

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

21 August 2019

Item: 4

Application No.:	19/00051/FULL
Location:	Tudor House And Half Acre Waltham Road White Waltham Maidenhead
Proposal:	Demolition of the existing buildings and the construction of 12 residential units comprising a mix of 6 flats (4 x 2-bed and 2 x bed sits) in one building and 6 x4-bed houses. [amendment to description to reduce No. of units and alterations to design and scale of buildings]
Applicant:	Mr And Mrs And Mr F. Mason
Agent:	Mr Paul Butt
Parish/Ward:	White Waltham Parish/Hurley And Walthams Ward

If you have a question about this report, please contact: Charlotte Goff on 01628 685729 or at charlotte.goff@rbwm.gov.uk

1. SUMMARY

- 1.1 Permission is sought for the redevelopment of this site with a residential scheme comprising of 12 units in total, 6 flats (4x2 bed and 2x1 bedsit) and 6 x 4 bed dwellinghouses. Whilst the principle of a form of redevelopment of this site, located within a settlement outside of the Green Belt, is considered to be acceptable, any proposed development must reflect the prevailing character of development in the locality and be policy compliant in all other respects.
- 1.2 Overall it is considered that the proposed development, by reason of its siting, scale and design would introduce a form of development that would be contrary to the prevailing pattern, design and form of development in this part of Waltham Road and would result in an incongruous, cramped, overdevelopment of the site.
- 1.3 The proposal, by reason of its density, insensitive siting and layout of development proposed; the loss of the remaining trees within the site and limited scope to introduce a quality and sustainable landscaping scheme, would result in a development that would not protect the character and distinctiveness of the area.
- 1.4 The buildings have been used by roosting bats in the past, and further surveys would need to be undertaken to confirm the status of the roosts and how they would be affected by the proposals. In this case, since 1) the extent to which protected species will be affected has not been established, and 2) there appear to be no "exceptional circumstances", the application would not be in accordance with relevant planning policy.
- 1.5 The Non Statutory Technical Standards for Sustainable Drainage Systems (2015) requires applications to demonstrate compliance with its requirements. A drainage statement which includes calculations and drawings is required to be submitted for consideration with the application. This information has not been received and in the absence of such, the scheme fails to consider or investigate the surface water flood risk of the site, and whether it will exacerbate the risk of surface water flooding on or off the site.

It is recommended the Panel REFUSES planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):

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| 1. | The proposed development would result in an incongruous, cramped over-development of the site that would harm the prevailing character and appearance of the area. |
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2.	The proposal, by reason of the density, insensitive siting and layout of development proposed, the loss of the remaining trees within the site and limited scope to introduce a quality and sustainable landscaping scheme, would result in a development that would not protect the character and distinctiveness of the area.
3.	In the absence of surveys to establish the status of bat roosts, the Local Planning Authority has insufficient evidence to determine the likely impact of the proposals upon bats.
4.	In the absence of a drainage statement, calculations and drawings, the scheme fails to consider or investigate the surface water flood risk of the site, and whether it will exacerbate the risk of surface water flooding on or off the site. The scheme thereby fails to demonstrate and ensure that flooding will not occur on any part of the site or outside of the site

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 the land and buildings associated with Tudor House and Half Acre. Tudor House is a large detached two storey building located on the east side of Waltham Road, facing the airfield. It is understood that the building is currently used as a HMO although it has previously been used as a nursing home. Half Acre is a chalet style dwelling house with accommodation in the roof space. Both Tudor House and Half Acre are set some 25 metres from the public highway and have large front gardens. This is characteristic of the development along Waltham Road. Waltham Road is characterised by large detached houses of varying designs set in large plots with generous set-backs from the public highway.
- 3.2 Waltham Road is identified as a 'Leafy Residential Suburb' in the Townscape Assessment, and many of the dwellings on the eastern side are large, detached properties with considerable front and rear gardens. To the west of the application site is White Waltham Airfield, which is designated Green Belt Land. Residential properties adjoin the eastern rear boundaries of the site.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 This application seeks consent for the demolition of the existing two detached buildings and erection of a residential development comprising 12 units in total, 6 flats (4x2 bed and 2x1 bedsit) and 6 x 4 bed dwellinghouses. The existing vehicular accesses out onto Waltham Road would be altered to provide access to separate parking courts for the flats and houses proposed at the front of the site. A new access road would continue on from the northern-most access to provide access to the dwellings at the rear, which would have driveway parking.
- 5.2 There have been a number of planning applications associated with Tudor House, which are summarised below:

Reference	Description	Decision
8980/70	Change of use to rest home for the elderly	A 30.12.1970
401098	Conversion of garage to s/c staff flat	A 02.01.1975
408129	Ground and first floor extension to provide lounge, bedrooms and additional fire escape	A 21.11.1978
410629	Second driveway access to be used as entrance or exit	A 10.03.1980
416970	Utility room extension	A 12.04.1985
421029	Extension to form 22 bedrooms and ancillary accommodation	R 10.11.1988 Appeal 18.09.1989
		Allowed

420949	Change of Use of Half Acre to residential home and 2 storey extension to provide 14 additional bedrooms	A 12.07.1995
98/33504	Side and rear extensions	A 15.02.1999
01/36916	Two storey side extension to Nursing Home	WDN 21.06.2001
02/38176/	Erection of a single storey rear extension	WDN 29.01.2002
11/00379	Change of use of a nursing home to a house of multiple occupation (HMO)	WDN 10.02.2011
12/00925	Change of use of care home to a house of multiple occupation (HMO) (Retrospective)	A 12.11.2012

5. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

5.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Trees	N6 and N7

Adopted Hurley and the Waltham's Neighbourhood Plan (2015-2030)

Issue	Neighbourhood Plan Policy
Quality Design	Gen 2
Accessibility and Highway Safety	T1

These policies can be found at https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

6. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making
 Section 9- Promoting Sustainable Transport
 Section 12- Achieving well-designed places

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Spatial Strategy	SP1
Housing Mix & Type	HO2
Housing Density	HO5
Affordable Housing	HO3
Infrastructure	IF1
Community Facilities	IF7
Managing Flood Risk and Waterways	NR1
Trees, Woodlands & Hedgerows	NR2
Nature Conservation	NR3

6.1 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 was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations

and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

- 6.2 This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

- 6.3 Other Strategies or publications relevant to the proposal are:
- RBWM Townscape Assessment
 - 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

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

8 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site and the application was advertised in the Local Press on 24.01.2019

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

Comment	Where in the report this is considered
1. Overdevelopment of the site	8.4 – 8.14
2. Loss of privacy	8.15 – 8.18
3. Loss of light	8.15 – 8.18
4. Flatted developments are out of keeping in the area	8.2 – 8.3
5. Inadequate parking proposed for number of dwellings	8.28 – 8.32
6. Building line doesn't respect adjacent properties	8.4 – 8.14
7. Concern over overspill traffic from visitors onto highway	8.25 – 8.27

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection. Conditions recommended	8.25 – 8.32

Consultees

Consultee	Comment	Where in the report this is considered
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Ecology	Further bat surveys are required to be undertaken to establish the status of roosts, and these need to be provided prior to determination of the application. In the absence of these surveys, the application should be recommended for refusal.	8.33 – 8.36
Trees	<p>The applicant has not submitted a tree survey. Several trees were felled and removed from the site and the loss of these will have had a detrimental impact on the visual amenity of the area. Given the size of the development proposed, there is little opportunity to introduce a quality and sustainable landscaping scheme. The planting indicated would dominate and cause extensive shading to gardens, meaning it would likely be removed.</p> <p>There is also insufficient space between plots 1-4 and 5-12 so there won't be an effective softening/buffering between these rows.</p> <p>Refusal is recommended as scheme fails to display high standards of landscaping and enhance existing landscaping.</p>	The scheme has been amended to reduce the scale of the buildings and try and enhance the landscaping around the site. The drawings received on the 5 th July have been sent to the Tree officer for review and their comments will be reported in the panel update.
Lead Local Flood Authority	Drainage statement required to be submitted with calculations and drawings demonstrating that this development complies with the requirement of the Non-statutory Technical Standards for Sustainable Drainage Systems (DEFRA, 2015). Recommend refusal in the absence of this information.	8.37
White Waltham Parish Council	<ul style="list-style-type: none"> i. Overdevelopment of the site ii. No plans for a footway along the eastern side of the Waltham Road. This is essential to allow safe access to the village. Highway safety concerns as very busy road; iii. Contrary to policy T1 of the Hurley and Walthams Neighbourhood Plan. 	

8. EXPLANATION OF RECOMMENDATION

8.1 The key issues for consideration are:

- i Principle of development
- ii Impact on the character and appearance of the area
- iii Amenity of Neighbouring Occupiers;
- iv Quality of the residential accommodation proposed;
- v Trees and Landscaping;
- vi Highway safety and parking;
- vii Ecology;
- viii Drainage;
- ix Other material considerations.

OFFICER ASSESSMENT

- **Principle of Development**

- 8.2 The NPPF seeks to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of a high environmental value. The site consists of some previously developed land and private residential gardens, which are not considered previously developed land. However, whilst the NPPF states that the effective re-use of previously developed land should be encouraged, it does not explicitly reject the principle of redeveloping residential gardens and this can be appropriate in some circumstances.
- 8.3 The principle of redeveloping the site for a more intensive residential use is considered acceptable, provided the scheme reflects the prevailing character of development in the locality and is policy compliant in all other respects. The remainder of this report will elaborate in more detail on this, however, in brief, there are concerns with the overall scale, density, and layout of the scheme proposed within this application, the implications of this and the impact this has on the character and appearance of the surrounding area.

- **Impact on the Character and Appearance of the area**

- 8.4 The NPPF (2019), Councils adopted policies DG1, H10 and H11 of the RBWM Local Plan, and Gen 2 of the Hurley and Walthams Neighbourhood Plan (2015), seek to promote standards of design which endorse high quality, varied and stimulating townscape and environment. The design guidelines set out in the Policy advise that when assessing new development proposals, regard will be had to ensuring harm is not caused to the character of the surrounding area, through development which is cramped, or which results in the loss of important features that contribute to that character. Policy H10 further advises that “new residential development schemes will be required to display high standards of design” and Policy H11 adds that “in established residential areas, planning permission will not be granted for schemes which introduce a scale or density of development which would be incompatible with or cause damage to the character and amenity of the area”. Policy SP3 of the Borough Local Plan Submission Version, reiterates these expectations.
- 8.5 The Councils Townscape Assessment (SPG) identifies the application site and surrounding area as an area type of “Leafy Residential Suburbs”. Amongst the SPG key characteristics identified for this area, are:
- low to medium density residential suburbs with characteristic ‘leafy’ streets;
 - built form defined by suburban style detached two storey houses, on medium to large plots;
 - variety of architectural styles and a broad consistency of built form, spacing between buildings and lack of on street parking;
 - well established private gardens, bounded by tall beech/laurel hedges which provide a strong sense of enclosure and privacy to the dwellings;
 - large scale ornamental trees such as cedar and conifers contribute to the leafy character;
 - views framed along leafy streets – street tree planting and/or trees and shrubs within front gardens allow only occasional glimpses to dwellings.

Siting and scale

- 8.6 It is evident from visiting the site that this description largely holds true. Waltham Road is characterised by detached dwellings, situated on moderate to large plots. Dwellings are mixed in their design, but for the most part, are no larger than two storeys in height and finished in brick/render. Each property is set back from the street allowing for a substantial front garden and off road parking. There is a wide visual separation between each property and most properties are set away from both of their side boundaries. Mature trees and hedging exist among most front/side and rear boundaries giving the area its verdant semi-rural character.
- 8.7 Whilst the development has been designed to try and maintain the established spacious character from the front, given the overall siting, scale and design of the development, the site would appear dominated by built form/parking to the detriment of its appearance within the street

scene. At present, views between these buildings are of soft landscaping rather than built form, which contributes to the established leafy character. Given the width of the access road, siting of the frontage development much further forward on the site than the existing, and siting and scale of the development to the rear, the site would appear significantly more built up with more units crammed into the plot compared to the surrounding area. Given the spacious and verdant character of the surrounding area, this would cause harm to the overall character of the area.

- 8.8 The proposed development would also increase the density of development on much smaller plots and result in significant expanses of hard surfaces such as driveways, access roads, and means of enclosure, in an area characterised, in the main, by properties with medium and large sized front and rear gardens. The subdivision of the site for a flatted development of 6 units and 6 dwellings would result in short, small gardens. Added to this the associated fencing between each garden, and any other garden paraphernalia, would result in a cramped, overdeveloped and contrived development.
- 8.9 In terms of plot size, whilst it is noted that smaller plots are evident to the north-east of the application site, these sit within a different defined townscape and are very different in character to the application site. The scheme needs to be viewed and assessed in the context of the immediate area and townscape and none of the plot sizes are comparable with the prevailing plot sizes within the vicinity of the site, which emphasises the cramped nature of the development.
- 8.10 The scheme would be tight and cramped within the plot, and as a result, there would be minimal opportunities for meaningful planting. With the position of fencing and flank walls of the houses and flats, it would be unlikely that any meaningful planting comparable to the standard found in the area could be provided. As a result, there would be insufficient space for landscaping that would be capable to soften the scheme or green the appearance to ensure it would fit into its verdant surroundings.

Design

- 8.11 The adjacent properties are varied in their detailed design and architectural detailing, incorporating render, brick and mock Tudor styles. The broad design approach of the development would reflect that of the surrounding area, through the detailing, form and materials proposed.
- 8.12 The houses in the area are predominantly two storey with simple pitched and hipped roofs. Notwithstanding the concerns with the quantum of development proposed, when considered on their own merits, the scale and design of the dwellings (plots 1-6), would be considered to respect the surrounding development.
- 8.13 There are concerns with the detailed design and form of the flatted development (plots 7-12). This development is three storeys, with multiple roof forms, ridge heights and lack of uniformity to the elevations. The detailed design approach and scale of this building, serves to highlight the incongruous nature of the development in the context and appearance of the surrounding development.
- 8.14 Overall, the proposed development by reason of its siting, scale and design would introduce a form of development that is contrary to the prevailing pattern, design and form of development in this part of Waltham Road. It would result in an incongruous, cramped, overdevelopment of the site, by reason of excessive site coverage with building and associated hard landscaping. The scheme would harm the prevailing character and appearance of the area and designated townscape to an unacceptable degree. The proposal is therefore contrary to saved Policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan, Adopted 1999 (including Adopted Alterations 2003), Policy SP2 of the Borough Local Plan Submission Version 2018 and paragraphs 127 and 130 of the National Planning Policy Framework.

• **Amenity of Neighbouring Occupiers**

- 8.15 There are residential properties located to the north, south and east of the application site. To the north, is Nilgiri, a modest two storey property. At present, although Tudor House is much larger in

scale, the front and rear building lines are similar and therefore the bulk and scale of building does not affect this property to an unacceptable degree. Plots 7-12 would be set further from the boundary with this property and moved further towards Waltham Road. To the rear, the introduction of Plot 1, would result in development near to the boundary. Having considered the siting of these plots, by reason of their orientation, siting and scale, they are not considered to appear unduly overbearing or visually intrusive to this occupier. With regards to loss of light, given the orientation of the site, and siting of the developments, the scheme is not considered to give rise to unacceptable loss of light or overshadowing to this neighbour. Windows are proposed in the side elevation of plots 7-12, however by virtue of the orientation of the buildings these look onto the driveway of Nilgiri, and the privacy of this occupant is not considered to be affected to an unacceptable degree.

8.16 Nos. 70-74 Foliejohn Way adjoin the site with their rear gardens. At their closest point, there will be approximately 20m between the rear walls of the proposed houses and rear elevations of the Foliejohn Way dwellings. This is considered a sufficient distance to ensure the proposal would not appear unduly overbearing or visually obtrusive. Furthermore, given the scale and siting of the dwellings both existing and proposed, the scheme is not considered to cause unacceptable overshadowing or loss of light. Concern has been raised in respect to loss of privacy, however, the orientation of the Foliejohn properties and location of main habitable room windows is such that there would not be direct overlooking to these occupants.

8.18 Fircroft to the south of the site, is a large single storey building running along the southern boundary. Given the siting and distances between the proposed dwellings and this property, the scheme is not considered to have a detrimental impact on the amenity of this occupier.

- **Quality of the Residential Accommodation Proposed**

8.19 Section 12 of the NPPF (2019) strives to achieve well designed places that offer a high standard of amenity for existing and future users.

8.20 Whilst the internal space proposed is considered acceptable, the dwellings are provided with small areas of private rear gardens areas, which are likely to be reduced further by landscaping, domestic shed/storage space and other domestic paraphernalia. This is contrary to section 12 of the NPPF which seeks to secure a good standard of amenity for future occupiers.

- **Trees and Landscaping;**

8.21 Policies H10 and H11 seek to achieve a high standard of design and landscaping to create attractive, safe and diverse residential areas, and where possible to enhance the existing environment. Policy N6 requires the submission of detailed tree surveys and the inclusion of an appropriate tree planting and landscaping scheme

8.22 A significant number of trees within the site were removed prior to the submission of this application. Although a BS5837 tree survey has not been submitted with this application, it would appear from the plans submitted that remaining trees are also proposed to be removed as they are not shown to be retained. Whilst some of the remaining trees to be removed are poor specimens individually, they are considered important because of the contribution they make to the local sylvan environment. Their loss would diminish the positive contribution the trees on this site make to the verdant and mature local landscape.

8.23 Given the extent of the proposed built form and associated driveways and car parking, there is limited scope to introduce a quality and sustainable landscaping scheme. In particular, there is insufficient space to the front of plots 7-12, between the building and road for much in the way of tree planting. The planting indicated in the rear gardens of Plots 1 – 4 is more likely to be shrubs than trees, given the small gardens and their orientation, which would mean any trees here would over-dominate, cause extensive shading and thus be prone to removal. Similarly, for the plants indicated in the front gardens of these plots there would be a physical proximity issue with buildings both on and adjacent to the site. There is also insufficient space for planting between plots 1-4 and 5-12, so there can be no effective softening/buffering between these development rows.

8.24 Overall, the proposal, by reason of the density, insensitive siting and layout of development proposed, loss of the remaining trees within the site and limited scope to introduce a quality and sustainable landscaping scheme, would result in a development that would not protect the character and distinctiveness of the area. The scheme is contrary to policies H10, H11, DG1 and N6 of the RBWM Local Plan.

- **Highway Safety and Parking**

8.25 The site combined has 3 existing accesses from Waltham Road. Drawing number PL-102I appears to show the existing central access will be retained and improved to serve plots 1 to 4 and 7 to 12. Additionally, a new access will be provided 6.0m south to serve plots 5 and 6.

8.26 With regards to the visibility splays the drawing shows that each access will be able to achieve visibility splays of 2.4m x 57.5m to the left and right. This exceeds the Local Authority's current requirements which are set at 2.4m x 43m. It should be noted the areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

8.27 The site will provide 14 new residential properties which will accommodate families with children. Although Waltham Road has a footpath on the opposite side directly adjacent to the site there is no footpath and only a grass verge.

The Highway Authority previously requested the following improvements;

- 1) A 2.0m wide footpath with a pedestrian crossing facility (two informal crossings) should be provided north of the main access. This can be secured by a section 278 agreement.
- 2) A pedestrian footpath and gate should be provided within the site to link plots 4 & 5 with the main site. This will enable the residents of plots 4 & 5 to access the footpath and crossing facility. This would prevent the need to provide an additional footway to the front of the site.

Drawing number PL-102I shows that the applicant has acknowledged our comments and has provided both facilities. This is accepted and had the scheme been found acceptable, would have been secured through a section 278 agreement.

Parking Provision/requirement

8.28 The site will now provide 6x 4-bedroom dwellings, 4x2-bedroom flats and 2x1-bedroom flats.

8.29 To comply with the Local Authority's current Parking Strategy 28 car parking spaces will be required. The spaces should be allocated as follows;

- 4-bedroom dwelling requires 3 spaces
- 2-bedroom flat requires 2 spaces
- 1-bedroom flat requires 1 space

8.30 The drawings show that each 4-bedroom dwelling will be provided with 3 car parking spaces and each 1 and 2-bedroom flat will be provided with 1 car parking space. An additional 4 unallocated spaces will also be provided on site to total 28 spaces. This level of parking complies with the Local Authority's current Parking Strategy.

8.31 Each dwelling is provided with a side access to the rear garden where cycle storage can be provided. A semi vertical bike store accommodating 6 bicycles will be provided for the 6 flats to comply with the Local Authority's current standards.

8.32 The size of the refuse store for the flats will need to be approved by the waste team at the Royal Borough of Windsor and Maidenhead. The proposed collection facilities are deemed acceptable.

The plans also accompany a swept path analysis to demonstrate that a borough refuse vehicle can enter and exit the site in a forward gear.

- **Ecology**

- 8.33 The application site comprises two detached dwellings where it is proposed to demolish the buildings and erect 12 new units of flats and houses. It is surrounded by habitat of good suitability for use by wildlife – the site is neighboured by residential dwellings with connected gardens to the north, south and west, fields 50m west and 140m south, and an allotment plot 330m north. As such, there is a risk that the works would impact upon protected wildlife such as bats, and an ecological assessment has been undertaken.
- 8.34 The ecology survey report concludes that the site is not likely to be of any importance to reptiles or great crested newts. However, evidence of breeding birds was observed. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. The applicant's ecologist has provided information with regards to timing of vegetation and building removal to avoid the breeding bird season and protective measures with regards to breeding birds.
- 8.35 Evidence of roosting bats was observed in both properties. The report states that further surveys would need to be undertaken to establish the status of the roosts. The results of such surveys would need to be provided prior to the determination of the application to determine the likely impact of the proposals upon bats, which are a protected species and material consideration in the planning process.
- 8.36 The buildings have been used by roosting bats in the past, and further surveys would need to be undertaken to confirm the status of the roosts and how they would be affected by the proposals. In this case, since 1) the extent to which protected species will be affected has not been established, and 2) there appear to be no "exceptional circumstances", the application would not be in accordance with the above planning policy. The scheme is thereby contrary to Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System and paragraph 175 of the NPPF (2019).

- **Drainage**

- 8.37 The Non Statutory Technical Standards for Sustainable Drainage Systems (2015) requires applications to demonstrate compliance with its requirements. A drainage statement which includes calculations and drawings is required to be submitted for consideration with the application. This information has not been received and in the absence of such, the scheme fails to consider or investigate the surface water flood risk of the site, and whether it will exacerbate the risk of surface water flooding on or off the site. In the absence of such information, the scheme fails to demonstrate and ensure that flooding will not occur on any part of the site or outside of the site, and fails to meet the requirements of the Non Statutory Technical Standards for Sustainable Drainage Systems (March 2015) and paragraph 165 of the NPPF.

9. Other Material Considerations

Housing Land Supply

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

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

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

9.2 Footnote 7 of the NPPF (2019) clarifies that:

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

9.3 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hyr hls) is the 'standard method' as set out in the NPPF (2019).

9.4 At the time of writing, the Council is able to demonstrate approximately 4.7 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

9.5 However, section d(i) of paragraph 11 of the NPPF (2019) and footnote 6 then further clarify that under the circumstances where policies are considered to be out-of-date, where *'policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'* the 'tilted balance' should not apply. This includes **habitats sites**, and in the context of this site, bats. For the reasons set out in paragraphs 8.35 and 8.36, it has not been demonstrated that the proposed development would not have an unacceptable impact on bats. Plainly, where there are such restrictive policies in play, and their requirements are not satisfied by the development proposed, it is clear that the "tilted balance" does not apply, and the planning balance is to be carried out in the ordinary way, having regard to the statutory test in section 38(6) of the 2004 Act. This is set out below in the conclusion.

10. PLANNING BALANCE AND CONCLUSION

10.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.5 it is considered that in this instance the tilted balance should not be applied

10.2 Whilst there would be limited benefits arising from the proposal such as the small increase in housing numbers, which in turn would provide limited social and economic benefits, in this case, policies relating to the preservation of protected species and impact on the character and appearance of the surrounding area, provide clear reasons for refusal which would not be outweighed by such limited benefits.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site Layout Plan
- Appendix C – Elevation Plots 1-4
- Appendix D – Floor Plans Plots 1-4
- Appendix E – Elevations Plots 5 and 6
- Appendix F Floor plans Plots 5 and 6
- Appendix G – Elevations plots 7-12
- Appendix H – Floor plans Plots 7-12
- Appendix I – Street Scene

12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

1 The proposed development by reason of its siting, scale and design would introduce a form of development that is contrary to the prevailing pattern, design and form of development in this part of Waltham Road. It would result in an incongruous, cramped, overdevelopment of the site, by reason of excessive site coverage with building and associated hard landscaping. The scheme would harm the prevailing character and appearance of the area and designated townscape to an unacceptable degree. The proposal is therefore contrary to paragraphs 127 and 130 of the National Planning Policy Framework (2019), saved Policies DG1, H10 and H11 of the Royal

Borough of Windsor and Maidenhead Local Plan, Adopted 1999 (including Adopted Alterations 2003) and Policy Gen 2 of the Hurley and Walthams Neighbourhood Plan (2017).

- 2 The proposal, by reason of the density, insensitive siting and layout of development proposed, the loss of the remaining trees within the site and limited scope to introduce a quality and sustainable landscaping scheme, would result in a development that would not protect the character and distinctiveness of the area. The scheme is contrary to policies H10, H11, DG1 and N6 of the RBWM Local Plan (2003).
- 3 In the absence of surveys to establish the status of bat roosts, the Local Planning Authority has insufficient evidence to determine the likely impact of the proposals upon bats. The proposal is contrary to Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System and paragraph 175 of the NPPF (2019).
- 4 In the absence of a drainage statement, calculations and drawings, the scheme fails to consider or investigate the surface water flood risk of the site, and whether it will exacerbate the risk of surface water flooding on or off the site. The scheme thereby fails to demonstrate and ensure that flooding will not occur on any part of the site or outside of the site, and fails to meet the requirements of the Non Statutory Technical Standards for Sustainable Drainage Systems (March 2015) and paragraph 165 of the NPPF.

Appendix A – Site Location Plan



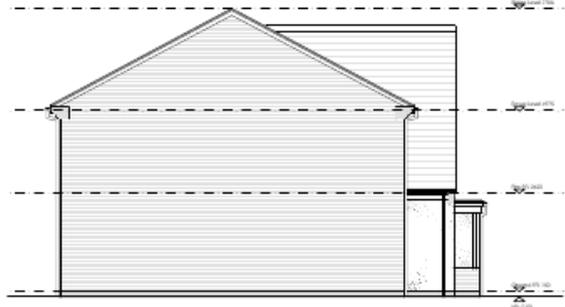
Appendix B – Site Layout



Appendix C – Elevation Plots 1-4



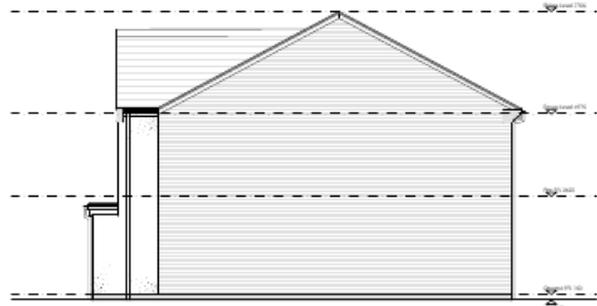
Elevation A



Elevation B



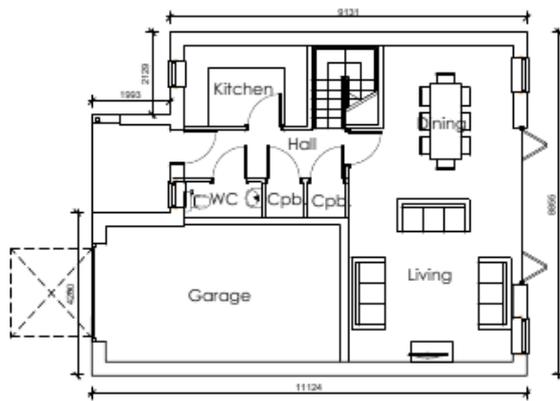
Elevation C



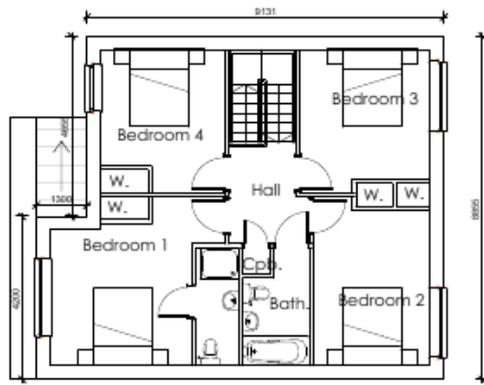
Elevation D

Plots 1-4

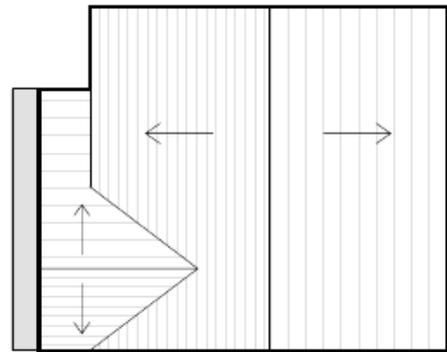
Appendix D – Floor Plans Plots 1-4



Ground Floor



First Floor



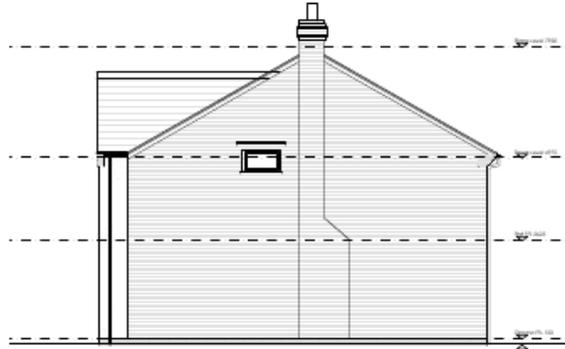
Roof Plan

Note: Plot 4 Mirrored

Appendix E – Elevations Plots 5 and 6



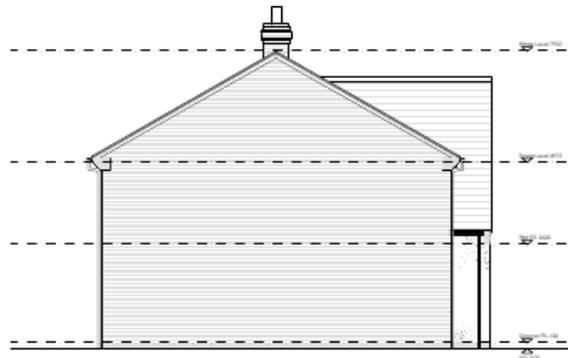
Elevation E



Elevation F

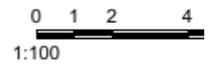


Elevation G

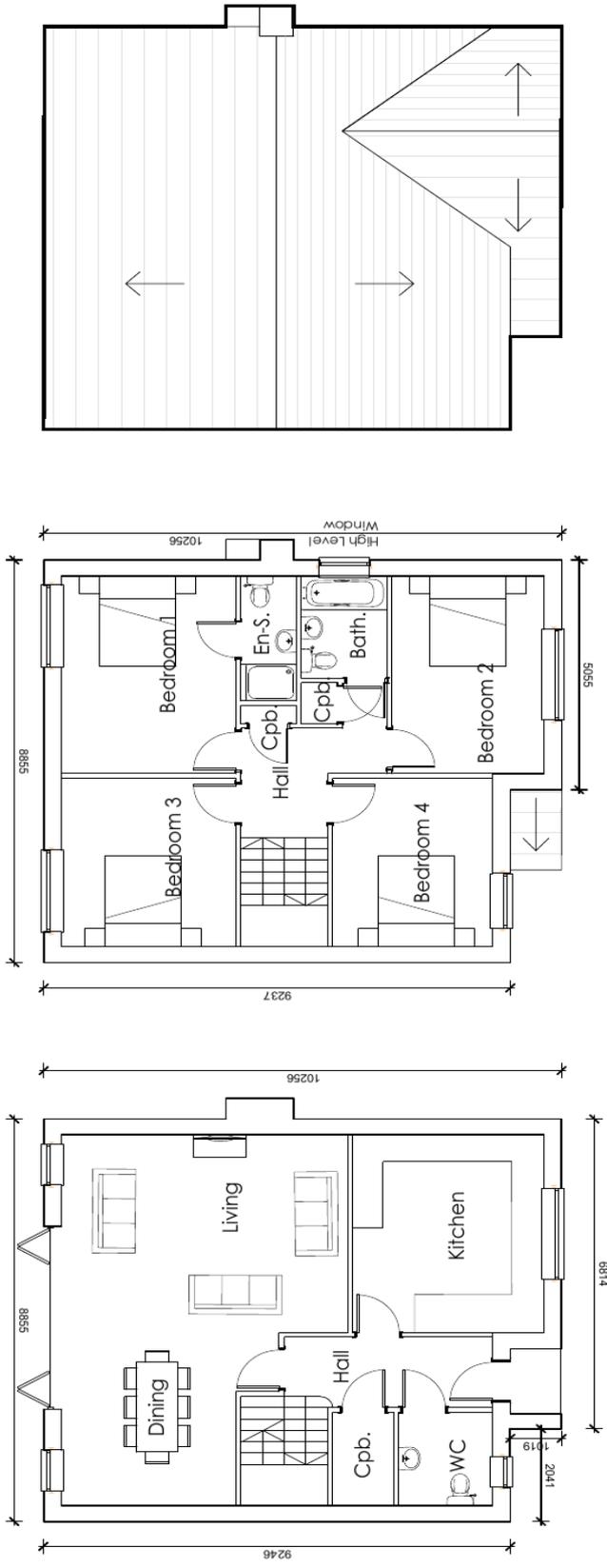


Elevation H

Plots 5 and 6



Appendix F – Floor Plans Plots 5 and 6



0 1 2 4

Roof Plan
Plot 5 (Plot 6 mirrored)

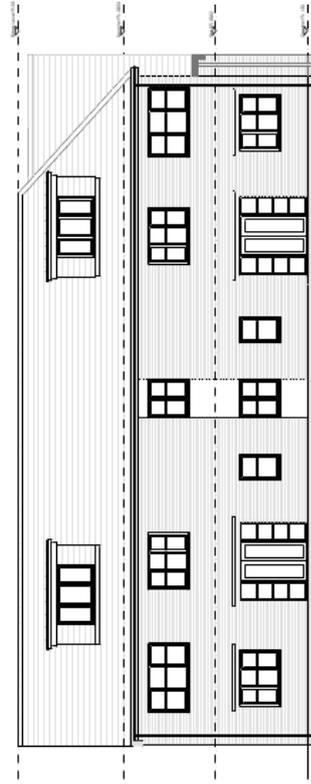
First Floor
Plot 5 (Plot 6 mirrored)

Ground Floor
Plot 5 (Plot 6 mirrored)

Appendix G – Elevations Plots 7-12



Elevation B



Elevation D

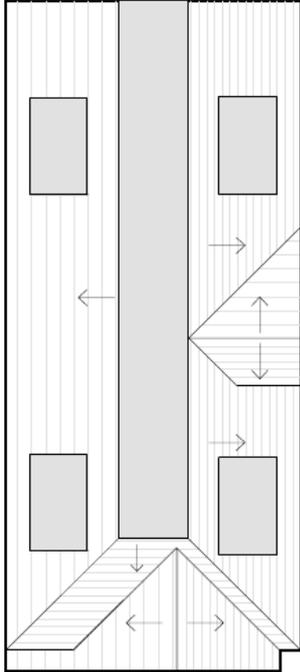


Elevation A

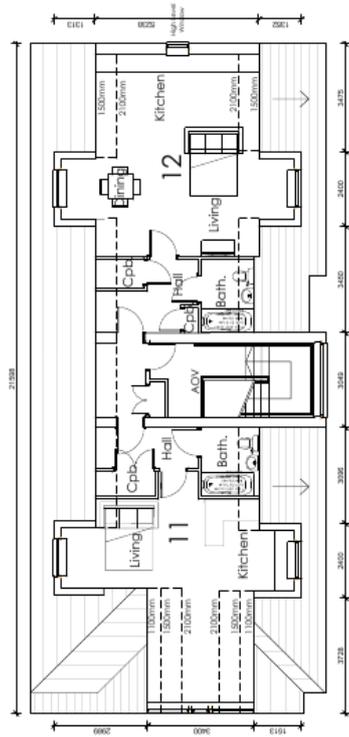


Elevation C

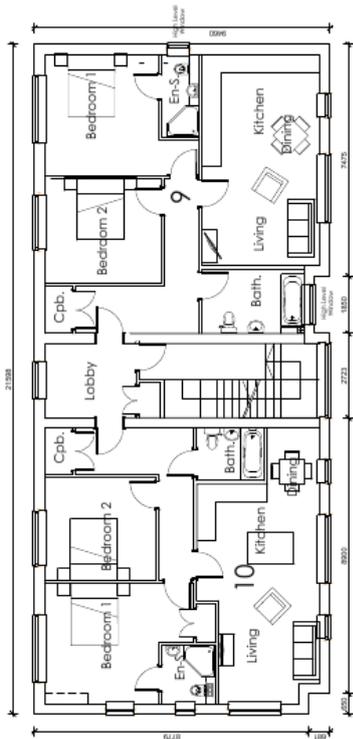
Appendix H – Floor Plans Plots 7-12



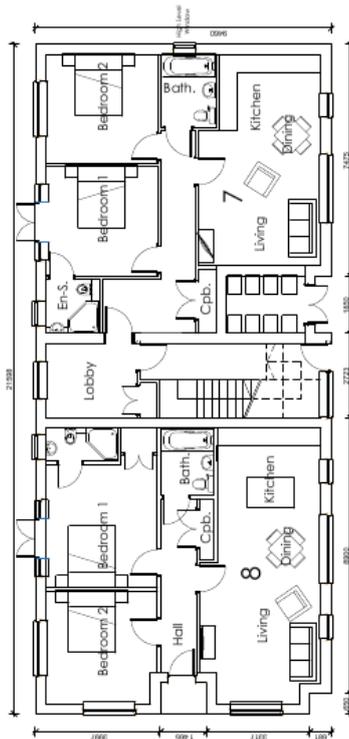
Proposed Roof Plan



Proposed Second Floor



Proposed First Floor



Proposed Ground Floor

Appendix I – Street Scene

