

ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 19TH MAY, 2021

At 7.00 pm

by

HOLIDAY INN, MANOR LANE, MAIDENHEAD SL6 2RA, ON [RBWM YOUTUBE](#)

SUPPLEMENTARY AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
4.	<u>20/02462/FULL - BELLMAN HANGER - SHURLOCK ROW - READING - RG10 OPL</u> PROPOSAL: Erection of 14 dwellings with associated parking and landscaping and the retention of the existing access road following the demolition of the existing buildings, warehouse, external storage areas and hardstanding. RECOMMENDATION: REFUSE APPLICANT: Shanley Homes Ltd MEMBER CALL-IN: N/A EXPIRY DATE: 31 MAY 2021	3 - 12

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Application No.:	20/02462/FULL
Location:	Bellman Hanger Shurlock Row Reading RG10 0PL
Proposal:	Erection of 14 dwellings with associated parking and landscaping and the retention of the existing access road following the demolition of the existing buildings, warehouse, external storage areas and hardstanding.
Applicant:	Shanly Homes Limited
Agent:	Mr Kevin Scott
Parish/Ward:	Waltham St Lawrence Parish/Hurley And Walthams
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 **Following publication of the main Panel report, the applicant has submitted revised plans removing Plot 4 from the scheme, resulting in there no longer being an objection to the proposal on the grounds of lack of private amenity space. Accordingly, the recommended reason for refusal number 3 in the main report is no longer applicable.**
- 1.2 **The Highway Authority's consultation response has now been received and raises no objections to the proposal subject to conditions. A further consultation response has been received from the Council's ecologist, who raises no objections to the proposal subject to conditions. Accordingly, the recommended reason for refusal number 4 in the main report is no longer applicable.**
- 1.3 **The Environment Agency has reiterated its objection on the grounds that, notwithstanding the submitted Fluvial Flood Survey Report together with a copy of the EAs letter dated 2nd November 2018 in respect of application 17/03903/OUT, the application site is identified on the current flood maps for planning as being in Flood Zone 3 and therefore a Flood Risk Assessment is required to be submitted. The officer recommendation in relation to this is set out in paragraph 9.37 of the main report.**

It is recommended the Panel refuses planning permission as per reasons 1, 2 and 5 in the main report.
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2. ADDITIONAL INFORMATION

- 2.1 **The Council has received revised plans that remove plot 4 (flat over garage/coach house) from the scheme. The proposal is therefore for 13 dwellings and the reason for refusal in respect of a lack of private amenity space (reason number 3 in the main report) falls away.**
- 2.2 **The Council has received additional comments and objections from the Waltham St. Lawrence and**

Shurlock Row Preservation Society in respect of noise and odours, highway safety (Railton comments) and the proposed lighting scheme. Waltham St Lawrence Parish Council has also objected to the proposed lighting scheme.

- 2.3 Additional correspondence has also been received from both neighbours to the site expressing concerns in relation to the lack of a Flood Risk Assessment (FRA), objection to the proposed lighting scheme and lack of reference to boundary fencing to the east and south boundaries.
- 2.4 The Highway Authority's consultation response has now been received. It raises no objections subject to conditions.
- 2.5 Following the submission of additional information, the Council's ecologist has no objections to the proposal subject to conditions. Accordingly, the ecology reason for refusal (number 4 in the main report) falls away.
- 2.6 The Environment Agency has verbally confirmed that it maintains its objection to the application on the grounds that the application site is identified on its current flood maps for planning as being in Flood Zone 3 and therefore a Flood Risk Assessment is required to be submitted.

Comments from Interested Parties

- 2.7 Additional comments received, summarised as:

Comment	Officer response	Change to recommendation?
<p>Waltham St Lawrence and Shurlock Row Preservation Society: Your report states "Environmental Protection has not raised any objections to the proposal in terms of potential noise impact....."</p> <p>This is incorrect. We attach a copy of the first page from the CP & ES report of 05.12.2018 which explains in the first three paragraphs her concern on behalf of occupiers, the blockage of windows and even the need to draw attention to both odour & noise in their deeds!</p> <p>Comments by Bruce Bamber of Railton on the planning officer's report to panel for Application 20/02462, Bellman Hangar, planning meeting Wednesday 19th May 2021</p> <p>In relation to paragraph 9.16 of the main report: <i>If the application is approved on the basis of this information, there are likely to be grounds for Judicial Review since the committee is not being provided with correct and factual information with respect to visibility splays. The Highway Authority has had ample time to visit the site and undertake measurements but has failed to do so despite numerous submissions pointing out the deficiencies in visibility.</i></p> <p>In relation to paragraph 9.17 of the main report: <i>MfS2 provides the relevant parameters for calculating visibility in its Table 10.1. For roads with 85th percentile vehicle speeds over 60kph (37mph), MfS2 states that reaction times and deceleration rates should be in accordance with DMRB standards. When these parameters are</i></p>	<p>Environmental Protection made these comments under the previous application (17/03903/OUT) but have not included them in its current consultation response.</p> <p>The Highway Authority has confirmed it has visited the site (see Highway comments in table 2.8 below).</p> <p>See Highway consultation response in table 2.8 below.</p>	<p>No</p> <p>No</p>

<p><i>applied using the standard equation in MfS2, the applicant's own observed 85th percentile vehicle speeds lead to a necessary visibility splay of 119.5m to the left and 133.9m to the right. Therefore, even if MfS guidance is accepted, visibility splays remain deficient. The Highway Authority has failed on two counts; it has not undertaken a site visit to assess visibility over highway land and it has not properly applied guidance in MfS2]</i></p> <p><i>In relation to paragraph 9.18 of the main report: Where there is doubt about the accuracy of maps showing highway boundaries, Highway Authorities would normally undertake a site visit to assess the location of third party boundaries. This has not been done. It is entirely unacceptable to dismiss this as not being a planning matter. There is clear guidance on the use of Conditions. It is being suggested that if safe visibility cannot be achieved, the planning permission could not be implemented. Paragraph 006 of the Government's Guidance, 'Use of planning conditions' states that, 'A condition requiring the re-submission and approval of details that have already been submitted as part of the planning application is unlikely to pass the test of necessity'. The committee report is suggesting an approach where visibility is subject to yet further review and assessment after planning permission is granted. The conduct of the Council in this regard is likely to be a matter of close scrutiny at Judicial Review. The question will be, Why was achievable visibility not clearly established before the application was taken to committee? To state that the applicant's values were accepted uncritically with no objective review will be seen as a fundamental failure in the application process.]</i></p> <p><i>In relation to paragraph 9.20 of the main report: [Paragraph 109 refers to both residual cumulative impacts and safety. The visibility is a safety issue and the committee is not being advised on the impact of the development in terms of safety. The report is partial and deficient in this respect.]</i></p> <p>The proposed lighting scheme is unacceptable in such a rural area where there is no street lighting in this parish. Our objection is based on the following reasons:</p> <ol style="list-style-type: none"> 1. The suggested lighting scheme of 23 5m & 1.8m high lights would result in widespread light pollution and badly affect both the wildlife (particularly bats) in the ancient woodland on one side and disturb the pedigree cattle in the farm on the other. Attention is drawn to Rebecca's ecology report of 22/03 where she specifically refers to "sensitive habitats" and 	<p>The Highway Authority has advised that the required visibility splays would cross land that is adopted highway (see comments in table 2.8 below).</p> <p>The Council's ecologist has advised that the proposed lighting scheme is acceptable</p>	<p>The ecology reason for refusal, number 4 in the main report, falls away (to be</p>
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<p>woodland.</p> <p>2. So many lights adversely affect the character and surroundings of the local area and are more appropriate for an urban environment. Previous developments at Downfield (27) and Adkins (13) estates have no street lighting.</p> <p>3. We have a concern with the suggested fencing which allows a gap for wildlife. This, we believe, will result in pets passing through to the ancient woodland. In addition, no mention is made regarding the prevention of domestic pets accessing the farm on the other side.</p> <p>The proposed scheme does not consider the surrounding environment and is not in keeping with the rural nature of the location. These are additional reasons for this application to be refused as its present proposed scale in this location is so obviously excessive.</p>	<p>from an ecology point of view, (see Ecology comments in table 2.8 below).</p> <p>Covered in paragraph 9.9 of the main report.</p> <p>The Council's ecologist has not raised an objection in this respect.</p>	<p>removed).</p> <p>No</p> <p>No</p>
<p>Additional neighbour objections:</p> <p>Regarding Flood Risk, I have today spoken to Helen Sanderson at the EA and she has confirmed to me that the EA objection still stands and that no challenge to change the flood zone mapping has been received so the flood zone 3 status stands until a new request to amend it for this current application is submitted under the current EA assessment criteria. This also applies to the required Flood Risk Assessment. Given that the assessment criteria for both have changed since the previous application and for good reasons, therefore it would be unacceptable to allow the applicant to bypass this very important step. Please do ensure the panel are aware of this.</p> <p>I have read the ecology memo published on the 18th May that updates on the lighting plan for the Bellman development, I would like to strongly protest that the inclusion of 5m tall street lights is going to have a seriously adverse effect on the surrounding area and woodland, as even though the lights will be pointed away from the the woodland they will point at the houses and reflect back from the houses making the houses stand out significantly, dominating the area. This is totally inappropriate for this location, there are no other streetlights for miles and this will create an urban appearance. There is no need or justification whatsoever for this type of lighting in such a dark area and 1.8m high lighting is totally sufficient for the residents</p>	<p>See additional advice from the EA set out in table 2.8 below.</p> <p>See Council's ecologist's comments in table 2.8 below and paragraph 9.9 in the main report.</p>	<p>No. The officer recommendation in relation to this matter is set out in paragraph 9.37 of the main report.</p> <p>The ecology reason for refusal, number 4 in the main report, falls away (to be removed).</p>

<p>needs. I am strongly opposed to this type of lighting and urge you to re think this approach.</p> <p>Light pollution could have an effect on our pedigree breeding farm due to the proximity of the development to our boundary and the cattle pens. The cattle are in pens from November – April, our calving season. Due to the season (winter), there is likely to be more light pollution from the development and this could have an effect on calving and also noise.</p> <p>There is no reference to the boundary fencing to the East and Southern boundaries which link to the farm boundary and the extreme proximity to the working farm.</p>	<p>No external lighting is proposed adjacent to the southern boundary. The closest external light to the southern boundary would be 1.8m high.</p> <p>Means of enclosure could be conditioned.</p>	No
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Comments from Consultees

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Comment	Officer response	Change to recommendation?
<p>Waltham St Lawrence Parish Council:</p> <p>The parish council strongly objects to the proposed lighting scheme It is completely out of keeping with the area. We would like to echo the comments of the preservation society in the attached document.</p>	Objection noted.	No
<p>Highway Authority:</p> <p>The site benefits from an existing access that offers visibility splays below the Borough's recommended standard set at 2.4m x 215m in both directions. These splays relate to the advice given in Design Manual for Roads and Bridges (DMRB) for trunk roads.</p> <p>Manual for Streets 2, published in September 2010 provides further information on the application of the principles set out in MfS. Paragraph 1.3.2 states: "... <i>most MfS advice can be applied to a highway regardless of speed limit. It is therefore recommended that as a starting point for any scheme affecting non-trunk roads, designers should start with MfS.</i>"</p> <p>Shurlock Row is not a trunk road, therefore, MfS should be the starting point.</p> <p>Paragraph 1.3.3 of MfS2 continues, "<i>Where designers do refer to DMRB for detailed technical guidance on specific aspects, for example, inter-urban non trunk roads, it is recommended that they bear in mind the key principles of MfS and apply DMRB in a way that reflects the local context. It is further recommended that DMRB or other standards and guidance is only used where the guidance contained in MfS is not sufficient or where particular evidence leads a designer to conclude that MfS is not applicable.</i>"</p>	Highway advice is noted.	No

<p>The Transport Statement (TS) reports that the existing site access achieves visibility splays of 2.4m x 107 to the right (north), by 91m to the left. However, our observations on site show that this is only achievable by trimming back or removing the boundary vegetation and trees that bound both sides of the access.</p> <p>Please be advised that the vegetation and trees are located within the adopted highway.</p> <p>It is clear from the forementioned extracts that MfS2 is applicable to all routes in urban and rural areas and for these reasons the visibility splays proposed by the applicant's highway representative were considered appropriate. However, this is subject to the submission of a detailed plan indicating the visibility splays at the site access, which as reported above would require the trimming back and/or the removal of the boundary vegetation and trees.</p> <p>A previously approved permission [<i>Application number 99/34780</i>] included a condition to manage the level of activity from the site to protect the character of the Green Belt. The planning condition required the building to be subdivided into a minimum of 10 units and a maximum of 18 units to prevent the escalation of traffic generated from the premises, and more importantly vehicle movements per day not to exceed more than one round trip per user per day. Once again this was to protect the character of the Green Belt.</p> <p>The Transport Statements accompanied the submission reports that the development has the potential to generate 7 two-way trips in the AM peak, 6 two-way-trips in the PM peak and 67 daily two trips. Project Centre's interrogation of the TRICS's database concluded that the said trips rates are considered acceptable.</p> <p>A similar B8 use on the site has the potential to generate 13 two-way trips in the AM peak, 12 two-way trips during the PM peak, and a total of 176 daily trip rates.</p> <p>A comparison between the two uses concluded that the residential redevelopment could potentially lead to a decrease in vehicular activity to and from the site.</p> <p>Having regard to the swept path analysis plans submitted, plans the internal road network provides sufficient room to allow a refuse or service vehicle to enter and leave the site in a forward manner.</p> <p>The 14 residential development comprises 1 x 2-bed, 9 x 3-bed and 4 x 4-bedroom units. With reference to the Borough's Parking Strategy (2004) the development attracts a demand for 32 car parking spaces but provides 35 spaces. The level of parking proposed is considered acceptable.</p>	<p>On-site observations noted.</p> <p>Noted.</p>	
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<p>In highway terms the principle of a residential development raises no concerns, subject to the applicant demonstrating that the site access can achieve splays of 2.4m x 107m to the north, by 91m to the left.</p> <p>Whilst it is accepted that the existing access is substandard in terms of the visibility splays, the access has served the existing site use for many years. Therefore, there are no grounds for a highway safety objection on a proposal which could potentially lead to a reduction in traffic generation.</p> <p>If the LPA is minded to approve the application, it is recommended that any consent includes conditions relating to a Construction Management Plan, visibility splays and cycle parking to be provided.</p>	<p>Clarification on parking provision. The Highway Authority notes that 35 spaces are provided in total and not 41 as referred to in paragraph 9.21 of the main report.</p>	
<p>Ecology:</p> <p>I had concerns previously with regards to the potential indirect effects of the development on this habitat including run off and lighting (on bats and other nocturnal wildlife). The applicant has provided a number of documents with regards to the potential run off and pollution which could affect the woodland. The applicant has confirmed that no wastewater will be discharged into the ditch on site or the surrounding woodland during and post construction, and that the onsite SUD's scheme will improve the water quality. This should be further detailed within a Construction Environmental Management Plan and secured as a planning condition.</p> <p>With regards to lighting, the applicant has confirmed that a 2m fence will be erected between the development and the woodland in order to ensure that lighting, in particular from cars, will be mitigated. The applicant has provided a number of documents with regards to lighting and their ecologist has provided a lighting plan (Ethos, 2021) in order to ensure that the lighting on site will not have a detrimental affect on wildlife, in particular along the boundary of the site adjacent to the woodland. Although some of the lighting columns will be 5 meters in height, the design of the lights ensure that the luminaires are fitted with shields in order to direct the light away from sensitive areas, are directed away from the boundary vegetation, have a zero degree tilt and have reduced blue lighting. Therefore it is recommended that a lighting strategy, based on the submitted documents, is secured via a planning condition.</p> <p>No objections subject to conditions in respect of Provision of Minimum 15m buffer, Construction</p>	<p>The Council's ecologist's advice is noted.</p>	<p>Yes. The ecology reason for refusal, number 4 in the main report, falls away (to be removed).</p>

Environmental Management Plan, implemented in accordance with approved lighting strategy, implemented in accordance with approved mitigation measures for Great Crested Newts, implemented in accordance with method statement in respect of reptiles and submission and approval of a Landscape and Ecological Management Plan to secure biodiversity enhancements		
<p>Environment Agency (EA):</p> <p>The EA has verbally confirmed that it maintains its objection on the grounds that the application site is identified on the current flood maps for planning as being in Flood Zone 3 and therefore a Flood Risk Assessment is required to be submitted.</p> <p>The submitted Fluvial Flood Survey Report together with a copy of the EAs letter dated 2nd November 2018 in respect of application 17/03903/OUT could be included as part of a FRA for the current application.</p>	The officer recommendation in relation to this matter is set out in paragraph 9.37 of the main report.	No.

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