

# Public Document Pack

## MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON 29 MARCH 2017 FROM 7.00 PM TO 9.12 PM

### **Committee Members Present**

Councillors: Tim Holton (Chairman), John Kaiser (Vice-Chairman), Michael Firmager, Philip Houldsworth, Malcolm Richards, Rachelle Shepherd-DuBey, Wayne Smith and Bill Soane

### **Other Councillors Present**

Councillors: David Chopping, Gary Cowan and Imogen Shepherd-DuBey

### **Officers Present**

Chris Easton, Service Manager, Highways Development Management  
Mary Severin, Borough Solicitor  
Justin Turvey, Operational Development Management, Lead Officer  
Arabella Yandle, Democratic Services Officer

### **Case Officers Present**

Stefan Fludger, Planning Officer  
Pooja Kumar, Senior Planning Officer  
Daniel Ray, Senior Planning Officer  
Rebecca Walkley, Public Rights of Way Manager

### **108. APOLOGIES**

An apology for absence was submitted from Councillor Chris Bowring

### **109. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Committee held on 1 March 2017 were confirmed as a correct record and signed by the Chairman.

### **MEMBERS' UPDATE**

There are a number of references to the Members' Update within these minutes. The Members' Update was circulated to all present prior to the meeting. It also contains details of properties to be visited prior to the next Planning Meeting. A copy is attached together with a letter from the Emmbrook Residents Association related to Item 115 on the agenda.

### **110. DECLARATION OF INTEREST**

Councillor Michael Firmager declared a personal interest in Items 113 and 116 as he was a member of the Planning Committee of Earley Town Council, but had not attended the meetings at which they had been considered.

### **111. APPLICATIONS TO BE DEFERRED AND WITHDRAWN ITEMS**

It was noted that: Item 114 – 170317 – Land to the rear of 72 Old Bath Road was withdrawn by the applicant.

### **112. APPLICATION NO 163058 - HEWDEN PLANT HIRE, OLD FOREST ROAD, WOKINGHAM**

**Proposal:** Full application for proposed erection of 43 dwellings (7 x 1 bedroom apartments, 11 x 2 bedroom apartments, 17 x 3 bedroom houses and 8 x 4 bedroom houses) together with associated access improvements, parking and refuse storage following the demolition of existing buildings.

**Applicant:** Ashill Land Ltd

The Committee received and reviewed a report about this application, set out in Agenda pages 15 to 46.

The Committee were advised that the Members' Update included:

- Proposed amendment to Condition 5 to clarify the number of parking spaces as 71;
- Proposed updates to conditions 15 and 17;
- Proposed deletion of condition 13 as it was covered in condition 23;
- Clarification as to acceptable noise levels and noise attenuation schemes;
- Clarification as to the percentage of affordable housing applicable to brown field sites;
- Information on density and maximum building heights of surrounding developments;
- Additional comments from the Emmbrook Residents' Association.

Members had visited the site on 24 March 2017.

Kevin Morgan, Member of Wokingham Town Council for Emmbrook North, spoke against the application. He stated that the plan did meet minimal regulations but by their very nature these were minimal and were leading to a lowering of standards. He suggested that the size of parking spaces for some of the properties would make access to cars, rear gardens and for rubbish collection extremely difficult.

Robert Millen, Emmbrook Residents' Association, spoke in opposition to the application. He stated that the proposal for change of use was acceptable but that the plan proposed an unacceptable housing density and would lead to substandard amenity value. He indicated that only 6 gardens met Council guidelines in terms of length, and queried the number of disabled and unallocated parking spaces.

Tracey Puttock, Ashill Land, spoke in favour of the application, explaining the measures that Ashill Land had taken to work with the community on the development, and that there had been majority support. She stated that, as a brown field site in a built up area, the density was not out of keeping and would not lead to a loss of amenity. The amount of space allocated to parking met the Councils guide and a trip rate assessment had shown that any increase in vehicle movements would be insignificant.

Imogen Shepherd-DuBey, Ward Member for Emmbrook, spoke in opposition to the plan, stating that the location of a hump-back bridge close to the access road to the development would be a hazard. She went on to suggest that, during construction, site vehicles should not park on the road and that parking, access, overhanging trees and garden length should all be addressed.

In his absence, the Chair read a letter from Philip Mirfin, Member for Emmbrook, on the application. He stated, that whilst on the face of it an attractive development and that changes had been made to the application following discussion with the developers, access to the development; the size of the parking spaces for the town houses, and garden lengths were still inadequate.

In her absence, Councillor Rachelle Shepherd-DuBey read a letter from Prue Bray, Member of Winnersh, a neighbouring ward, stating concerns around the route that might be used by construction traffic in regards to access over the hump-backed bridge, poor

visibility on access to the site and lack of safe on-road parking. She suggested that a condition be included requiring a banksman and that restrictions and protection be put in place regarding parking on Forest Road and Lennon Close relatively speaking

In response, the Case Officer made the following points:

- Whilst the property densities would be high, they compared favourably to other developments in the area. Density was related to impact on an area and the space of the development had been judged as adequate;
- community space for the flats was 78 sqm for one and 65 sqm for the second. There were a number of open spaces nearby that could be accessed by residents;
- gardens had been calculated to have sufficient sqm. The shorter length was to allow the Council to maintain trees with TPOs. As there would be no conflict from houses backing on to the properties and the boundary was to be post and rail, there would be no loss of visual amenity;
- the aspect of the properties meant that shade would not be an issue in the afternoons, and
- the condition relating to construction routing was stringent and covered all the concerns raised by the speakers.

The Service Manager, Highways Development Management, re-iterated that the parking met Council standards in terms of dimension and exceeded them in terms of number. In regards to disabled bays, he stated that these would depend on need and be determined by the management company in response to resident needs. In relation to construction traffic, he indicated that vehicles would be advised of the most efficient routes on to the site. The development of the Northern Distributor Road to the west of Old Forest Road would, in fact, improve the situation. He stated that the S106 agreement made provision for the security of land within the applicant's ownership to enable, if required in the future, a new cycle and pedestrian bridge which could be located alongside the existing bridge on Old Forest Road, improving the current situation.

In response to Member questions, the Service Manager, Highways Development Management indicated that a reduction to the speed limit on Old Forest road to 30mph had been considered in the past and could be considered again (although it is not dependant on this application) and that the Council's Community Parking Enforcement powers would provide further assistance when introduced to assist in parking enforcement restrictions. He stated that the access gates were set back by approximately 12m to enable vehicles to pull off the highway prior to them opening to prevent traffic build up on entering the development. He also clarified that any increase in traffic was measured against the existing vehicle movements to determine an overall nett increase. The site would benefit from 6m wide roads and had turning areas, as well as a footpath running down one side.

In response to a Member question regarding Houses of Multiple occupation (HMOs), the Lead Officer, Operational Development Management stated that a condition could be added citing the removal of HMO development rights due to parking.

**Resolved:** That Application no 163058 be approved subject to the conditions set out in Agenda pages 15 to 46, the amendment to conditions 15 and 17, the deletion of condition 13, the clarifications and additional comments as laid out in the Members' Update and an additional condition relating to HMOs.

### **113. APPLICATION NO 170368 - LODDON JUNIOR SCHOOL, HILLSIDE ROAD, EARLEY**

**Proposal:** Full application for the proposed erection of a part single, part two storey (double height hall) extension to the south of the existing main block. Refurbishment of existing reception/administration offices; alterations to existing hall to create classrooms, WCs and store; and conversion of existing PE store to group teaching room. Alterations to parking layout to north and south of site and alterations to playing field to include installation of a MUGA (multi-use games area) with ball fence.

**Applicant:** Wokingham Borough Council

The Committee received and reviewed a report about this application, set out in Agenda pages 47 to 74.

The Committee were advised that the Members' Update included:

- proposed amendment to Condition 5 Drainage Strategy regarding drainage, and
- clarification regarding the use of the MUGA, to wit that use would be restricted to day time.

Elizabeth Edwards, Resident, spoke against the application, stating that her property was immediately adjacent to the proposed MUGA site and that she had been subject to ongoing issues around flooding and damp due to run off and the difference in level of the existing surface in its relation to her property.

Piers Brunning, Service Manager, Policy, Strategy and Partnerships for Wokingham Borough Council, spoke in favour of the application. He explained how demand for places in Earley Schools had increased due to the influx of young families into the area and that Loddon Primary School had been identified in a recent Task and Finish Group as suitable for expansion. He indicated that it was expected that the additional places would be taken up by pupils who likely lived within walking distance and that the school's Travel Plan would be updated to take into account the changes in pupil and staff numbers. He stated that the improvements to the school, including a hall, MUGA and several new classes, met all current standards and would provide new and more modern facilities

David Chopping, Ward Member for Earley Ward, spoke in favour of the application, complementing the staff at Loddon Primary School for their work in catering for increasing demand. He also thanked Council staff for their work and professionalism, and stated that the plan was an example of how much could be achieved through communication and co-operation. He acknowledged issues around parking and traffic, but explained that the growth in numbers would only be visible over time as the increase would start in reception and follow through over the following years. He suggested that most of the problems with parking and traffic were due to bad discipline and that measures could be taken to improve this.

In response to Member questions regarding drainage, the Case Officer stated that the MUGA was to be built into the existing hill so would not increase the height differential between the school playing fields and the surrounding properties. She indicated that condition 5 in the update referred to drainage and that any scheme would need to demonstrate that the plan had not made the situation worse. A SuDS plan would need to be agreed prior to development.

In response to Member questions regarding traffic and parking, the Service Manager, Highways Development Management, stated that the standards for parking in relation to numbers of full-time equivalent staff members referred to in the plan could only be applied to the extension, not the existing school, as it was only the extension being considered for planning consent. He indicated that the school's Travel Plan had only been updated in 2016 and that, as the full expansion would take place over 7 years, the recent travel surveys gave a good base assessment for how travel patterns would proceed throughout the expansion. He stated that parking at schools was a perennial problem and that the planned expansion would not significantly aggravate the situation as alternative modes of travel to the school, other than the car, are already currently good and should continue to improve through further promotion of the Travel Plan.

In response to a question about fire safety and the installation of sprinklers, the Service Manager, Policy, Strategy and Partnerships, stated that the current regulations on the installation of sprinklers only required them to be installed on new schools, not expansions, as this would then require a retro-fit of the whole school.

**Resolved:** That Application no 170368 be approved subject to the conditions set out in Agenda pages 45 to 74 and the amendment to condition 5 and clarifications as laid out in the Members' Update.

**114. APPLICATION NO 170317 - LAND TO THE REAR OF 72 OLD BATH ROAD, CHARVIL**

This item was withdrawn.

**115. APPLICATION NO 170217 - 3 BARKER CLOSE, ARBORFIELD**

**Proposal:** Householder application for the proposed two storey side extension to existing dwelling, raising of garage roof to provide first floor habitable accommodation and part conversion of garage to habitable accommodation.

**Applicant:** Mr David George

The Committee received and reviewed a report about this application, set out in Agenda pages 87 to 104.

Gary Cowan, Member for Arborfield, spoke in favour of the application and submitted a set of images to the Committee to illustrate his viewpoint. He stated that the layout of the development was not linear in nature. He indicated that other two storey extensions had been approved historically and went on to explain that the plan before the Committee had been designed to allow full access for an elderly relative and that any diminution in the design would negate its intended purpose.

In response to a Member query, the Lead Officer, Operational Development Management, stated that the relationship between the two properties in question was different to others on the street and that officers were concerned about the impact of the extension on number 5. He indicated that an alternative plan had been proposed to limit any possible impact, but that had been rejected by the applicant.

Members discussed the item at length, suggesting that the plan was not out of keeping with other developments on the estate and that, as most other properties abutted each other and that the garden of number 5 was bigger than others in the street, the impact

would be minimal and not out of keeping. They felt that developments to allow elderly relatives to be cared for at home should be encouraged.

The recommendation put to the Committee to refuse the application was not supported. As a result, an alternative proposal was received from Councillor Rachelle Shepherd-DuBey to approve the application for the reason that, although the plan did not wholly conform with guidance, any harm was outweighed by the amenity value. This was seconded by John Kaiser.

The following conditions were attached:

- The development should begin no later than three years from the date of the decision;
- The development would be carried out in accordance with the plans in Agenda pages 87 to 104;
- Materials used in the construction of the external surfaces would match those in the existing building, and
- A condition regarding the process to follow if there is evidence of contamination in future.

**Resolved:** that Application no 170217 be approved subject to the conditions set out above.

#### **116. FOOTPATH EARLEY 11 - EXTINGUISHMENT OF FOOTPATH AT FINBECK WAY**

**Proposal:** Extinguishment Order to extinguish part of Public Footpath No. 11 Earley

**Applicant:** Wokingham Borough Council

The Committee received and reviewed a report about this application, set out in Agenda pages 105 to 110.

The Committee were advised that the Members' Update included a clarification that the stretch of Footpath 11 under consideration was in Hillside Ward.

**Resolved:** That

- an Extinguishment Order for part of Footpath 11 be made, and, if no objections are received, confirmed, and
- it be referred to the Secretary of State for confirmation.

## MEMBERS' UPDATE Planning Committee – 30 March 2017

Site Address: Hewden Plant Hire, Old Forest Road, Wokingham  
Application No: 163058, Pages 15-46.

### Parking

Clarification – there is a requirement for 64 spaces (31 unallocated and 33 allocated) at the site when assessed against the Council's parking standard. The application proposes 33 unallocated and 33 allocated spaces plus 5 additional visitor spaces. The proposed 71 spaces therefore exceeds the Council's requirements by 7 spaces and is acceptable.

Condition 17 therefore reads:

Prior to the commencement of the development there shall be submitted to and approved in writing by the local planning authority, details of off-street parking space within the site for 71 spaces. The dwellings shall not be occupied until the parking space so-approved has been provided in full accordance with the approved details. The parking space shall thereafter be retained in accordance with the approved details and shall remain available for the parking of vehicles at all times.

*Reason: To ensure adequate on-site parking provision in the interests of highway safety, convenience and amenity. Relevant policy: Core Strategy policies CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.*

### Noise and vibration

Noise levels must not be higher than 55db(A) for outdoor areas, however the amenity area adjacent to plots 1-9 and adjacent to railway are predicted to exceed this limit and reach 62db(A) without mitigation. Notwithstanding this, Condition 14 requires details for noise attenuation measures (including appropriate boundary fencing) to ensure that noise disturbance falls under the threshold of 55db(A). This is entirely achievable and therefore Condition 14 mitigates any concerns arising from noise. The noise report demonstrates that the noise within habitable rooms would not exceed the British Standard 35db(A) during the day time and 30db(A) at night.

The following table is the British Standard requirements for noise vibration in a residential area.

The submitted vibration assessment concludes that there would be a low probability of adverse comment in the proposed dwellings. EH have confirmed that this is possible to be achieved subject to acceptable mitigation through appropriate construction and materials being used.

**Table 2.1: Vibration Dose Value Ranges which Might Result in Various Probabilities of Adverse Comment in Residential Buildings**

Place and Time	Low probability of adverse comment m.s <sup>-1.75</sup>	Adverse comment Possible m.s <sup>-1.75</sup>	Adverse comment Probable m.s <sup>-1.75</sup>
Residential Buildings 16 hr day	0.2 to 0.4	0.4 to 0.8	0.8 to 1.6
Residential Buildings 8 hr night	0.1 to 0.2	0.2 to 0.4	0.4 to 0.8

Source: Section 6, Table 1, BS6472:2008

### Further information regarding surrounding area:

#### Density:

Development	Number of units	Site Area	Density
Hewdens	43	0.8ha	53.75 dph
Arnwood	13	0.25ha	52 dph
Forest Lodge	10	0.22ha	45.45 dph
Wayside	34	0.8ha	42.5 dph

#### Height Comparisons:

Development (Plots)	Ridge Height
<b>Hewdens</b>	
Plots 1-9	11m
Plots 35-43	11m
Plot 28 (4bh)	10.1m
Plot 10 (3bh)	10.8m
<b>Arnwood</b>	11m
<b>Forest Lodge</b>	9m
<b>Wayside</b>	
Plot 6 (3storey)	12.4m
Plot 9 (2.5 storey)	10.18m

#### Affordable Housing:

As the site is brownfield land within a Major Settlement Location, the requirement for affordable housing is 30%, not 40%. Para. 45 should read:

*As per policy CP5 of the Core Strategy, a 30% provision of affordable housing is required however the applicants have provided an affordable housing viability study that concludes that the development is not viable should an affordable housing contribution be made.*

#### Updates to conditions

Condition 17 – parking (as above).



Condition 13 – Dust mitigation – **deleted** – the requirements of this condition is covered in condition 23 (Construction Management Plan).

Condition 15 – Drainage – Amended to read following advice from the Drainage Officer:

No development shall take place until full details of the drainage system for the site have been submitted to and approved in writing by the LPA. The details shall include:

- Results of intrusive ground investigation demonstrating seasonal high groundwater levels for the site and infiltration rates in accordance with BRE365.
- Demonstration that the base of SuDS features are at 1m above seasonal groundwater level.
- Full calculations demonstrating the performance of soakaways or capacity of attenuation features to cater for 1 in 100 year flood event with a 40% allowance for climate change and runoff controlled at a rate not exceeding 2.0 litres/second.
- A maintenance arrangement for the SuDS features throughout the lifetime of the development.

*Reason: To ensure that the development does not increase flood risk on or off site.*

#### **Additional Comments to be reported:**

Further comments from the Emmbrook Residents' Association have been received reiterating and furthering their initial concerns.

The entire letter is appended to this update.

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Site Address: Loddon Junior School, Hillside Road, Earley, RG6 7LP  
Application No: 170368, Pages 47 - 74.

Amendment to Condition 5 (Drainage Strategy) to include two additional clauses (in bold); one, requiring approval from Thames Water to use the existing sewerage network, and; submit maintenance details. The condition should read as follows:

5. No development shall take place until full details of the drainage system for the site have been submitted to and approved in writing by the LPA. The details shall include:

- Full calculations demonstrating the performance of soakaways or capacity of attenuation features to cater for 1 in 100 year flood event with a 40% allowance for climate change and runoff controlled at 2l/s or better.
- Calculations demonstrating that there will be no flooding of pipes for events up to and including the 1 in 100 year flood event with a 40% allowance for climate change.
- A drainage strategy plan for the proposed development, including pipe details with invert levels.

- **Consent confirmation from Thames Water that surface water can be discharged into the sewerage network.**
- **A maintenance arrangement for the SuDS features throughout the lifetime of the development.**

Clarification:

Paragraph 27 – It is the applicant’s intention to limit the use of the proposed MUGA to pupils of the junior school. A condition to this effect has not been included by the local planning authority as this would not allow wider community use, especially by any wider community groups during the summer months.

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Site Address: Land to the rear of 72 Old Bath Road, Charvil  
Application No: 170317, Pages 75-86.

The application has been withdrawn by the agent.

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Site Address: 3 Barker Close, Arborfield  
Application No: 170217, Pages 87-104.

No further update.

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Site Address: Footpath Earley 11  
Application No: N/A, Pages 105-110.

The report refers to the footpath falling within Maiden Erlegh, Hawkedon and Winnersh Wards. This is an error in the report – the footpath is located within Hillside Ward.

All 3 Hillside Ward Councillors have written to confirm that they raise no objection to the proposal.

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## Pre-emptive site visits

### **Ref: 161255 - North of Hyde End Road, Spencers Wood**

Full application for the proposed erection of 32 no dwellings with associated vehicular access, parking and landscaping

*Reason: - to assess the impact of the development on the character of the area and neighbouring properties*

### **Ref: 170010 - Land North of Croft Road, West of Hyde End Lane, North & South of Ryeish Lane, East of Clares Green Road Spencers Wood**

Reserved Matters application pursuant to Outline Planning Consent O/2013/0346 for 363 dwellings including internal access roads, garages, parking spaces, SuDS attenuation, open space, play areas and associated landscaping.

*Reason: - to assess the impact of the development on the character of the area*

**Ref: 170570 - Land west of Twin Oaks, Longwater Lane, Finchampstead**

Full application for the change of use of land for the siting of a single mobile home for residential purposes and parking space for 2no motor vehicles, removal of an existing timber stable block and a soft landscaping scheme

*Reason: - to assess the impact of the development on the character of the area*

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## **Non-householder appeal decisions**

<b>Date</b>	<b>Decision</b>	<b>Main planning issues identified/addressed</b>
01/03/17	Dismissed (161412 & 162084)	Harm to the character of the area objection upheld Overbearing impact upon neighbouring dwellings Fails to provide mitigation for the SPA or affordable housing contributions
02/03/17	Allowed (F/2014/2503)	Arguments re housing land supply not supported Moderate harm to rural character Limited effect on local character Considered development wouldn't result in the coalescence of settlements
13/03/17	Dismissed (161564)	Harm to the character of the area objection upheld Arguments re harm to neighbours not supported

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### REPRESENTING EMMBROOK RESIDENTS

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Mr Daniel Ray  
Development Management,  
Wokingham Borough Council,  
Shute End,  
Wokingham,  
RG40 1WR

21<sup>st</sup> February 2017

Dear Mr Ray,

#### **AMENDED PLANNING APPLICATION 163058 FOR THE REDEVELOPMENT OF THE HEWDEN SITE, OLD FOREST ROAD**

I am writing in response to the amendments to this planning application submitted by the applicant in January. Rather than deal with just the amendments here it was thought more appropriate to resubmit our response to the whole application as it now stands. Thus much of what follows is a duplication of the content of our original submission, but it does collate all our comments in this one document, and that our original submission dated 12<sup>th</sup> December 2016 is superseded by this one.

#### **Scale and Massing**

The various supporting documentation supplied with the application gives the site area as between .8ha and .85ha, which equates to a dwelling density of between 51 and 54 per hectare. Not only is this far higher than the more traditional style of developments such as Lenham Close, but is also significantly higher than the 30 to 35 per hectare specified for the Matthewsgreen Farm development in the North Wokingham SDL.

This high density has been achieved by introducing a scale of development and massing of built form not found elsewhere in the area by providing only 3 floor terraced housing and a 3 floor blocks of flats. This aspect of the proposal fails to conform to the Wokingham Borough Core Strategy Policy CP3a regarding mass, built form, layout and height. Also relevant here are the Borough Design Guide Section 4 R1 and R2 requirements to contribute positively to the underlying character and context of the local area, R9 regarding building heights and R10 regarding density.

#### **Appearance and Impact on the Area**

The most significant interface with the surrounding area is the development's frontage onto Old Forest Road which is where the developers have chosen to locate the two large blocks of flats. The reduction in height of the one to the north of the access way is to be welcomed, but as it is located only some 4 metres from the realigned boundary it will still dominate the street scene. The positioning of this large block adjacent to the road is compounded by its architecture being out of step with the local vernacular. This can clearly be seen from the examples given on page 13 of the Design and Access Statement. The Design and Access Statement also states that these blocks have been positioned here as "gateway features",

although it is difficult to see why a small, linear development such as this is deemed to warrant such dominating features, as one glance down the access way would immediately establish its true nature. It is noted that the more recent developments of nearby Arnwood, Forest Lodge and Wayside have not taken this approach, and although establishing their own character, sit comfortably with the local vernacular. In this context the proposal does not conform to the Wokingham Borough Design Guide requirement Section 4 R1 as above, R7 regarding building lines and R9 regarding heights.

The street scene from the access way has been improved somewhat from the original layout by the increased distance between the frontages of the buildings and increase in planting in front of plots 27 - 34. The developer refers to the dwellings on these plots as semi-detached pairs although they still clearly form a continuous terrace, albeit with a roof line of varying heights, and claims that they have been reduced to 2.5 storeys although they were clearly 2.5 storeys from the outset. However, the removal of the large gabled ended extensions to the front elevation of plots 28 – 33 which produced the narrow recesses has improved their appearance from street level and is to be welcomed. The slight narrowing of the building on their north-south axis to add to the landscaping along the frontage is also acceptable, as it has not had a material impact on the dwellings' floor area. The view to the northeast of the access way consists of 12 car parking spaces fronting 2 terraces of 4 dwelling. So, although there have been some improvements, as all the dwellings are 2.5 storey the street scene along the access way will still be one dominated by built form and car parking, offering very little in terms of variety in style or character and cannot be considered to be consistent with the requirements of Core Strategy Policies CP3a) and Borough Design Guide requirement Section 4 R11 regarding street scenes.

### **Amenity**

The list of amendments submitted by the applicant includes “*The dwellings on plot 10 - 17 have been narrowed to allow increased amounts of soft landscaping along the building frontages*”. This narrowing has resulted in a loss of floor space of between 8% and 12% to the dwellings on these plots. From a non-planning, layman's perspective it is utterly bizarre that it is thought acceptable to reduce the amenity of these homes in this way in order to increase landscaping! This is particularly so as the land that has been made available by this internal space reduction has been used to increase the separation of the dwellings opposite (plots 28 – 32) from the development's main driveway; whereas the plots affected (plots 10-17) gain no benefit from it as the public footpath giving connectivity to the development and the car parking off the main driveway remains located along their frontage.

The Borough Design Guide requirement Section 4 R18 states that “*dwellings must be designed to provide appropriate levels of daylight and sunlight to new and existing properties*”, with Figure 4.30 illustrating what is and is not considered to be acceptable shading of habitable room windows. It is noted that applying this standard, the windows of the habitable rooms to the rear of Plot 21 would be subjected to unacceptable shading from Plot 20.

The Borough Design Guide also states in R16 that “*New housing must provide easy access to some form of amenity space*”. With regard to flatted dwellings it goes on to say that they “*should have access to some form of amenity space, preferable in the form of private gardens or communal garden space*”; and that “*upper floor flat dwellers rarely have access to gardens*” and “*in such cases, it is important to provide private outdoor space in the form of balconies, upper level terraces or winter gardens*”. It is noted that the amended Schedule of Accommodation states that the “*Total Communal Areas to Flats (Plots 1-9) 840 sqft/78sqm. (Plots 35-43) 678sqft/63sqm*” without defining what is considered suitable as communal areas or where they are located, as they are not shown on the Site Layout 2465-A-1005P. However, considering that the two blocks of flats each consist of 9 flats containing 15 and 16 bedrooms, and that the garden area of the 4 bedroomed houses is at least 93sqm, the communal space offered here is totally inadequate. This is in contrast with the Matthewsgreen Farm developments which include appreciable areas of play space and parkland on-site.

The same section of the Design Guide goes on to define the length of private garden space as 11m. The Schedule of Accommodation shows that only 6 of the 25 gardens actually meet this requirement. Although the shortfall may be relatively small in some cases, the Guide does state the 11m as a minimum length, and not as a target or average. It can also be seen that where the rear boundary is at an angle to the longitudinal axis of plot the dimensions given are the maximum length. For example, the length given for plot 18 is 10.3m, but the length of the shorter side of the garden is only approximately 9m.

### **Arboreal Assessment**

The executive summary of the Arboriculture Impact Assessment states in section 1.7 that tree T15 is to retain its protected statute given to it under Tree Preservation Order TPO 4543/2016. It is also shown as being retained on the Site Layout Plan 2465-A-1005-K and the Landscape Masterplan 1456-001C. However in the table given in section 3.3.2 of the Assessment tree T15 is shown as scheduled for removal. This ambiguity needs to be corrected to ensure that this TPO'd tree is not inadvertently felled.

Section 3.10 deals with the shading of gardens spaces by the boundary TPO'd trees. It is claimed that the analysis given shows that *“the resulting proposed layout is both supportable and results in juxtapositions between trees identified for retention and proposed plots which will not bring about future requests for excessive pruning and/or tree removal”*. This analysis is based on the modelling of the shading caused by the trees during daylight hours for the months from May to October. It is stated that this was done for the middle plots of the three blocks on the eastern boundary of the development, although the actual graphs claim to be for plots 24 and 27 (now plots 22 25), which would be correct, and plot 30 (now plot 28) which would be incorrect.

Although these graphs may give a good approximation of the shadowing caused by the trees they do not give a true picture of the overall situation, as they do not take into account the shadows the three blocks of houses themselves will cast. Paragraph 3.10.6 of the report states *“the analysis graphs for the plots indicate less than 20% overlapping shade evident from approximately 3pm throughout the months May to October”*. It is noted that this is around the time that the shadows of the blocks will start to have an impact on the gardens which will obviously increase with time. Furthermore, when this shadowing is taken into account it can be seen that plots 24 and 27 will not be the worst affected plots.

Shadowing will not be the only factor that will affect the utility and amenity of the gardens considering the area of them that is covered by the tree canopies. If the Site Layout 2465-A-1005-P reflects the spread of the trees accurately significantly large areas of the gardens of plots 18, 19, 22, 23 and 24 are covered by the tree canopies. This will have an impact on what can be achieved horticulturally and the amenity and utility of the area under the trees due to the fall of sap and honeydew and insect detritus during the summer months.

It is claimed that the juxtaposition of the retained trees and the dwellings is similar to that of some of the existing dwellings in the immediate area. However, it cannot be said that this is a sufficiently sound reason to justify propagating a similar juxtaposition here. A truer reflection on what should be considered acceptable is given from the outcome of the first two planning applications for the development 'Wayside' just the other side of the railway bridge on the northwest side of Old Forest Road. The dwellings on the northwest boundary of these proposals had a very similar relationship to the trees on the boundary as is the case here in that there was a similar coverage of the gardens by the trees. The applications were refused by the local planning authority and were subsequently appealed by the applicant (ref APP/X0360/A/05/1188138 and APP/X0360/A/06/1198366). These appeals were heard at the same inquiry, and the inspector's conclusions on this issue were summed up as follows and were fundamental to the dismissal of both appeals.

*13. The houses backing on to the rear boundary would have gardens of a reasonable length, but because of the substantial tree spread of boundary trees, much of the gardens would be very close to the canopy of the trees. While these trees are to the north of the dwellings and therefore interference with sunlight would be minimal, there*

*would be significant shading of skylight. In my opinion this would be overbearing in relation to occupiers in their houses and gardens and likely to lead to significant pressure for tree surgery, which given the overbearing impact would be difficult to resist. It is therefore likely to lead to an unacceptable impact on trees and the important screening amenity value that they provide.*

The issue was finally resolved by a third application which increased the distance between the trees and the rear elevation of the dwellings to around 19m and was allowed at appeal (ref APP/X0360/A/07/2053279). Here the Inspector's comments were:

*8. There are a number of trees protected by a Tree Preservation Order along the rear of the site, and there had been concern in previous proposals, considered at appeal, that they would be likely to have a detrimental impact upon these trees. However, in this scheme the houses at the rear have been sited further away from these trees and the Council's tree and landscape officer is now satisfied that they would be a satisfactory distance from the trees.*

The following amendment has been made to the eastern section of the site with regard to the TPO'd trees:-

*Incorporation of a buffer zone along the rear, east boundary of the site to and importantly, around the protected trees, and creation of a management company to ensure the long term health of those trees is preserved.*

The buffer zone has been introduced at the expense of reducing the garden of plots 18 – 23 by the full 3m width of the zone, and plots 24 – 26 by a lesser amount. The creation of this zone and the management company clearly will have no material impact on the issues highlighted above and also raises the questions of who is to run this company and how is it to be financed. Further to this, the Site Layout shows that the buffer zone is also to serve as an access to the gardens of plots 18 – 26, which will encourage foot and bicycle traffic along it to the likely detriment of the trees.

### **Car Parking and Traffic**

The two car parking spaces provided for the four bedroom dwellings is in the form of tandem parking. This form of parking for the dwellings that can be expected to have the highest occupancy rates on the development is unacceptable, as it will lead to inappropriate off plot parking as the residents will be reluctant to block one vehicle in with another.

As part of the amendments the number of car parking bays has been reduced from 75 to 71. The covering letter for the amendments states that "*A reduction in the number of units from 45 to 43 (which) allows for a reduction in parking provision and consequently an increase in green space on the site*". This statement is somewhat misleading as the reduction of 4 parking bays is double that which would be expected from the reduction of the number of flats from 20 to 18. It is noted that the reduction in unallocated bays has been partially masked in the parking provision table in the Addendum to the Traffic Assessment issued for the revisions by including the 3 disabled bays, previously counted as a separate category, in with the unallocated bays! The Addendum explains this by stating "*It is proposed that 3 of the unallocated parking spaces will be wider in line with standards for disabled parking*". This is clearly a fudge, as if the wider spaces are not designated as disabled only they will just be treated as normal unallocated spaces and may well not be available for disabled use. Alternatively if the wider bays in the parking courts adjacent to the flats are properly designated, as in the original proposal, there will now not be sufficient bays here for the use of residents of the flats as required by the Council's standards for parking provision.

The Transport Assessment concludes that the visibility splays at the existing site egress are appropriately based on the 85<sup>th</sup> percentile traffic speeds and can be used as the development's egress. This conclusion is questionable bearing in mind the influence the traffic light controlled one way working over the bridge has on traffic speeds. It is apparent that traffic that stops at a red light on the eastern side of the bridge will not have sufficient



time to accelerate to a significant speed as it approaches the development's egress and that many drivers will drive over the bridge at a relatively low speed. However, there will be occasions when vehicles will cross the bridge at far higher speeds due to the drivers accelerating in order to 'beat the lights'. Although the cross over junction into the site has been in its present position for many years the significant increase in traffic the proposed change of use will introduce will cause a commensurate increase in risk. It is apparent that the redevelopment of the site provides an opportunity to move the egress further away from the bridge in order to improve the safety of the junction.

This view is reinforced by the document TD 42/95 Geometric Design of Major/Minor Priority Junctions, which shows that the visibility splay for a simple junction such as required here must be 70m where the speed limit on the major arm is 50kph (31mph), and 90m where it is 60kph (37mph). The document does give some discretion on the distance back along the minor arm that the display is measured from, but it gives no discretion at all on the length of the splay, so it is difficult to see how the retention of the existing egress can be justified in this case.

### **Other Amendments**

The following are the other amendments listed in the covering letter not dealt with above:-

#### ***Amendment to the design of units 10 and 17 to front and open on to the north and south respectively to allow for the incorporation of more substantial landscaping blocks on the corners of these units.***

There has been some gain in the landscaping blocks to the front of plots 10 and 17; however the majority of this gain is due to the reduction in the quantity of parking bays along the frontage of plots 10 – 17 from 14 to 12.

#### ***Increase in the landscape buffer to the front of units 21 – 23.***

The gain here is minimal, if any.

#### ***Re-alignment of the plots adjacent to the eastern site boundary to increase the separation between the rear elevations of these dwellings and the aforementioned buffer zone. This will ensure that the gardens serving these units continue to comply with the Council's Design standards.***

Comparison of the original and amended Site Layout plans indicate that only plots 24 – 26 have been moved to the west, while plots 21 – 23 have not been moved, and plots 18 and 19, and possibly 20 have been moved to the east, closer to the buffer zone. The garden length dimensions given in the Schedule of Accommodation shows that of the 9 plots here, only plots 21 – 23 actually meet the Council's 11m minimum garden length standard. It is noted that as the rear boundary lies at angle to plots and the lengths are those of the longest side they do not give a true indication of the actual sizes of the gardens which are smaller than the lengths would indicate.

#### ***Incorporation of a 3m buffer along the site frontage in the north west corner of the site to accommodate the requirements of the 'bolt-on' bridge.***

Examination of the Site Layout plans indicates that what is referred to above is really a relocation of the site boundary in front of the block of flats Plots 1 – 9 approximately 1m to the east to allow the Old Forest Road pavement to be widened to 3m.

In conjunction with the narrowing of the dwellings on plots 10 – 17 commented on above their design has been amended to include open railed balconies to the first floor on the front elevations. The outer edges of these balconies align with the edge of the footpath which provides connectivity through the development, which does raise concerns over the issue of public safety.

### **Summary**

The foregoing clearly shows that the proposed development fails to conform to the following policies and guidelines:-

WBC Core Strategy Policy CP3:

- a) - Are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design
  
- f) - Contribute to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping

WBC Design Guide Section 4:-

R1 - Contribute positively towards the historic or underlying character and quality of the local area.

R2 - New housing should respond to its context

R7 - Building frontages must define the street space with a coherent building line that relates to existing building lines

R9 - The height of residential buildings should respond to a number of factors:

- the prevailing heights and degree of variation in height in the local context
- the scale and importance of the space that the building will define or enclose;
- its position in the street hierarchy
- the position of the building line in relation to the street (i.e. how far back the building is set from the street frontage); and
- whether it is a potential landmark location.

R10 - The assessment of an appropriate density must be design-led as well as considering the number of units per hectare, to ensure that development relates well to local character. This includes:

- the height, bulk and massing of buildings;
- the space around and gaps between them;
- and
- the space required for parking

R11 - New housing should be designed to create street scenes with a coherent character, that relates well to, or enhances, existing street scenes (in terms of scale, rhythm, proportion, height, materials and colour)

R16 - New housing must provide easy access to some form of amenity space (flats) and minimum garden size (houses)

R18 - Dwellings must be designed to provide appropriate levels of daylight and sunlight to new and existing properties.

TD 42/95 Geometric Design of Major/Minor Priority Junctions

Precedence set by the decisions at Appeals APP/X0360/A/05/1188138 and APP/X0360/A/07/20533279

The overall impression of the original scheme was that the overriding design requirement was to maximise the density with scant regard being paid to conforming to the Local Planning Authorities policies and guidance in order to achieve this. In some cases this lack of conformance may be considered fairly minor, but the overall cumulative impact is such that the scheme cannot be regarded as conforming to the National Planning Policy Section 7 'Requiring Good Design' and therefore could not be considered to be of a suitable quality to

be acceptable in its present form.

This is still the case with the amended scheme where the developer has attempted make the layout appear less cramped by introducing some more 'landscaping'. This landscaping has largely been achieved by removing two more car parking bays than was necessary due to the removal of the two flats, and by reducing the size of the dwellings on plots 10 – 17, which only emphasizes the over developed nature of this scheme.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Gallagher', written over a horizontal line.

Paul Gallagher  
Chairman  
Emmbrook Residents' Association

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