

SUPPLEMENTARY UPDATE AGENDA Planning Committee – 12 July 2023

Planning Applications

Agenda Item: 15

Site Address: Oak Dale, Lower Wokingham Road, Crowthorne RG45 6BX

Application No: 223256

Pages: 15 - 85

- Clarifications:

Page 16: Paragraph 2:the applicant has agreed to provide planning obligations relating to improving pedestrian route that will be secure by s106 s278 legal agreement.

Page 18: Consultee responses – WBC Sustainability Planning Officer recommended approval subject to conditions.

Page 20: Resident of 65 Wellesley Drive withdraws their support for the proposal and objects instead.

- Conditions:

Condition 13 is amended to:

13. Access

Prior to the occupation of the development the proposed vehicular access shall have been formed and provided with visibility splays shown on the approved drawing number C21060-ATP-DR-TP-012. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height and maintained clear of any obstruction exceeding 0.6 metres in height at all times.

Reason: In the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.

Condition 14 is now removed.

Reason: The applicant has confirmed it is highly unlikely that residents will be leaving the site on a mobility scooter as the majority of residents have less independence. As set out in the Travel Plan, a mobility scooter will be provided to enable residents to potentially move around more easily (likely within the site grounds). This will be stored within the building, as there is sufficient space to do so, for example in the residential area and so no store is needed. If in future a similar store is required, separate planning permission will be sought for that.

Condition 20 is amended to:

20. Drainage

Prior to the first occupation of the development hereby permitted, drainage shall be fully implemented in accordance with the details and specifications outlined in the submitted Flood risk assessment report ref 19968-HYD-XX-XX-RP-FR-0005-P01. The Report, including any accompanying plans, drawings, and documentation, shall be considered an integral part of this planning permission, and shall be binding on the applicant and any subsequent owners or occupiers of the development site.

Reason: To prevent increased flood risk from surface water run-off. Relevant policy: NPPF Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change), Core Strategy policy CP1 and Managing Development Delivery Local Plan policies CC09 and CC10.

- Additional clarifications:

1. On weight to be given to the 'Tilted Balance':

The tilted balance is either engaged or not engaged in line with Paragraph 11d of the NPPF. In two recent appeal decisions for care homes in the borough (planning reference 211578 and 220133), inspectors have clearly stated that tilted balance is engaged (see paragraph 55 of the appeal decision at Woodside and Wayside House, Shinfield Road as well as paragraph 50 of the appeal decision for 101 Pound Lane, Sonning). Based on these decisions, tilted balance is engaged in the current application as well. Planning laws have established that weight given to the tilted balance once engaged is a matter for the decision maker.

2. On the commercial nature of the scheme:

Government policy attaches significant importance to the provision of specialist housing for older people. Paragraph 60 of the NPPF states that the government's objective of significantly boosting the supply of homes will be supported. In paragraph 62, it is clarified that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, amongst other types, older people's housing).

Thus, it is clear that the government considers provision of older people's housing as part of the general housing need and this proposal should be considered as such. Additionally, communal accommodations are now included in the five year supply. The PPG states that housing for older people including care homes (Use Class C2) should be counted against the housing requirement. The conversion factor of 1.8 is applied to count the number of equivalent houses, i.e., 60 bedroom C2 is equivalent to 33.3 houses.

3. Number of Care Home spaces required:

Assessing housing need is the first step in the process of deciding how many homes need to be planned for and there is clear guidance from the government on how councils should identify their housing needs. The National Planning Policy Framework expects strategic policy-making authorities to follow the standard method for assessing local housing need. Wokingham's Local Housing Need Analysis was carried out to inform the current emerging Local Plan in 2019 using National Planning Guidance's standard methodology. This identified a need for 950 C2 bedspaces for the plan period 2018 – 2036. However, WBC Adult Social Care uses a different methodology to calculate number of beds needed and they think the council only needs 215 more bedspaces until 2036.

In last 3 years, the Council have granted 1 care home at Toutley (70 beds) and a 19 bed extension to Mount care home – which means currently, there are 89 beds in the pipeline. Even if we consider ASC's calculation, we still need 126 bedspaces. It is also a material consideration that the inspector who determined the appeal at 101 Pound Lane following a Hearing, where the service head of ASC gave evidence, commented that there appears to be a need for high quality care homes in the borough that has not been met or reconciled through planning policy and decision. It is to be noted that, ASC has not objected to the proposal on need grounds. Instead, they have always accepted that there is a need for similar development in the borough. Finally, it is not clear at this stage how the requirements for specialist adult housing will change in the future. Similarly, there is no guarantee these sites with planning permission will come forward within the required timescales.

4. On conflict with CP11:

Whilst the proposal is not in accordance with any of the exceptions listed in CP11, that does not make the scheme harmful. Officers need to consider the purpose of the policy. The reason CP11 is a restrictive policy is to protect the separate identity of settlements and maintain the quality of environment. In this instance, the proposal will not lead to amalgamation of two settlements; as such, there is no conflict with the first intent of CP11. The proposal also does not include any changes to the plot dimensions nor any alteration to the grain of development which consists of individual dwellings within large plots.

In terms of maintaining the quality of environment, whilst the proposal represents expansion of development away from the original building, that does not automatically mean it will be harmful to warrant a refusal. The site is well contained by existing trees and hedgerows, and it is proposed to retain maximum boundary trees as well as enhancing the boundary treatment, which is secured by condition. As such, the harm to the character will be limited and contained. Moreover, the proposal will not be visually intrusive. Additionally, since tilted balance is engaged and CP11 being a key policy relevant to the location of housing, this policy is afforded less weight in the overall assessment .

It is also to be noted that the proposal complies with other Development Plan policies such as CP2 and TB09 which relate to Residential Accommodation for vulnerable groups including facilities for an ageing population, particularly in terms of housing,

health and well-being.. Where plan policies pull in different directions, a balanced decision will have to be made based on facts presented in the application.

5. On various scales of harm:

Planning balance is carried out based on levels of harm and benefits – usually on three scales: significant, moderate and limited. Weight to be attached to each scale is a matter for the decision maker and justification needs to be provided for each category. Different scales of development can have different levels of harm and this is considered based on fact and degree.

6. On energy performance of the building:

The council cannot withhold planning permission solely based on energy efficiency if the current planning policy sets a lower standard than the existing building regulations. This is because building regulations are legally enforceable requirements that must be followed when constructing new buildings. They are designed to ensure a minimum level of energy efficiency and environmental performance.

Planning policies, on the other hand, provide guidance and recommendations for development in a specific area. While they may encourage sustainable practices, they cannot override or supersede the legally mandated building regulations. In this case the development exceeds the standards set by the planning policy, however just about meets building regulations. The council cannot reject planning permission on this basis as there will be the requirement to meet the mandated building regulations, as these take precedence in ensuring that new constructions meet the minimum standards for energy efficiency and environmental impact.

7. On Finchampstead Neighbourhood Development Plan:

The PPG says that where a Council publishes notice of a referendum, then the plan should carry more weight. The Finchampstead Neighbourhood Development Plan was considered in the June Executive Committee meeting, and it has been agreed that the plan, as modified, should proceed to referendum. As such, the plan carries more weight. However, it cannot carry full weight yet as it still needs to go through the democratic process of a referendum and no notice for the same is published. Notwithstanding, even if FNDP is given full weight, it would not have altered the recommendation because the proposal is generally compliant with the FNDP.

There are two policies in the FNDP (as amended) which are relevant.

AHD2 (Originally ADH4): Independent Living, Care and Vulnerable Housing. The amended wording of this policy states that “*Development proposals for independent living housing accommodation for older residents will be supported where they comply with policy TB09 of the Managing Development Delivery Local Plan*”. The current proposal will comply with this policy.

D1: Building height, which states that, “*Building heights should reflect the character and appearance of the parish. The development of 3 storey (and above) housing will generally only be supported within SDLs and Gorse Ride*”. The proposal will be in

conflict with this policy. However, supporting text for policy D1 clarifies that “*there may be circumstances elsewhere in the parish where well-designed three storey houses may be appropriate*”. It is clear that each application has to be considered on its merits and the key consideration is the potential impact of the development in the immediate locality. In this instance, due to the topography of the site as well as significant set back from the street frontage, the three-storey building will not be readily visible and will not have significant detrimental impact on the street scene.

8. On Parking issues:

The Council’s parking standard requires 34 parking spaces to be provided (1 visitor space for every 3 bedrooms and 1 space for every FTE staff). The proposal includes 26 regular spaces, 2 disabled spaces and 1 ambulance parking – this means there is a shortage of 6 spaces. The applicant has provided traffic utilisation surveys from similar care homes within the borough which shows that even during peak hours, i.e., 12 noon – 2pm, there are free spaces in these care home car parks. For this reason, no objection is raised on below standard parking provision.

9. On highway Safety

The proposal will have to be considered against existing conditions (flows, speeds, crash record) and the intensification of access, safety and sustainability/accessibility. The site access is on a long straight road where speeds can be higher than the posted speed limit; and the site is marginally over 1km from Crowthorne Station, with limited bus services nearby.

The layman’s definition of congestion is “too many cars trying to use a highway at the same time”. The Transport Statement assessed the additional trips from the proposal during morning and evening peak hours using Trip Rate Information Computer System (TRICS) and concluded that there will be additional 6 trips per hour meaning one vehicle at every 8-9 minutes. This will not result in congestion and as such there is no highway safety concerns associated with the proposal.

10. On Biodiversity Net Gain and why 10% was not insisted

Currently, there is no formal local policy to allow officers to request 10% BNG and mandatory BNG is not yet in place. That means that the Council’s fallback position is the NPPF which currently seeks an unspecified BNG - which appeal precedents have interpreted as no net loss is a net gain.

For the current application no biodiversity impact assessment calculation submitted. It has been left to a judgement call based on the other ecological surveys and assessment as to whether the development will result in a net loss. The Council’s Ecology officer’s view was that there were a number of measures that could be secured by condition, principally for species (as identified as relevant in the ecological report), such that collectively these could be considered as providing a net gain for biodiversity.

Pre-emptive site visits

None

Non-Householder Appeal Decisions

Non-Householder Appeal Decisions will be reported quarterly prior to the following meetings as part of the Supplementary Planning Agenda:

- April 2023
- July 2023
- October 2023

App No.	Address and Description	Committee (Y/N)	Decision	Main Issues Identified/Addressed
222377	<p>Broadacre Place Broadcommon Road, Wokingham, Hurst RG10 ORE</p> <p>Application to vary condition 2 of planning consent 201418 for the proposed permanent retention of existing mobile home to provide groom's accommodation. Condition 2 refers to the occupation and cessation of mobile home use, and the variation is to change the wording of the condition.</p>	N	Dismissed	<p>The appeal was made against condition 2 of application 222377, which states:</p> <p><i>'The mobile home hereby approved shall only be occupied by a person(s) solely or mainly employed for the care of polo ponies on the land, and any dependants of that person(s). When the land ceases to be used for the keeping of not less than five polo ponies or is used for the keeping of anything other than polo ponies, the use of land for the stationing of a mobile home for residential purposes shall cease, the mobile home (and any footings) shall be removed and the land, including the parking area, shall be restored to its original condition before the original development took place within three months of the use ceasing'</i></p>

				<p>Without the permission being a personal consent, the requirement for a minimum of five polo ponies, and the removal of the mobile home, are fundamental to the justification for the siting of the mobile home on site.</p> <p>The condition is therefore necessary, relevant to the development permitted, precise, enforceable and reasonable to ensure the siting of the mobile home for residential purposes is justified.</p>
221636	<p>Land Opposite no 640 Wokingham Road RG67EL</p> <p>Prior approval submission for application for the proposed erection of a 16m 5G telephone mast and 4 additional equipment cabinets.</p>	N	Dismissed	<p>The siting and appearance of the proposal would result in significant harm to the character and appearance of the area.</p> <p>The siting and appearance of the proposal would result in a dominant and overbearing feature within the main outlook of the nearest dwellings on Wokingham Road, causing unacceptable harm to the living conditions of the occupants.</p>
222478	<p>Parkside House, Lambs Lane, Swallowfield, RG7 1JE</p> <p>Full application for the proposed change of use of land to residential, plus the erection of an outbuilding to form garage and store, with games room at first floor.</p>	N	Allowed	<p>The location of the proposal would be suitable and would not harm the countryside setting. The development would comply with the overarching aim of policy CP11.</p> <p>The scale, form, footprint and location of the development would not result in harm to the character and appearance</p>

				of the site and the surrounding area.
220840 & 221570	<p>The Vale, Forest Road, Binfield RG40 5QY</p> <p>Appeal A: Without planning permission, the material change of use of the Land to a mixed use of residential; and a vehicle storage, sales and maintenance business.</p> <p>Appeal B: Without planning permission, the erection of two dwellings.</p>	N	<p>Appeal A: Dismissed</p> <p>Appeal B: Allowed</p>	<p>Appeal A: The appeal site is an unsuitable location for the car storage and sales business element of the mixed use, which increases reliance on private vehicle and harms the character and appearance of the area.</p> <p>Appeal B: The circumstances surrounding the construction of the building and the appellant's personal circumstances outweigh the modest harm arising from the location of the dwelling outside any defined settlement and the likely reliance of its occupants on private vehicle. In respect to dwelling 2, the inspector granted permission for this to be used ancillary to 'The Vale' and not as a separate dwelling.</p>
213846 & 211824	<p>Kingswood House, Tag Lane, Wargrave, RG10 9ST</p> <p>Appeal A: Application for a certificate of lawfulness for the proposed construction of hardstanding between an existing gate and the house.</p> <p>Appeal B: Full application for the proposed formation of a new access drive from Blakes Road following stopping up of the existing access from Tag Lane, and</p>	N	Dismissed	<p>Appeal A: The Council's refusal to grant a certificate of lawful use or development in respect of the proposed construction of a hardstanding between an existing gate and the house was well-founded.</p> <p>Appeal B: The proposal would amount to inappropriate development in the Green Belt, harming openness and conflicting with one of its purposes. There would also be unacceptable</p>

	erection of entrance gates and piers.			harm to the character and appearance of the surrounding countryside. The proposal does not accord with the Development Plan and is inconsistent with the Framework.
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