing some of which would be affordable, and without harm to the Green Belt and without flood risk, it would result in harm to an ancient woodland, which is identified as an irreplaceable habitat. In addition, it has not been demonstrated that the proposal would not cause significant harm to biodiversity, specifically protected species and their habitats in and surrounding the application site. For these reasons the proposal is contrary to paragraph 175 of the NPPF. The proposed scheme also fails to adequately secure the protection of trees and ancient woodland which contribute positively to the character and appearance of the area contrary to adopted Policies N6 and DG1 of the Local Plan. Furthermore and in the absence of evidence to demonstrate otherwise, the proposal would have an unacceptable impact on highway safety, contrary to paragraphs 108 and 109 of the NPPF and Policy T5 of the Local Plan. In the absence of a completed legal agreement to secure affordable housing the proposal is contrary to adopted Policy H3 of the Local Plan.

It is recommended the Panel REFUSES planning permission for the following summarised reasons (the full reasons are identified in Section 11 of this report):

1.	Harm to an irreplaceable habitat and protected species.
2.	Harm to the character and appearance of the area due to inadequate protection of trees.
3.	Unacceptable impact on highway safety.
4.	Lack of affordable housing.

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 Bellman Hanger is a 1940s, 2600sqm hanger originally used for storage in connection with the nearby airfield at White Waltham. It is now used as a permanent storage facility. The hanger is centrally positioned within the 0.72 hectare site and measures 39m wide by 54m long, with a height ranging from 6.1m at its lowest point to 8.1m at its peak. There is a considerable amount of outside storage to the sides and rear of the building and the site is bounded by mature trees to the north, east and south.
- 3.2 The application site is located on the east side of Shurlock Road. To the north, adjoining the site, is the ancient woodland of Crockford's Copse. To the east and south of the site are the land and buildings associated with the neighbouring farm, and to the west, on the opposite side of Shurlock Road, are open fields. The wider area around the site is predominantly open countryside with sporadic residential development.
- 3.3 The site is in the Green Belt and is in Flood Zone 1.

4. KEY CONSTRAINTS

- 4.1 The main planning constraints are associated with the site's rural location. Being in the Green Belt, the proposal will need to demonstrate that it would not have a greater impact on the openness of the area than the existing development on site. The proposal will also have to demonstrate that it would not harm the adjoining ancient woodland and any protected species habitats.
- 4.2 On previous applications the site has been considered to be in Flood Zone 3, where there is a high probability of flooding. However, following re-modelling of potential flooding in the area, (undertaken by the applicant in liaison with the Environment Agency (EA)), the site is now confirmed (by the EA) as being in Flood Zone 1.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks outline planning permission for the redevelopment of the site to provide 18 dwellings with the means of access and layout to be considered at this stage. Appearance, scale and landscaping are to be reserved matters.
- 5.2 The development would utilise the existing access to the site off Shurlock Road and provide parking for 36 cars. The proposed scheme would comprise three terraces, (made up of a terrace of 5 dwellings towards the west/front of the site, a row of 4 dwellings on the north side and a terrace of 8 dwellings to the east/rear), plus one detached house to the south. Indicative plans show the dwellings could have a chalet style / barn conversion appearance with a maximum ridge height of approximately 8.8m.

Planning History

Ref.	Description	Decision and Date
17/03734/CONDIT	Details required for conditions 2, 3, 4, 11, 13 and 15 of 14/03036.	Approved 21.01.2018.
16/02861/OUT	Outline application, with the consideration of access and layout matters only, for 20 dwellings.	Withdrawn 25.05.2017
14/03036/FULL	Erection of 3 dwellings with associated access and landscaping following demolition of the existing buildings and hardstanding.	Approved 16.03.2015
14/00350/FULL	Erection of 4 dwellings with associated access and landscaping following demolition of the existing buildings and hardstanding.	Refused 09.05.2014
12/01734/CLU	Certificate of Lawfulness to determine whether an existing external storage area is lawful	Approved 20.08.2012

12/00418/CLU	Certificate of Lawfulness to determine whether an existing external storage area is lawful.	Refused 11.04.2012
99/34780/VAR	Variation of Condition No. 1 of 429330 to allow permanent use of premises for storage purposes.	Approved 31.05.2000
98/33395/FULL	Demolition of existing warehouse and replacement with three detached houses and associated garages.	Withdrawn 16.06.1999
95/01606/TEMP	Storage use (renewal of permission 423475)	Approved 03.11.1995
95/01605/FULL	Demolition of existing warehouse and erection of 4 x five bedroom houses and associated parking.	Refused 22.08.1997
95/01604/FULL	Demolition of existing warehouse building and yard and construction of three detached houses and detached double garages and access road.	Refused 20.03.1995
94/01499/FULL	Demolition of existing warehouse building and yard and construction of three detached houses and triple garages and access road.	Refused 30.08.1994
92/01315/OUT	Replacement of storage/ warehouse building with 5 detached houses	Refused 22.02.1993
92/01314/OUT	Erect five detached houses and double garages. Demolition of existing building.	Withdrawn 08.04.1992
92/01312/FULL	Permanent consent to utilise B8 building for storage purposes.	Refused 29.07.1992

6. DEVELOPMENT PLAN

RBWM Local Plan, Adopted July 1999 (with Alterations adopted 2003))

6.1 The main strategic planning policies applying to the site are:

Issue	Adopted Local Plan Policy
Green Belt	GB1, GB2(A), GB3
Design in keeping with character and appearance of area	DG1, H10
Highways	P4 AND T5
Trees	NG

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Adopted Hurley and the Waltham's Neighbourhood Plan, 2015-2030. Adopted December 2017.

Issue	Neighbourhood Plan Policy
Sustainable development	Env 1
Climate change, flood and water management	Env 2
Quality design	Gen 2
Accessibility and highway safety	T1

7. Material Planning Policy Considerations

7.1 National Planning Policy Framework Sections (NPPF) (2019)

Section 2 – Achieving sustainable development
 Section 4- Decision-making
 Section 5 – Delivering a sufficient supply of homes
 Section 11 – Making effective use of land
 Section 12- Achieving well-designed places
 Section 13- Protecting Green Belt land
 Section 14- Meeting the challenge of climate change, flooding and coastal change
 Section 15 - Conserving and enhancing the natural environment

7.2 Borough Local Plan: Submission Version

Issue	Local Plan Policy
Sustainability and placemaking	SP2
Character and design of new development	SP3
Development in the Green Belt	SP5
Housing mix and types	HO2
Affordable housing	HO3
Housing density	HO5
Managing flood risk and waterways	NR1
Trees, woodlands and hedgerows	NR2
Nature conservation	NR3

- 7.3 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document (BLPSD) was submitted to the Secretary of State for examination in January 2018. The BLPSD does not form part of the statutory development plan for the Borough, however weight can be afforded to relevant policies in the consideration of application proposals, taking account of any unresolved objections to those policies. This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

- 7.4 Other Strategies or publications relevant to the proposal are:
- RBWM Parking Strategy

More information on these documents can be found at:
https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

27 occupiers were notified directly of the application and re-notified on receipt of amended details.

The planning officer posted a notice advertising the application at the site on 12.01.2018 and the application was advertised in the Local Press on 11.01.2018.

18 letters were received objecting to the application, plus 1 petition (with 17 signatures) summarised as:

Comment		Where in the report this is considered
1.	18 dwellings on the site is too excessive.	9.2 – 9.8
2.	The proposal would have a greater impact on the openness of the Green Belt, due to the scale of the development and material increase in the level of activity, contrary to Policy GB2.	9.5

3.	In 1995 application 426529 for 3 houses was refused on the grounds of being cramped and an intrusive form of development with an urban appearance harmful to the rural character of the area. This still applies and will be contrary to Policy GB3.	Superseded by NPPF 2019.
4.	Application 426529 also stated that the proposed development would result in an increased use of the access which is sub-standard in visibility at its junction with Shurlock Road, adversely affecting the convenience and safety of road users.	Superseded by Manual for Streets and NPPF.
5.	Insufficient sight-lines on the entrance for a 40mph speed limit road.	9.15 – 9.18, 9.20.
6.	Adverse impact on neighbouring farm through noise, light, dogs barking and traffic movements which would could distress the animals. The farm would also not provide a conducive environment to place 18 new houses in close proximity. Likely to be conflict between new residents and cattle – from noise and smells. This could potentially harm the livelihood of the farmer.	9.37 – 9.38
7.	Will increase the burden on the existing sewerage system, when there is already a serious problem with sewerage backing-up and foul water flooding the village. Thames Water has a record of pretending that the problem doesn't exist.	Noted but no objection received from Thames Water.
8.	Will create a considerable level of light pollution with significant impact to the rural nature and character of Shurlock Road.	9.31 – 9.36
9.	There are no footpaths on Shurlock Road within the proximity of the application site to Waltham St Lawrence and Shurlock Row – There is likely to be a high number of pedestrians using a very fast, dangerous road with low visibility.	9.43
10.	There are limited local services and facilities including lack of school places and very limited public transport making this a poor location for this volume of residents. The nearest shops, doctors, chemists are over 3 miles away.	9.43
11.	Neither the NPPF on replacement in the same use, nor the Local Plan, indicates this site is acceptable for major redevelopment.	9.2 – 9.8
12.	Waltham St Lawrence and Shurlock Row are under pressure from the effects of major developments in Reading, Twyford, Ruscombe, Maidenhead and Bracknell and therefore we should be protecting the character and environment in this small village from infill and urbanisation.	9.2 – 9.11
13.	The site is adjacent to an ancient woodland with TPO protections and an array of active native wildlife. Night time light and noise as well as dogs and cats could cause issues with this environment	9.22 – 9.36
14.	The woodland suffers from flooding and any increase in groundwater from the development could cause loss of trees.	9.12 – 9.13, 9.22 – 9.30
15.	Any development would need to be fully close-boarded to protect the neighbouring farm.	Noted.
16.	The scale, massing and height with such a large number of residents will create a cramped and enclosed location contrary to SP3. The location is in no way suitable for the number of people, cars and traffic movements that the development will create.	9.4
17.	The increased amount of traffic onto Shurlock Road from the proposed development will significantly increase the likelihood of serious accidents. The houses are bound to attract families with small children and there will be significant risk of accidents to pedestrians.	9.14 – 9.21
18.	There is no area for the children to play. The proposed gardens are very small and dark.	9.38
19.	Shurlock Road is a very busy road with a number of obscured access points. The road cannot take any more traffic. The site itself is on a bend in the road	9.14 – 9.21
20.	The developer has already been refused for 4 dwellings so how can 18 now be given consideration.	9.2 – 9.8

21	The development will double the number of residents in Shurlock Row village.	Noted.
22	Although this is a brownfield site and housing is required, the proposal is not suitable and should not be approved.	Noted.
23	The proposal is suburban in style, being in effect a mini housing estate. Is not in-keeping with the rural scale, style and character of properties within this part of Shurlock Row	9.4
24	This is not sustainable development. The development will have a need for 100% cars.	9.43
25	The access, due to lack of clear sight lines and speeds of passing cars, is dangerous.	9.15 – 9.20
26.	Will cause problems with flooding.	9.12 – 9.13
27.	Will significantly harm the openness of the Green Belt	9.5
28.	The tree survey refers to trees being removed and this has not been agreed with occupiers at Long Meadow Caravan, Shurlock Road	9.22 – 9.30
29.	There is no mains gas in the village, so the houses will have to be completely electric. If they have oil this will involve more movements to and from the site.	Noted.
30.	The proposal could have catastrophic consequences on the neighbouring Hereford cattle farm. The development will be 20-25ft from the stud breeding bull pens and 60-70ft from the cow shed. If we want a new barn it will have to be a minimum of 400m from the nearest dwelling. New residents of the houses should be made aware of the cattle farm next to their homes and that there will be noise, smells and long hours from the farm – they should sign a disclaimer so there is no come-back on the farm.	9.37
31.	Given the destruction of the pond and felling of veteran trees on the site by the applicant we have concerns in their ability to sufficiently abide by any protective conditions imposed.	Noted.
32.	<p>Waltham St Lawrence & Shurlock Row Preservation Society Comments summarised as:</p> <p>Isolated location – lack of facilities, shops and jobs;</p> <p>Cramped form of development;</p> <p>Harm to the character of the countryside due to intensification in level of activity on the site, contrary to Policy GB2(B);</p> <p>Harm to the neighbouring farm;</p> <p>Errors in the applicant's Transport Statement;</p> <p>Potential harm to the ancient woodland, a priority habitat.</p> <p>Environmental Protection concerns regarding odours from farm and impact on new residents.</p> <p>This location is totally unsuitable on this scale – paragraph 72 of the NPPF.</p> <p>The proposal is contrary to Policy T1 Accessibility and Highway Safety of the Hurley and The Waltham Neighbourhood Plan.</p> <p>A Technical Note by Railton dated 29/03/19 has been prepared and submitted on behalf of the Preservation Society. It concludes that the proposed visibility splays at the site fall short of absolute minimum standards. The proposed access arrangements are therefore unsafe and unacceptable in relation to local and national policy. The safety deficiencies cannot be adequately mitigated. Further, the site cannot be safely serviced and is deficient in relation to sustainable access since it is impossible to safely access facilities or bus services on foot.</p>	9.2 – 9.43

Consultee responses

Consultee	Comment	Where in the report this is considered
Waltham St. Lawrence Parish Council	<p>Comments summarised as:</p> <p>This site is wholly unsuitable for a development with this number of houses due to its rural location and dangerous junction. Development should be restricted to the existing permission for 3 houses.</p> <p>There is no information on the height as to whether it would be higher than the existing hanger. Some of the buildings will be outside the footprint of the existing buildings. The Parish Council strongly opposes any building outside the existing footprint, as this would have an impact on the openness of the Green Belt.</p> <p>The previous warehouse use was restricted by condition 6 of 99/34780 to one round trip per user per day, i.e. 18. The proposed use assumes an average of 5 trips per dwelling i.e. 90 a day = 400% increase in trips to and from the site.</p> <p>The visibility sightline to the south is inadequate for a 60mph speed limit on an unclassified road with no pavement. Visibility to the north is also below the required standard.</p> <p>The Highway Authority in previous applications has raised concerns in relation to increased traffic along Shurlock Road.</p> <p>A local resident traffic survey undertaken in 2017 highlighted 249 vehicle movements along the road between 8am and 9am, which was 50% above the figures quoted by the applicant. The Parish Council does not consider that there will be low levels of traffic at the access and Shurlock Road, but that the situation will be extremely dangerous for a junction with inadequate visibility splays.</p> <p>Traffic along the road will increase due to new homes being built in Ruscombe.</p> <p>The lack of footpaths in this rural location is dangerous.</p> <p>Any suggestion to reduce speed limits will not work due to lack of enforcement.</p> <p>The proposal would be contrary to Policy SP3 of the BLPSV and the proposal does not respect and enhance the local character of the area or encourage walking and cycling, minimise the visual impact of traffic and parking, protect trees, provide high quality amenity space.</p> <p>The applicant's assessments make no mention of the neighbouring farm and the impact the development would</p>	9.2 – 9.43

	<p>have on this. The application site would have to be enclosed by a 6ft barrier fence to stop dogs going on to the farm.</p> <p>Other matters of note: The developer paid for the reclassification of the site to Flood Zone 1. Only the EA should assess this.</p> <p>Local schools are either full or nearly full.</p> <p>The development will increase the amount of lighting in the rural area having a damaging and urbanising effect.</p> <p>A development of this scale would worsen an existing significant problem with the sewerage system in the area.</p> <p>Proposal does not accord with Policy SP3 in achieving a satisfactory living environment. The proposal is contrary to Policy GB2 (b) as it represents a material intensification in the level of activity on the site.</p> <p>A Transport and Highways Review on behalf of WSL Parish Council (by Railton TPC Ltd, dated 01/02/18) has been submitted. The report concludes the proposed visibility splays at the site access fall short of absolute minimum standards and therefore the proposed site access arrangements are unsafe. In order to achieve even sub-standard visibility splays it will be necessary to remove mature trees to the north of the access. It is likely that land out of the applicant's control would be required to achieve the substandard visibility to the south of the access. It is not acceptable to condition the required specified visibility splays as the splays are unlikely to be achievable in practice. The proposed development generates well over twice the level of traffic that had previously been judged the maximum permissible for the site. The site is entirely inaccessible by sustainable modes and residents would be totally dependent on the private car.</p>	
Highway Authority	No objection subject to acceptable visibility splays.	9.14 – 9.21
Council's Tree Officer	Recommends refusal – harm to trees important to character of the area. Contrary to policies N6 and DG1.	9.22 – 9.30
Council's Ecologist	Recommends refusal – harm to irreplaceable habitat and protected species. Contrary to 175 of the NPPF.	9.31 – 9.36
Environment Agency	No objection.	9.12
Lead Local Flood Authority	No objection subject to surface water drainage strategy condition.	9.13
Environmental Protection	No objection subject to contaminated land condition.	9.42
Thames Water	Recommends conditions in relation to waste and surface water if application to be approved.	Noted.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of development – whether the proposal is appropriate development in the Green Belt;
- ii Impact on the character and appearance of the area (not including trees);

- iii Flood risk;
- iv Highway safety and parking provision;
- v Impact on trees;
- vi Ecology;
- vii Impact on the amenities of future occupiers of the development and neighbours;
- viii Affordable housing;
- ix Other material considerations; and
- x Conclusion.

The principle of development – Appropriateness in the Green Belt

- 9.2 The application site is located within the Green Belt. Paragraph 145 of the NPPF states Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt, with the exception of certain types of buildings and, as outlined in paragraph 146, certain other forms of development. One of these exceptions is “limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: i) not have a greater impact on the openness of the Green Belt than the existing development; or ii) not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 9.3 In this case, the site is currently occupied by a large building which was originally used as an aircraft hanger, but is now, and has been for the last 30 years, used for storage purposes. In addition to the hanger there is a single storey lean-to structure immediately adjacent to it to the north, which is also used for storage, together with various smaller buildings scattered around the site. Outside storage to the east of the building was established as being lawful development under application 12/01734/CLU. Accordingly, the site is “previously developed land”.
- 9.4 The proposal involves the complete redevelopment of the site and is in ‘outline’, with layout and access only to be considered under this application. The scale, appearance and landscaping are ‘reserved matters’ for consideration under a separate application at a later date if the outline application is approved.
- 9.5 In terms of assessing the impact of the proposal on the openness of the Green Belt, the layout shows the proposed dwellings to be largely within the footprint of the existing hanger building. The exception to this are the dwellings proposed to the north and south (plots 6 to 12 and plots 1 and 18 respectively). In the case of the proposed dwellings to the north, these would be within the footprint of the existing lean-to structure, while plots 1 and 8 to the south would be partially outside the footprint of the hanger. While the lean-to is not authorised and the development would extend beyond the footprint of the southern elevation of the hanger, the site benefits from a lawful development certificate for outside storage extending onto the area of hardstanding to the east, and across the rear, of the existing hanger, plus the proposal involves the removal of six existing outbuildings. As such, the proposed development would be contained within the commensurate area of the existing development on site.
- 9.6 While elevations of the proposed dwellings have been submitted with the application, it should be stressed that these are indicative of how the development may appear, as the scale and appearance are not matters for consideration under this outline application. Nevertheless, it is reasonable and necessary, (given the assessment of the proposal on the openness of the Green Belt), to restrict the maximum height of the dwellings by way of a planning condition on any outline permission granted. Similar proposals approved in the Borough have tended to restrict the maximum height to be no more than the maximum height of the existing development on site,

so in this case it would be reasonable to restrict the height of the development to no more than 8.1m.

- 9.7 In addition to the layout and height, regard should be had to the fact that the proposal is assessed in terms of its impact on the openness of the Green Belt as a whole, not just the openness of the application site. With this in mind, it is material to the consideration that the site is well-contained being largely enclosed by close-boarded fencing to the eastern and southern boundaries and by woodland to the north, effectively limiting the harm of the proposal to the openness and visual amenities of the Green Belt.
- 9.8 Overall, and subject to conditions restricting the height, permitted development rights, means of enclosure and use of the open space, the proposal would not have a greater impact on the openness and visual amenities of the Green Belt than the existing development. Accordingly, the proposal complies with the first part of paragraph 145g) of the NPPF and is not inappropriate development in the Green Belt.

Impact on the character and appearance of the area (not including the impact on trees)

- 9.9 As set out in section 5 above, the application site is located in a predominantly rural area where there is sporadic residential development. However, as mentioned in paragraph 9.5 above, the site is well-contained and enclosed to the sides and rear by 2m high fencing and/or mature trees. It is also important to remember that scale and appearance of the development are not matters for this application, and it is material to the consideration to have regard to existing development on site and potential 'fallback' scenarios. For example, the Town and Country Planning (Use Classes) Order 2015 permits the change of use from B8 (storage or distribution) to B1 uses, including offices, research and development or for any industrial process that can be carried out in a residential area without causing detriment to the area.
- 9.10 Inevitably any redevelopment of the site would change its character and appearance. However, the development would be set well back into the site and the layout of the scheme, predominantly over existing built development and in a courtyard arrangement, would result in the majority of the parking and any domestic paraphernalia being largely screened.
- 9.11 With the use of appropriate conditions, such as a restriction on the maximum height of the dwellings, removal of permitted development rights and landscaping, and having regard to the site characteristics and potential fallback development, the proposal would not harm the character and appearance of the area.

Flood risk

- 9.12 Following the submission of the application and in collaboration with the Environment Agency (EA), the applicant undertook hydraulic modelling of the site and surroundings to establish the flood zone classification of the site. This established the application site to be in Flood Zone 1 (land having less than a 1 in 1000 year annual probability of flooding). National Planning Policy Guidance advises that residential development in Flood Zone 1 is appropriate.
- 9.13 With regard to potential risk from surface water flooding, the Lead Local Flood Authority has raised no objections to the scheme, subject to a pre-commencement condition being imposed with any permission granted, that requires full details of the proposed surface water drainage scheme to be submitted and approved by the Local Planning Authority.

Highway safety and parking provision

- 9.14 Shurlock Row connects the B3024 Broadmoor Road to the B3018 The Straight Mile. Within the vicinity of the application site Shurlock Row is subject to the national speed limit (60mph), however approximately 70m north of the site access the road has a 40mph speed limit.
- 9.15 The site is located to the east of Shurlock Row and is served by an existing vehicular access that offers visibility splays of 2.4m by 100m to the right (north), by 75m to the left. The Borough's Highway Design Guide sets a visibility splay of 2.4m by 215m in both directions, (based on

advice given in the Design Manual for Roads and Bridges (DMRB) and applicable to truck roads). The restricted visibility splays are primarily due to the horizontal alignment of the highway and the position of the site on the 'inside' of the bend.

- 9.16 The development would be served by the existing access and could achieve (according to the submitted Transport Statement), with the trimming or removal of boundary hedging or trees on the public highway, visibility splays of 2.4m x 107m to the right (north), by 91m to the left. These visibility splays have been accepted by the Highway Authority on the basis that Shurlock Row is not a trunk road and therefore the DMRB is not relevant. The Highway Authority has advised that advice contained in Manual for Streets (MfS) 2, published in 2010, is the most applicable to the access considerations for the site. Third party representations, (including A Transport and Highway Review plus Technical Note on behalf of Waltham St Lawrence Parish Council), have submitted that the guidelines in MfS are not appropriate in this case. The Highway Authority, however, maintains its advice that MfS is the appropriate guidance in this case and, on reviewing all the information submitted in respect of visibility splays, this is concurred.
- 9.17 The Highway Authority has made clear that the accepted visibility splays (suggested by the applicant as 2.4m by 107m to the right and by 91m to the left), can only be achieved by the trimming back and/or removal of the boundary vegetation and trees on the public highway, and has advised that a detailed plan indicating these visibility splays at the site access should be submitted and approved prior to commencement of the development, to be covered by a planning condition.
- 9.18 As access is a matter for consideration under this application and, as the acceptability of the visibility splays is reliant on works being undertaken on public highway land (owned by the Council), i.e. the trimming back and/or removal of trees and vegetation outside of the applicant's ownership, it is not appropriate to impose a condition requiring details to be submitted and approved at a later date. Furthermore, earlier this year trees and vegetation were removed from highway land to the north of the site access, without the Council's consent and it is understood this is under investigation separate to the consideration of this application. However, it is material to the consideration of the application that works required to make the development acceptable should be assessed 'in the round', in particular whether those works would have an adverse impact on matters such as the character of the area and/or ecological matters.
- 9.19 The submitted Transport Assessment reports that the development has the potential to generate 10 two way trips in the AM peak, 9 two-way trips in the PM peak and 85 daily movements. The Highway Authority's consultation response advises that, based on a trip analysis from a previous submission, the development would lead to 12 and 13 trips in the AM and PM peak periods respectively and 108 daily trips and that, based on a previous condition (imposed on application 99/34780), the development would lead to an increase in vehicular activity from the premises. It should be stressed however that the condition referred to restricting traffic movements at the site was imposed to protect the character of the Green Belt. Given the principle of redeveloping the site as proposed in the Green Belt is acceptable, such a condition would not now be appropriate. The relevant issue for consideration is the impact traffic generated by the proposal, (and having regard to potential fallback uses) would have on the local highway network.
- 9.20 Paragraph 109 of the NPPF states, "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." Notwithstanding the difference in estimated trips to and from the site presented by the applicant and Highway Authority, the proposal would not lead to a severe impact on the road network. However, notwithstanding potential fallback uses of the site which do not include the number of residential properties as proposed by this application, it has not been sufficiently demonstrated that a safe and suitable access to the site can be achieved, with or without causing other harm. Accordingly and in the absence of evidence to demonstrate otherwise, the proposal would have an unacceptable impact on highway safety.
- 9.21 With regard to other highway related matters, the proposal complies with the Council's adopted parking standards and the applicant has sufficiently demonstrated that a refuse lorry could enter, turn and exit the site in a forward gear.

Impact on trees

- 9.22 The Council's Tree Officer has provided the following advice: The Woodland (Crockford's Copse) to the north of the site is designated as an ancient woodland and is listed as Ancient and Semi-Natural Woodland. The woodland is also designated as a Deciduous Woodland 'Priority Habitat'. Trees growing within the woodland, adjacent to the site entrance and to the west of the site are subject to Tree Preservation Order 005/2017.
- 9.23 As set out in the NPPF and submitted Arboricultural Report, ancient woodland is defined as "any area that has been wooded continuously since at least 1600 AD", it includes semi-natural woodland and is considered to be an irreplaceable habitat. Since previous applications for the site, changes have been made to the NPPF and new guidance published to provide clear definitions of ancient woodland habitats and veteran trees, as well as recommendations and requirements for development around these irreplaceable habitats.
- 9.24 A buffer zone of at least 15m is advised for ancient woodlands. However, as a precautionary principle, a minimum 50m buffer should normally be maintained between a development and ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. A larger buffer may be required for particularly significant engineering operations or for after-uses that generate significant disturbance.
- 9.25 The buffer is a landscape feature used to protect a sensitive area from the impact of disturbance both during and after construction. The buffer can be planted with trees or shrubs, or it could be an area of land that the development is not allowed to encroach upon. The preferred approach is to create new habitat including native woodland around existing ancient woodland, as this helps to reverse historic fragmentation of the important habitat.
- 9.26 Development proposed on the application site should not have a significant impact on the existing trees including those growing on the edge of the woodland, due to the extent of the existing structures and hard standing. The removal of existing buildings and a significant proportion of hard surfacing within the curtilage of the site, and within the ancient woodland buffer one, will increase the available rooting environment and provide some benefit for on/off site trees. For this reason it is agreed that the minimum buffer to the ancient woodland could be reduced to the absolute minimum distance of 15m.
- 9.27 However, as set out in part 8 of the Arboricultural Report and shown on the Tree Protection Plan, the proposed development includes substantial incursions within the minimum buffer area for the ancient woodland, such as sections of the proposed new dwellings, private gardens and areas of hard surfacing. These incursions reduce the width of the buffer to as little as 7m for a large proportion of the length.
- 9.28 The use of small private gardens and car parking areas are not considered as suitable landscape features that would provide the level of protection for the woodland both during and after construction. The minimum acceptable buffer for ancient woodland, where pollution (for example from run-off during or after construction) and trampling (from increased public/residents use) are potential issues, needs to be at least 50m.
- 9.29 Works were taken earlier this year on adopted highway on Shurlock Row and within the boundary of TPO 005/2017, to clear trees and vegetation within the buffer zone of the ancient woodland. This work was not approved by the relevant section of the Highway Authority within the Council and may constitute criminal damage. If a tree subject to a TPO is removed without consent the landowner has a duty to plant another tree at the same place as soon as reasonably possible. In this instance, the intention of the Highway Authority is to enable trees and shrubs to grow back naturally within this area. As there is a direct seed source from plants within the adjacent ancient woodland, natural regeneration is to be encourage to preserve the local genetic diversity. It should be considered that in future the sight lines within this area will be similarly restricted as they were prior to the unauthorised works.

- 9.30 As set out in the NPPF, development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy. The proposed scheme fails to adequately secure the protection of trees and ancient woodland which contribute positively to the character and appearance of the area and it is therefore recommended the application be refused under policies N6 and DG1 of the Local Plan and paragraph 175 of the NPPF.

Ecology

- 9.31 As set out in the Tree Officer's comments above, the proposal would adversely impact the ancient woodland to the north of the site, which is an irreplaceable habitat. As there are no exceptional reasons and a suitable compensation strategy in this case, the proposal is contrary to paragraph 175 of the NPPF.
- 9.32 The application site was recorded as offering moderate value habitat for reptiles (the scrub and grassland areas). All species of common reptile are protected from killing and injury under the Wildlife and Countryside Act, 1981 (as amended). Although the submitted ecology report provides a method statement for dealing with reptiles during development, no reptile surveys were undertaken in line with best practice. Having reviewed the submitted documents and plans it does not appear that any habitats will be provided for reptiles following the development and there are no similar habitats within the vicinity of the site. The report advises that reptiles will be moved to the woodland to the south of the site, but it is not known who owns this and whether it contains suitable habitat for reptiles. As the site contains suitable habitat for reptiles and the development would break apart this habitat, the Council's Ecologist has recommended that reptile surveys be undertaken prior to the determination of the application, in order to fully assess the impact of the development on reptiles and to ensure appropriate mitigation post development is provided.
- 9.33 The submitted ecology report states that only buildings and hard standing are going to be removed as part of the development proposals, and therefore no further survey for Great Crested Newts (GCN) is required. However, although the pond on site was recorded as having negligible potential to support GCN, the report does not make an assessment of the ditch to the north of the application site or the pond within 100m for their potential to support GCN. GCN and their habitat are afforded protection under the Conservation of Species and Habitats Regulations 2017 and the Wildlife and Countryside Act 1981. Given the scrub and grassland habitats on the site are likely to have some potential to support GCN, and that they are to be removed to enable the area of open space to be established, it is recommended that further survey and assessment for GCN is undertaken prior to determination of the application, in order to assess the impact of the proposal on GCN and to ensure appropriate mitigation for GCN is provided post development if necessary.
- 9.34 Bats and their roosts are afforded protection under the previously mentioned Species and Habitats Regulations and Wildlife and Countryside Act. Accordingly, the site was assessed for the potential to support bats and found that the buildings on site had negligible potential and therefore no further bat surveys were required. The sub-station, outside of the application site but adjacent to it, was not assessed for roosting bats but the Council's Ecologist has advised that there is potential there. Having regard to the habitat potential of the sub-station and surrounding boundary features, the area is likely to support commuting and foraging bats. Accordingly, light pollution from external sources within the application site should be controlled and the Council's Ecologist recommends details of external lighting be submitted and approved prior to determination of the application. However, as this is an outline application external lighting can be covered by a planning condition will full details submitted and considered under a subsequent reserved matters application.
- 9.35 The ecology report states that the site is largely unsuitable for water vole and otter and the nearest suitable habitat is Twyford Brook, 270m north of the site. However, it is not clear as to whether the ditch immediately to the north of the application site is suitable to support these protected species and whether or not the ditch has been surveyed. Further clarification of this is required prior to the determination of the application.

- 9.36 In the absence of information to demonstrate otherwise, the proposal would lead to significant harm to biodiversity contrary to paragraph 175 of the NPPF

Impact on the amenities of future occupiers of the development and neighbours

- 9.37 Subject to appropriate design, (which is a reserved matter), the living conditions of future occupiers of the development will not be adversely affected in terms of loss of privacy, insufficient levels of daylight or from any development having a dominant or overbearing impact. While the private gardens relating to the individual dwellings would be small, further open space to the east of the site would provide additional amenity space for residents. Some concerns have been raised about potential complaints from residents of the proposed development regarding the noise and smells coming from the neighbouring farm, and the possible adverse impact this could have on this business. However, notwithstanding the fact that agricultural noises and smells are a frequent occurrence associated with living in the countryside and future residents should expect this, it is considered that with appropriate design and materials any noise or smells from the neighbouring farm could be largely minimised.
- 9.38 In terms of the impact of the development on the living conditions of any neighbours, given the separation distances involved, (the closest dwelling is to the south of the site approximately 20m away), the proposal will not result in any loss of light, loss of privacy nor having an overbearing impact.

Affordable housing

- 9.40 As the proposal is for 18 dwellings (and the site area is over 0.5 hectares), Policy H3 of the Local Plan is relevant and requires a proportion of the development to be delivered as affordable housing. In this case, the applicant has offered to provide 5 dwellings on a shared ownership basis and the legal agreement to secure this is being pursued. However, in the absence of the completed legal agreement for the affordable housing the proposal is contrary to Policy H3.

Other Material Considerations

- 9.41 Paragraph 11 of the NPPF makes clear that there is a presumption in favour of sustainable development. All housing applications are required to be considered within the context of this presumption and policies relating to 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. At the time of writing, the Council does not have a 5 year supply of deliverable housing sites.
- 9.42 Given the existing and previous use of the site, Environmental Protection has recommended that any permission granted should include a condition in respect of potential contaminated land. This would be a standard condition that requires an initial investigation and risk assessment of the site, and submission and approval of remediation measures if necessary. The condition is reasonable and necessary to ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised.
- 9.43 A number of representations received have referred to the site being unsustainable given the lack of pavement outside the site along the highway to facilitate safe walking, together with the lack of services and facilities within the local village. Although the NPPF promotes sustainable development which includes encouraging modes of transport other than the car, it also includes the effective re-use of previously developed land, such as the application site. The point raised by objectors is recognised but given the principle of the proposal is acceptable in this rural location, it would be difficult to substantiate an objection on these grounds.

Conclusion

- 9.44 Section 11 of the NPPF advises that planning decisions should apply a presumption in favour of sustainable development and 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 the most important for determining

the application are out-of-date (footnote 7), granting permission unless: the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 9.45 Footnote 7 states: *“This includes, 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, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.”*
- 9.46 Footnote 6 states: *“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”*
- 9.47 As the proposal is in the designated Green Belt and would also have an adverse impact on an irreplaceable habitat (the ancient woodland), the ‘tilted balance’, (which requires any adverse impacts to significantly and demonstrably outweigh the benefits of the proposal), is not applied in this case.
- 9.48 While the proposal would make effective use of a previously developed site, by providing housing some of which would be affordable, and without harm to the Green Belt and without flood risk, it would result in harm to an ancient woodland, which is identified as an irreplaceable habitat. In addition, it has not been demonstrated that the proposal would not cause significant harm to biodiversity, specifically protected species and their habitats in and surrounding the application site. For these reasons the proposal is contrary to paragraph 175 of the NPPF. The proposed scheme also fails to adequately secure the protection of trees and ancient woodland which contribute positively to the character and appearance of the area contrary to adopted Policies N6 and DG1 of the Local Plan. Furthermore and in the absence of evidence to demonstrate otherwise, the proposal would have an unacceptable impact on highway safety. In the absence of a completed legal agreement to secure affordable housing the proposal is contrary to adopted Policy H3 of the Local Plan. For these reasons, it is recommended planning permission is refused.

10 APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site layout
- Appendix C – Indicative elevations

11. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal by reason of its siting would result in harm to an ancient woodland, which is identified as an irreplaceable habitat. In addition, it has not been demonstrated that the proposal, by reason of its siting, would not cause significant harm to biodiversity, specifically protected species and their habitats in and surrounding the application site. In the absence of wholly exceptional reasons and a suitable compensation strategy in the case of the irreplaceable habitat, and lack of an alternative site, mitigation or compensation in relation to protected species and their habitats, the proposal is contrary to paragraph 175 of the National Planning Policy Framework 2019 and Policy Env 1 of the Hurley and The Walthams Neighbourhood Plan, 2015 - 2030, adopted December 2017.
- 2 The proposed scheme, by reason of its siting, fails to adequately secure the protection of trees and ancient woodland which contribute positively to the character and appearance of the area. Accordingly, the proposal is contrary to adopted Policies N6 and DG1 of the Royal Borough of

Windsor and Maidenhead Local Plan, 1999 (Adopted Alterations 2003) and Policy Env 1 of the Hurley and The Walthams Neighbourhood Plan.

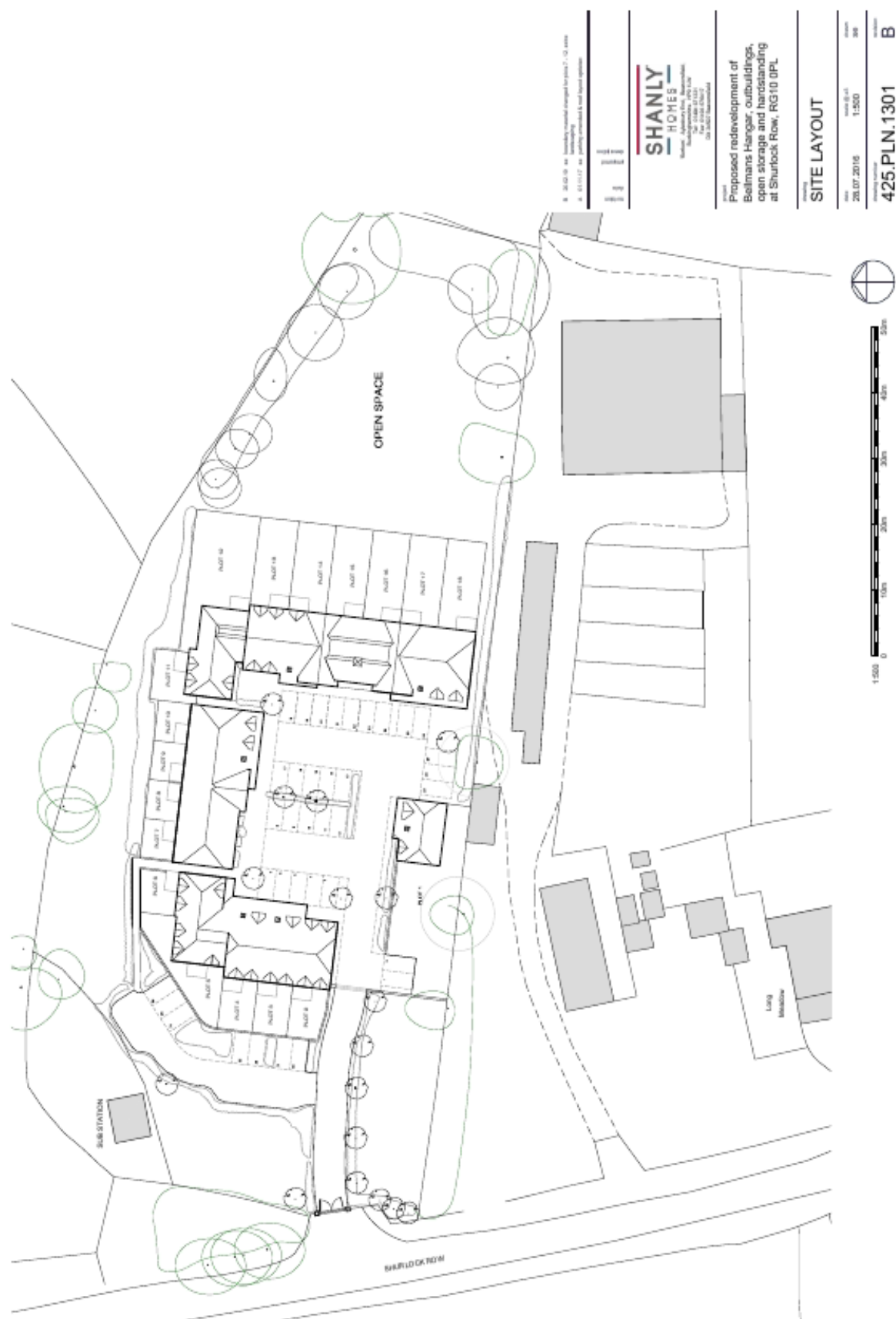
- 3 The proposal fails to sufficiently demonstrate that the appropriate visibility splays can be achieved at the access to the site. In the absence of evidence to demonstrate otherwise, the proposal would have an unacceptable impact on highway safety, contrary to paragraphs 108 and 109 of the NPPF, Policy T5 of the Local Plan and Policy T1 of the Neighbourhood Plan.
- 4 In the absence of a completed legal agreement to secure affordable housing the proposal is contrary to adopted Policy H3 of the Local Plan.



*Bellmans,
Shurlock Row,
RG10 0PL*

Location Plan

Dwg No. 425-LOC-BSR
Scale: 1:1250 [A4]





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